

DEPUTY JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
HEADQUARTERS EUROPEAN COMMAND
APO 178

UNITED STATES

VS

**HANS
ALTFULDISCH
et al**

Case

No. 000.50.5

REVIEW AND RECOMMENDATIONS
OF THE DEPUTY JUDGE ADVOCATE
FOR WAR CRIMES

*

March 1946

*

ACTION OF THE COMMANDER
IN CHIEF EUROPEAN COMMAND

30. APRIL 1947

UNITED STATES

vs

Hans Altfuldisch, Stefan Barczay, Willy Bruening, Karl Billmann, August Blei, Michael Cserny, Ludwig Doerr, Otto Drabek, Hans Diehl, Hans Eisenhoefer*, Willy Eckert, Friedrich Entress, August Eigruber, Heinrich Fitschok, Willy Frey, Rudolf Fiegl, Heinrich Giese, Herbert Grzybowski, Paul Guetzlaff, Johannes Grimm, Georg Goessel, Werner Grahn, Heinrich Haeger, Franz Huber, Walter Hoehler, Hans Hegenscheidt, Wilhelm Henkel, Hans Kreindl*, Viktor Korger, Kaspar Klimowitsch, Franz Kautny, Kurt Keilwitz, Eduard Krebsbach, Anton Kaufmann, Paul Kaiser, Ferdinand Lappert, Josef Leeb, Julius Ludolf, Josef Mayer, Wilhelm Mack, Erich Miessner, Emil Mueller, Wilhelm Mueller, Rudolf Mynzak, Josef Niedermayer, Vinzenz Nohel, Hermann Pribyll, Theophil Priebel, Josef Riegler, Adolf Rutka, Thomas Sigmund, Karl Struller, Otto Striegel, Andreas Trum, Leopold Trauner, Willy Jobst, Erich Wasicky, Waldemar Wolter, Adolf Zutter, Hans Spatzenegger, Viktor Zoller.

CASE NO. 000-50-5

REVIEW AND RECOMMENDATIONS OF THE DEPUTY THEATER JUDGE ADVOCATE FOR WAR CRIMES

I. TRIAL: The accused were tried at Dachau, Germany, during the period 29 March 1946 to 13 May 1946, before a General Military Government Court, appointed by paragraph 4, Special Orders No. 61, Headquarters, Third United States Army, 6 March 1946, as amended by paragraphs 9, 10 and 11, Special Orders No. 78, 25 March 1946, paragraph 1, Special Orders No. 79, 26 March 1946, and paragraphs 44 and 22, Special Orders No. 81, 28 March 1946, all by the same headquarters.

II. CHARGE AND PARTICULARS:

CHARGE: Violation of the Laws and Usages of War.

PARTICULARS: In that Hans Altfuldisch, Stefan Barczay, Willy Bruening, Karl Billmann, August Blei, Michael Cserny, Ludwig Doerr, Otto Drabek, Hans Diehl, Hans Eisenhoefer, Willy Eckert, Friedrich Entress, August Eigruber, Heinrich Fitschok, Willy Frey, Rudolf Fiegl, Heinrich Giese, Herbert Grzybowski, Paul Guetzlaff, Johannes Grimm,

* The record was amended to reflect the correct first name of the accused Eisenhoefer as Heinrich (R 17) and that of the accused Kreindl as Gustav Franz (R 27). The sentences reflect the corrected names

Georg Goessl, Werner Grahn, Heinrich Haeger, Franz Huber, Walter Hoehler, Hans Hegenscheidt, Wilhelm Henkel, Hans Kreindl, Viktor Korger, Kaspar Klimowitsch, Franz Kautny, Kurt Keilwitz, Ednard Krebsbach, Anton Kaufmann, Paul Kaiser, Ferdinand Lappert, Josef Leeb, Julius Ludolf, Josef Mayer, Wilhelm Mack, Erich Miessner, Emil Mueller, Wilhelm Mueller, Rudolf Mynzak, Josef Niedermayer, Vinzenz Nohel, Herman Pribyll, Theophil Priebe, Josef Riegler, Adolf Rutka, Thomas Sigmund, Karl Struller, Otto Striegel, Andreas Trum, Leopold Trauner, Willy Jobst, Erich Wasicky, Waldemar Wolter, Adolf Zutter, Hans Spatzenegger, and Viktor Zoller, German nationals or persons acting with German nationals, acting in pursuance of a common design to subject the persons hereinafter described to killings, beatings, tortures, starvation, abuses, and indignities, did, at or in the vicinity of the Mauthausen Concentration Camp, at Castle Hartheim, and at or in the vicinity of the Mauthausen sub-camps — Ebensee, Gros-Raming Gunskirchen, Gusen, Hinterbruhl, Lambach, Linz, Loiblpass, Melk, Schwechat, St. Georgen, St. Lambrecht, St. Valentin, Steyr, Vienna, Wiener-Neudorf, all in Austria — at various and sundry times between January 1, 1942, and May 15, 1945, wilfully, deliberately and wrongfully encourage, aid, abet, and participate in the subjection of Poles, Frenchman, Greeks, Yugoslavs, Citizens of the Soviet Union, Norwegians, Danes, Belgians, Citizens of the Netherlands, Citizens of the Grand Duchy of Luxembourg, Turks, British Subjects, stateless persons, Czechs, Chinese, Citizens of the United States of America, and other non-German nationals who were then and there in the custody of the then German Reich, and 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 killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such persons being unknown, but aggregating many thousands.

Prior to arraignment, the Court, on motion by the defense, amended the particulars by striking out the date "May 15, 1945" and substituting therefor the date "May 5, 1945".

All the accused pleaded not guilty to both the charge, and the particulars, except August Eigruber, No. 13, as to whom the Court entered a plea of not guilty.

III. FINDINGS AND SENTENCES:

The Court found each accused guilty and sentenced them as follows: (The numbers preceding the names are those assigned by the Court to the respective accused. These numbers will be used hereinafter to facilitate reference to the various accused.)

- | | |
|----------------------|---------------------|
| 1. Altfuldisch, Hans | To death by hanging |
| 2. Barczay, Stefan | To death by hanging |
| 3. Bruening, Willy | To death by hanging |

- | | |
|---------------------------|--------------------------|
| 4. Billmann, Karl | To death by hanging |
| 5. Blei, August | To death by hanging |
| 6. Cserny, Michael | To imprisonment for life |
| 7. Doerr, Ludwig | To death by hanging |
| 8. Drabek, Otto | To death by hanging |
| 9. Diehl, Hans | To death by hanging |
| 10. Eisenhoefer, Heinrich | To death by hanging |
| 11. Eckert, Willy | To death by hanging |
| 12. Entress, Friedrich | To death by hanging |
| 13. Eisgruber, August | To death by hanging |
| 14. Fitschok, Heinrich | To death by hanging |
| 15. Frey, Willy | To death by hanging |
| 16. Fiegl, Rudolf | To death by hanging |
| 17. Giese, Heinrich | To death by hanging |
| 18. Grzybowski, Herbert | To imprisonment for life |
| 19. Guetzlaff, Paul | To death by hanging |
| 20. Grimm, Johannes | To death by hanging |
| 21. Goessl, Georg | To death by hanging |
| 22. Grahn, Werner | To death by hanging |
| 23. Haeger, Heinrich | To death by hanging |
| 24. Huber, Franz | To death by hanging |
| 25. Hoehler, Walter | To death by hanging |
| 26. Hegenscheidt, Hans | To death by hanging |
| 27. Henkel, Wilhelm | To death by hanging |
| 28. Kreindl, Gustav | To death by hanging |
| 29. Korger, Viktor | To death by hanging |
| 30. Klimowitsch, Kaspar | To death by hanging |
| 31. Kautny, Franz | To death by hanging |
| 32. Keilwitz, Kurt | To death by hanging |
| 33. Krebsbach, Eduard | To death by hanging |
| 34. Kaufmann, Anton | To death by hanging |
| 35. Kaiser, Paul | To death by hanging |
| 36. Lappert, Ferdinand | To death by hanging |
| 37. Leeb, Josef | To death by hanging |
| 38. Ludolf, Julius | To imprisonment for life |
| 39. Mayer, Josef | To death by hanging |
| 40. Mack, Wilhelm | To death by hanging |
| 41. Miessner, Erich | To death by hanging |
| 42. Mueller, Emil | To death by hanging |
| 43. Mueller, Wilhelm | To death by hanging |
| 44. Mynzak, Rudolf | To death by hanging |
| 45. Neidermayer, Josef | To death by hanging |
| 46. Nohel, Vinzenz | To death by hanging |
| 47. Pribyll, Herman | To death by hanging |
| 48. Priebe, Theophil | To death by hanging |
| 49. Riegler, Josef | To death by hanging |
| 50. Rutka, Adolf | To death by hanging |

51. Sigmund, Thomas	To death by hanging
52. Struller, Karl	To death by hanging
53. Striegel, Otto	To death by hanging
54. Trum, Andreas	To death by hanging
55. Trauner, Leopold	To death by hanging
56. Jobst, Willy	To death by hanging
57. Wasicky, Erich	To death by hanging
58. Wolter, Waldemar	To death by hanging
59. Zutter, Adolf	To death by hanging
60. Spatzenegger, Hans	To death by hanging
61. Zoller, Viktor	To death by hanging

The Court announced the following findings immediately after sentencing the individual accused:

"The Court finds that the circumstances, conditions, and the very nature of the Concentration Camp Mauthausen, combined with any and all of its by-camps, was of such a criminal nature as to cause every official, governmental, military and civil, and every employee thereof, whether he be a member of the Waffen SS, Allgemeine SS a guard, or civilian, to be culpably and criminally responsible."

"The Court further finds that it was impossible for a governmental, military or civil official, a guard or a civilian employee, of the Concentration Camp Mauthausen, combined with any or all of its by camps, to have been in control of, been employed in, or present in, or residing in, the aforesaid Concentration Camp Mauthausen, combined with any or all of its by camps, at any time during its existence, without having acquired a definite knowledge of the criminal practices and activities therein existing."

"The Court further finds that the irrefutable record of deaths by shooting, gassing, hanging, regulated starvation, and other heinous methods of killing, brought about through the deliberate conspiracy and planning of Reich officials, either of the Mauthausen Concentration Camp and its attached by-camps, or of the higher Nazi hierarchy, was known to all of the above parties, together with prisoners, whether they be political, criminal, or military."

"The Court therefore declares: That any official, governmental, military, or civil, whether he be a member of the Waffen SS, Allgemeine SS, or any guard, or civil employee, in any way in control of or stationed at or engaged in the operation of the Concentration Camp Mauthausen, or any or all of its by-camps in any manner whatsoever, is guilty of a crime against the recognized laws, customs, and practices of civilized nations and the letter and spirit of the laws and usages of war, and by reason thereof is to be punished."

IV. GENERAL STATEMENT OF EVIDENCE:

1. FOR PROSECUTION: Mauthausen was a Class III concentration camp (R 134, 244, 350, 2246). It was also known as an "extermination camp".

Inmates were of practically all nationalities of Europe with Russians, Poles and Czechs predominating in the order named. French, British and Americans were also inmates (R 181, 258, 348, 367, 373, 426, 430, 531, 2564).

The camp, including its by-camps, was commanded by one Franz Zieris, who was shot and killed when he attempted to avoid capture, and was composed of the following departments: (a) Political; (b) Administration; (c) Medical; (d) Camp Prison; and (e) Security (R 340).

Reception: Prisoners arriving at Mauthausen were usually marched from the railroad station to the camp (R 423) where they were processed (R 278—80, 467—8). They were often compelled to stand out in the open for many hours in all kinds of weather during this processing (R 94, 95, 248, 348, 424). In February 1942 a group of Czech intellectuals arrived and received particularly bad treatment during their reception. Two Jews among them were beaten with rifle butts. Wooden-shoes and underwear were issued in place of civilian attire. The prisoners were then given a bath and forced to stand in the open for two to three hours in temperature as low as 10 to 15 degrees below zero centigrade. One of the aforementioned Jews voluntarily ran into the electric fence and the other died a week later of complications arising from frost bite (R 248, 249, 423, 424).

On 29 January 1944 a transport of 7,000 to 8,000 persons arrived from Auschwitz. They were suffering badly from hunger, thirst and exposure. Many of them were dead, many of the living were beaten and some, who were very weak, were put into one corner and shot (R 279).

During September 1944, forty-six or forty-eight British and Dutch officers arrived and were forced to stand against a wall all night, clad only in shirts and underwear. They were then driven barefoot into the quarry and later shot (R 158, 523, 524).

In February or March 1945, 300 persons reported sick in an incoming transport. They were given hot and cold baths and exposed to the cold. Some seventy survived (R 279, 348).

On 16 February 1945, some 500 persons were selected from an incoming transport from Sachsenhausen and made to stand against a wall, nude, while water was poured over them. In the morning the survivors were killed with sticks, iron rods and axes (R 497, 546).

Clothing: Clothing was issued but it was inadequate both as to quantity and quality (R 968, 973, P-Ex. 43, 44, 45, 46). No attempt was made to obtain enough. When civilian clothes were received they were appropriated by those in authority (R 973).

Food and Housing: In 1942, physically subnormal inmates received only about 900 calories daily. In some cases only beets were provided throughout the entire winter. The average worker sometimes received only 1,000 to 1,500 calories daily. Toward the end of the war sick prisoners received from 300 to 500 calories daily (R 266, 314).

In 1945 the usual breakfast was one-fourth to one-half liter of diluted ersatz coffee, lunch was limited to 1 liter of beet or turnip soup with unpeeled potatoes, and supper consisted only of similar soup with one-tenth to one-seventeenth "kilo" of bread. On Wednesdays the ration sometimes contained a piece of sausage or margarine (R 110, 111, 331, 347, 478, 853).

Bread was made from wheat flour, sawdust, potato peelings and straw. In April 1945 the bread ration was cut in half and later on discontinued (R 111).

The sick camp was provided with shortened rations, except for a period in 1943 and in October 1944 (R 169). These rations were approximately one-half those provided in the regular camp (R 127).

The rations provided the Jews were always inferior to those provided other categories of inmates. It usually contained no bread or less bread than received by other groups (R 433). Handling of Jews changed radically for the better in the spring of 1945 due to an anticipated inspection by the American Red Cross (R 433).

Several cases of cannibalism were reported in Mauthausen in 1945 (R 128, 173, 435, 637, 677).

In late April 1945, Red Cross packages were distributed and SS guards were seen to be eating chocolate and smoking cigarettes, which were identified as having been provided by the Red Cross (R 131).

The population of the Mauthausen camps increased from 70,000 in September 1944 to 92,000 in mid-March 1945 (R 113, 226). In Mauthausen proper there were 25 barracks, each equipped with 70 triple deck bunks. On 1 April 1945 there were about 400 occupants in each barrack, which number was later increased to 600. Only one blanket was issued for each bunk (R 100).

Not long before capitulation, a so-called "Jew Lager", or "Tent Camp", was created to take care of this large influx. In this annex were 15,000 to 18,000 Jews, mainly Hungarian, housed in two or three large tents which accommodated about half the inmates. The remainder slept in the open on the ground (R 114).

Surgery Practice: In July 1942 the medical officer at Gusen caused inmate physicians to operate on about 300 people merely for instruction in surgery technique. He picked these subjects from the weak and exhausted inmates and operations were made on the stomach, gall bladder, kidney and brain. One-half of the subjects died as a result of this treatment, and those who were cured were later sent on invalid transport and disappeared (R 255, 256, 297, 298).

Dietary Experiments: Food experiments were performed on three groups of selected inmates. These groups were composed of 150, 110 and 110 inmates, respectively. These experiments lasted seven months and 69, 34 and 61, respectively, of each group of subjects died. No evidence was adduced to the results of these experiments (R 235, 236, 446).

Hormone Experiments: A group of castrated inmates was given hormones and after some time the subjects were placed in the brothel. No evidence of any results was adduced (R 280).

Murder and Mistreatment: Virtually every known form of killing was used at Mauthausen. To list some, inmates were killed by gassing, hanging, clubbing, heart injections, driving inmates into the electric fence, kicking in genitals, being buried alive and by putting a red hot poker down the throat (R 104-09, 116-19, 120-24, 150, 158-9, 163-4, 182-3, 186, 209, 240, 243, 248, 250-3, 263, 271, 287, 320, 343-4, 367, 373, 375, 403, 407, 417, 424-7, 435, 437-8, 446, 447-8, 459-60, 463, 470, 539-40, 543, 547, 602-03, 610, 708-9, 957, 2268, 2366-7, 2396, 2520, 2523-4, 2526, 2531, 2533, 3407-08, 3423-6, 3437, P-Ex 56, R 1080, P-Ex 57, R 1081, P-Ex 153, R 3442).

A special form of killing took place in the "shooting gallery" where the victims were apparently having their pictures taken or heights measured (R 123).

In 1944 about 1,000 Russians from Lublin were selected in groups of 80 and sent out in post office trucks. They did not return and four months later their death certificates arrived (R 263).

In April 1945 new arrivals from Auschwitz were shot in the neck by SS guards. Their bodies were loaded in a farmer's cart and buried in a mass grave (R 287, P-Ex 33).

A Russian or Pole, accused of stealing bread, was choked with a chain, sent to the quarry and brought back dead, after one hour (R 407).

The main camp at Mauthausen was surrounded by an electric fence (P-Ex 7, R 115, P-Ex 8, R 117, P-Ex 11, R 119). When touched, a light would burn in the "shoe house". Sometimes the current would merely keep the victims hanging to the wire for several hours and finally they would start to burn. Later the current might be increased causing electrocution, or the victims would be shot (R 116-9, 163). Guards would beat prisoners and drive them toward the fence so they would grab it in desperation (R 120).

The stone quarry commonly known as the Vienna Ditch (P-Ex 55, R 1074, P-Ex 56, R 1080, P-Ex 57, R 1081) was located about 300 meters from the Mauthausen Camp main gate. It was about 1.1 kilometers long and 80 to 100 meters deep. Inmates were forced to carry heavy stones up the 185 steps (P-Ex 56, R 1080) from the floor of the quarry to the rim of the surrounding cliff. Processing machinery and so forth were located on the floor of the excavation. The quarry enterprise was owned by the German Earth and Stone Works, a corporation allegedly controlled by the SS (R 166, 343, 344, 401-04). "Punishment Companies" carried the

heavy stones from the quarry floor up the steps and into the camp (R 404-5). Inmates operated all the installations. Many of this personnel were beaten, thrown down the cliff or driven through the guard chain to be shot (R 343-4). Intellectuals were ordered to the quarry so they would die of overwork (R 249).

Exterminations: The post physician collaborated in selecting victims for mass killings by the following methods:

a. Injections: In February or March 1942, inmates were injected by a doctor in the "septic operation room" after preparation (R 240). The solutions were prepared by the camp pharmacist and turned over to the physician (R 183, 214, 223, 3413). A syringe about 10 centimeters long and containing 10 cc of fluid was pushed into the area around the heart (R 183, 258). Cyanide compounds were used (R 183) as well as gasoline, magnesium sulphate, and lysol (R 258, 603). Such deaths were usually reported as being from other causes (R 151). Generally, the victims selected for injections were those suffering from severe weakness or some incurable disease were inmates of Block 20 (R 258, 448, 1396).

b. Gassings: This form of killing had superseded the injection method by 1944 (P-Ex 4, R 107, P-Ex 61, R 1174). Thereafter, only wounded inmates who attempted escape were injected (R 184). The "blue automobile" and the gas chamber were used (R 435). Victims for the "gas auto" were those whose tubercular test had shown positive three times (R 436). In one case the car returned with the personal effects of those inmates who had left in it that morning (R 437, 470). Late in 1942, 30 tubercular patients left in this bus and the next day were reported dead (R 437).

Mauthausen had two crematoriums and one gas chamber (R 109). The normal procedure was to gas two groups of 120 persons daily, one group following the other. On one occasion more than 200 persons were gassed at one time (R 104). On 24 October 1942, a large number of Czech women and children were gassed (R 261). Deaths resulting from gassing were usually given as resulting from some disease (R 151-152).

The chamber itself was rigged as a shower room with regular shower nozzles in the ceiling. Victims were stripped and placed in the room, after which it was sealed. Then the gas turned on and came out the shower nozzles. The gas used was known as "Cyclone B", a cyanide compound normally used for disinfection (R 106).

In April 1945, some 3,000 patients were selected for the purported purpose of being sent to an empty camp. However, of this group, 1,400 were gassed (R 261, 445-6, 438). In April 1945, 367 Czechs, including 40 women, were gassed immediately upon arrival (R 105).

Records of Death and Disposition of Bodies: Deaths were recorded in books beginning 7 January 1939. There were "altogether seven death books, Mauthausen and out-camps, five of Gusen and one prisoner of war book" (R 153). Death certificates, signed by a physician, were made out by the Political Department. Death book records showed the death of

those inmates with regularly assigned numbers, i. e., those who had been actually admitted to the camps. A large number of persons disappeared immediately upon arrival and their names did not appear in the camp records at all (R 203-4). The prosecution witness, Martin, testified that on 20 April 1945 material such as death books at Mauthausen reflected approximately 72,000 deaths (R 153-4). In cases of gassings and heart injections, the records showed disease as the cause of death. In some instances, the record indicated the victim was shot by "order of a court martial" (R 152). Data for the entries were received from the Political Department containing notations such as "executed by order of the martial court", "hanged upon order of the Reichsfuehrer", or "shot upon order of the SD" (R 149). In cases where inmates were shot to death the notation read "shot while trying to escape" (R 149). Of the large number of records showing the latter notation, very few actually tried to escape (R 150). All persons who died from other than natural causes were cremated (R 103). A crematorium was erected to take care of these corpses, ostensibly "for hygienic reasons". Actually, it was to destroy evidence of violent death (P-Ex 30, R 284, P-Ex 31, R. 285). Bodies were placed in a cold room (P-Ex 32, R 286) because their numbers exceeded the capacity of the crematorium (R 284).

A mass grave detail was formed on 20 February 1945. Four large pits were dug which held 10,422 corpses (R 492). At one time three people were found in a load of corpses who were still alive. They were then killed by neck shots (R 494-5).

Medical Facilities: Mauthausen contained a small, fairly modern hospital (R 127). As the camp population increased and greater demands were made for hospital space, a sick camp, known as the "Russian Camp" was established in April 1943 (R 427, P-Ex 59, R 1082). This was made from converted horse stalls (R 127), and was under the camp medical department. It was here that the sick and nonworking inmates were placed. This hospital was crowded with sick and starving people and there were five or six incapacitated men in each bunk (R 127, P-Ex 27, R 231) with on blanket for each bed (R 490). All sick inmates in the camp proper tried to answer roll call so they would not be sent to the hospital, as practically no one ever recovered there (R 127).

At the opening of the sick camp in April 1943 there were 684 inmates in four barracks (R 427), which space was later increased to 10 barracks containing about 6,240 patients. At one time the 1,760 usable beds contained 8,863 men (R 428). Towards the end of the war there were six persons in each bed (R 127, P-Ex 27, R 281, P-Ex 29, R 430). There was only one toilet in the courtyard area for 200 ambulatory patients (R 428). There were three large pails covers for the elimination of those in the barracks. These pails had to be carried to a canal 300 meters away for cleaning. Most of the patients had to go to the latrine naked in all kinds of weather (R 428-9). Roll call was held in the morning and in the evening and all were required to attend, regardless of the weather (R 429).

In bad weather many patients died as a result of going to roll call (R 429). People in the upper bunks, too weak to get up, defecated in bed and thus disturbed those in the lower bunks (R 431). As death approached, patients were often thrown on the floor (P-Ex 27, R 281, P-Ex 47, R 985, 987).

Block 8 was the infection barracks. One-half of this block was used as an office. Of the balance, one-half was used for scabies patients (600 patients who did not have room to lie down), one-quarter for typhoid, dysentery, and so forth, and one-fourth for facial rashes (R 432).

Inmates answering sick call had to wait outdoors or in the hallway in the nude (R 270) for treatment which was often not received (R 329, 435). Rations for the sick were cut to 300 to 400 calories daily. As only about 2,000 beds were available for approximately 9,000 patients in the sick camp, bunks collapsed daily because of the load (R 174).

The Gusen hospital consisted of four blocks (R 289). It was alleged that very little alcohol was available for sterilization of instruments, but it was often distributed to officers and non-commissioned officers for the manufacture of beverages (R 273).

Death Rates: Mauthausen death rates were shown to be:

1942	50 to 150 per day
1943	200 to 300 per day
1944	350 to 400 per day (R 345, 382-3)

In April 1945 deaths from starvation alone finally reached 400 to 500 daily, as contrasted with 250 to 300 daily at the beginning of the year (R 104). Subsequent to liberation, this daily death rate (400 to 500) dropped to about 50 in fifteen days and six weeks later to about 11 deaths daily (R 137-8). Skin diseases such as scabies and infections, particularly phlegmons caused by dog bites, and unhygienic conditions, aggravated all these afflictions (R 265, 268).

2. FOR DEFENSE:

Food: In 1942 the prescribed rations were 2800 calories for troops and 2300 or 2400 for the prisoners (R 1582). The camp commandant complained to Berlin about the food situation (R 1583). The diet in 1945 was cereal, oatmeal, yeast food, sugar, salt, and another type of cereal, beans, margarine and fat. These were served in a one-pot meal (R 1939). One witness said that he saw weak prisoners from a distance and then they were presumably being led into the sick camp (R 1940). The rations in the whole system decreased from the latter part of 1944 onward as conditions became progressively worse. Due to the transportation breakdown as a result of Allied bombings, even bread was scarce and efforts made on the part of various individuals to secure food were unsuccessful (R 2828-9). The situation was aggravated by the moving into Mauthausen of the population of evacuated concentration camps in the east.

Housing: A witness, not an accused, testified that a message was sent to Berlin in 1944 or 1945 requesting that prisoners be sent to other camps (R 1683).

Medical Treatment: Medicines were scarce, and although efforts were made on the part of the post physician to overcome this shortage, very little was accomplished (R 2820-1). Hospitals were crowded to the point where more than one patient was put in a bed (R 2826, 2827). This was considered better than no treatment at all. Purchases of medicines by the staff were made locally contrary to orders (R 2595, 2821).

Mistreatment: There was one basic order in the camp: First, only the Fuehrer could decide on life or death of a prisoner; and second, the mistreatment of prisoners was prohibited and punishable by a court (R 1506). One SS man received 5 years for unlawfully killing a Polish Jew (R 2091). One witness denied making a statement that an order was issued directing that all Russian mass escapees were to be shot (R 2138). SS men were arrested and put in the bunkers for beating prisoners (R 2090-1). A guard testified he had to sign a document forbidding the beating of prisoners (R 2082). Zierris showed Eigruber an order of Himmler's to the effect that prisoners were not to be beaten (R 2260). When prisoners were shot attempting to escape, a report of the incident had to be made (R 1947, 1950, 1951).

All the accused who took the stand denied participating in any severe beatings of inmates. Although, some admitted having seen such beatings (R 2812).

Mauthausen was known as a "severe work camp of Class III". (R 2246).

Organization and Responsibility: Only one made decisions in Mauthausen, that was Zierris. This was the testimony of Zutter, an adjutant of Zierris (R 1580). Mauthausen was frequently inspected by higher authority but nothing was done as a result (R 1580-81).

Stipulations: Upon the opening of the case for the defense, stipulations were agreed upon by counsel to the following effect (R 1502-3):

a. That the Allied military operations against Germany caused great difficulties and delays in transportation throughout Germany and that such difficulties and delays became particularly acute during 1945.

b. That, after approximately 1 August 1944, members of the German Air Corps (Luftwaffe) and of the German Army (Wehrmacht) were ordered, without their own choice, into the SS.

c. That it is customary procedure in guarding prisoners of all types for guards, after due warning, to shoot prisoners voluntarily attempting to escape.

d. That the physical, mental or spiritual condition of the prisoners prior to arrival at Mauthausen or any of its by-camps and who were never before in Mauthausen or any of its by-camps, was not the responsibility of the personnel assigned to Mauthausen or any of its by-camps.

V. MOTIONS: Several motions were made by the defense and denied by the Court at the outset of the trial.

The first motion asked the Court to dismiss the proceedings on the

ground that the Court was without jurisdiction over the persons of the accused (R 5-11).

The second motion asked that the proceedings be quashed on the ground the charges and particulars were based on allegations that accused performed various acts pursuant to a "common design" which, it was contended, was not a crime (R 58-62).

The third motion requested that the prosecution be directed to make more definite and certain the particulars as to the offense or offenses allegedly committed by each accused, including the time when such offenses took place (R 62-67).

The fourth and last motion asked for severance (R 67-75).

The legal aspects raised by these motions are discussed under appropriate headings in Section VI.

VI. QUESTIONS OF LAW;

1. JURISDICTION:

The Military Government Court which heard this case was properly constituted pursuant to orders set forth in this review under Section I, TRIAL. The questions of whether or not the Court had jurisdiction of the subject matter and of persons of the accused are discussed below.

Subject Matter: It is clear that the Court had jurisdiction of the subject matter. It is well settled by accepted international law that members of an enemy armed force, or civilian nationals of an enemy country, may be punished by properly constituted courts established by the occupying power for crimes against the laws and usages of war committed prior to the cessation of hostilities. (See War Department Basic Field Manual 27-10, "Rules of Land Warfare," paragraphs 346 and 347; In re Yamashita, 66 Supreme Court Reporter 340; and United States v. Clemens Wiegand, November 1945, and authorities cited therein, which case is digested in Section 122, Manual for the Trial of War Crimes and Related Cases 15 July 1946).

The parent Dachau Concentration Camp case is authority for the proposition that a Military Government Court of the occupying power may try enemy nationals for war crimes committed by them against nationals of a power allied or co-belligerent with the occupying power (See United States v. Weiss, et al., 000-50-2, March 1946, and authorities discussed in Section 420, Manual for the Trial of War Crimes and Related Cases, 15 July 1946). Since the charge and particulars in the instant case name as victims, not only allied and co-belligerent nationals, but also citizens of the United States of America, this Court had, a fortiori, jurisdiction of the subject matter (See United States v. Weiss, et al., supra, and MGR 5-300.3, i. e., Section 5-300.3, Title 5, "Legal and Penal Administration," of "Military Government Regulations," published by Headquarters, US Forces, European, 30 November 1945).

Persons: The question of jurisdiction over the persons of the accused was raised at the outset of the trial by a motion of the defense to dismiss the proceedings on the ground that the Court was without jurisdiction over those accused who may be considered prisoners of war. The argument of the defense is predicated on the limitations found in Article II, paragraph 1, Military Government Ordinance No. 2, "Technical Manual for Legal and Prison Officers," Second Edition, published by Supreme Headquarters, Allied Expeditionary Force, which was superseded at the time of this trial Title 5, "Legal and Penal Administration," of "Military Government Regulations," published by Headquarters, US Forces, European Theater, 30 November 1945. These provisions restrict jurisdiction of Military Government Courts to:

"* * * all persons in the occupied territory except persons * * * who are subject to military * * * law and are serving under the command of the Supreme Commander, Allied Expeditionary Force * * *"

The theory of the defense was that prisoners of war come within the exception because they were serving under the command of the Supreme Commander of the Allied Expeditionary Force.

Even if those provisions had been in effect at the time of this trial, it is a sufficient answer to this contention to point out that the paragraph which followed the one relied upon provided that Military Government Courts had jurisdiction over "All offenses against the laws and usages of war * * *." Provisions similar to the two preceding quotations appeared at the time of this trial in MGR 5-300.2 and 5-300.3. Those provisions remain unaltered. In view of the fact that the charge and particulars allege an offense against the laws and usages of war, the Court had jurisdiction over persons charged with committing such offenses.

The same question arose in the Yamashita Case, 66 Supreme Court Reporter 340. At page 350 the Court was considering Article 63 of the Geneva Convention which provides:

"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."

In disposing of the contention that the accused war criminal could not be tried before a Military Commission, the Supreme Court of the United States said:

"But we think examination of Article 63 in its setting in the Convention plainly shows that it refers to sentence 'pronounced against a prisoner of war' for an offense committed while a prisoner of war, and not for a violation of the law of war committed while a combatant."

The same case is authority for disposing of the contention of the defense that the Court lacked jurisdiction because of the failure to give notice of the trial to the protecting power in accordance with the provisions of Article 60 of the Geneva Convention. The Supreme Court said at page 352:

*** we conclude that Article 60 of the Geneva Convention *** applies only to persons who are subjected to judicial proceedings for offenses committed while prisoners of war."

For the foregoing reasons, it is concluded that the Court had jurisdiction over the persons of all of the accused and that the Court was not ousted from such jurisdiction because many of the accused may have held the status of prisoners of war.

2. LEGAL SUFFICIENCY OF CHARGE AND PARTICULARS:

Definiteness: The motion by the defense for an order directing the prosecution to make the charge and particulars more definite and certain as to the acts charged against each accused and the date when such acts were allegedly performed (R 62) was properly denied by the Court. There can be no doubt that the charge and particulars conform to the requirements of definiteness prescribed by the procedure for Military Government Courts. The then existing pertinent regulations provided in effect that two or more persons might be tried together where the charge arose out of the same set of circumstances and that each charge must disclose but one offense particularized sufficiently to identify the place, the time and the subject matter of the alleged offense (MGR 5-323). The particulars in this case alleged participation, pursuant to a common design, in the Mauthausen mass atrocity operation which included subjection of described persons to stated wrongful acts at stated times and places.

Common Design: The Court properly overruled a motion by the defense to "quash the charge and particulars" (R 58) on the ground that "all the accused performed various acts in pursuance of a 'common design' but 'common design' is not a crime and has never been a crime."

The fallacy in the view taken by the defense is the failure to take cognizance of the fact that the accused are charged with "violations of the laws and usages of war" under particulars stating that this was performed by the accused "acting in pursuance of a common design to subject [specified co-belligerent nationals to killings, beatings, etc.] ... did ... encourage, aid, abet and participate in the subjection [of specified co-belligerent nationals] ... to killings, beatings, tortures, starvation, abuses and indignities..." Thus, the crime charged is the violation of the laws and usages of war and the manner in which it was accomplished was by participation in a common design to perform certain *illegal* and *unlawful* acts as an incident of aiding in the Mauthausen Concentration Camp operation. This is vastly different from charging participation in a common design and nothing more, or charging participation in a common design to perform lawful or undescribed acts.

The parent Dachau Concentration Camp case constitutes ample authority for the conclusion that the charge and particulars state an offense under international law (See *United States v. Weiss, et al.*, supra). It was there said:

"It would appear that the allegations of the particulars and that the proof actually adduced in this case, fall somewhat short of stating and showing a conspiracy upon the part of the accused as we understand that word in a strictly technical sense. There is, in the record, no evidence that all forty accused, or any two or more of them, ever actually got together, agreed to carry on a long-term program of cruelties and mistreatments, and then proceeded to carry it out. The accused came and went from Dachau at various times, and not all of them were there at the same time, nor was each one acquainted with every other one. They held various superior and subordinate positions in a military hierarchy, and some were even themselves inmates of the camp, who, for one reason or another, acquired positions of leadership over their fellow inmates.

There are shown, however, salient facts about the operation of Dachau and its by-camps which run like a thread through all the testimony. One is that there was carried out at the camp a definite practice of cruelties and abuses, violative as to foreign nationals, military and civilian, of many of the laws and usages of war. The other is that the accused whose cases are before us for review did know of this continuing practice and took active parts in encouraging, maintaining and furthering it in varying degrees. Such a course of conduct, we believe, constitutes acting in pursuance of a common design to violate the laws and usages of war.

A legal formula against which to measure the connection of each individual with the common design is our next concern. In a common design such as this the guilt of an individual can be shown in either of two ways: if his duties themselves were such as to involve him with execution, administration or knowledge of the common design, he is guilty of participation in the common design; or if his duties themselves were not as such illegal or interwoven with illegality, he is guilty of participating in the common design if his performance of those duties was done in a voluntarily illegal fashion. We believe this criterion to be in accord with the spirit of American jurisprudence.

... Viewed from this standpoint the charges and specifications are seen to state an offense under international law and the proof adduced at the trial to support the charges in their general aspect and as to each accused."

Since there is no material difference between the allegations of the charge and particulars in this case and those in the parent Dachau Concentration Camp case, the conclusion is inescapable that the allegations sufficiently and appropriately state an offense.

3. SEVERANCE:

The Court did not abuse its discretion in denying the motion by the defense for severance of the accused as defendants (R 67). Severance is

not a right or privilege of an accused. The applicable rule is that such a motion is addressed to the sound discretion of the court. In the absence of any showing that a refusal to grant a motion for severance would, by causing the accused to be tried together, result in substantial injustice to the accused, the reviewing authority will not interfere with the court's ruling. As stated, the question in such cases is whether an injustice would result to the accused and not whether purported substantial rights of the accused would be violated, if the motion were overruled, because accused have no right in this connection. In view of the fact that an examination of the entire record fails to disclose that an injustice to any accused resulted, it cannot be said that the Court acted arbitrarily in denying the motion.

4. CONDUCT OF TRIAL:

The accused were all represented by competent American counsel and, in addition in certain instances, — two German counsel represented individual accused. One member of the Court was a legally trained officer. Sufficient interpreters were provided at all times. A full right of cross-examination was extended throughout the trial. All accused were given an opportunity to testify in their own behalf and all chose to do so except No. 1, Altfuldich; No. 12, Entress; No. 33, Krebsbach; No. 45, Niedermayer; No. 49, Riegler; No. 54, Trum; and No. 60, Spatzenegger. Both the findings and the sentence as to each accused were approved by a two-thirds vote of the members present. The trial was conducted with fairness to all accused present.

5. LEGAL POINTS RAISED BY PETITIONS FOR REVIEW:

A Petition for Review, more particularly described in Section VII, post, was filed by German counsel on behalf of accused Billmann and Grzybowski in which an interpretation of the concept of common design was set forth and the sufficiency of the evidence to support the findings as to these accused was challenged. The statements concerning common design hereinabove set forth are sufficient answer to the legal points raised in the petition. The summary of evidence as to these accused set forth in Section VII of this review shows their participation in the common design to a degree sufficient to justify the findings.

A Petition for Review, more particularly described in Section VII, post, filed by 1st Lt. Deibel, one of the defense counsel, reviews the evidence as to the following accused: Mayer, Guetzlaff, Priebe, Mynzak, Lappert, Korger, Doerr, Mack, Sigmund, and Rutka. A summary of the evidence respecting each of these accused is set out in Section VII of this review and the sufficiency of such evidence to support the respective findings is apparent.

Petitions for Review, more particularly described in Section VII, post, were filed by Mr. Alexander Wolf, an American civilian attorney for the defense, on behalf of the following accused, Barczay, Bruenning, Blei, Cserny, Fitschok, Giese, Huber, Klimowitsch, Kautny and Keilwitz. All

legal points raised in these petitions have been discussed elsewhere in this review, except for one procedural point. Counsel assigns as error the failure to explain the charge to accused. The Court asked accused Altfuldich whether or not he understood the charge and particulars. He answered, "No" (R 50, 52). It is apparent from the discussion that followed between counsel for the defense and the prosecution (R 50-57) that the accused meant he didn't understand the legal theory of common design. The record shows that defense counsel had previously explained the charges to all the accused and that the charges were read to the accused in open court. All the accused entered a plea of not guilty and were properly represented by counsel. Under these circumstances, it cannot be said that any injustice resulted as to any accused.

A Petition for Review, more particularly described in Section VII, post, filed by German counsel on behalf of accused Wolter, challenges the sufficiency of the evidence. As indicated in Section VII of this review, the evidence as to this accused justifies the findings of the Court.

6. SPECIAL FINDINGS:

In addition to the findings respecting each individual accused, the Court made certain special or additional findings which it concluded were amply supported by the evidence adduced in the trial (R 3509-10, also set out at page 4 of this review). These special findings are, in effect, (1) that the Mauthausen Concentration Camp was essentially a criminal enterprise; (2) that it was impossible for anyone to be employed at or present in the camp without acquiring definite knowledge of the criminal practices; (3) that every employee and official connected with the camp, regardless of his capacity, is guilty of the crime of violating the laws and usages of war.

It could be contended that the Court, in making these findings, exceeded the allegations in the charge and particulars and that, therefore, the findings were improper. However, authority for additional finding by military courts may be found in Winthrop's "Military Law and Precedents," Second Edition, Reprint 1920, at page 385. It is there said:

"It is a peculiarity of the military procedure that a courtmartial, in its judgement, is not confined to a bare acquittal or conviction but may characterize or explain the finding, (or sentence), or accompany it with animadversions, recommendations or other remarks, * * *"

There was no attempt to sentence any individuals as a result of a trial "in absentia". The findings are comprised of a mixture of conclusions of law and findings of fact. Insofar as they constitute findings of fact they conform to the proof adduced during the course of the trial. Furthermore, insofar as they constitute conclusions of law, they merely state the law applicable to this particular case. That additional participants in this mass atrocity may be brought to trial for their complicity in the illegal acts which took place in the camp does not mean they have been

previously tried because of these findings. On the contrary, in order to overcome evidence offered in such trials they will have an opportunity to show that they were not in the Mauthausen Concentration Camp, that, if they were there, they did not know of the criminal nature of the operation, or that, if they did participate with knowledge of the criminal nature of the operation, the nature and extent of their participation was negligible and that the criminal operation was not encouraged, maintained, or furthered to any substantial degree by such negligible participation. Moreover, it may well be that the court thought its findings would clarify its view as to the evidence adduced and that such clarification would aid in subsequent proceedings cases involving additional participants in this Mauthausen Concentration Camp mass atrocity. The findings of fact are not as comprehensive as might be desired but they will be of help to courts hearing the subsequent proceedings cases and will eliminate the necessity for duplicating some types of evidence.

VII. EVIDENCE, PETITIONS AND RECOMMENDATIONS

This section sets forth a summary of the evidence both for and against each accused, in numerical sequence according to the numbers assigned by the Court. After each summary of evidence is a list of the Petitions for Review and Petitions for Clemency, if any, which have been received up to and including 25 February 1947, described as to date, the accused on whose behalf they are filed, and the name of the person filing the same, together with such discussion, if any, as the petitions are believed to warrant. Unless otherwise indicated, an item referred to as a "Statement" is in the form of extrajudicial sworn testimony. For the purpose of brevity, the recommendations which then follow are not accompanied by any discussion where the evidence is thought to speak for itself.

1. HANS ALTFULDISCH

Nationality: German
Age: 34
Connection with Mauthausen:
a) Period: August 1938 — May 1945
b) Status: Waffen SS (1938); Obersturmfuehrer (1st Lt.)
c) Position: Prison Compound Commander

Evidence: One witness testified that he saw the accused set his dog on newly arrived prisoners (R 248). He was known to have been present during interrogations involving beatings (R 350-1) including the beating of a group of American prisoners of war (R 594-5, 1187). He was also present during executions in the shooting room (R 1198). He was often among those assigned to execution details (R 526, 1087). He was present when Dutch, English and Americans were killed on the road by the quarry (R 524-5). Previously, he had been seen beating them (R 523). It was also testified that gassings were performed in the last days under the direction of this accused and others (R 1202). He participated in driving

inmates into the guard chain where they were shot (R 1365, Statement of No. 20; denied by No. 20 on the stand, R 3065-6). He was heard to say that Mauthausen was for the purpose of killing as many as possible (R 1379, Statement of No. 54; No. 54 did not take the stand). In his own Statement the accused admitted participation in executions but said that if he had not obeyed orders he probably would have been shot (R 1310).

He did not take the stand in his own defense.

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by his wife, Helene Altfuldich, 27 August 1946; by his mother, 18 May 1946; and by two friends, Rosel Clausen and Julius Schuster, 17 June 1946 and 21 August 1946, respectively.

Recommendation: Approval of findings and sentence.

2. STEFAN BARCZAY

Nationality: Czechoslovakian
Age: 35
Connection with Mauthausen:
a) Period: May 1943 — October 1944
December 1944 — May 1945
b) Status: Waffen SS (March 1943); Sturmman (Pfc)
c) Position: Guard at Eisenerz, Redl-Zepf, Gusen and Linz III

Evidence: While a guard at Camp Redl-Zepf in March 1944 he was seen beating a French prisoner with a rifle butt (R 485). (Redl-Zepf, although not listed in the particulars as a sub-camp of Mauthausen, was shown elsewhere in the record to have had such connection). In the fall of 1944, at Gusen, he struck and killed a Polish Jew, again using a rifle butt (R 1002). In P-Ex 22, a death book, Barczay's name appears as a guard involved in the shooting of one prisoner on 11 August 1943 and four prisoners on 19 September 1944 (R 2117-2118). In his Statement he admitted that in September 1944 he shot a Russian inmate who "wished to escape through the fence." (R 1429).

He testified that he shot an escaping Russian prisoner in September 1944 as shown in D-Ex 14 (R 2116). He disclaimed any participation in the mistreatment of prisoners (R 2110), and denied shooting more than the one prisoner who attempted to escape (R 2118-9), although his name appears several times in P-Ex 22, a death book. He denied ever being at Gusen (R 2112).

Sentence: Death by hanging.

Petitions: Defense Counsel, Alexander Wolf, filed a Petition for Review, May 1946; his mother, Elisabeth Barczay, filed a Petition for Clemency, 6. August 1946; and his wife, Helene Barczay, filed one, 11 September 1946.

Recommendation: Approval of findings and sentence.

3. WILLY BRUENNING

Nationality: German
Age: 46
Connection with Mauthausen:
a) Period: October 1944 — 5 May 1945
b) Status: Waffen SS (1 September 1944); Rottenfuehrer (Corporal)
c) Position: Guard

Evidence: He was a guard on a prisoner transport march from Moedling to Mauthausen in April 1945 (R 917), and was seen to kill two prisoners who were too weak to keep up with the transport (R 926). He also beat prisoners while a guard at Gusen, and on one occasion, in the Spring of 1945, killed an Italian by striking him on the head with a rifle butt (R 1003, 1013). He was seen killing prisoners in the Vienna Ditch during the period 1942-45 (R 1338, Statement of No. 8; denied by No. 8 on the stand, R 3131-33). In his Statement he admitted shooting seven prisoners not able to keep up with above mentioned transport (R 1394).

In defense, he admitted shooting the seven prisoners, but he testified that he was under strong orders by his superior, the latter threatening him with his pistol on one occasion (R 2632-5). He admitted being at Gusen for one week in April 1945, but denied having beaten anyone there (R 2630-31). He also denied any knowledge of the Vienna Ditch (R 2635). Three former internees testified that he was well thought of by the inmates (R 2636-8).

Sentence: Death by hanging.

Petitions: Defense Counsel, Alexander Wolf, filed a Petition for Review, May 1946.

Recommendation: Approval of findings and sentence.

4. KARL BILLMANN

Nationality: German
Age: 43
Connection with Mauthausen:
a) Period: 12 May 1944 — 5 May 1945
b) Status: Waffen SS (25 January 1945); Rottenfuehrer
c) Position: Guard at Gusen II

Evidence: One witness testified that the accused frequently beat prisoners at Gusen II and decrined an instance, during an air raid in April 1945, when he kicked and beat prisoners and the witness asserted that deaths and hospitalizations resulted therefrom (R 862). In his own Statement, the accused admitted that in March 1945 he shot an escaping Polish prisoner after the latter failed to heed his order to halt (R 1419).

In defense the accused, although admitting by his testimony the shooting of the escaping prisoner (R 3189), denied the acts alleged by the one prosecution witness against him (R 3191). He further denied ever having beaten any prisoner (R 3206).

Several defense witnesses testified for the accused, one of whom stated that the accused, while on furlough, had told him that he hated his duties in the concentration camp (R 3225-6). The others were former guards. One testified that the accused and all other guards from the Air Corps were popular with the prisoners (R 3276-7). Another had never heard of his mistreating anybody (R 3288). A fourth, by his testimony, supported the accused's account of the shooting of the escaping prisoner (R 3215-9). Another witness knew him as a peaceful man (R 3220).

Sentence: Death by hanging.

Petitions: His German Defense Counsel, Zaver Bucherl, filed a Petition for Review, 20 May 1946. He also submitted a Petition for Clemency, 30 August 1946.

Recommendation: Approval of findings and sentence but that the sentence be commuted to imprisonment for life. It is not believed that the nature and the extent of his participation in the common design warrant the death penalty.

5. AUGUST BLEI

Nationality: German
Age: 52
Connection with Mauthausen:
a) Period: January 1941 — 1 April 1945
b) Status: Waffen SS (January 1944); Obersturmfuehrer (1st Lt.)
c) Position: Guard company commander

Evidence: In the beginning of September 1944 this accused was seen standing behind and giving orders to the guard who shot the members of a special punishment detail as they were driven up from the Vienna Ditch two at a time. In this detail were about 46 prisoners, comprised of about 36 Dutch, 4 English and 6 Americans (R 778-9, 797-9, 816-20, 850). The same witness testified that he saw an order signed by the camp commandant to the effect that in the absence of the latter this accused was to be in charge of large scale executions (R 772-3, 815). He was one of a dozen persons said to have committed killings in the Vienna Ditch once or several times between 1942 and 1945 (R 1338, Statement of No. 8; denied by No. 8 on the stand, R 3133). Substantially, the same accusation is contained in the Statement of No. 20 (R 1365-6; denied by No. 20 on the stand, R 3065-6). In his own Statement this accused admitted that he sometimes led the detail in the Vienna Ditch between 1943 and 1945 and that many workers died from overwork (R 1352).

In defense, the accused in his testimony denied being in camp the day the shooting incident took place of Dutch, English and Americans (R 2131-2). He did not participate in executions but witnessed some from a distance (R 2132). He also denied shooting prisoners or mistreating them in any way (R 2144-5). A former inmate stated that the accused was a good man (R 2355-6).

Sentence: Death by hanging.

Petitions: Defense counsel, Alexander Wolf, filed a Petition for Review, May 1946, and accused's wife, Elisabeth Blei, et al, filed a Petition for Clemency, May 1946, his son, Josef Blei, filed one, 26 June 1946, Dr. Otto Beltzer, filed one, 4 June 1946, and a priest, Halsband, filed one, 29 May 1946.

Recommendation: Approval of findings and sentence.

6. MICHAEL CSERNY

Nationality: Czechoslovakian

Age: 22

Connection with Mauthausen:

a) Period: February 1943 — October 1944

b) Status: Waffen SS (20 February 1943)

c) Position: Guard; at Ebensee from 15 November 1943

Evidence: One prosecution witness testified that he saw this accused during or about 1942 participate in the shooting at several executions at Mauthausen (R 1031-2 and 1037-41). An order was read at these executions (R 1039-41). The witness also stated that the accused was a block leader (R 1037). In his own Statement, the accused admitted the shooting of two escaping inmates who failed to halt when challenged (R 1436). P-Ex 22, a death book, shows these prisoners to have been Russian (Item 443) and Polish (Item 396) and killed on 11 April 1944 and 10 February 1944 respectively.

In defense, the accused testified that he was not at Mauthausen in 1942, although he was there from February 1943 until October 1944 (R 1941-1943). He denied ever having been a block leader (R 1943) but admitted having shot two prisoners who attempted to escape and tried to show that he was justified in killing the victims (R 1945-1951).

Sentence: Life imprisonment.

Petitions: A Petition for Review was filed by Defense counsel, Alexander Wolf, May 1946.

Recommendation: Approval of findings and sentence.

7. LUDWIG DOERR

Nationality: German

Age: 41

Connection with Mauthausen:

a) Period: 1 March 1944 — 9 April 1945

b) Status: Waffen SS (22 January 1945), Rottenfuehrer (Cpl)

c) Position: Guard at Gusen, clerk from March 1945

Evidence: One prosecution witness testified that he always saw this accused beat prisoners during air raids and while they went to and from work at Gusen II. On one occasion, in April 1945, he saw him hit a sick Russian on his head with a rifle butt, which prisoner the witness shortly

thereafter carried away dead (R 863-4, 893-4, 901-2). Several other dead prisoners were lying at the same place (R 902). In his Statement the accused admitted killing, on 30 January 1945, an escaping Pole who did not stop at his command (R 1428).

In his defense testimony, he denied such mistreatment. He said that prisoners and soldiers used different routes in going to the air raid shelters (D-Ex 5, R 2017). In March and April 1945, he was a company clerk and had to transport records and equipment to the shelters at the sounding of the alarm (R 2017, 2037, 2047-8). Three former guards supported this by their testimony (R 2033, 2036, 2048), two also stating that they never saw the accused beat a prisoner (R 2034, 2049), and one that he used to give food to the inmates (R 2041). This accused also testified that he tried to get a transfer from concentration camp duty (R 2023-4). He had been transferred from the Air Corps to the Waffen SS (R 2021).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by his Defense Counsel, 1st Lt. Charles B. Deibel, 22 May 1946; Petitions for Clemency were filed by German attorneys, Dr. F. Thiemayer, 7 August 1946, Dr. Eugen Leer, 17 September 1946, and Gottfried Michelman, 15 July 1946; by accused's wife Anne Doerr, 15 July 1946; by a clergyman, Georg Struckmeier, 19 June 1946; and by friends Otilie Scheel, 13 June 1946, Alois Notz, 10 June 1946, Helene Gleiss, 4 July 1946, Mrs. Otilie Scheel, 11 July 1946, Adam Schaab, 2 June 1946, Kathe Kapp, 3 June 1946, Marie Petermann, 11 June 1946, Max Becker, 11 June 1946, Wilhelm Schafer, 18 June 1946, Hermann Schmelyle, 2 August 1946, Gregor Adrian, 3 June 1946, Adam Schneider, 5 June 1946, Martin Gilberger, 6 June 1946, Otto Trinks, 27 August 1946, and Mrs. Fred Hahn, 19 September 1946.

Recommendation: Approval of findings and sentence but that the sentence be commuted to imprisonment for life. It is not believed that the nature and the extent of his participation in the common design warrant the death penalty.

8. OTTO DRABEK

Nationality: Austrian

Age: 50

Connection with Mauthausen:

a) Period: 1941 — 20 January 1945

20 April 1945 — 5 May 1954

b) Status: Waffen SS (5 October 1942); Unterscharfuehrer (Sergeant)

c) Position: Quarry master in Vienna Ditch

Evidence: One witness testified that in 1942 and 1943 this accused often beat prisoners at the Vienna Ditch (R 726-27, 732), and that on one occasion he and two others were seen to beat a Pole and then lead him into a hut where the Pole was later found to have been hanged (R 726-27).

Andreas Fichtenkamp, a defense witness and former German inmate, who was on a regular work detail in the Vienna Ditch for nineteen months (R 3157) testified that he was indirectly under the supervision of the accused Drabek, who was civilian master or boss there and later clothed as an SS man retaining the same position (R 3158). Drabek was assistant to No. 20 who was the chief of the Vienna Ditch (R 3165). In addition to the regular work detail there were also the punishment company and the stone carrying detail with which this accused wasn't directly connected (R 3163-4). The witness further testified that he personally saw killings in the Vienna Ditch as a result of shooting and beating; that most of the shooting took place on the steps; that he didn't know if the accused Drabek was present during these incidents, but that he was usually in the Vienna Ditch every day (R 3164). The regular work detail prisoners received for their work coupons with which cigarettes and other things could be purchased but the punishment company and stone carrying detail prisoners didn't receive any coupons because they wouldn't be alive long enough to use them (R 3163-65).

In his Statement, the accused admitted that between January 1942 and 5 May 1945 many thousands of Poles, Russians, Italians, Czechs, Spaniards, French, Belgians, Dutch and English inmates were killed in the Vienna Ditch by working them to death; chasing them into the guard chain and then shooting them; throwing down from the rocks of the quarry or drowning in the so-called Rieder-creek which was flowing through the lower part of the Vienna Ditch. He further stated that the purpose of the ditch was not to cut stone but to kill disliked inmates and all those who worked there made themselves guilty of killing. He also stated that he was first quarry master and representative of the leader of the ditch, Grimm, No. 20 (R 1337-8 and P-Ex 85).

In his testimony the accused repudiated most of his Statement; claimed that it was not true and that he didn't know what was in it when he signed it even though part of it was written in his own handwriting (R 3125-42). He further stated that he merely supervised a few skilled workers in the Vienna Ditch and had nothing to do with the work detail (R 3138) and that his superior was No. 20 (R 3117). He was not a member of the party or affiliated organizations and was drafted into the SS, retaining thereafter the same position he had previously had in the Vienna Ditch (R 3124). In January 1945 he was sent to Flossenburg Concentration Camp as punishment for having smuggled food and other things to prisoners (R 3121-2). He disclaimed all knowledge of the beating and hanging of the Polish prisoner (R 3142). Two former inmates who had worked in the Vienna Ditch testified that he treated the inmates humanely (R 3161, 2783), one stating that he had no connection with the punishment company and stone carrying detail which worked separately from the regular detail (R 3164 and 3162).

Sentence: Death by hanging.

Petitions: None filed.

Recommendation: Approval of findings and sentence.

9. HANS DIEHL

Nationality: German

Age: 33

Connection with Mauthausen:

a) Period: December 1940 — December 1944

b) Status: Waffen SS (November 1939); Unterscharfuhrer

c) Position: Clerk in Political Department

Evidence: One witness testified that this accused was present during the beating of a prisoner in the Political Department (R 408). Another witness testified that a Czech prisoner had returned from the Political Department with many bruises, stating that the accused had helped beat him (R 942). A third witness, a Pole, testified that he had been beaten until unconscious by the accused and another during an interrogation (R 997). The accused and others were seen going into a cellar with oxtail whips. Screams were heard from there and later dead bodies were brought out (R 1032, 1044-5). This accused sometimes gave orders as to what should be entered on the death certificates and autopsy reports (R 156). In his Statement he admitted taking part in two or three executions, determining the time of death; that among his duties was the writing up of the death list; and that during the time he was at Mauthausen, between 800 and 1,000 prisoners were executed (R 1376). Accused No. 43, in his Statement, said that all business connected with executions were carried on by Diehl (R 1349-50).

In defense, the accused in his testimony, admitted beating prisoners on about twenty different occasions, but always under orders of his superior (R 2656). Although he admitted using an oxtail whip (R 2659), he said he never struck prisoners more than five times, and then only on the buttocks (R 2660). He denied that he ever went into a cellar with an oxtail whip (R 2660-1) or that he ever beat a Czech (R 2657) or that he ever beat anyone until he became unconscious (R 2658). He admitted participation in executions to the extent of acting as a clerk (R 2662). He made several unsuccessful attempts to be transferred from Mauthausen (R 2662-3).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by German Defense Counsel, Dr. H. Wolle-Egenolf, 9 August 1946, supplementary Petitions for Clemency, 10 August 1946 and 12 October 1946; Petitions for Clemency were filed by his wife, Charlotte Diehl, and his mother, Marie Diehl, 29 May 1946, supplementary petitions with the same signatures, 21 June 1946, and 8 August 1946; by his father-in-law, Paul Weinschenk, 9 June 1946; by friends, Elly Werner, 15 July 1946, Ernst Hirsch, 4 September 1946, Kurt Odemer, 4 September 1946, Philipp Schneider, 4 September 1946, Albert Menche, 6 September 1946, J. P. Schwarz, 6 September 1946, Anna Sigloch, 10 September 1946, August Denser, 10 September 1946, Maria Knogel, 11 September 1946, Eugen Herze, 11 September 1946, Mrs. Reinhard Gattel, 11 September 1946, J. and Marg Muller,

12 September 1946, Fritz Lott, 15 September 1946, Else Schmidt, September 1946, Johann Gossens (undated), and Ludwig Odemer (undated).

Recommendation: Approval of findings and sentence.

10. HANS EISENHOFER*

Nationality: German

Age: 53

Connection with Mauthausen:

a) Period: September 1939 — 5 May 1945

b) Status: Waffen SS (1 September 1939); Hauptscharführer to Untersturmführer (2nd Lt).

c) Position: In charge of guard training company; later second and first administration leader, chief of personal effects room and custodian of dental gold.

Evidence: One witness identified this accused as a detail leader in the Vienna Ditch (R 354) and testified that he had heard from a fellow inmate that he had participated in the killing of some Dutch Jews (R 385). This witness also saw him slap inmates (R 386). The accused was also seen slapping and beating new arrivals at the bath where he searched them for valuables (R 529). A third witness frequently saw him beat new arrivals, including French and Czechs, with a belt (R 765). Accused frequently went down to the crematorium together with the execution detail and later death notices were received on these prisoners (R 530). He received clothes and other valuables which had been taken from victims of the gas chamber (R 1322, No. 45's Statement; No. 45 did not take the stand). He participated in seven or eight executions (R 1332, No. 12's Statement; No. 12 did not take the stand). Another witness saw him beat incoming prisoners with a stick while they were handing in their valuables. As a result the victims sometimes fainted (R 278). He was one of a dozen seen to have committed killings in the Vienna Ditch once or several times from 1942 through 1945 (R 1338, Statement of No. 8; denied by No. 8 on the stand, R 3133). He commanded execution details (R 1353, Statement of No. 5; on the stand No. 5 stated that he saw him in charge of one execution, R 2141). In his own Statement this accused said that as a company non-commissioned officer he furnished about ten details to guard the execution place; that he took part in two executions under orders, and that in 1943 he led work details in the Vienna Ditch where under his leadership several prisoners including Frenchmen died from overwork or were shot in flights by the chain of guards.

In his testimony, this accused admitted being a spectator at two executions (R 1872). He denied that he ever gave orders for any executions or participated in any killings in the Vienna Ditch; and testified that he was in that place only to carry out his duties as officer of the

* The record was amended to show his correct first name as Heinrich instead of Hans. (R 17.)

security service checking the guard posts and had no actual contact with prisoners (R 1869). He denied having had anything to do with new arrivals, except to take their valuables, and that he never resorted to slapping (R 1870). He did not believe any Dutch Jews were there in September 1942 (R 1870).

Sentence: Death by hanging.

Petitions: None filed.

Recommendation: Approval of findings and sentence.

11. WILLY ECKERT

Nationality: German

Age: 28

Connection with Mauthausen:

a) Period: 1 April 1939 — November 1943

b) Status: Waffen SS (October 1935); Hauptscharführer (1st Sergeant)

c) Position: Detail leader and clerk in the laundry.

Evidence: He was seen beating a prisoner who was on the construction detail in 1942 so badly that the prisoner shortly thereafter lost consciousness (R 253). Another witness saw him beat inmates, on the formation grounds, with his fist and with a stick so badly that they were left bruised and bleeding, many of them collapsing (R 355). A third testified he was seen almost every day beating prisoners in their faces, hitting them with clubs and slapping their faces to such an extent that some of them required medical attention (R 530-1). A fourth stated he was present at the hanging of four prisoners in 1942 (R 746, 761). A fifth stated he was seen to beat to death a Russian who had parts of his arms and legs missing (R 781). A sixth witness saw him beat and kick prisoners (R 927). A seventh saw him participate in executions (R 1087). He was one of a dozen who committed killings in the Vienna Ditch once or several times between 1942 and 1945 (R 1338, Statement of No. 8; denied by No. 8 on the stand, R 3133). He took part in executions and shootings (R 1353, 1453, Statements of No. 5 and No. 33; denied by No. 5 on the stand, R 2141; No. 33 did not take the stand). In his own Statement, he admitted beating prisoners with his hands and a stick; that the conditions at Mauthausen were terrible but there was no point in ascribing the responsibility to any one leader or non-commissioned officer, or any groups of leaders thereof; and that he witnessed and, in a small way participated by guarding for the purpose of keeping curious prisoners away, in the execution of several hundred Yugoslavians (R 1361).

Accused testified that he beat prisoners as punishment for such matters as theft. However, he denied mistreating them to such an extent that they needed medical attention because then he wouldn't be able to use them to work (R 1830-1). He admitted that he severely beat one inmate because of a theft (R 1833). He denied beating a prisoner who was on the construction detail because he stated that he was never on

that detail (R 1836-7). He specifically denied any connection with the beating to death of the Russian prisoner (R 1837). He never participated directly in executions, his work merely consisting of moving the members of his detail from their place of work since it was close to the line of fire from the firing squad (R 1835).

Sentence: Death by hanging.

Petitions: A Petition for Clemency was filed by his mother, Emma Mittmann, 15 July 1946.

Recommendation: Approval of findings and sentence.

12. FRIEDRICH ENTRESS

Nationality: German

Age: 31

Connection with Mauthausen:

a) Period: 21 October 1943 — 26 July 1944

b) Status: Waffen SS (22 November 1939)

c) Position: Chief Post Physician

Evidence: Three witnesses testified that he made selections of prisoners for extermination (R 182, 436, 470). Another said that he chose incurable inmates for transport from Gusen to a "sanitorium" from which there arrived shortly thereafter notices of death (R 604-5). A rebuttal witness testified that in 1944 he made selections of prisoners for the invalid transports (R 3411-2). He and No. 58 selected some 3,000 victims for the gas chambers (Statement of No. 45, R 1326; No. 45 did not take the stand). In his own Statement, this accused admitted obeying orders to select sick prisoners whom he knew were to be exterminated (R 1331-32).

The accused did not testify in his own defense.

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by his wife, Else Entress, 29 July 1946, and by the accused, 5 November 1946.

Recommendation: Approval of findings and sentence.

13. AUGUST EIGRUBER

Nationality: Austrian

Age: 38

Connection with Mauthausen:

a) Period: 1938 — 5 May 1945

b) Status: Honorary Obergruppenfuhrer (Lt. Gen.)
in the SS and SA

c) Position: Gauleiter of Upper Austria from June 1938; Reichsstatthalter; in 1942 that district's food office, and in 1943 the district's work office came under his supervision; in 1943 he became the district's Reich Defense Commissar.

Evidence: One witness testified that it was reputed to have been upon orders of this accused that rations for sick prisoners were cut in the fall

of 1944 (R 169, 172), and that he heard the accused say to the Camp Commandant, with reference to some recaptured Russians, "All these pigs will have to be finished" (R 208, 211-2). Another witness testified that he saw him at the camp three or four times; that he saw him touring the crematory, bunker and blocks; that he was in civilian clothes on that occasion; and that he was there in the fall of 1944 when 40 Austrians arrived, all but one of whom were later executed (R 356-7, 387-8). A third witness heard him in the fall of 1943 address a group of newly arrived prisoners, advising them that if they did not die from work they would be beaten to death. He was dressed in uniform at the time (R 482-4, 502). Another witness testified that as Gauleiter, or State Leader, of Upper Danube, Mauthausen was under his control and jurisdiction; that he saw him at Mauthausen on 12 to 16 occasions, once on 7 September 1944 when the Austrians were brought into the camp, and once in January 1945 on the night of the arrival of some 20 or 22 Anglo-Americans (sic) who, according to talk in the camp, were later liquidated (R 532). This same witness in April 1945 saw an order which he said was a transcription of either a telephone or telegraph message, signed in the name of but not by the accused pursuant to which order a number of Austrian prisoners were killed (R 533, 564-5, 578). A fifth witness, one of a group of Austrians which arrived in Mauthausen in September 1944, testified that he was the only survivor of the group, some having been killed by gassing in the latter part of April. A few days after their arrival at the camp the accused had addressed them, shouting rebukes and promising rough treatment. The witness said that he had heard both before and after the gassing that this accused gave the order (R 580, 584, 589, 592, 596). Another witness saw the accused in the Vienna Ditch early in 1942. He gave a 50 to 70 kilogram stone to a Jew to carry and a little later had that replaced by one weighing 80 kilograms. According to rumor, he told a detail leader that he did not want to see "any one of this gang any more" (R 745). He was wearing some kind of a uniform and struck a few Jews (R 750-1). A seventh witness testified that this accused visited Mauthausen and on one occasion, at the end of 1942 or beginning of 1943, inspected an execution folding chair, by which four Czechs were put to death as a demonstration for him, the accused himself pushed down on the "release pedal" to execute one man (R 777-8, 840-2). This witness also testified that boxes of food were delivered to the accused from the camp storehouse (R 779, 802-3). Two other witnesses testified that the accused was present on the night of 5 April 1945 when two Americans, one Englishman, and nine others were executed by shots in the neck (R 1196, 1215-7). One of these witnesses said that just prior to the execution of one, the accused recited a sentence of death in the name of Himmler (R 1216).

Accused was named in the Statements of several co-accused, i. e., No. 1 stated that since February 1945, the camp commander had been under the direct supervision of the accused, that prior to that time the accused

probably had tremendous influence because of his high SS rank (R 1309-10; No. 1 did not take the stand); No. 20 asserted in his Statement that he personally knew that the accused "inspected several killings and brought prisoners to the killings" (R 1366; denied by No. 20 on the stand, R 3068-9); No. 45 mentioned the shooting of some twelve people, including two Englishmen, five Poles, one Belgian and one Russian, by the accused and the camp commandant at 0400 on a morning in April 1945, while the two were in an intoxicated condition (R 1322, No. 45 did not take the stand); No. 54 stated that this accused personally lead the shooting of nine Czechs in the spring of 1943 (R 1380; No. 54 did not take the stand).

In his own Statement this accused said that he became Gauleiter of Upper Austria in June 1938; that in 1943 he became that district's Reich Defense Commissar; that from 1942, the district food office, and from 1943, the district work office, were under his supervision; that administration, health and industrial questions concerning Mauthausen made necessary frequent discussions with the camp commandant; that he participated in the execution of ten prisoners one night during March or April 1945; that the district security organizations under his order participated in the search for the Russians who escaped at the end of 1944 or beginning of 1945; and that in 1939 or 1940 he leased his Gau's property, Castle Hartheim, to the Reich for use in an euthanasia program (R 1301-3).

The accused took the stand in his own defense and testified that he had no control over the rations for the camp, which were determined by the Reich Food Minister for the entire nation (R 2216-7). He admitted visiting Mauthausen ten to fifteen times between 1942 and 1945, but only on business relative to furnishing such services as water, electricity, etc. (R 2266). He always wore civilian clothes on such trips (P 2228). More than one-half the sub-camps were outside his Gau (R 2215). He denied ever addressing any group in the camp (R 2228-9). He denied ever exercising any authority over the Vienna Ditch, claiming he was there only twice between 1942 and 1945, once on a visit with Himmler and once with Speer (R 2223-4). He denied ever seeing the execution folding chair (R 2223). He also denied ever receiving prisoners' rations, explaining that he got along on his own family's ration cards (R 2224). He said his official positions of Gauleiter, Reichsstatthalter and Defense Commissar (R 2214-15, 2242) gave him no jurisdiction over Mauthausen or its out-camps.

Accused admitted he attended an execution at the invitation of the camp commandant (R 2224, 2226-7, 2267-9). He admitted leasing Castle Hartheim, Gau property, to the national Government (R 2243-3). He never discussed the internal affairs of the camp with any of the co-accused nor did he ever give them orders concerning it (R 2228). Neither did he ever request an execution (R 2229). In an emergency he once furnished horse meat for the camp (R 2233). He kept informed relative to camp epidemics only because of their possible effect on the civilian population (R 2235, 2247-8). The camp was constructed in 1938 without the exercise of any authority on his part (R 2242). He received a monthly food report (R 2245,

2263). He admitted jurisdiction over the Mauthausen camp in the event an epidemic therein threatened the civilian population (R 2256). He admitted being an Obergruppenfuhrer (honorary) in the SS and SA (R 2244, 2258).

Accused No. 52, 38, 42 and 9 denied ever having received orders from this accused (R 1652, 2426, 2503, 2691). Accused No. 59 said that this accused was in no way responsible for the administration of the camp (R 1584-5); that he always tried to help the food situation (R 1585); and that he certainly had no need to take food from the camp warehouse (R 1629). Accused No. 61 stated that this accused was not in the Mauthausen chain of command (R 1526); that he never saw a written order by the accused concerning the camp (R 1526-7); and that no reports were sent to him (R 1527).

Sentence: Death by hanging.

Petitions: A Petition for Clemency was filed by his wife, Johanna Eigruber, 10 July 1946.

Recommendation: Approval of findings and sentence.

14. HEINRICH FITSCHOK

Nationality: Yugoslavian

Age: 21

Connection with Mauthausen:

a) Period: 19 November 1942 — 9 April 1945

b) Status: Waffen SS (August 1942); Sturmmann (Pfc)

c) Position: Guard at Mauthausen, Gusen, Wiener-Neudorf, Gusen, Ebensee, and Gusen, successively.

Evidence: One prosecution witness testified that in an air raid shelter at Gusen II in the beginning of April 1945, he saw this accused beat inmates of various nationalities so severely with his rifle butt or an iron bar that five or six died (R 865, 909). In his Statement, the accused admitted shooting an Italian prisoner at the labor camp Ebensee in June 1944 upon the direct order of the camp commandant (R 1447).

In defense, the accused testified that he was not at Gusen but in a combat outfit after 9 April 1945 (R 1965). He further denied ever being in a prisoner's dug-out (R 1967). He said that when he shot the Italian prisoner in about June 1944 he himself was in fear of his own life, the camp commandant at the time being drunk (R 1970). The cross examination brought out the fact that P-Ex 22, a death book, listed the accused's name in connection with the shootings of a Pole in Gusen on 24 February 1945; of a Russian at Ebensee on 8 May 1944 and an Italian prisoner on 23 April 1944 at Ebensee (R 1974-5). The accused, however, denied having killed more than the one prisoner (R 1970). A former inmate and two former SS men testified as to the mean character of the commandant at Ebensee (R 1977, 1979, 1980).

Sentence: Death by hanging.

Petitions: Defense Counsel, Alexander Wolf, filed a Petition for Review, May 1946.

Recommendation: Approval of findings and sentence.

15. WILLY FREY

Nationality: German
Age: 22

Connection with Mauthausen:

a) Period: 5 February 1945 — 5 May 1945
b) Status: Inmate (Political prisoner)
c) Position: Block eldest, capo and fireman

Evidence: One witness testified that he saw this accused participate in the beating and killing of about 200 Jews in the tent camp (R 491). Another stated that he had heard that the accused, as Block Eldest in Block 24, "put inmates to sleep with a rubber hose" (R 534). A third witness testified that in a Jewish tent camp formation a female prisoner lined up incorrectly and the accused, as a capo, beat her until she became unconscious. When others remonstrated, he beat them also (R 697-8). A co-accused stated he severely beat prisoners of Russian, Polish, Czech and Italian nationality and sometimes poured cold water on them leaving the victims out in the open air all night (R 1313, Statement of No. 49; No. 49 did not take the stand). In his own Statement this accused admitted that on about 27 April 1945 he beat some of a group of about 200 very ill inmates in the tent camp, four or five of whom died. He did it only after having first been beaten by his superior (R 1459).

In defense, accused testified that he was in Mauthausen proper no more than ten days, two or three in February 1945 and from 30 April 1945 until the capitulation. The rest of the time he spent on a work detail in Linz and Amstetten (R 3016). He had been in jails and concentration camps since 1911 when he was tried by a military court for subversive activities (R 3015). Although admitting having been in Block 24, he said he could not have become a block eldest or a capo in the short time he was there (R 3018). He said he did not even know where the tent camp was (R 3018) and claimed to have been on the Linz and Amstetten work details at the times when he was supposed to have beaten people in the tent camp (R 3019-21). He admitted fighting with other inmates when things were stolen from him, but this was what all prisoners did (R 3019). He denied the confession element of his Statement, saying he signed it only because he was afraid of mistreatment (R 3022).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by the accused's sister, Katharina Schmidt, 23 August 1946; by a priest, Metzler, 1 September 1946; and by the accused, 1 December 1946.

Recommendation: Approval of findings and sentence.

16. RUDOLF FIEGL

Nationality: Austrian
Age: 43

32

Connection with Mauthausen:

a) Period: August 1940 — 5 May 1945
b) Status: Inmate (criminal)
c) Position: Disinfection and quarry capo at Gusen

Evidence: One witness heard that the accused participated in gassing prisoners (R 620). A second witness testified that the accused participated in gassing prisoners (R 620). A second witness testified that the accused beat prisoners (all nationalities) in the shower room in order to get them to hurry (R 694, 699). Another witness saw him cause the death of two prisoners, one by holding his head in a toilet and the other by hitting him with a rubber hose until he fell and then placing his foot in the victims throat (R 1007). In his Statement he admitted obeying an order in February or March 1945 to participate in the gassing of approximately 600 Russians, Poles and people of other nationalities (R 1392).

On the stand the accused denied any connection with the shower room (R 2513). He admitted participating with five or six others in the preparations for the above gassing of sick prisoners but denied having released the gas, although he had been ordered to do so (R 2521-2, 2526). He cited the friendship of prisoners as evidenced by his not having been harmed by the inmates during the liberation of the camp (R 2514). Two former Gusen inmates testified for the accused to the effect that he treated prisoners well (R 2530, 2535); that failure to obey orders at that time would have meant death (R 2531, 2536); and one stated that he himself had heard that the accused's superior had wanted to shoot the accused following the mass gassing incident (R 2531).

Sentence: Death by hanging.

Petitions: None filed.

Recommendation: Approval of findings and sentence.

17. HEINRICH GIESE

Nationality: German
Age: 42

Connection with Mauthausen:

a) Period: 1 October 1940 — 25 March 1943
b) Status: Waffen SS (October 1940)
c) Position: Guard until November 1942; thereafter, finance clerk.

Evidence: One witness testified that in about November 1942 this accused, while guarding a detail working in the stadium, shot a Jew who had gone beyond the five meters distance specified in orders (R 1130). Another witness stated that he saw the accused kill Polish prisoners in the bathroom in Gusen in May 1944 by beating them with a rubber hose (R 1283). This witness, who earlier had testified that he himself was at Mauthausen at that time (R 1277) admitted on re-cross examination that he had only seen the accused lead from the bath some ten prisoners who did not later return (R 1289). In his Statement the accused admitted

33

33

that in the fall of 1942 he shot an escaping prisoner "who I now learn was of Dutch nationality" after challenging him three times (R 1450). In its cross-examination of the accused, the prosecution brought out the fact that the death book, P-Ex 22, in which the accused's name appears (Item No. 89) in connection with the shooting of a Jew on 9 November 1942, lists about 111 shootings (almost all Jews) between 1 October 1942 and 23 November 1942 (R 2627).

In defense, the accused testified that with respect to the killing in the stadium, he denied having any knowledge of the incident and said that he never served in the stadium but he did serve as a guard about 60 meters from the stadium (R 2624). With respect to killing the people in the bathroom, that at that time he was fighting on the Russian front (R 2623-4). He admitted shooting an escaping prisoner who, he said, did not stop after the challenges nor after his first two shots (R 2625-6).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by Defense Counsel, Alexander Wolf, May 1946; and two Petitions for Clemency by the accused's wife, Anne Giese, 29 July 1946 and 15 August 1946.

Recommendation: Approval of findings and sentence.

18. HERBERT GRZYBOWSKI

Nationality: German
Age: 45
Connection with Mauthausen:
a) Period: 1 August 1944 — 15 April 1945
b) Status: Waffen SS (30 January 1945); SS Rottenfuhrer (Corporal)
c) Position: Guard at Gusen

Evidence: One witness testified that in the spring of 1945 at the underground Messerschmidt plant at Gusen this accused beat a prisoner with a stick (R 1005). Another witness stated that the accused "always beat" prisoners (R 867), and that in April 1945 a Polish Jew was found hanged in a tunnel about half an hour after the accused had been seen beating the victim there (R 868). In his own Statement he admitted shooting and wounding an escaping prisoner (Polish or Russian) on 25 January 1945 after repeatedly calling for him to halt. Thereafter, the prisoner was killed by an unknown non-commissioned officer (R 1445).

In defense, the accused testified that he had not been a Nazi; that his transfer to the Waffen SS from the Air Corps had not been voluntary; and that he repeatedly requested retransfer (R 3227-8). He pointed out that the witness who had testified as to the hanging had first called the victim by one name and later by another, and that neither name appears in the Gusen death book, P-Ex 26, between the date of the prosecution witness' arrival at Gusen and ten days after the date of the accused's departure (R 3240). He specially denied the truth of both prosecution witnesses' testimony (R 3238, 3245), saying he never even worked in the

tunnels of the Messerschmidt Works (R 3238). He admitted the escape-shooting as described in his Statement (R 3233 and 3248). A former fellow guard testified that he saw the non-commissioned officer kill the prisoner whose escape the accused had prevented (R 3234-5).

Sentence: Death by hanging.

Petitions: Defense Counsel, Franz Xaver Bucherl, filed a Petition for Review, 20 May 1946.

Recommendation: Approval of findings and sentence but that the sentence be commuted to imprisonment for life. It is not believed that the nature and the extent of his participation in the common design warrant the death penalty.

19. PAUL GUETZLAFF

Nationality: German
Age: 32
Connection with Mauthausen:
a) Period: Summer of 1940 — 25 March 1943
b) Status: Waffen SS (January 1940); Rottenfuhrer (Corporal)
c) Position: Guard at Gusen

Evidence: A prosecution witness testified that in about August 1944 he saw the accused kill two prisoners (a Pole and "perhaps" a Frenchman) by shooting them from the tower overlooking the Vienna Ditch at Mauthausen (R 1239-40). In his Statement, the accused admitted that at Gusen "During September or October 1942, while I was standig guard, a capo came to me and told me that a prisoner was coming by me who wished to be shot. Immediately thereafter a man of forty to fifty years of age passed by me. When he was about thirty paces away from me I fired a shot at this back, which killed him. The man remained lying in the same place until I was relieved" (R 1435). P-Ex 22, a death book, Item 82, reflects the name of accused as a guard who participated in the shooting and killing of a Jewish prisoner on 31 October 1942.

In defense, the accused testified that he was in Mauthausen proper no more than two hours altogether (R 1991). He admitted the killing set forth in his Statement and described it as an attempted escape which he tried to prevent by challenging (R 1981-3). Neither on direct nor on cross-examination was that part of his statement mentioned in which a capo was said to have told the accused that the prisoner wanted to be shot. He produced his "Soldbuch" which contained a few entries in longhand covering alleged assignments which were not entered in chronological order, most of them being typed. The longhand entries were all apparently made on 30 July 1945. If this evidence is to be believed, it shows that this accused was fighting on the eastern front during August 1944 (D-Ex 6, R 1986, 1983). Four former soldiers with soldbuchs with similar entries were called to testify in support of the accused in this contention (R 1999, 2004, 2010, 2012, D-Ex 7-10). No. 34 also testified in support of this alibi claim (R 3006).

Sentence:

Sentence: Life imprisonment.

Petitions: A Petition for Review was filed by Defense Counsel, First Lieutenant Charles B. Deibel, 22 May 1946.

Recommendation: Approval of findings and sentence.

20. JOHANNES GRIMM

Nationality: German

Age: 48

Connection with Mauthausen:

a) Period: 1 March 1941 — 5 May 1945

b) Status: Allgemeine SS on 8 October 1941; civilian employee of the German Stone and Earth Works until 10 April 1942; thereafter, Waffen SS; Obersturmfuehrer (1st Lt.)

c) Position: Manager of the Vienna Ditch, both as a civilian and officer.

Evidence: One witness, a former prisoner who was on work details in the Vienna Ditch, testified that several times he saw this accused beat prisoners with various kinds of instruments and instrument handles, often causing unconsciousness (R 705, 714), and that on two occasions the accused told an inmate to rest in a corner of the Vienna Ditch where they were fired upon by the guards (R 706, 714-15, 721-22). Another witness testified that the accused drove lazy prisoners on to work; threatened them with 25 lashes and taking away of food and that he knew of occasions where he disciplined prisoners by depriving them of their rations (R 728). A third witness, a Pole, testified that in August 1944 he himself had had his finger broken by the accused who struck him with a shovel to prevent him and his fellows from drinking water in the Vienna Ditch (R 999, 1019). Shortly thereafter when they went back to get a drink this accused struck a Jew with an iron bar, thereby killing him (R 1000). In his own Statement the accused admitted being in charge of the Vienna Ditch at Mauthausen between 1942 and 1945, during which time he said approximately 10,000 people of English, French, Dutch, Italian, Russian, Polish, Czech and German nationalities were killed there by various means; and that he had to cooperate in this matter as a member of the SS and had to follow the orders of his superiors (R 1365).

In defense, the accused testified that he was transferred from the Allgemeine SS to the Waffen SS in April 1942, but continued to receive his pay as an employee of the German Stone and Earth Works and performed the same duties as when he had been a civilian (R 3045). He did not deprive prisoners of their rations but even gave them food from a garden in the Vienna Ditch (R 3046, 3056). No prisoner was ever shot in the area under his control during his four and a half years (R 3055-6). He distinguished between the regular Vienna Ditch detail, the punishment company and the stone carrying detail and stated that with the latter two he had no connection (R 3052-3). He admitted that five or six times a year

he struck prisoners, but always with the flat of his hand (R 3060). He walked through the Vienna Ditch only two or three times a day (R 3045). Use of the Vienna Ditch water was prohibited because of the danger of typhoid (R 3057). He never carried a stick nor a shovel (R 3058). He cited the friendship of the prisoners as shown by their not harming him during the liberation (R 3049, 3073-4). He explained his Statement by saying that he was under considerable strain when he wrote it and that it was dictated by the interrogators (R 3061-5). Accused No. 59 stated on the stand that this accused had no command function (R 1599). Two prosecution witnesses testified that they had never seen the accused mistreat prisoners (R 388, 732). The first of the two had been there only "three or four" times (R 343). A former inmate testified that the accused had nothing to do with the punishment company (R 3164). A former Vienna Ditch office employee said he operated a garden for the benefit of the inmates and treated them well (R 3112). An American C. I. C. investigator testified that in drawing up his report when he interrogated the accused, he considered an unstated number of affidavits by former prisoners indicating that this accused was one of the more humane of the SS leaders at the camp; however, at the time he was called as a witness, the affidavits were no longer in the investigator's file (R 3104-8).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by a former prisoner of Mauthausen, Dr. Otto Petzler, 3 June 1946; by the accused's mother, Alma Grimm, 15 June 1946; and by his wife, Else Grimm, 24 July 1946.

Recommendation: Approval of findings and sentence.

21. GEORG GOESSL

Nationality: German

Age: 37

Connection with Mauthausen:

a) Period: April 1940 — December 1940

12 March 1942 — 3 May 1943

18 September 1943 — 5 May 1945

b) Status: Inmate

c) Position: Hospital capo at Hinterbruehl from March 1945

Evidence: This accused was seen beating prisoners in the face and stomach, often making them bloody. It was rumored that he gave gasoline injections to prisoners and that, when recaptured escapees did not hang themselves with ropes given them for that purpose, they were hung by two block eldests and the accused (R 918-9). Another witness testified on cross examination that he had heard that this accused had beaten prisoners but had not killed any (R 929). A third witness said that in 1943 and 1944 this accused beat prisoners on a canal detail at Mauthausen in the quarantine camp so badly they could not rise from the ground (R 1160-1). Accused No. 24 in his Statement claimed that this accused,

with others, injected prisoners who were unable to undertake the evacuation from Hinterbruehl to Mauthausen (R 1396; No 24 denied this on the stand, R 2642). In his own Statement this accused admitted he was a capo in the infirmary and as such "directed" it; that he prepared 47 prisoners for injection and that they were of Russian, Polish, German and Italian nationalities (R 1398). A rebuttal witness testified that this accused held the prisoners down while they were injected (R 3407).

In defense, the accused testified that, except for a period of nine months in 1935-6, he had been a concentration camp inmate since March 1933, when he was arrested for anti-Nazi activities (R 1700-03). He admits slapping and hitting prisoners in their faces to maintain discipline (R 1708-9). On one occasion he himself was beaten because he did not act with the prescribed roughness towards prisoners he was disinfecting (R 1708). He became a capo at Hinterbruehl at the end of February 1945 (R 1707). He denied any connection with the beatings on the canal detail, saying he was not at Mauthausen at the time (R 1715). He related the incident of the prisoners injected on the eve of the evacuation, denying that he prepared the prisoners, and asserted that all he did was to carry six or eight bodies from the injection room (R 1711-3). He explained the incorrectness of his Statement by saying it had been dictated to him (R 1726). There never were any other injections at Hintrebruehl (R 1718). Respecting the hangings his only connection was with the corpse bearer detail (R 1718-9). Accused by the prosecution on cross examination of having shot six prisoners during the evacuation to Mauthausen (R 1737), this accused, after denying participation in the incident, explained that the witness desired revenge against him (R 1745), and asserted that he himself had jeopardized his own life in refusing to obey an order to kill (R 1711).

A former fellow inmate testified that he had not heard that this accused had a reputation for being rough (R 1751) and that during the evacuation the accused had not been armed (R 1754). Another former inmate testified that the accused did not report offenders but instead slapped them, in conformity with the unwritten code among the prisoners (R 1785-61). A third former inmate testified that accused was a good comrade notwithstanding some slaps he handed out and that he had seen the accused himself beaten by a superior (R 1765). A former guard testified as to an incident during the evacuation when the accused refused to obey an order to kill a prisoner (R 1770). A former prisoner, who had been an assistant under the accused for four months in 1942, stated in his Statement, D-Ex 4, that he never saw the accused beat any one (R 1637). Two other former prisoners testified to acts of kindness of the accused toward them (R 1775-6, 1698).

Sentence: Death by hanging.

Petitions: A Petition for Clemency was filed by a friend, G. Schiefer, 26 November 1946.

Recommendation: Approval of findings and sentence.

22. WERNER GRAHN

Nationality: German
Age: 62
Connection with Mauthausen:
a) Period: February 1944 — 20 April 1945
b) Status: Gestapo; Chief Criminal Secretary
c) Position: Chief of Translation Department

Evidence: Two witnesses testified that shortly before the liberation the 5 to 8 Polish inmates who worked under this accused as translators were executed (R 358, 390, 537). Each of two more witnesses stated that in April 1945 he had seen the accused on three different days shoot prisoners in the tent camp, killing 30 on one occasion (R 662, 670, 766, 685, 687-90). Another witness said that he saw the accused whipping women (Czechs, Poles and Yugoslavs), whose corpses he later saw in the crematorium (R 780, 851), and that the accused's work was always accompanied by the screaming of women (R 780). This witness estimated the number of his victims at 700 (R 780-1).

The accused testified that he was sent to Mauthausen by the Reich's Main Security Office in Berlin to organize a translation bureau (R 2168) for which he received work from Berlin (R 2172). He made no interrogations (R 2184) and had nothing to do with prisoners (R 2173). He, too, heard screams but he was too busy to pay any attention (R 2178). He denied any knowledge of the execution of members of his detail after his departure (R 2187-8). He denied ever even having visited the tent camp, saying it was very closely quarantined because of infectious diseases treated there, and that he never shot or beat anybody (R 2180). A former SS man testified that the accused conducted a translation office at Mauthausen (R 1694, 2194, 2197). Accused No. 9 testified that he never heard anything about the execution of eight Poles which were employed by this accused (R 2679). Accused No. 59 testified in support of this accused's account of his service at Mauthausen (R 2159-62).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by the accused's wife, Luise Grahn, 15 and 16 June, 11 July, 2 August, and 28 September 1946.

Recommendation: Approval of findings and sentence.

23. HEINRICH HAEGER

Nationality: German
Age: 54
Connection with Mauthausen:
a) Period: November 1942 — 5 May 1945
b) Status: Waffen SS (November 1942); Hauptscharfuhrer (M/Sgt)
c) Position: Detail leader; from December 1944 at Gunkirchen.

Evidence: One witness testified that in April 1945 at the Gunskirchen Jewish camp he saw this accused shoot a Polish Jew who was too weak to pick up a corpse while working on a burial detail (R 1057). The same witness stated that at the same camp in April 1945 he saw the accused shoot into a crowd of from 5000 to 9000 prisoners, killing one Hungarian (R 1058, 1065-6). In his own Statement the accused stated that in March 1945 he shot and killed a Russian prisoner who had failed to obey an order; that he beat a Pole, who died a few days later, for breaking into the magazine; that prisoners were forced to do severe work for long hours under him and at the same time were subjected to the most brutal treatment; that they were beaten by himself and his subordinates under his orders for the smallest violations; that it was his duty to furnish daily lists of patients who were near death as a result of any cause and too weak to work; and that these patients were taken to the main camp and injected (R 1406).

In defense, the accused testified that he had a work detail of 400 prisoners and 80 guards quartered in a schoolhouse from 27 December 1944 until 5 May 1945 (R 3301). He denied any knowledge of the incidents testified to by the above witness (R 3308) saying that his detail built the Jewish camp, and that after it was occupied he was there only once (R 3304, 3306). He admitted shooting the Russian, but explained that it was in self defense (R 3318). He wrote and signed his Statement out of fear (R 3317).

Sentence: Death by hanging.

Petitions: None filed.

Recommendation: Approval of findings and sentence.

24. FRANZ HUBER

Nationality: Austrian

Age: 40

Connection with Mauthausen:

a) Period: September 1944 — May 1945

b) Status: Waffen SS (1 September 1944); Rottenfuehrer (Cpl)

c) Position: Block leader at Hinterbruehl

Evidence: In April 1945 during the evacuation march from Hinterbruehl to Mauthausen the accused, acting under orders, shot nine Polish and Russian prisoners who were unable to keep up (this Accused's Statement, R 1396; statement of No. 21, R 1398; testimony of No. 21, R 1723). Of the 51 prisoners killed by injection on the eve of the same evacuation march, this accused shot one who had not died immediately (this Accused's Statement, R 1396). In his Statement, No. 21, apparently referring to the eve of the march, said this accused shot a Russian with a pistol (R 1398, 1735).

The accused, in his testimony, admitted shooting and killing the nine prisoners after considerable argument with his superior (R 2641). He

attempted to explain his statement by saying he was told to write it (R 2643). A former prisoner and No. 3 and No. 21 each testified that the person who was in charge of the prisoner evacuation march was a ruthless man (R 2632, 2638, 1719). Accused No. 3 testified that the night before the march the camp commandant, as an example to all, shot a guard who had failed to obey an order to kill all the hospital personnel (R 2631-2).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by Defense Counsel, Alexander Wolf, May 1946, and Petitions for Clemency were filed by the accused's wife, Otilie Huber, 20 June 1946 and 4 July 1946.

Recommendation: Approval of findings and sentence.

25. WALTER HOEHLER

Nationality: German

Age: 38

Connection with Mauthausen:

a) Period: 1 May 1944 — 23 November 1944

b) Status: Waffen SS (9 November 1939); Hauptsturmfuehrer (Captain)

c) Position: Chief Dental Officer

Evidence: One witness testified that this accused, like all dental officers attached to the Headquarters Staff, had to go to the crematorium to remove dental gold from corpses (R 742). Accused No. 10 in his Statement named him as one of the two dentists who monthly turned gold over to him for shipment to Berlin (R 1358). In his own Statement the accused said that a general order required dental gold of deceased inmates to be removed and forwarded to Berlin. He received 60 to 80 grams daily, which represented ten to fifteen deaths (R 1463-4).

The accused, in testifying, denied having anything to do with the removal of dental gold from corpses, but claimed to have received it from the administrator of the crematory; however, he admitted getting his orders direct from Department D-3 in Berlin, which orders went to SS dentists at all concentration camps, and which directed him to remove or supervise the removal of all gold from the teeth of dead prisoners (R 2287-88). Accused No. 27 in his Statement stated that the concentration camp dentists were responsible for the gold after 1942 by order from Himmler (R 1467). The gold was cleaned by dental personnel and then turned over to the personal effects department of the camp (R 2287).

Sentence: Death by hanging.

Petitions: Four Petitions for Clemency were filed by the accused's wife, Wilhelmine Hoehler, two as of 12 June 1946, 9 July 1946, and 25 November 1946; by accused's mother, Marie Hoehler, 14 June 1946; by a burgomeister, Else Heil, 19 May 1946; by his father, Adam Hoehler, 17 May 1946 and 29 May 1946; by his mother-in-law, Elisabeth Ludolf,

1 June 1946; by his sister-in-law, Mrs. Santuario, 1 June 1946; by his uncle, Heinrich Hoehler, 7 June 1946; by his sister-in-law, Otto Hoehler, 8 June 1946; and by numerous friends, Dr. Fritsch, (undated), Emilie Schupp, 20 May 1946, Rosl Gerach, 3 June 1946, Wilhelm Boehm, 2 June 1946, Wolfgang Sanner, 31 May 1946 and 20 June 1946, Heinrich Martin, 29 May 1946, Lore Allendorf, 22 May 1946, Helene Schmidt, 22 May 1946, Lina Ripper, 21 May 1946, Ernst Arnold, 22 May 1946, Heinrich Ratz, 20 May 1946, Oscar Esch, 16 May 1946, Heinrich Martin, 6 May 1946, Adam Hoehler, Wilhelm Gortz, 11 September 1946, Leo Stranek, 5 September 1946, Hubert Richter, 5 September 1946, Franz Wojak, 12 August 1946, Peter Schneider, 9 August 1946, Gustav Claussen, 22 July 1946, and Wilhelm Goertz, 10 July 1946.

Recommendation: Approval of findings and sentence.

26. HANS HEGENSCHIEDT

Nationality: German
Age: 42
Connection with Mauthausen:
a) Period: 1 October 1941 — 2 May 1945
b) Status: Waffen SS (1 October 1940); Unterscharfuehrer (Sergeant)
c) Position: Clerk in Food Department; after November 1943 in Food Warehouse as food distributor

Evidence: One witness testified that the prisoners on the food storehouse detail often complained of being beaten by this accused (R 538). A second witness testified that two days after the mass escape of the Russians the accused, in speaking of the search which followed, said that it had been a rabbit hunt and boasted of the way "We really shot down those guys" (R 593, 598). A third witness saw the accused beat a prisoner until he fell down (R 927-8). A fourth witness saw him participate in the execution of some Russians, in which the prisoners were forced to undress completely and were then shot before the eyes of those whose turn had not yet come (R 941). Accused No. 33 in his Statement named him as one who participated in the shooting at one or more executions (R 1453; No. 33 did not take the stand). In his own Statement, this accused admitted that in November or December 1942 he obeyed an order to shoot at the execution of eight people (mostly German, the rest of unknown nationality) (R 1374).

The accused, in his testimony, denied the slappings heretofore described and said he dealt with the prisoners on a friendly basis (R 1906-10). He also denied the truth of the testimony about the search for the Russians, saying that the man to whom he is supposed to have said this was not even there at the time (R 1908, 1932). He further testified that he did not participate in any executions except once (Germans and Austrians), when the camp commandant specifically ordered him to do so (R 1911-2). He tried to get transferred by having himself classified for

front service (R 1921). The man, to whom the accused is supposed to have boasted of the search for the Russians, testified that he, the witness, did not return to Mauthausen until three or four days after the escape (R 1932).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by the accused's wife, Hilde Hegenscheid, 4 June 1946; by an attorney, Dr. Kupfer, 11 and 21 September 1946; and by the accused, 6 July 1946.

Recommendation: Approval of findings and sentence.

27. WILHELM HENKEL

Nationality: German
Age: 36
Connection with Mauthausen:
a) Period: 1 July 1941 — 6 July 1943
b) Status: Waffen SS (15 May 1941)
c) Position: Chief Dental Officer

Evidence: One witness testified that he saw this accused knock a prisoner down at sick call in 1942 (R 207-8). The same witness testified that in February or March 1942, after two and one-half hours in the heart injection room, the accused came out with blood all over his coat. Male nurses who had been inside told the witness that the accused himself gave the heart injections (R 240, 242). A second witness testified that a Czech prisoner told him that he had been struck so hard on his head by the accused that it required almost six months to recover (R 360, 392). Two other witnesses testified to having seen this, stating that the accused hit the victim with his hand resulting in a broken eardrum and an infection in his ear (R 738, 760, 775, 804). One of these witnesses said he saw the accused go to and from executions wearing a steel helmet and pistol (R 740). Accused No. 45 in his Statement named him as one of two dentists who removed dental gold from prisoners who had been gassed (R 1322; No. 45 did not take the stand). Accused No. 10 stated that he received dental gold from the accused monthly for shipment to Berlin (R 1358). In his own Statement, the accused admitted that it was his duty to supervise the removal of dental gold from dead prisoners which was later forwarded periodically to Berlin (R 1466-7).

In defense, the accused testified that his health had been very poor (three months in the fall of 1941 in the hospital) (R 2302) and he could not have beaten prisoners (R 2304-5). He stated that he never participated in heart injections, and that if he had he didn't think he would have become covered with blood (R 2304). A question by the Court brought out the fact, from an inmate who witnessed heart injections at Hinterbruehl, that the operator did not become covered with blood (R 3410). The accused admitted that in 1943 he slapped the Czech, who was a dental technician, as punishment for disobedience, but denied that any injury resulted, saying that the Czech had previously complained of ear trouble (R 2306-9). He attended one execution, and then only as

a visitor (R 2311). He supervised the removal of dental gold, sometimes going to the crematory for that purpose (R 2311). A former inmate who had visited the dental station twice a week during February and March 1942 testified that he had never heard of the accused performing heart injections (R 2347) and that the accused was always ready to help prisoners by letting them rest in the dental station's waiting room (R 2347-8).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by the accused's wife, Irma Henkel, 24 May 1946; by his mother, Kath Henkel, 20 May 1946; by the accused's mother-in-law and father-in-law, Franziska and Heinrich Lochel, 20 June 1946; by Paul Bode, 21 September 1946 and 29 August 1946; by Dr. Walger, 6 September 1946; by 72 citizens of Odenhausen, 14 June 1946; by 75 citizens of Offenbach on the Main, 10 July 1946; and by Dr. Burbach, 19 July 1946.

Recommendation: Approval of findings and sentence.

28. HANS KREINDL*

Nationality: Austrian

Age: 42

Connection with Mauthausen:

a) Period: 1 April 1944 — 5 May 1945

b) Status: Waffen SS (15 October 1940); non-commissioned officer

c) Position: Medical non-commissioned officer in the Ebensee Hospital.

Evidence: One witness saw this accused in about April 1945 beat sick-call prisoners at the entrance to the hospital (R 711, 719). Another witness saw him, during 1944 and 1945, beat sick prisoners, and in the fall of 1944 (on cross-examination the time was fixed as January or February 1945) saw him shoot one of four recaptured prisoners (R 1033, 1042). A third witness testified that another prisoner had told him that when the accused "fell on a prisoner he never remained alive" (R 1051, 1054). In his own Statement the accused said that he occasionally beat prisoners of various nationalities (R 1400). He further stated that the "entire administration of the prisoner hospital", including cleanliness and nourishment of the hospital prisoners and the nursing staff were under his supervision. That from time to time two to four patients were lying in one bed and on the floor and that due to this condition the danger of infection was increased making careful nursing impossible. He also stated that, on an average, 60 prisoners died every day in the hospital. Before admitting sick prisoners they were bathed; their clothing taken away and then they were brought to the hospital without clothing. This was the practice in the winter as well as during the summer resulting in a considerable aggravation of their condition (R 1400).

* Prior to arraignment, the record was amended to show the given names of this accused as Gustav Franz instead of Hans, R. 27.

By his testimony, the accused denied the prosecution witnesses' accusations, saying that he did not beat sick prisoners (R 2600, 2602) and that he never shot a Russian who had escaped (R 2602). He admitted slapping three prisoners as a means of reprimanding them (R 2602). He stated that patients were given two blankets and wooden shoes to be used by them after bathing and during their walk to the hospital just prior to their admission (R 2603-4). He denied having anything to do with the feeding of prisoner patients (R 2604). A former inmate and hospital patient testified that he never heard of the accused ever beating or killing anyone (R 2613).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by German Counsel, Dr. Stahlberg, 23 August 1946; by Dr. Alois Bruneder, 31 August 1946 and 19 September 1946; by the accused's wife, Hedwig Kreindl, 23 May 1946; by a friend, Dr. Eduard Ludeicher, 23 July 1946; and by a clergyman, Georg Herndler, 6 June 1946.

Recommendation: Approval of findings and sentence.

29. VIKTOR KORGER

Nationality: Sudeten German

Age: 43

Connection with Mauthausen:

a) Period: 1 September 1944 to end of April 1945

b) Status: Waffen SS (22 January 1945); Rottenfuhrer (Cpl)

c) Position: Guard at St. Georgen and Gusen.

Evidence: One witness testified that this accused beat prisoners during air raids using his rifle butt and a cable (R 1140). On one occasion at Gusen during an air raid in November or December 1944, he beat a Yugoslav, thereby causing his death (R 1141-2). Another witness stated that a Mauthausen toward the end of 1944 or in the beginning of 1945 the accused beat a prisoner who had just arrived on a sick transport so badly that he had to be carried away (R 1161). In his Statement the accused admitted that on 23 February 1945 he obeyed an order to shoot and kill a Russian prisoner who was sent past him into the "free field" (R 1443).

In defense, the accused testified that he never was in the main Mauthausen camp and could not have beaten a prisoner there (R 2934). He denied having beaten a prisoner at Gusen II during an air raid (R 2934). He said that after the mass Russian escape all guards were threatened with heavy penalties if they were not alert to prevent similar occurrences (R 2929). His Statement does not fully explain the shooting of the Russian. Although he was ordered to shoot, he did so only after the fleeing prisoner failed to stop upon being challenged (R 2934-6). A former guard testified to having heard the accused challenge the prisoner (R 2938).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by Defense Counsel, First Lieutenant Charles B. Deibel, 22 May 1946.

Recommendation: Approval of findings and sentence.

30. KASPAR KLIMOWITSCH

Nationality: Roumanian

Age: 32

Connection with Mauthausen:

a) Period: 16 July 1943 — 9 April 1945

b) Status: Waffen SS (15 July 1943); Rottenfuhrer (Cpl)

c) Position: Guard at Gusen I, Wiener-Neudorf, Ebensee and Gusen II.

Evidence: One witness testified that beginning in the fall of 1944 he saw this accused on about ten occasions beat with his rifle inmates who were unable to climb the high steps on the road to the Ebensee quarry, thereby causing the death of many (R 1121, 1127). Another witness testified that in about August 1944 at Mauthausen he saw the accused fire a shot from a tower near the steps in the Vienna Ditch and that at the same time he saw Polish inmates fall down dead (R 1241, 1245). A third witness, who left Mauthausen in September 1943, accused him of assisting with death injections at Mauthausen (R 2367). In his Statement the accused admitted that he shot an escaping Russian prisoner in April 1944 (R 1438).

In defense, the accused testified that he guarded the quarry detail in Ebensee but always from outside the fence, along the way to the quarry. He denied ever striking prisoners on this detail (R 2992-3, 2998). He denied the accusations of the second and third prosecution witnesses, saying that he had never been in the main Mauthausen camp (R 2993-95). He shot the escaping prisoner in compliance with standing orders (R 2995). Accused No. 34 testified that at the time of the incident of August 1944 at Mauthausen he thought this accused was at a by-camp (R 3006).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by Defense Counsel, Alexander Wolf, May 1946.

Recommendation: Approval of findings and sentence.

31. FRANZ KAUTNY

Nationality: Czechoslovakian

Age: 39

Connection with Mauthausen:

a) Period: 22 February 1943 — 1 September 1944

23 February 1945 — May 1945

b) Status: Waffen SS (22 February 1943)

c) Position: Guard at Mauthausen and Steyr.

Evidence: One witness testified that during the first half of 1943 he saw this accused beat a Yugoslav prisoner working on a railroad con-

struction detail between Mauthausen and Gusen. This accused and other guards beat prisoners on this detail with rifles or clubs until they fell to the ground (R 1156-59). Another witness, a Yugoslav, testified that in March or April 1945 the accused beat with a stick all 12 members of a Mauthausen outside detail, causing two, both Russians, to die that night (R 1252-56). In his Statement the accused admitted that in June 1943 at Steyr he shot and killed a prisoner who had sought to escape to avoid further mistreatment by a block leader (R 1433).

The accused, in his testimony, denied the accusations of both prosecution witnesses, saying he never was on such details as those testified to (R 2098-99). He further testified that the one prisoner he admitted in his Statement to have killed was shot while attempting to escape (R 2100). It was brought out that P-Ex 22, a deathbook, shows the prisoner who was shot to have been a German (R 2103).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by Defense Counsel, Alexander Wolf, May 1946.

Recommendation: Approval of findings and sentence.

32. KURT KEILWITZ

Nationality: German

Age: 25

Connection with Mauthausen:

a) Period: 18 October 1941 — 1 April 1945

b) Status: Waffen SS (19 February 1940); Unterscharfuhrer (Sgt)

c) Position: Guard at Mauthausen, Linz and Loiblpass.

Evidence: One witness testified that on 28 or 29 October 1942 at Mauthausen this accused was the leader of a detail whose capos beat a group of Jews, causing the death of one of them (R 1113, 1118). Another witness testified that in August 1944 at Mauthausen, when a transport of 5000 prisoners arrived, of which the witness was one, the accused beat, whipped and kicked numerous prisoners, causing the death of some Polish Jews (R 1238, 1246). In his Statement the accused admitted that in November 1942 he shot and killed a Polish prisoner who had sought to escape the terrible living conditions in the camp (R 1420). On cross-examination of the accused, the prosecution developed the facts that this shooting is listed, giving the accused's name as guard, in P-Ex 22, a deathbook; that P-Ex 14, another deathbook, lists the death of the same prisoner on the same day; that, as shown by P-Ex 22, during the fourteen days preceding this killing there were 121 killings, almost all of which were shootings of Jews; and that, as shown by P-Ex 14, this killing was one of five committed within fifteen minutes (R 2981-5).

The accused in testifying denied any knowledge of the above incidents mentioned by the two witnesses and denied ever having beaten a prisoner (R 2376-7) or ever having a whip in his hand (R 2979). He admitted

bringing incoming transports from the railroad to the camp, but stated that none was larger than fifty prisoners. He denied having mistreated prisoners (R 2978-9). He admits shooting the escaping prisoner (R 2979-90).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by Defense Counsel, Alexander Wolf, May 1946; Petitions for Clemency were filed by accused' mother, Marie Keilwitz, 30 August 1946, and by a friend, Irmgard Thumling, 26 November 1946.

Recommendation: Approval of findings and sentence.

33. EDUARD KREBSBACH

Nationality: German

Age: 52

Connection with Mauthausen:

a) Period: July 1941 — August 1943

b) Status: Waffen SS, (October 1939).

c) Position: Chief Post Physician

Evidence: One witness testified that this accused made some selections for injections in 1941, 1942 and 1943 (R 182-3) and that beginning in January 1943 he supervised a series of diet experiments resulting in the death of 164 prisoners (R 235-7). Another witness testified that the accused knew that a physician subordinate to him performed medical experiments on prisoners at Gusen in 1942, which practice caused the death of about 150, including Russians and Poles (R 255-7, 297-8); and that in 1942 the accused and two others once selected thirty tubercular patients who were then sent to an unknown destination in a truck which was used for disposing of prisoners. These persons were reported dead the next day (R 260, 302, 314). He further testified that in 1942 he saw this accused fire a shot during the execution of some Czechs and Yugoslavs (R 274); and that he heard that this accused was in charge of gassings in 1942 (R 261, 310). A third witness testified that he saw the accused slap prisoners on more than one occasion in 1942, and also saw him select for gassing or injection sick prisoners who were later reported dead (R 362). A fourth witness testified that during the period when prisoners were killed by injections, he saw the accused select prisoners at the sick camp for these injections (R 436). A fifth witness testified that the Camp Commandant, Ziereis, just before he died, told him that this accused introduced injection killings into the camp and, above all, was responsible for the killing of sick prisoners (R 542); this witness also testified that once during the injection period, about an hour after the accused had spent an hour in the hospital, death reports for 30 or 40 hospital patients were received; that the accused selected prisoners to be gassed; that in the fall of 1943 this accused selected for killing 200 tubercular prisoners who were subsequently starved to death (R 540), and 30 or 35 prisoners who were later chased into the guard chain where they were shot (R 540). A sixth witness

heard him in 1942 direct the extermination by injection of some prisoners of all nationalities whom he had selected (R 604, 619). This witness also testified that this accused selected two healthy tattooed prisoners and had them sent to the hospital. That same afternoon the corpses of these two prisoners were seen and three weeks later their skins appeared in this accused's office (R 610). Co-accused No. 45, 54 and 57 named him in their Statements as having made selections of prisoners for and having participated in gassings and injections (R 1326, 1380, 1385; No. 45 and 54 did not take the stand; subject accused was not discussed during No. 57's testimony). In his own Statement this accused admitted participating as physician in the execution by shooting of about 200 Russians, Poles and Czechs; that in 1942, in compliance with orders, 200 tubercular prisoners, including Russians, Czechs and Poles, were killed by injections under his supervision; that he forbade this practice in the second half of 1942; that beginning in 1942 he participated in the gassing of from 200 to 300 prisoners; that he especially remembered the gassing of 120 to 130 Czechs who had participated in the "Heydrich-Affair"; and that in 1942 he obeyed an order to participate in the selection of about 2000 prisoners of all nationalities for gassing (R 1453-4). A rebuttal witness testified that this accused ordered heart injections for typhoid and typhus patients in 1942 (R 3412).

The accused himself did not take the stand. A witness, who had known the accused since December 1944, when he was a factory physician in Kassel, testified that this accused had a good reputation among the factory workers. This witness had talked with a former Mauthausen inmate who said that the accused treated the prisoners well and that he had not heard of the accused's connection with any unusual circumstances (R 2618-20). A prosecution witness, when later called by the defense to testify for another accused, testified that this accused, as early as 1943, sought to get extra rations for sick prisoners (R 2910).

Sentence: Death by hanging.

Petitions: Two Petitions for Clemency were filed by the accused's sister, Karoline Simons, 24 July and 9 September 1946.

Recommendation: Approval of findings and sentence.

34. ANTON KAUFMANN

Nationality: Austrian

Age: 38

Connection with Mauthausen:

a) Period: 1941 — 5 May 1945

b) Status: Civilian employee of German Earth and Stone Works until February 1942; thereafter Waffen SS; Unterscharfuhrer (Sgt).

c) Position: Manager of Supply Warehouse at Gusen.

Evidence: One witness testified that he saw this accused beat prisoners on two occasions, once in the summer of 1944, when he struck and

knocked down a prisoner in the warehouse at Gusen (R 1210-11). This same witness had also heard from prisoners that they had been beaten by the accused with a rubber cudgel, and from hospital personnel that many prisoners died from beatings by the accused (R 1210). Another witness testified that in August 1944 he saw the accused while on duty as a guard at a quarry fire four shots at a group of prisoners, causing a Frenchman and some Polish Jews to fall (R 1237, 1242). Accused No. 8 in his Statement named him along with twelve others as one he had seen commit killings once or several times at the Vienna Ditch between 1942 and 1945 (R 1338; denied by No. 8 on the stand, R 3133). In his own Statement the accused admitted that while working in the St. Georgen gravel pit magazine near Gusen from 1941 to 1945 he beat prisoners and threw coal at them, sometimes causing injuries (R 1390). He also admitted that he held the position of administrator of the magazine and that many prisoners in Gusen died as the result of mistreatment (R 1390).

By his testimony, the accused stated concerning the two occasions when he struck prisoners, that at neither time did he cause injury (R 3004-5) but admitted slapping and pushing them. He also admitted up to 80 prisoners worked under him in the magazine. With respect to the incident at Mauthausen, he denied ever having been a guard (R 3006) or having been at Mauthausen for more than a matter of hours since 1941 (R 3008) but worked for the German Earth & Stone Works at Gusen. His duties, superiors and pay remained the same when he became a member of the Waffen SS (R 3002). He testified that all his time following 1941 was spent operating the warehouse at the Gusen quarry, and that he was paid by the Deutsche Erd und Stein Werke (R 3006). He made no explanation of his Statement beyond saving that he wrote it (R 3012). A former inmate testified that this accused was at Gusen from 1941 until May 1945. Accused No. 55 said the same thing (R 1800). A former inmate, who had worked in the accused's detail from July 1943 until May 1945, testified that the accused was always at Gusen during that time and that he was good to the detail (R 3296). Accused No. 8 testified that this accused was never at the Mauthausen quarry (R 3133). Another former inmate testified that he knew the accused at Gusen in 1944-45 and had heard from others that he had been there for more than three years (R 3014).

Sentence: Death by hanging.

Petition: None filed.

Recommendation: Approval of findings and sentence.

35. PAUL KAISER

Nationality: German

Age: 37

Connection with Mauthausen:

a) Period: March 1943 — 4 May 1945

b) Status: Waffen SS (March 1943); Unterscharfuhrer (Sgt)

c) Position: Construction leader at Linz and Gusen and at Gunkirchen from 3 January 1945.

Evidence: One witness testified that on the prisoner march from Mauthausen to Gunkirchen in April 1945 he saw this accused shoot and kill two Hungarian prisoners (R 658); that after the arrival at Gunkirchen he often saw the accused shoot and kill prisoners; on one occasion a Hungarian and on another a Pole (R 658-9, 668-9). Another witness testified that during the same prisoner march and after the arrival at Gunkirchen he saw the accused shoot and kill so many he couldn't count them (R 678); mentioning the shooting of a Pole and a Hungarian (R 685). He also stated that the accused told guards that prisoners were not to drink water (R 679, 683) and that they were supposed to perish (R 679). A third witness testified that he shot into a crowd in a barracks at Gunkirchen, wounding some and killing others (R 1060). In his Statement the accused admitted killing an escaping Russian prisoner in January 1945 at Gunkirchen (R 1417).

In defense, the accused testified that he had no connection with Mauthausen, any prisoner marches, or the Jewish camp at Gunkirchen, but that he was detailed to the work camp at Gunkirchen, an entirely separate organization (R 3352-3). He surrendered the camp to the Americans, at which time the liberated prisoners requested that he not be arrested (R 3351). This last statement is supported by a Gunkirchen resident's affidavit introduced as D-Ex 36 (R 3367). The nine witnesses who were called for No. 23 testified in substantially the same vein for this accused. In addition, two inmates who had known the accused at Gusen, spoke of him as having been not bad to prisoners in that he did not beat them (R 3363, 3296). Two of the foregoing witnesses, one a former prisoner and the other an SS man, gave testimony in corroboration of the accused's alibi (R 3383-6, 3360-1).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by a German Counsel, Otto Muehlbrandt, 5 August 1946; and by the accused's mother, Luise Kaiser, 2 August 1946.

Recommendation: Approval of findings and sentence.

36. FERDINAND LAPPERT

Nationality: Sudeten German

Age: 43

Connection with Mauthausen:

a) Period: September 1944 — 9 April 1945

b) Status: Waffen SS (31 January 1945) Sturmman (Pfc)

c) Position: Guard at Gusen I and II

Evidence: One witness testified that in March or April 1945 at Gusen he saw this accused beat a Russian prisoner to death (R 871-72, 904). Another witness testified that during an air-raid in the fall of 1944 at

Gusen he saw the accused beat a Yugoslav with a rifle butt, causing the victim's death three days later (R 1137). In his Statement the accused said he shot an escaping prisoner at Gusen in September 1944 (R 1422).

In defense, the accused, by his testimony, denied ever having beaten any inmate at the time of the Yugoslav incident, saying that the prisoners had their own air raid shelters (R 2198-2200) and that they went to the shelters before the guards did (R 2200). He denied any knowledge of the incident involving the Russian (R 2202). He admitted shooting the prisoner mentioned in his Statement (R 2204-5). He was transferred to the SS in January 1945, from the Air Corps, having no choice in the matter (R 2197).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by Defense Counsel, First Lieutenant Charles B. Deibel, 22 May 1946.

Recommendation: Approval of findings and sentence.

37. JOSEF LEEB

Nationality: Austrian

Age: 35

Connection with Mauthausen:

a) Period: 15 August 1941 — March 1945

b) Status: Waffen SS (7 September 1939), Unterscharführer (Sgt)

c) Position: Clerk in Political Department

Evidence: One witness testified that a Czech prisoner returned from the Political Department with cuts and bruises which he said he had received there at the hands of this accused and two others (R 942). Accused No. 33 and 54 named this accused in their Statements as having participated in executions (R 1380, 1383, 1453; neither No. 33 nor 54 took the stand). Accused No. 8 in his Statement named this accused as one of twelve men whom he had seen commit killings in the Vienna Ditch once or several times between 1942 and 1945; (R 1338, denied by No. 8 on the stand R 3133-4). A rebuttal witness stated that he often saw the accused and others with whips in their hands standing by bloody prisoners (R 3447).

In defense, the accused testified that his duties in the Political Department were purely clerical and as they had been described by No. 9, his co-worker (R 2698). He never was in the prison compound more than five times (R 2694). He denied ever beating a prisoner (R 2701, 2713). He denied specifically any connection with the beating of the Czech (R 2702). He testified that he was present at only one execution which was in 1942, when everyone attended (R 2703). A prosecution witness on direct examination testified that he did not see this accused participate in executions but that he saw him march to the execution place with two people (R 1087). He was in the Vienna Ditch only once, and then after hours (R 2702). A former prisoner testified that the accused arranged for his (the prisoner's) transfer from the Vienna Ditch (R 2723).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by the accused's mother, Maria Leeb, 7 July 1946; and by the accused's wife, Friederike Leeb, 26 June 1946 and 5 September 1946.

Recommendation: Approval of findings and sentence.

38. JULIUS LUDOLF

Nationality: German

Age: 53

Connection with Mauthausen:

a) Period: 6 January 1940 — May 1945

b) Status: Waffen SS (6 January 1940); Untersturmführer (2nd Lt.)

c) Position: Camp Commandant of Loiblpass, Gross Raming, and Melk, successively.

Evidence: One witness saw the accused at Melk sometime between October 1943 and March 1944 shoot many of a group of incoming prisoners (R 635), and also saw him order nine prisoners (including Poles and Russians) to touch the electric fence, which they did, causing them to fall back dead (R 635, 648-50). A second witness saw him severely beat a recaptured Polish prisoner (R 708, 709, 718). He likewise beat the witness himself (R 707-8). His beatings caused many to die (R 708). Three recaptured Jews were killed by injection by virtue of an order from Mauthausen, which order this witness heard the accused relay to a capo (R 709). A third witness testified that 16 hospitalized Slovaks and Czechs were killed in October 1944 by order of this accused (R 971, 972); they were beaten to death and hanged from the bed posts (R 974). In July 1944, a Russian, who had escaped, was publicly hanged immediately after recapture (R 969). A fourth witness testified that a prisoner died after having been prevented by this accused from receiving medical attention (R 980-1, photograph of victim, P-Ex 41). Accused No. 20 in his Statement said that he saw this accused and others lead various types of killings in the Vienna Ditch (R 1366; denied by No. 20 on the stand, R 3065). Accused No. 33 in his Statement said that this accused and others led several executions at Mauthausen from 1942 to 1943 (R 1453; No. 33 did not take the stand).

The accused testified that he didn't fire a shot during the entire war (R 2430). He stated that he didn't think there was a single case of death by electric shock in Melk; a normal current ran through the fence and then only at night (R 2429-30). He denied beating any prisoners in his room (R 2432, 33). He stated that there was only one execution at Melk and that one was by order of the Mauthausen camp commandant (R 2426). He denied that there were any gassing facilities at Melk (R 2431, 2457). He himself beat prisoners, but always with an open hand; and he never saw a whip in the camp (R 2428). He stated that as chief of the security service, while at Mauthausen, he had nothing to do with prisoners and did not beat or kill anybody in the Vienna Ditch (R 2457-58). He once

saved prisoners from a fire; and in evacuating Melk he shipped sick and wounded first, which was contrary to orders (R 2434-5). On cross-examination, the prosecution brought out the fact that P-Ex 38, a death book, lists 24 suicides at Melk during the time the accused was commandant, of which several were by electrocution (R 2452).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by the accused's wife, Elly Ludolph, 24 June 1946, 8 August 1946 and 20 September 1946.

Recommendation: Approval of findings and sentence.

39. JOSEF MAYER

Nationality: Yugoslavian

Age: 21

Connection with Mauthausen:

a) Period: 13 July 1942 — 9 April 1945

b) Status: Waffen SS (May 1942); Pfc

c) Position: Guard at Wiener-Neudorf and possibly Ebensee.

Evidence: One witness testified that in the summer of 1944 at Wiener-Neudorf this accused was present along with other guards when some Russian prisoners were beaten. The witness did not see the beating but heard it and the cries of the victims (R 735). Another witness testified that he saw this accused shoot a Pole to death, describing it in detail, for not working hard enough in Wiener-Neudorf in November 1944 (R 853-5). In his Statement the accused admitted shooting an escaping prisoner at Wiener-Neudorf on 19 September 1943 (R 1441). A death book, P-Ex 22, entry 271, shows the prisoner to have been German.

The accused in his testimony, denied being at Wiener-Neudorf at the time of the two above incidents, having left there on 29 March 1944. He admitted shooting the escaping German prisoner in September of 1943 (R 2054-5). His former company commander testified that the whole company, and believed the accused was included, was transferred from Wiener-Neudorf to Ebensee on 29 March 1944 (R 2064-5).

Sentence: Life imprisonment.

Petitions: A Petition for Review was filed by Defense Counsel, First Lieutenant Charles B. Deibel, 22 May 1946.

Recommendation: Approval of findings and sentence.

40. WILHELM MACK

Nationality: German

Age: 38

Connection with Mauthausen:

a) Period: 8 January 1940 — May 1945

b) Status: Waffen SS (November 1939)

c) Position: Guard and construction detail leader at Gusen

Evidence: One witness identified the accused as a detail leader in the Gusen quarry, whom he had seen beat prisoners frequently, mentioning one instance in 1944 when a Russian was beaten very severely and was

not later seen (R 1138-9). In his Statement the accused admitted shooting and killing two escaping prisoners, one in July 1943 and the other in September 1943 and that he was a construction work detail leader for apparently about two years preceding the capitulation (R 1431).

In defence, the accused testified that thefts of food were common, and that his usual means of punishment was a slap behind the ears (R 2379-80, 2388). As construction detail leader he had as high as 50 prisoners under his supervision (R 2381). He described how he caused some soldiers who were shooting at parachuting American airmen to cease fire and how he turned one American pilot over safely to the Luftwaffe (R 2384-5). He did not report incidents which would have meant punishment for prisoners (R 2387). He secured food for the men in his detail (R 2382).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by Defense Counsel, First Lieutenant Charles B. Deibel, 22 May 1946.

Recommendation: Approval of findings and sentence but that the sentence be commuted to imprisonment for life. It is not believed that the nature and extent of his participation in the common design warrant the death penalty.

41. ERICH MIESSNER

Nationality: German

Age: 44

Connection with Mauthausen:

a) Period: January 1945 — April 1945

b) Status: Waffen SS (October 1944); Rottenfuhrer (Cpl)

c) Position: Block leader of wood camp at Mauthausen

Evidence: One witness testified that in April 1945 on the day when the Tent Camp was evacuated to Gunkskirchen he saw this accused with two others beat to death 200 Jews who had been left behind (R 491). The same witness testified that the accused participated in the beating of American airmen on 24 or 25 April 1945 (R 496). Another witness saw the accused kill many in the tent camp from 9 April to 25 April 1945 (R 657, 672). A third witness testified that during the same period of time at the tent camp he saw the accused beat prisoners on three or four occasions and also saw him and others shoot and kill six prisoners (R 675). Accused No. 49 in his Statement named him as a block leader who had beaten prisoners; poured cold water on them and left them out in the cold weather (R 1313; No. 49 did not take the stand). The accused in his own Statement admitted beating prisoners with a stick on many occasions, including Russians and Poles, and that he took part as a guard in one execution of Russians (R 1316).

By his testimony, the accused denied ever mistreating inmates (R 2492). He admitted beating prisoners twice with a stick to maintain discipline (R 2499). He was in the tent camp only about three or four times (R 2495). He attempted to explain his Statement by saying that it had been dictated to him (R 2500).

Sentence: Death by hanging.

Petitions: A Petition for Clemency was filed by the accused's brother, Emil Miessner, 8 July 1946.

Recommendation: Approval of findings and sentence.

42. EMIL MUELLER

Nationality: German
Age: 28
Connection with Mauthausen
a) Period: 1 January 1942 — February 1943
b) Status: Waffen SS (April 1936); Hauptscharfuehrer (M/Sgt)
c) Position: Block leader and detail leader at Mauthausen and Steyr

Evidence: One witness testified that he saw this accused as block leader beat prisoners of various nationalities at Mauthausen, mentioning specifically the case in the summer of 1942 of a Dutch prisoner whom the accused kicked to death (R 367, 420). Several co-accused named him in their Statements, i. e., No. 8 said that he and twelve other persons committed killings in the Vienna Ditch once or several times between 1942 and 1945 (R 1338; denied by No. 8 on the stand, R 3134-5); No. 5 and 33 named him as taking part in the shooting at executions (R 1353, 1453; denied by No. 5 on the stand, R 2140-1; No. 33 did not take the stand); No. 20 stated that he participated in various forms of killings in the Vienna Ditch (R 1366; denied by No. 20 on the stand, R 3067). In his own Statement this accused admitted participating in the actual shooting at two executions in the fall of 1942 (R 1440).

In defense, the accused testified that he was in the by-camp Steyr during the summer of 1942 until the end of August (R 2503). He admitted participating in the shooting at two executions, describing them as legal and proper, asserting that the victims had been convicted by German courts and shipped to Mauthausen for execution (R 2502, 2505). He denied that any prisoners died the two or three times he led a detail of 900 to 1000 prisoners in the Vienna Ditch (R 2504).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by the accused's wife, Anni Mueller, 14 and 25 August 1946; by his mother, Emme Mueller, 12 May and 15 June 1946; by his sister, Marie Kuhnemann, 20 June 1946; by Parson Hoch, 14 May 1946; and by Rektor Neeb, 15 June 1946.

Recommendation: Approval of findings and sentence.

43. WILHELM MUELLER

Nationality: German
Age: 35
Connection with Mauthausen:
a) Period: 27 September 1939 — April 1945
b) Status: Waffen SS (September 1931); Unterscharfuehrer (Sgt)
c) Position: Clerk in Political Department

Evidence: One witness, a prisoner physician, testified that several badly beaten prisoners told him that this accused had beaten them during interrogations at the Political Department. Early in 1943 a Polish Jew died in the hospital following a beating administered in the Political Department (R 273, 317). Another witness on one occasion went into the Political Department and there saw the the accused holding a whip and standing with other persons by a prisoner who was bleeding from the face (R 351-2, 409-10). A third witness testified that when he arrived at Mauthausen in March 1944 in a transport of 1300 prisoners they were beaten by SS men, of whom the accuse using a pickaxe handle, was one and he particularly distinguished himself in these beatings (R 468, 471). A fourth witness testified that in February 1945 he had to remain in the corridor of the Political Department while a prisoner was badly beaten by the accused and another person inside the office (R 488-9). A fifth witness testified that the accused almost always beat newly arrived prisoners and that once he marched with an execution detail (R 544, 575). A sixth witness testified that he saw the accused and others of the Political Department enter a room carrying whips and leading prisoners who were to be interrogated (R 1044-5). A rebuttal witness who had worked in the Political Department as an inmate testified that accused volunteered to beat prisoners and that he had personally been beaten by accused (R 3447-8). Accused No. 5 in his Statement named him as having participated in executions (R 1353; repudiated by No. 5 on the stand, R 2140-1). Accused No. 11 in his Statement said that this accused participated in the shooting at the execution of several hundred Yugoslavs (R 1361; denied by No. 11 on the stand, R 1838, 1842). Accused No. 54 in his Statement says that accused participated in the shooting at the execution of nine Czechs in the summer of 1943 (R 1380; No. 54 did not take the stand).

The accused testified that he was drafted into the Waffen SS (R 2728, 2742); that he made several attempts to be transferred from Mauthausen (R 2750); that such beatings as those to which the first witness testified must have been done by Gestapo agents, who frequently came to Mauthausen to conduct interrogations (R 2733) and that this witness' testimony was an attempt to "get even" for an imagined grievance (R 2734). The accused successively denied the other testimony against him. He testified that he did beat many prisoners (R 2739). His work with new arrivals began only after they had been processed and assigned quarters (R 2736). He was not in the camp when he is supposed to have done the things to which the fourth witness testified (R 2737). He attended only one execution and then only as an involuntary spectator (R 2742). His interrogations of inmates consisted only of asking for personal data (R 2757, 2760). He admitted beating prisoners but only in compliance with orders (R 2739, 2762). None ever died (R 2762) He admitted using an oxtail whip (R 2763).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by the accused, 15 August

1946; by the accused's wife, Frieda Mueller, 20 and 26 August 1946 and 12 June 1946; and by numerous friends, Willy Heidemann, 11 June 1946, Hugo Blitz, 10 June 1946, Parson Bladau, 26 September 1946, Karl Eigenrauch, 7 June 1946, Mr. Schurmann, 11 June 1946, Ernst Herborth, 8 June 1946, F. Wuellner, 8 June 1946, Wilhelm Fiege, 11 June 1946, Dietrich Hanke, 9 June 1946, Heinrich Becher, 8 June 1946, Heinze Harre, 10 June 1946, Adolf Breimeier, 11 June 1946, Hans Wienstruck, 10 June 1946, Hans Klein (undated), Fr. Wedemeyer, 8 June 1946, and Wilhelm Eigenrauch, 7 June 1946.

Recommendation: Approval of findings and sentence.

44. RUDOLF MYNZAK

Nationality: German

Age: 25

Connection with Mauthausen:

a) Period: January 1941 — February or April 1943

b) Status: Waffen SS (27 November 1939); Rottenfuehrer (Cpl)

c) Position: Guard and detail leader

Evidence: One witness testified that in 1942 and 1943 this accused participated in the shooting at several executions; and that he beat and mistreated people, without mentioning times, places or nationalities (R 1034). Several co-accused named him in their Statements, i.e., No. 45 said that this accused and other persons carried out the shooting in connection with the shot-in-the-neck execution of some 400 prisoners of various nationalities, including Allied nationals (R 1322; No. 45 did not take the stand); No. 20 stated that this accused and other persons committed various types of killings in the Vienna Ditch between 1942 and 1945 (R 1366; denied by No. 20 on the stand (R 3067); and No. 33 said that this accused and other persons shot prisoners at one or more executions in 1942 and 1943 (R 1453; No. 33 did not take the stand).

The accused in testifying denied ever mistreating prisoners. He claimed that he worked as a guard in the disciplinary barracks until December 1942; and that thereafter and until February 1943, when he was transferred from Mauthausen, he was on various outside details with at least as high as twenty men in a detail. He admitted slapping some prisoners (R 2081). He denied ever killing a prisoner during his stay at Mauthausen (R 2083). He participated in only one execution, leading four Germans to the scaffold (R 2082, 2090). He did not work in the Vienna Ditch (R 2081). He denied the accusations contained in the Statements of his co-accused (R 2084-2086). He admitted slapping prisoners but never mistreating them (R 2085). Accused No. 59 testified that this accused was transferred out of Mauthausen in April 1943 and never returned (R 1591).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by Defense Counsel, First Lieutenant Charles B. Deibel, 22 May 1946. Petitions for Clemency were filed by the accused's parents, Stanislaus and Rosa Mynzak 25 May 1946;

by his brother, Werner Mynzak, 6 June 1946; by his fiancée, Mathilde Nutz, 6 and 25 June 1946; and by his brother, Franz Mynzak, 29 June 1946.

Recommendation: Approval of findings and sentence.

45. JOSEF NIEDERMAYER

Nationality: Austrian

Age: 26

Connection with Mauthausen:

a) Period: April 1942 — May 1945

b) Status: Waffen SS (4 April 1938); Unterscharfuehrer (Sgt)

c) Position: Block leader and Rapport leader at Mauthausen

Evidence: One witness testified as to the mass escape of Russian prisoners in February 1945, and described the beaten bodies brought in after recapture. He testified that this accused was in charge of the search detail (R 191-92). A second witness testified that he heard beatings which he knew the accused administered (R 328). Another witness testified that he saw him beat prisoners over a period of years (R 368). A fourth witness testified that he saw him beat prisoners (R 477, 479). A fifth witness saw him and other block leaders beat to death with iron rods, sticks and axes the survivors of a group of about 500 prisoners who had been exposed to the elements during the nights of 16 February 1945 (R 497). A sixth witness testified that the accused led firing squads to the place of execution; that in the winter of 1944 on the roll call place this accused beat to death a recaptured prisoner before all the other prisoners; and that on 6 September 1944 he severely beat a Dutch prisoner (R 545). Two other witnesses testified that he participated in executions (R 1087, 1217). Accused No. 5 and 33 in their Statements said that this accused participated in the shootings at executions (R 1353, 1453; denied by No. 5 on the stand, R 2140, 2142; No. 33 did not take the stand). The Statement of No. 20 reflects that this accused and others committed various types of killings in the Vienna Ditch between 1942 and 1945 (R 1366; denied by No. 20 on the stand, R 3067). Accused No. 1 in his Statement said that this accused examined prisoners for valuables prior to their being gassed (R 1310; No. 1 did not take the stand). In his Statement the accused admitted that he performed this last mentioned function; that he participated in the execution of approximately 400 persons, including Allied nationals, and that he beat prisoners with a whip or his fist. This accused further stated that the purpose of Mauthausen was to either work the inmates to death or to kill them directly through various acts of violence. An inmate who came to Mauthausen was not intended to leave the camp alive. He further stated that after November 1944 he became block leader of block 20; that it was the intention to have the inmates slowly starved to death under his supervision or have them perish through diseases against which they were not permitted to be treated; that of the 1300 inmates who were in the block in November 1944, 800 had already died by February 1945; that in February 1945 an attempt to escape was made by prisoners including Russians, Poles, French, Dutch, Italians, Belgians, one Yugoslav and one

German; and thereupon the surviving inmates were gassed. He further stated that he read and carried out the so-called "Kugelbefehl" (bullet order) which was signed by SS-Obergruppenfuhrer Dr. Kaltenbrunner directing that escaped prisoners of war, except Americans and English, who had been caught again should be taken to Mauthausen to be killed. This accused also admitted in his Statement that he and his subordinates often brought prisoners to the gas chamber to be gassed (R 1920-23).

The accused did not take the stand in his own defense.

Sentence: Death by hanging.

Petitions: A Petition for Clemency was filed by the accused's wife, Maria Niedermayer, 11 July 1946.

Recommendation: Approval of findings and sentence.

46. VINZENZ NOHEL

Nationality: Austrian

Age: 43

Connection with Mauthausen:

a) Period: 1940 — February 1945

b) Status: Civilian

c) Position: Fireman at Castle Hartheim

Evidence: Following a request to enter a plea of insanity (R 83) a commission was appointed, which found that, while of subnormal mentality, the accused could distinguish right from wrong and was responsible for his actions (P-Ex 152, R 3396).

The accused's brother identified him and testified that he worked as a stoker at Castle Hartheim in 1942-43 (R 1169-70). In his own Statement this accused admitted working at Castle Hartheim from 1942 to 1945, where he participated in the preparation of people of all nationalities for gassing and in the cremation of corpses and that he prevented prisoners from escaping (R 1334).

The accused testified that he was a fireman, that he worked in the crematory and that he kept prisoners sent to be gassed from escaping (R 1807-8). In addition he was called upon to do cleaning work (R 1813). When prisoner transports arrived, he had to stand by to prevent the prisoners from running away and helped to undress them (R 1808, 1812). He testified that he had received a head injury, as a result of which his ability to think, read, and write was impaired (R 1809). He knew that the work he had to do was wrong (R 1822). A former worker at Castle Hartheim testified that the accused did nothing but tend furnaces from 1941 to 1945 (R 1823-4), although the witness admitted on cross-examination that he himself left Castle Hartheim in 1941 (R 1824).

Sentence: Death by hanging.

Petition: Petitions for Clemency were filed by the accused's brother in-law, J. Derntl, 10 July 1946; and by his wife, Juliane Nohel, 1 January 1947.

Recommendation: Approval of findings and sentence.

47. HERMAN PRIBYLL

Nationality: German

Age: 42

Connection with Mauthausen:

a) Period: February 1942 — May 1945

b) Status: Waffen SS (September 1939); Sergeant

c) Position: Work service leader at Ebensee

Evidence: One witness, who arrived at Ebensee three weeks before the liberation testified that this accused set his dog upon inmates, some of whom were bitten so badly that they died. One of those who died was a prisoner from Poland (R 957). Another witness testified that several times he saw the accused take an active part in hanging executions (R 1035). A third witness testified that at Ebensee in April 1945 he saw him beat prisoners on frequent occasions, many of them falling down unconscious; that once he saw the accused and another person go into Block 27, from which sounds of beatings were then heard; eight prisoners who lay dead in the barracks the following morning were said to have been killed by the accused (R 1048, 1052). A Herman *Pribiel* (spelled Pribyl earlier in the Statement) was named in the Statement of No. 54 as having assisted in the selection of victims for extermination at Mauthausen (R 1380; No. 54 did not take the stand). Accused No. 20 in his Statement said that a Scharfuhrer Pribiel (sic) was one of a number who committed various types of killings in the Vienna Ditch once of several times between 1942 and 1945 (R 1366; denied by No. 20 on the stand; R 3067).

In his testimony, the accused admitted owning a Great Dane dog, but denied setting him on any inmates (R 2401-2). He admitted his presence under orders at a hanging (R 2402). He denied participating in any beatings, saying he did not have time for such things, though he did confess to having done some slapping when it was necessary (R 2402). He was in block No. 27 only once (R 2403). He cited instances of kindness toward prisoners (R 2404) and the case of the officer whom he reported for having killed some prisoners (R 2405). Although neither on direct nor on cross-examination was any mention made of selections for extermination, the accused said that his time at Mauthausen proper was from February 1942 to August 1943 (R 2400). Two townswomen testified, each reciting an instance of kindness on the part of the accused (R 2411, 2419), and both affirming that, after the liberation, prisoners told them that the accused had never beaten inmates (R 2411, 2418).

Sentence: Death by hanging.

Petitions: A Petition for Clemency was filed by the accused's mother, Y. A. Pribil, 17 June 1946.

Recommendation: Approval of findings and sentence.

48. THEOPHIL PRIEBEL

Nationality: German

Age: 40

Connection with Mauthausen:

- a) Period: June 1942 — April 1945
b) Status: Waffen SS (March 1942); Rottenfuhrer (Cpl)
c) Position: Guard at sub-camps

Evidence: One witness, who arrived at Ebensee three weeks before the liberation, testified that he saw this accused at Ebensee beat prisoners with a rifle butt as they returned from work, causing the death of some Poles and one Yugoslav (R 958). Accused (No. 20 in his Statement said that a Scharfuhrer Priebe was one of a number who committed various types of killings in the Vienna Ditch between 1942 and 1945 (R 1366; denied by No. 20 on the stand, R 3067). In his own Statement the accused admitted that on each of the two occasions he shot an escaping prisoner who did not stop when challenged (R 1424).

The accused testified that he served at Ebensee from April 1944 until February 1945 (R 2369) but on cross-examination he was vague as to dates (R 2375). With respect to the accusation of No. 20, he denied having been a Scharfuhrer or ever beating or shooting anyone other than the two mentioned in his Statement (R 2373-4). He admitted shooting the two escaping prisoners, one of them a Russian, the other a German (R 2370-1). His request for transfer was refused (R 2369).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by Defense Counsel First Lieutenant Charles B. Deibel, 22 May 1946.

Recommendation: Approval of findings and sentence.

49. JOSEF RIEGLER

Nationality: Austrian
Age: 25

Connection with Mauthausen:

- a) Period: 1942 — 1945
b) Status: Waffen SS 1938; Unterscharfuhrer (Sergeant)
c) Position: Rapport-leader

Evidence: One witness saw him beat to death several of the Russians who were recaptured after the mass escape in February 1945 (R 370). A second witness testified that in March 1945 the accused with others beat to death survivors of a transport of 300 who after arrival had had to stand naked in the street during the previous night; that he participated in the shooting of the Russians who were recaptured following their escape in February 1945 (R 546); and that he used to return from executions drunk and boasting of the killings he had committed (R 547). A third witness saw him beat with a cudgel a Spaniard who was shackled to the wall (R 656). A fourth witness identified him as one of those he had seen taking part in executions in the shooting room (R 1198). Some co-accused mentioned this accused in their Statements, i. e., No. 1 said that he saw him shoot two Russians who were recaptured after the mass escape of February 1945 and that he was one of those who did the shooting at executions (R 1309-10; No. 1 did not take

the stand); No. 54 named him as one of the supervisors at ten to fifteen hangings conducted between 1943 and 1945 (R 1380, 1381; No. 54 did not take the stand); and No. 41 said this accused shot with a pistol at the executions of the Russians who were recaptured after the mass escape (R 1317; subject accused was not mentioned in testimony of No. 41). In his own Statement the accused admitted that, on 80 to 100 occasions, he prepared for execution prisoners of various nationalities; that he participated, as a guard, in the execution of twenty-six Yugoslavs; and he obeyed an order to kill two Russians who had been recaptured following the mass escape (R 1313-14).

The accused did not take the stand. A defense witness testified that he knew that, toward the end, this accused tried to help prisoners (R 2355).

Sentence: Death by hanging.

Petitions: A Petition for Clemency was filed by the accused's parents, Josef and Kath Riegler, 17 July 1946.

Recommendation: Approval of findings and sentence.

50. ADOLF RUTKA

Nationality: German
Age: 33

Connection with Mauthausen:

- a) Period: January 1942 — December 1943
17 November 1944 — May 1945
b) Status: Waffen SS (October 1941)
c) Position: At Gusen, as guard during first tour of duty and as dogleader during second tour.

Evidence: One witness testified that at the end of April 1945 at Gusen he saw the accused shoot from a tower and kill a prisoner (either from Poland or Hungary) who had left the roll call line-up to go to the latrine (R 874-5, 896-8). Another witness, who arrived at Mauthausen in August 1944 (R 998), testified that he saw the accused in 1945 beat to death an Italian prisoner in the tunnel at Gusen (R 1004, 1010); and that in the spring of 1945 he saw him beat to death a Polish Jew in the Gusen tunnels (R 1005, 1010). In his own Statement the accused admitted that in July 1943 he shot an escaping inmate after first challenging him (R 1448).

The accused testified denying the accusations of the first prosecution witness, saying that, as a dog leader, he never was in the towers (R 2474), and that it was his job to patrol outside the guard chain at night (R 2478-9). After the epidemic in the spring of 1945 he never went into the tunnels (R 2475). The only mistreatment of prisoners he took part in was once when he slapped a capo for having chased beyond the guard chain three prisoners, whom he, the accused, later turned over safely (R 2475-7). When the prisoners were freed they would have killed him had he been the kind of man the prosecution witnesses said he was (R 2479). He admitted shooting an escaping prisoner who did not stop

after he challenged him in both German and Ukranian (R 2472-4). Three former SS men testified in support of the accused's contention that his duties did not take him in the towers or to the tunnels but that he went out on patrols (R 2483, 2485, 2487-8). One of them related how the accused on one occasion turned over three escapees unharmed (R 2482).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by Defense Counsel First Lieutenant Charles B. Deibel 22 May 1946; and a Petition for Clemency was filed by the accused's wife, Klara Rutka, 10 September 1946.

Recommendation: Approval of findings and sentence.

51. THOMAS SIGMUND

Nationality: Hungarian

Age: 34

Connection with Mauthausen:

a) Period: 6 July 1942 — April 1944

b) Status: Waffen SS (20 March 1942)

c) Position: Guard

Evidence: One witness testified that at the end of April 1945 at Gusen, he saw this accused beat a Polish Jew with a rifle butt, causing his death a few hours later (R 873 904-5). Without identifying the accused, another witness who was at Mauthausen until the Fall of 1943 (R 2361), testified that a Sigmund was one of a number who carried out injections (R 2367). In his own Statement this accused admitted shooting an escaping prisoner (R 1426).

In testifying this accused denied ever mistreating prisoners (R 2467), and stated that he left Gusen on 9 April 1945 for the front (R 2466). He admitted killing the prisoner mentioned in his Statement, after challenging him three times (R 2463). He also volunteered an account of how he obeyed an order to kill two prisoners who had been wounded in their attempt to escape (R 2464-5).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by Defense Counsel, First Lieutenant Charles B. Deibel, 22 May 1946; and a Petition for Clemency was filed by the accused 12 November 1946.

Recommendation: Approval of findings and sentence.

52. KARL STRULLER

Nationality: German

Age: 32

Connection with Mauthausen:

a) Period: August 1938 — April 1945

b) Status: Waffen SS (1934); Stabscharfuehrer (Sgt Major)

c) Position: Headquarters Sergeant Major

Evidence: One witness, although admitting on cross-examination that he never saw the accused shoot or beat anyone, testified on direct-examination that this accused was one of those who participated with a rifle in the search for the escaped Russians in February 1945 (R 192-3 215). Another witness testified that he had heard of him beating some office cleaners (R 393-4). A third witness saw him, armed with a machine gun, return with other SS men immediately after the killing of the 28 Dutchmen near the Vienna Ditch in September 1944 (R 548, 569-70). A fourth witness testified that this accused was known as a beater and that he often saw him shoot at executions (R 782-3). Another witness saw him give the "coup de grace" to a Yugoslav at an execution (R 941). A sixth witness saw him and another person in 1945 perform with machine pistols the execution of forty people who were required one at a time to run in front of them to be shot (R 1086-7). Several co-accused named him in their Statements, i. e., No. 1 said he was one of those who did the shooting in the execution room (R 1310; No. 1 did not take the stand); No. 5 and 33 each said he was in the shooting details at some executions (R 1353, 1453; denied by No. 5 on the stand, R 2140, 2142; No. 33 did not take the stand); and No. 8 and 20 each said he was one of a number who committed killings in the Vienna Ditch once or several times between 1942 and 1945 (R 1338, 1366; denied by No. 8 on the stand, R 3135; denied by No. 20 on the stand, R 3067).

The accused in his testimony denied any mistreatment of prisoners (R 1642, 1651, 1653). He claimed never to have been in the Vienna Ditch and that his work kept him confined in his office (R 1644-5, 1651). Although admitting attendance under orders at three executions, described as legal (R 1646-7, 1660), he denied ever having given a "coup de grace", and pointed out that according to another witness, even if he had, the prosecution witness could not have seen it from where he said he was standing (R 1649-50). He specifically denied any connection with the execution of the forty people, though he admitted witnessing it from a distance (R 1650-1). Notwithstanding his limited service classification, he tried to get front line duty (R 1651-2). He supervised all headquarters correspondence with the exception of secret matters (R 1640, 1677). Accused No. 59 testified that this accused was confined to his office by his work and that he tried to get transferred to the front (R 1589-90). Two former SS men testified, one saying that this accused was in his office most of the time (R 1682), and the other that he did not see him beat prisoners and that he tried to get transferred (R 1689).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by the accused's mother, Maria Struller, 3 July 1946, 19 September 1946 and 4 January 1947; by his wife, Luise Struller, 23 October 1946 and 13 January 1947; by his brother, Franz Struller, 15 January 1947; and by the accused, 30 September 1946.

Recommendation: Approval of findings and sentence.

53. OTTO STRIEGEL

Nationality: German
Age: 30
Connection with Mauthausen:
a) Period: September 1938 to May 1945
b) Status: Waffen SS (1 January 1938); Hauptscharführer (1st Sgt)
c) Position: Mess Sergeant at Melk from 21 April 1944; previously at Mauthausen

Evidence: One witness testified that he heard a Pole describe a beating he was given by this accused in the Mauthausen kitchen (R 371-2). Another witness testified that on 6 September 1944 he saw him with a stick running and yelling, "Let's beat these dogs down", referring to the 28 Dutchmen who were later reported shot (R 549, 569). Another witness saw him beat a prisoner named Orlein some time in 1945 (R 593, 598). A fourth witness, a Pole, stated that he himself had been beaten by the accused (R 709-10) and that he saw him beat prisoners and cause them to perform punishment exercises (R 710, 718-9). He also testified that the accused was a sadist (R 710) and on one occasion he beat prisoners onehalf the night (R 718). A fifth witness testified that this accused frequently beat, sometimes with a rubber hose, and kicked prisoners, including on one occasion himself and a French prisoner (R 970). Another witness identified a photograph (P-Ex 48) which he himself had taken at Melk showing a vehicle loaded with sick prisoners shortly before he had seen them kicked by the accused (R 985). Another witness testified he saw him march in execution details (R 1087). Several accused named him in their Statements, i. e., No. 1 said this accused participated in the shooting in the execution room (R 1310; No. 1 did not take the stand); No. 8 identified him as one of a number who committed killings in the Vienna Ditch once or several times from 1942 to 1945 (R 1338, denied by No. 8 on the stand, R 3135); No. 20 said the same of one Striegler (R 1366; denied by No. 20 on the stand, R 3067); No. 5 named a Karl Striegler as having participated in executions (R 1353; denied by No. 5 on the stand, R 2140, 2142); No. 33 said the same of a Karl Striegel (R 1453; No. 33 did not take the stand); and No. 11 said that a Karl Striegel and others did the shooting at the execution of several hundred Yugoslavs (R 1361; denied by No. 11 on the stand, R 1839). In his Statement, the accused admitted striking inmates, sometimes causing injuries (R 1347). He also stated that he had volunteered for the SS Death Head Unit (R 1347).

The accused testified that there was no Pole in the Mauthausen kitchen until after his successor took over (R 2943-4). He admitted that he was at Melk in September 1944 at the time he is supposed to have been connected with the incident involving the 28 Dutchmen (R 2944). He remembered Orlein, but denied beating him, saying he got better work by goodwill efforts (R 2945-6). He played a prank on the Polish prosecution witness by throwing stones in his mouth but they had both

laughed about it (R 2946-7). He denied beating the Frenchman and explained that the Frenchman was present when he beat the prosecution witness, who he had caught stealing food (R 2949-50). He denied being in the camp the day the sick prisoners were being evacuated (R 2951-2). He was a cook and so never was detailed to executions (R 2952, 2956), nor did he ever go to the Vienna Ditch where he had no business (R 2954-55). As kitchen chief he slapped inmates seeking to steal food (R 2950). He denied that he ever slapped sick prisoners (R 2952). He pointed out that the Statements of No. 5, 11 and 33 do not give his name properly (R 2956). He never injured a prisoner by his beatings, and explained his Statement by saying he signed it in order to get back to the camp where he could eat (R 2959). A Statement and a letter, both by a former prisoner at Melk, were introduced to show that the accused was a decent man who was always fair to the inmates, for whom he often put in a good word (D-Exs 23 and 24; R 3197-8). A letter and two Statements by three others, apparently townspeople of Melk, were likewise introduced to show the accused's activities in supplementing the camp's normal rations (D-Exs 25, 26 and 27; R 3199-3201).

Sentence: Death by hanging.

Petitions: A Petition for Clemency was filed by the accused's wife, Frieda Striegel, 20 May 1946.

Recommendation: Approval of findings and sentence.

54. ANDREAS TRUM

Nationality: German
Age: 25
Connection with Mauthausen:
a) Period: 1943 - May 1945
b) Status: Waffen SS (25 October 1940); Oberscharführer (T/Sgt)
c) Position: Work Service leader and Rapport leader

Evidence: One witness testified that dozens of times in 1944 he saw this accused watch with pleasure as the dogs bit prisoners (R 159-61). A second witness testified that he saw him in April 1944 select 120 prisoners and lead them to the bunker to be gassed (R 261-2), and saw him many times do what he described as terrible things to prisoners who were chained for from one to two days to the tower (R 275-6). One witness testified that he saw this accused in 1944-45 beat and kick prisoners of all nationalities, some of whom died (R 373). A fourth witness, during the April 1945 gassings involving some 1440 victims, saw him lead two groups of prisoners, one of twenty-six and the other of ninety-six, to the crematory (R 445-5). One witness testified that this accused made a "lasting impression" on his mind at Mauthausen; that many times he saw him strike prisoners; and that once he saw him kill one of the Russian officers who had escaped from Block 20 (R 474). A sixth witness testified that the accused beat prisoners almost every day, including some American prisoners of war in March 1945; that he

was present at almost all executions, from which he would return boasting that he had done some killings; that he, the witness, had heard No. 49 describe how this accused wantonly killed women after shamming medical examinations; and that he was present when the Dutch, British and Americans were killed near the Vienna Ditch in September 1944 (R 547-51, 524). Another witness testified that in 1945 he saw this accused and another person perform with machine pistols the execution of forty people who were required one at a time to run in front of them to be shot (R 1087); and that he also saw him using a whip on prisoners (R 1104). Several co-accused named him in their Statements, i. e., No. 49 said that he participated in the execution of twenty-six Yugoslavs (R 1313; No. 49 did not take the stand); No. 8 named him as one of several people who committed killings in the Vienna Ditch once or several times between 1942 and 1945 (R 1338; denied by No. 8 on the stand, R 3132); No. 1 and 33 each stated that he was one of several who did the shooting at executions (R 1310, 1453; No. 1 and 33 did not take the stand); No. 61 stated that he believed that this accused did some of the shot-in-the-neck executions (R 1498; No. 61 on the stand said his Statement was the truth, R 1544). In his own Statement this accused admitted that he selected people of various nationalities for gassing; that he participated in the shooting at two executions, one of 9 Czechs and the other of 26 Poles; that he helped supervise 10 to 15 hangings; and that he himself inhumanly and severely forced prisoners to do heavy work which by far exceeded their strength; and that he frequently beat prisoners of various nationalities with a shovel, whip and fists so that they remained lying on the ground (R 1378-81). A defense witness on cross-examination named him as one whom he had seen mistreat prisoners (R 2353).

This accused did not take the stand.

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by a former employer, 7 August 1946; by his mother and sister, Johann and Katharina Trum, 17 May 1946; and by his wife, Emma Trum, 17 May 1946 and 15 February 1947.

Recommendation: Approval of findings and sentence.

55. LEOPOLD TRAUNER

Nationality: Austrian

Age: 63

Connection with Mauthausen:

a) Period: August 1939 — May 1945

b) Status: Civilian; no military service

c) Position: Supervisor in the Gusen quarry, employed by the German Earth and Stone Works

Evidence: One witness, who had been at Gusen during the second half of 1944 and who occasionally went to the quarry, heard this accused order capos to beat prisoners, some of whom were then beaten until

unconscious (R 696, 700). Another witness testified that in the beginning of April 1945 he saw him beat and kick a Jew and a Russian, whom he, the accused, had found in the Messerschmidt Works tunnels with a bowl of food, and that shortly thereafter he, the witness, saw these two prisoners lying dead (R 870, 906). In his own Statement the accused admitted that he, on order of No. 59, several times between 1942 and 1945 gave orders to capos to kill prisoners who worked too slowly, including French, Poles and Russians; and that in all about 3000 were killed or died there (R 1388).

The accused by his testimony denied any knowledge of such incidents as those to which the first witness testified (R 1782). He specifically denied working at any time, particularly in April 1945, in the Messerschmidt tunnels (R 1782, 1797). He explained that a man named Zauner had left the quarry and gone to work in the tunnels and that a confusion in names may account for his being connected with such incidents (R 1782-A). With respect to his Statement, he denied ever talking to No. 59 or ever having given orders to capos, saying he had not understood what had been written in his Statement when he signed it (R 1786-90). He was an instructor of prisoners in the quarry until it closed in December 1944 and thereafter served as an assistant driver working outside the camp and not with prisoners (R 1780-1). A former SS worker in the quarry testified in support of this last claim (R 1804-5).

Sentence: Death by hanging.

Petitions: A Petition for Clemency was filed by accused's wife, Anna Trauner, 5 June 1946.

Recommendation: Approval of findings and sentence.

56. WILLY JOBST

Nationality: German

Age: 33

Connection with Mauthausen:

a) Period: May 1944 — 9 April 1945

b) Status: Waffen SS (September 1939); Hauptsturmfuehrer (Captain)

c) Position: Camp physician at Ebensee

Evidence: One witness testified that in 1944 he saw two capos beat to death some sick prisoners in obedience to an order which he heard this accused give them. He also saw the accused beat some to death (R 637, 651-2). Another witness testified that on two occasions in the second one-half of April 1945 the accused, after examining the vitality of some patients by kicking them, ordered him to carry them alive to the crematory (R 956, 959-60). A third witness testified that the accused had prisoners stand in the open during inclement weather, citing the case in the spring of 1945 of an incoming transport of about 1000 to 1500 prisoners of whom 800 were seen lying dead the following morning (R 1028, 1041). A fourth witness testified that on 6 or 7 April 1945, he saw the accused prevent a prisoner's entrance into the hospital by

throwing him down and kicking him. This witness also heard that he made selections for injections (R 1049-50, 1052-4). In his Statement, No. 28 wrote that the accused had sick prisoners work on the construction of an air raid shelter; that he concerned himself only superficially with the prisoners' hospital, and that he knew of how new patients were brought naked to the hospital, in summer as well as winter (R 1400-2). In his own Statement the accused admitted that he had convalescent patients dig an air raid trench and also that he officiated at two executions (R 1404).

The accused testified that he himself did not treat patients but instead supervised prisoner doctors (R 2545). He admitted that occasionally he authorized the beating of a prisoner for such offenses as theft (R 2549). However, he himself never kicked an inmate (R 2550). He asserted that no living person could have been accepted for cremation since a death certificate had to accompany the body and that, furthermore, he was not at Ebensee at the time about which the second witness testified (R 2551). He denied ever making selections for extermination and cited the case when in Poland he refused to carry out such an order (R 2552). He explained the treatment given the transport which arrived from Silesia in February 1945 saying that the prisoners were badly infested with lice, which required attention before they could be put in with the other prisoners; and that the deaths, of which there were about 120, resulted from the terrible physical condition in which they arrived (R 2555-9, 2568-71). He supplemented his supplies of medicines by making extensive unauthorized purchases from civilian sources (R 2544, 2559-61, 2566; D-Ex 17-20). He refuted the incriminating element of No. 28's Statement as to treatment of patients on admission to the hospital (R 2568). He did not like concentration camp duty and repeatedly sought a transfer (R 2596). He attended executions two or three times under orders, as official physician (R 2564). A former prisoner-patient at Ebensee testified that the accused was decent at all times (R 2614).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by German Counsel, E. Backhaus, 27 January 1947; Petitions for Clemency were filed by the accused, 28 July 1946; by the accused's mother, Marie Jobst, 2 July 1946 and 3 September 1946, and by his fiancée Anneliese Brandenburg, 3 July 1946.

Recommendation: Approval of findings and sentence.

57. ERICH WASICKY

Nationality: Austrian
Age: 35
Connection with Mauthausen:
a) Period: June 1940 to January 1944
b) Status: Waffen SS (January 1940); Hauptsturmführer (Captain)
c) Position: Camp pharmacist

Evidence: One witness saw this accused take bottles from the pharmacy to the place where injections were performed (R 214, 223). Another witness testified that late in 1942 he saw him present during the selection of 30 prisoners suffering from tuberculosis who were thereupon taken away in a bus and the next day reported dead (R 260, 302, 310, 314). This witness also had heard that in October 1942 a large number of Czechs were killed in gassings supervised by the accused and the camp physician (R 261, 303). A third witness had heard that he was present at and had something to do with gassings (R 374, 394). A fourth witness testified that he had heard the Camp Commandant, shortly before he died, say that it was this accused who conceived the idea of the "gas auto" and introduced gassings in the camp and provided the gas (R 542, 552). A fifth witness saw him drive the gas auto once (R 741, 760). He was named in the Statements of several co-accused, i. e., No. 45 and 54 said he delivered gas to the gas chamber between 1942 and 1944 when people of various nationalities were present and about to be gassed (R 1325, 1382; neither No. 45 nor No. 54 took the stand); No. 10 named him as the custodian of the gas used for killing (R 1358); No. 33 said that he invented and installed the gas chamber, delivered the gas when needed for executions and on the occasion when 120 to 130 Czechs were killed he filled the chamber with gas (R 1454; No. 33 did not take the stand); No. 16 said he always provided gas for the gas auto (R 1392; denied by No. 16 on the stand, R 2518). A rebuttal witness testified that he "not only had to do with the gassings" but also supplied materials for the injections, at several of which the witness saw him present. This witness also had heard that early in 1944 the accused provided poison pills for ten prisoners for whose injection no gasoline was available, and that when they failed to die he sent material for their injection (R 3413, 3417). In his own Statement the accused admitted that on three or four occasions he substituted for the man who normally procured the poison gas, though he denied keeping it in stock in the pharmacy. He also admitted taking part in two executions, at one of which 20 to 30 Russians were shot (R 1385).

The accused, a pharmacist by schooling, testified that he kept only disinfection gasses, not harmful to human beings (R 2324). The poison gas was kept in the disinfection station, which was under his section only administratively (R 2326). He was on leave at the time the gassing of the Czechs is supposed to have taken place (R 2330). He testified that he thought his successors kept poison gas, and that that was how he came to be associated with the gassings (R 2330). He did not even know which vehicle was the gas auto, and that he himself did not know how to drive (R 2328). He did not wait to be arrested but gave himself up (R 2327). A former inmate testified as to acts of kindness by the accused and stated that, if the accused had been connected with the gassings, he would have heard about it (R 2350-2). An inmate, who left Mauthausen in June 1942, testified to substantially the same facts (R 2396). Another former inmate, one who had worked in the pharmacy, testified

that the accused treated prisoners very well and that he had not heard of his participating in gassings (R 2361-2).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by the accused's wife, Herta Wasicky, 27 May 1946 and 25 August 1946; by two former prisoners of Mauthausen, Nikolai Hovorka and Dr. Alois Stockinger, 4 June 1946; by the accused, 27 July 1946; and by the accused's parents, Nina and Franz Wasicky, 27 May 1946 and 12 July 1946.

Recommendation: Approval of findings and sentence.

58. WALDEMAR WOLTER

Nationality: German

Age: 37

Connection with Mauthausen:

a) Period: 15 August — 6 September 1942

August 1944 — 27 April 1945

b) Status: Waffen SS (January 1941); Sturmbannfuhrer (Major)

c) Position: Chief Post Physician

Evidence: One witness testified that he had heard from a prisoner-doctor that this accused had reluctantly selected sick prisoners for transports, from which they never returned (R 263, 321). Another witness testified that in August or September 1942, when the accused was post physician, he looked through a keyhole and saw two Dutch Jews injected, hearing at the same time that it was upon order of the post physician (R 375, 415-8); and that in September 1944 he saw him select sick prisoners who were sent to a sanitorium, from which death certificates were shortly thereafter received (R 376, 418-9). A third witness on one occasion sometime between the fall of 1943 and the fall of 1944, saw him select prisoners of all nationalities who were taken away in automobiles and shortly thereafter reported dead (R 443-4, 454-5). A fourth witness testified that he heard that about two months before the liberation this accused selected about 2700 invalids, approximately 1400 of whom were later gassed in groups of 200 (R 553-4). The same witness had heard from prisoner-physicians that the accused selected prisoners to be sent to Hartheim Castle (R 554, 576). A fifth witness testified that this accused did not interfere in the activities of the camp commandant of St. Valentin, whose medical experiments on prisoners were reported to him by the witness and also a similar incident in another camp was ignored (R 776, 822-3, 830). A sixth witness testified that this accused participated in executions (R 1198-9). Accused was named in the Statements of some co-accused, i. e., No. 1 said that prisoners about to be executed were sometimes examined by him for gold teeth, and that he ordered the gassing of some prisoner-patients (R 1310; No. 1 did not take the stand); No. 49 said he took part in the executions of 26 Yugoslavs and examined them beforehand for gold teeth (R 1313; No. 49 did not take the stand); No. 23 said this accused

forbade private medical attention for Gunkirchen prisoners (R 1408; on the stand No. 23, without mentioning subject accused, stated that while at Gunkirchen he, No. 23, received a letter from Mauthausen which prohibited the employment of civilian physicians, R 3303). A rebuttal witness saw him select an invalid transport in 1944 (R 3411-2, 3414); and in 1942 saw him select 25 tubercular patients who were later seen beaten and shot to death (R 3422). This witness also testified that, while the accused was post physician in 1942, 12 or 13 Russians were killed by injection on his order (R 3412, 3425, 3427). On cross-examination, it was brought out that the death books do not record the shooting-deaths of 25 prisoners who were shot at one time during the period accused was at Mauthausen in 1942, but names of these prisoners appear as having been killed on different dates (R 3431-5).

The accused testified that he voluntarily turned himself in to the CIC (R 2796, 2803). Because he was unfit for front line service, he was given concentration camp duty, which he tried to avoid and later to leave (R 2798, 2803). He denied that he selected prisoners for the gas chamber or that he gave orders respecting such selection (R 2810, 2826, 2834). He was told by the camp commandant that he was too soft when he refused to order gassings (R 2816). He denied that he ever beat anybody (R 2812 or that he ever gave injections to kill (R 2813). He stated that his relations with the camp commandant were always strained and that the latter refused to cooperate in ameliorating conditions (R 2806, 2815-6, 2829-31). He explained how he tried to better the conditions caused by shortages and overcrowding by using his personal drug stock and other civilian supplies for the camp (R 2820-2, 2829, 2887). He was opposed to euthanasia and always "undermined" orders along such lines, on one occasion refusing to supply gasoline wanted for injection purposes (R 2826, 2832). It was a basic order in all concentration camps that medical aid could not be brought in from outside (R 2833). He denied examining prisoners for gold teeth (R 2834). The witness who testified about the injection of the two Jews had asked the accused prior to the trial whether he had been at Mauthausen (R 2835-6). He learned of the gassing of the 1400 prisoners in April 1945 only after it was over, and refused to sign the death certificates which were later submitted to him (R 2841-2). He refused to order gassings demanded by the Camp Commandant and requested the police to arrest the commandant (R 2841). The Camp Commandant threatened to shoot and court martial two doctors for following the accused's advice to refuse their consent to gassings which he, the Camp Commandant, requested during the last days of the war (R 2808). He admitted attending executions under orders and said they had been directed by the courts (R 2831, 2843-4). He performed no duties after 9 April 1945 because of an illness requiring hospitalization (R 2803, 2842).

A former inmate testified that this accused was one of those at Mauthausen who was especially good to prisoners (R 2355, 3205, 3250). A former SS man testified in the same vein (R 2897); he stated that the accused became sick about 10 April 1945 (R 2894); and described his

efforts to secure medical supplies (R 2893). One prosecution witness testified on direct examination that he heard the accused telephone several times asking for permission to feed civilian rations to sick prisoners (R 169-74), and that he constantly reported medicine, housing and clothing shortages (R 224-5). Another prosecution witness testified on cross-examination that the accused had patients undress indoors after it was reported to him that they had to stand naked outside while waiting for medical examinations (R 317). Still another prosecution witness testified on cross-examination that the accused did not have the reputation of participating in the mistreatment of prisoners (R 420). A prosecution witness was later called by the defense and testified that the accused tried to reduce the over-crowding in the sick camp (R 2909); additional food was provided in 1943 and 1944 through his efforts (R 2910); he stopped the practice of giving out blank signed death certificates for use in the by-camps (R 2911); and when calls came for medicines to be sent to the front, he chose those known as beaters (R 2915).

In a Statement by a former subordinate at Gusen, it is stated that there was no order or suggestion that the sick be neglected. The subordinate further describes the difficulties with supplies and with the Camp Commandant and mentions hearing that two doctors had been disarmed and were to be arrested by the Camp Commandant during the last days of the war (R 3202, E-Ex 32). A Statement by another SS man relates the differences between the accused and an administrative officer, Bachmier (R 3203, D-Ex 33). A prisoner janitor stated that the accused did not beat inmates (R 1637, D-Ex 4).

Sentence: Death by hanging.

Petitions: A Petition for Review was filed by Defense Counsel, K. Tempel, 20 May 1946. Petitions for Clemency were filed by the accused's mother, Johanna Wolter, 8 May 1946 and 8 September 1946; by his three sisters, Helmutra Braun, 30 July 1946, Irmgard Weiss, 9 August 1946, and Liselotte Fink-Wolter, 10 August 1946; by Martin Rohrmeier, 10 July 1946; by Pastor Martin Niemoller, 30 August 1946; by accused's wife, Erna Wolter, 23 June 1946 and 1 July 1946; by Fieder Braun, 29 July 1946; and by Defense Counsel, Dr. Alfons Tempel, 14 October 1946.

Recommendation: Approval of findings and sentence.

59. ADOLF ZUTTER

Nationality: German
Age: 57
Connection with Mauthausen:
a) Period: From 27 September 1939 — May 1975
b) Status: Waffen SS (20 April 1940); Hauptsturmfuehrer (Captain)
c) Position: Detail leader in Vienna Ditch during early months of 1942; Company Commander until June 1942 when he became adjutant, succeeding Accused No. 61.

Evidence: One witness testified that he heard this accused order the killing, by shots in the neck, of three Jews who had been thought to be dead and had been carried with a load of corpses to the mass burial grave, this apparently occurred in April 1945 (R 494, 508, 510). A second witness testified that saw him in execution details (R 554-5). Several co-accused named him in their Statements, i.e., No. 1 said he sometimes gave orders for executions and gassings and that he ordered the killing upon recapture of the Russians who escaped in February 1945 (R 1308-9; No. 1, did not take the stand); No. 49 said that he sometimes gave execution orders and in speeches indicated he wanted bad conditions in the camp (R 1313; No. 49 did not take the stand); No. 41 said that he himself beat prisoners upon orders of this accused and that the recaptured Russians were shot upon his order (R 1316-7; on the stand No. 41 denied that subject accused ever gave him an order to mistreat prisoners, R. 2493; the killing of the Russians is not mentioned in No. 41's testimony); No. 45 said that this accused sometimes gave orders for shooting executions and gassings (R 1321-2; No. 45 did not take the stand); No. 12 said that the accused and the Camp Commandant ordered the selection of incurable prisoners, including Russians and Poles, for transport to Hartheim Castle for gassing and that this accused ordered the executions (R 1331; No. 12 did not take the stand); No. 8 said that in 1942 he inspected the Vienna Ditch where he conducted killings of various nationals (R 1338; denied by No. 8 on the stand, R 3131); No. 5 said that this accused supervised executions of various nationals (R 1353; denied by No. 5 on the stand, R 2140, 2142); No. 20 said that this accused and other persons supervised the execution of four inmates (R 1363; denied by No. 20 on the stand, R 3066); No. 52 said that all orders for executions and all correspondence giving him knowledge of all that went on in the camp were countersigned by the accused (R 1371; denied by No. 52 on the stand, R 1661); No. 55 said that in 1942 this accused ordered the killing of slow workers in the Gusen quarry, including French, Poles and Russians (R 1388; denied by No. 55 on the stand, R 1789); No. 33 said that this accused gave orders at some executions of Russians and Poles and he took part as one of the leaders in the gassing of 120 to 130 Czechs (R 1453-4; No. 33 did not take the stand). The accused said in his own Statement that he countersigned execution orders and watched two executions and that in the early months of 1942 he was a detail leader in the Vienna Ditch (R 1368).

By his testimony, this accused denied ever issuing any execution order (R 1580, 1587), or ever mistreating inmates (R 1578, 1588) although he admitted being present in the Vienna Ditch as a guard and that prisoners were beaten in his presence by capos (R 1606). As adjutant, he had no power to give orders in disciplinary or command matters (R 1580), and did not handle classified correspondence, of which there was a great deal (R 1579). As "company commandant", he ordered his men not to mistreat prisoners (R 1612). He watched three executions, all of which he asserted were legal (R 1585-7). He disliked concentration camp service and three times attempted to get transferred (R 1588-9). He also claimed that nobody

dared to touch a prisoner in his presence (R 1612). The Statement of a former inmate who had worked in the accused's office described him as one of the few officers who did not mistreat prisoners (D-Ex 4, R 1637). Two former inmates testified that he had a good reputation among the prisoners (R 2355, 3165-6). Accused No. 8 and 20 testified that he was kind and decent (R 3131, 3066), and No. 52 stated that this accused had nothing to do with prisoners (R 1664). Two former SS soldiers testified that they had not heard of or seen him beating prisoners (R 1682, 1688).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by the accused's wife, Luise Zutter, 20 May 1946, 9 July 1946 and 7 October 1946; by the accused's son, Hans Zutter, 16 and 25 June 1946 and 13 August 1946; by his daughter, Hannelore Zutter, 15 June 1946 and by Ignaz Roth, 15 June 1946.

Recommendation: Approval of findings and sentence.

60. HANS SPATZENEGGER

Nationality: Austrian

Age: 46

Connection with Mauthausen:

a) Period: 1942--1945

Waffen SS (September 1933)

b) Status: Hauptscharfuhrer (1st Sgt)

c) Position: Detail leader in the Vienna Ditch

Evidence: One witness testified that every day he saw the accused beat prisoners with a cat-o-nine tails and shovel sticks and then kick them until they were unconscious (R 251). He also saw him chase prisoners into the guard chain where they were shot (R 252). A second witness testified that he saw the accused beat prisoners; that he caused the death of prisoners by having them pushed by capos off the Vienna Ditch cliff; and that he participated in forcing through the guard chain prisoners who were then shot and killed. His victims were of all nationalities (R 343-44, 380). A third witness, although admitting on cross-examination that he had not seen it, testified that the accused participated in the killing of the Dutch group in the Vienna Ditch in September 1944 (R 461-5). A fourth witness testified that he saw three Russian prisoners of war killed by being pushed off the Vienna Ditch cliff under orders of the accused (R 518, 535-6); that innumerable times he saw beat and mistreat prisoners, including some Russians (R 558); and that he saw him and another person accompany two Russians who were dragging four other wounded Russians across the formation grounds, that he then heard shots and saw only the accused and his companion reappear (R 559). A fifth witness testified that he and others were beaten by the accused in the Vienna Ditch (R 585-6). A sixth witness testified that he saw him and two other persons beat a Pole and then lead him into a hut, where he later saw the Pole hanging dead (R 726); and that the accused

took part in the killing of some 500 Dutch Jews in the Vienna Ditch in 1942 (R 730-1). Accused No. 20 in his Statement named him as one of a number who committed various types of killings in the Vienna Ditch between 1942 and 1945 (R 1366).

The accused did not testify in his own behalf. Accused No. 20, while on the stand, denied ever seeing him kill, although he did say he saw him beat (R 3066).

Sentence: Death by hanging.

Petitions: A Petition for Clemency was filed by the accused's daughter, Resi Spatzenegger, 9 July 1946.

Recommendation: Approval of findings and sentence.

61. VIKTOR ZOLLER

Nationality: German

Age: 33

Connection with Mauthausen:

a) Period: 22 March 1940 -- 2 May 1942

May 1944 -- 9 April 1945

b) Status: Waffen SS; Hauptsturmfuhrer (Captain)

c) Position: First tour: Adjutant to the Camp Commandant

Second tour: Commander of a guard battalion

Evidence: One witness testified that he heard that the accused, as guard battalion commander, beat prisoners and had them sent to the bunker where they were mistreated (R 379). Another witness testified that the accused took part in executions; that he beat prisoners on an unstated number of occasions, and in March 1945, he saw him beat an American prisoner of war (R 555). A third witness testified that, in the early part of 1942, he saw an order, signed by the accused as adjutant, cautioning the troops against helping prisoners, who were said to be dangerous and in the camp to be destroyed (R 772, 805). Two other witnesses testified that he was present at executions (R 1030, 1087). Several co-accused implicated him by their Statements, i. e., No. 1 stated some execution orders came from him, that he passed on the order to kill upon recapture the Russians who escaped in February 1945, and that he and other persons frequently said it was their goal to kill prisoners (P-Ex 75, R 1309-10; No. 1 did not take the stand); No. 49 stated that he sometimes gave orders for executions (No. 49, R 1313, No. 49 did not take the stand); No. 46 stated that this accused ordered the mistreatment of inmates and the killing of the recaptured Russians (No. 46, R 1316-7; subject accused is not mentioned in No. 46's testimony); No. 45 stated that this accused ordered and supervised some executions (No. 45, R 1321-3; No. 45 did not take the stand); No. 5 stated that this accused ordered the killing of the recaptured Russians (No. 5, R 1352-3; denied by No. 5 on the stand, R 2138); No. 20 stated that he and other persons "lead" the various types of killings in the Vienna Ditch (No. 20, R. 1366; denied by No. 20 on the

stand, R 3066); and No. 33 stated that this accused and other persons ordered and supervised shooting executions (No. 33, R 1453; No. 33 did not take the stand). In his own Statement, the accused admitted knowledge of the gas chambers and further that he participated at two or three executions, at one of which he himself shot a prisoner, either English or American (R 1496-9).

The accused testified that a general order prohibited the mistreatment of prisoners and he explained how he, personally, was responsible for the imprisonment of one SS man who had disobeyed this order but admitted knowledge of many atrocities (R 1505-7, 1522, 1549). He denied that any secret order was issued denying bread and cigarettes to prisoners (R 1524). He witnessed two executions, one of 35 to 38 Yugoslavs sentenced by a Summary Court and the other of Poles sentenced in Bromberg (R 1516). He admitted knowing about gassing, liquidation of Russian commissars and corporal punishment, but claimed such a policy was set by Berlin (R 1505-6). He claimed he had visited the gas chamber at Mauthausen only once in company with the commandant (R 1547). He sat in his office all day long, and since he was also a legal officer, no one ever did anything improper in his presence (R 1506). Except for slapping three Germans, he never mistreated any prisoners (R 1513), nor did he ever see one of his men do so (R 1511). Two SS men, one an accused, corroborated his account of being transferred to the front in May 1942 at his own request (R 1578, 1693).

Sentence: Death by hanging.

Petitions: Petitions for Clemency were filed by the accused's wife, Marie Zoller, 16 May 1946; by Otto Zimmermann, 18 May 1946; and by the accused's mother, Anna Zoller, (undated).

Recommendation: Approval of findings and sentence.

VIII. CONCLUSIONS

An examination of the entire record of trial fails to disclose any error or omission which resulted in injustice to the accused and discloses that the evidence is legally sufficient to support the findings of the court. Accordingly, it is recommended that the findings of the court be approved as to all the accused and that the sentences to death by hanging as to accused Altfuldich, Barczay, Bruening, Blei, Drabek, Diehl, Eisenhoefer, Eckert, Entress, Eigruber, Fitschok, Frey, Fiegl, Giese, Grimm, Goessl, Grahn, Haeger, Huber, Hoehler, Hegenscheidt, Henkel, Kreindl, Korgler, Klimowitsch, Kautny, Keilwitz, Krebsbach, Kaufmann, Kaiser, Lappert, Leeb, Ludolf, Miessner, Mueller Emil, Mueller Wilhelm, Mynzak, Niedermayer, Nohel, Pribyll, Priebe, Riegler, Rutka, Sigmund, Struller, Striegel, Trum, Trauner, Jobst, Wasicky, Wolter, Zutter, Spatzenegger and Zoller be approved and ordered executed; that the sentences to death by hanging

as to accused Billmann, Doerr, Grzybowski and Mack be approved but each commuted to imprisonment for life; and as commuted ordered executed; and that the sentences to life imprisonment as to the accused Cserny, Guetzlaff and Mayer be approved and ordered executed.

Forms of action to accomplish these results are attached hereto.

RICHARD D. REYNOLDS, Major, Ord.

HERBERT E. MUELLER, Captain, A. C.
Post Trial Section

Having examined the Record of Trial, I concur.

C. E. STRAIGHT
Colonel, JAGD
Deputy Theater Judge Advocate
for War Crimes

TABLE OF CONTENTS

	Page		Page
I. TRIAL	1	20. Johannes Grimm	36
II. CHARGE AND PARTICULARS	1	21. Georg Goessl	37
III. FINDINGS AND SENTENCES	2	22. Werner Grahn	39
IV. GENERAL STATEMENT OF EVIDENCE		23. Heinrich Haeger	39
1. For Prosecution	5	24. Franz Huber	40
2. For Defense	10	25. Walter Hochler	41
V. MOTIONS	11	26. Hans Hegenscheidt	42
VI. QUESTIONS OF LAW		27. Wilhelm Henkel	43
1. Jurisdiction	12	28. Hans Kreindl	44
2. Legal Sufficiency of Charge and Particulars	14	29. Viktor Korger	45
3. Severance	15	30. Kaspar Klimowitsch	46
4. Conduct of Trial	16	31. Franz Kautny	46
5. Legal Points Raised by Petitions	16	32. Kurt Keilwitz	47
6. Special Findings	17	33. Eduard Krebsbach	48
VII. EVIDENCE, PETITIONS AND RECOMMENDATIONS		34. Anton Kaufmann	49
1. Hans Altfuldisch	18	35. Paul Kaiser	50
2. Stefan Barczay	19	36. Ferdinand Lappert	51
3. Willy Bruening	20	37. Josef Leeb	52
4. Karl Billmann	20	38. Julius Ludolf	53
5. August Blei	21	39. Josef Mayer	54
6. Michael Cserny	22	40. Wilhelm Mack	54
7. Ludwig Doerr	22	41. Erich Miessner	55
8. Otto Drabek	23	42. Emil Mueller	56
9. Hans Diehl	25	43. Wilhelm Mueller	56
10. Hans Eisenhoefer	26	44. Rudolf Mynzak	58
11. Willy Eckert	27	45. Josef Niedermayer	59
12. Friedrich Entress	28	46. Vinzenz Nohel	60
13. August Eigruher	28	47. Herman Pribyll	61
14. Heinrich Fitschok	31	48. Theophil Priebe	61
15. Willy Frey	32	49. Josef Riegler	62
16. Rudolf Fiegl	32	50. Adolf Rutka	63
17. Heinrich Giese	33	51. Thomas Sigmund	64
18. Herbert Grzybowski	34	52. Karl Struller	64
19. Paul Guetzlaff	35	53. Otto Striegel	65
		54. Andreas Trum	67
		55. Leopold Trauner	68
		56. Willy Jobst	69
		57. Erich Wasicky	70
		58. Waldemar Wolter	72
		59. Adolf Zutter	74
		60. Hans Spatzenegger	76
		61. Viktor Zoller	77
		VIII. CONCLUSIONS	78

ACTION OF APPROVING AUTHORITY

By Command of General Clay, Commander in Chief, European Command, all of the sentences to death by hanging were approved on 30 April 1947 except that the sentences of the following accused were commuted to imprisonment for life: Karl Billmann, Ludwig Doerr, Herbert Grzybowski, Wilhelm Mack, Heinrich Giese, Viktor Korger, Ferdinand Lappert, Adolf Rutka and Walther Hoehler. The sentences to life imprisonment of accused Michael Cserny, Paul Guetzlaff, and Josef Mayer were approved on 30 April 1947.