

000235

Legal Form No. 8

MILITARY GOVERNMENT COURT

CASE RECORD.

VOLUME XIII - Pages 2758 - 2937 Incl.

MALMEY

Case No. 6-24

Prosecutor LT COL BURTON F. ELLIS

~~_____~~ Military Court.
*General

Defence Counsel COL WILLIS M EVERETT JR.

Place DACHAU, GERMANY

Interpreter _____

Date 0830 hours 5 JULY
TO 1200 hours 6 JULY

1946 Reporter _____
1946 Incl.

Members of Court:

- BRIG GENERAL JOSIAH T DALBEY
- COL PAUL H WELLAND
- COL JAMES G WATKINS
- COL WILFRED H STEWARD
- COL RAYMOND C CONDER
- COL A H ROSENFELD (LAW MEMBER)

Accused VALENTIN BERSIN, ET AL

Address _____ Sex _____ Age _____

	First Charge	Second Charge
Pleas <u>VALENTIN BERSIN, ET AL</u>	<u>Not Guilty</u>	
Findings <u>Val 13</u>	CLASSIFICATION CANCELLED	
Previous Convictions	<small>By authority of JAG in 8d & 10 1950.</small>	

Sentence {

- Imprisonment {
 - Term _____
 - Beginning _____ 194
- Fine {
 - Amount _____
 - To be paid before _____ 194
 - or in case of default of payment to serve a *further term of _____
 - imprisonment.

MB

Charge Sheet and Record of Testimony are annexed hereto.

(Signature of member of court.)

REVIEW

Action of Reviewing Authority _____

(Signature of reviewing authority)

*Strike out words not applicable.
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R E C O R D O F T E S T I M O N Y

in trial of

THE UNITED STATESVERSUSVALENTIN BERSIN, ET AL

By

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANYBEGINNING 16 MAY 1946VOLUME XIII - PAGES 2758 - 2937, INCL.

5 JULY 1946 - 0830 hours

TO

6 JULY 1946 - 1200 hours INCL

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<u>THE UNITED STATES</u>	<u>VERSUS</u>			<u>VALENTIN BERSIN, ET AL</u>	
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THE UNITED STATES VERSUS VALENTIN BERSIN, ET ALE X H I B I T S

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CAMP DACHAU, GERMANY

5 July 1946.

MORNING SESSION

(Whereupon the Court reconvened at 0830 hours.)

PRESIDENT: Take seats. The Court will come to order.

PROSECUTION: Let the record show that all members of the Court, all members of the Prosecution, all members of the Defense with the exception of Lt. Col. Dwinell, Lt. Wahler, Mr. Walters and Dr. Pfister, who are absent on business of the Defense, all of the defendants, and the reporter, are present.

DEFENSE COUNSEL: The Defense calls as its next witness, Oskar Gutmann. Dr. Hertkorn, on behalf of the Defense, will conduct the direct examination.

OSKAR GUTMANN, called as a witness for the Defense, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Dr. Hertkorn):

Q State your full name to the court, please?

A Gutmann, Oskar.

Q When were you born?

A Third of August, 1926.

Q Are you an accused?

A No.

Q Are you a prisoner of war?

A Yes.

Q Where? Where are you now in custody?

A Camp 3.

Q What military unit did you belong to during the Eifel offensive in December 1944?

A 2nd Company, 1st Panzer Regiment, Liebstandarte SS Adolf Hitler.

Q Who was your platoon leader?

(Gutmann - direct)

A 2nd Lt. Kaufman.

Q Do you remember December 1944? Did you on that day take part in the fighting at the Stoumont railroad station?

A Yes.

Q What tank did you drive then?

A Sgt. Kreuger's.

Q And at what place in the company did that tank proceed?

A When Tech. Sgt. Roepeter's tank was knocked out at the rail road station, Sgt. Krusger took over the point.

Q Now how far beyond the Stoumont railroad station did you proceed in a westerly direction?

A About four hundred meters.

Q Were you fired upon by the enemy there?

A Yes, we were fired upon from the front, from the right, and from the left.

Q What kind of fire was that?

A It was tank fire, tank destroyer fire, and heavy machine gun fire.

Q Did you see any American soldiers standing on the right or left side of the road who were passing through?

A No.

Q For how long a time did you take part in the fighting at the Stoumont Railroad station?

A Until about three o'clock. I was then wounded.

Q Where did you go then?

A To the main aid station.

Q Where was that?

A In the castle.

Q Next to what town was that castle located?

A I can't remember that.

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Q Was it next to Stoumont or next to LaGleize?

A LaGleize.

Q Were any German wounded there?

A No. There were Americans there and American medics.

Q Did you observe how the American wounded, or American medics were treated?

A No.

Q Were you together with them in one room?

A The medics were treating us there.

Q That is not my question. Were you in the same room with the American wounded?

A There were none in the room which we were lying in.

Q Do you remember the 24th of December when the American troops re-entered LaGleize?

A Yes.

Q Did you there see whether American wounded who had been in LaGleize until then were turned over to the Americans?

A Yes.

DEFENSE COUNSEL: You may cross examine.

PROSECUTION (Capt. Shumacker): No cross examination.

PRESIDENT: Any questions by the Court? Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew from the court room).

DEFENSE COUNSEL: The Defense recalls as its next witness Oskar Trott. Capt. Narvid, on behalf of the defense, will conduct the direct examination.

OSKAR TROTT, recalled as a witness for the Defense, having been previously sworn, testified further through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Capt. Narvid):

Q PRESIDENT: Will you remind the witness that he is (Gutmann-redirect)

still under oath?

PROSECUTION: The witness is reminded that he is still under oath.

Q Are you the same Oskar Trott that previously testified in this trial?

A Yes.

Q In what organization of the company, of the platoon were you during the Eifel offensive?

A I belonged to the third Panzer company, 1st Panzer Pioneer Company, 1st platoon, Liebstandarte.

Q What kind of vehicle did you drive in?

A I was driving in the vehicle of Sgt. Dickstra.

Q Do you recall the date, approximate time, when you arrived in Stoumont?

A Yes. At nine A.M., on the 19th.

Q You participated in the battle for Stoumont?

A Yes.

Q What time did this battle commence?

A It must have started about eight o'clock.

Q During the course of your stay in Stoumont did you have any occasion to see prisoners of war?

A Yes.

Q Where?

A I, myself, captured fifteen.

Q Where did you capture them?

A I captured them at the city limits of Stoumont.

Q The exit from point of view of your march, or the entrance to Stoumont?

A The exit.

Q Where did you take these prisoners of war?

A I took them back to the castle that had been ordered by Sgt. Schaefer and I had them sent back with wounded comrades from

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the church to the castle where the main aid station was located.

Q When you say Schaefer, you mean the accused Willi Schaefer in this case?

A Yes.

Q Do you know him?

A Yes.

Q Do you recognize him?

A Yes.

Q What number does he wear?

A No. 55.

Q Just exactly what was Schaefer's orders in Stoumont, with respect to prisoners of war?

A Tech. Sgt. Schaefer gave us the order by way of the section leader to the effect that all prisoners of war were to be taken to the main aid station between LaGleize and Stoumont, which aid station was described as a castle.

Q Do you know the reason for this order?

A I don't quite understand.

Q Do you know why the prisoners were to be taken to that particular place?

A So that security would be warranted for the prisoners.

RE-CROSS EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Shumacker): Your group leader was Sgt. Dickstra, is that right?

A Yes.

Q And you were present when Schaefer spoke to Dickstra, is that right?

A No.

Q Well, you don't know whether Schaefer gave Dickstra any orders? Do you?

A Well, because Sgt. Dickstra repeated the order from

(Inter - recross)

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Tech.Sgt.Schaefer and it was so announced by Tech. Sgt. Dickstra.

Q You were not present at the group leaders' meeting with Schaefer, were you?

A The comrade Gerhardt Taut, who is present here, was present at the meeting of the group leaders and heard the orders himself. Gerhardt Taut.

Q Did you understand my question?

A What question?

Q I said you were not present at the meeting of the group leaders with Schaefer, were you?

A No.

Q Were you present when your Troop leader Willi Schaefer gave the order to your comrade Gustav Sprenger to shoot five prisoners of war in Stoutmont on the 19th of December 1944?

A No.

DEFENSE COUNSEL (Capt. Narvid): If the court please, I object to that question because it is nowhere in evidence that Schaefer gave an order to Sprenger to shoot prisoners of war.

PROSECUTION (Capt. Shumacker): I suggest Counsel read the record. It wouldn't make any difference whether it is in the record or not; I have a right to ask this witness the question.

PRESIDENT: Objection is over ruled.

Q You say you were not present?

A No.

Q Do you know a group leader by the name of Altkreuger in your company?

A Yes.

Q Were you present when he shot three prisoners of war in Stoutmont on the 19th of December, 1944?

A No.

(Trott -- recross)

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Q Who was your company commander?

A 1st Lt. Franz Sievers.

Q Are you the same Oskar Trott that your company commander, Franz Sievers, ordered to let a wounded American prisoner bleed to death in the monastery there in Stoumont?

A No, he didn't give me that order. I don't know about it.

Q You don't know anything about it?

A No.

Q You don't know anything about letting a wounded American bleed to death because your company commander told you not to bandage him?

A No. That matter which I wrote down in Schwaibish Hall, that is not correct.

Q In other words, you told something there that was not true, is that right?

A Yes.

Q Where did you get this story of Sievers ordering you to let a wounded man bleed to death? Was that just something you snatched from your imagination?

A Yes.

PROSECUTION (Capt. Shumacker): That is all.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Capt. Narvid):

Q Why did you make a statement in Schwaibish Hall which is not true?

Q In my first interrogation I told the truth to one Captain from the Prosecution and an interpreter who was standing around called me a pig and everything else and in the next interrogation I was put before a summary court, a cross was on the table and some candles and some false witnesses were put before me. I was threatened with death by hanging, I was told that my mother and my brothers and sisters would have to starve and would not get any food stamps.

(Trott - recross)
" redirect)

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That depressed me so severely that I wrote down everything the Prosecution wanted me to. And since I didn't know anything about action in violation of International Law I had to invent something so that I would be left alone. I was in solitary confinement there for four months. Two weeks of those four months in a cell with a wooden bunk and little light; four of those days without blankets with an open window and that happened in winter. I had gone through quite a lot as a soldier but I could no longer stand the moral pressure which was exerted upon me there.

Q Were you ever threatened?

A Yes.

Q Were you ever beaten?

A Yes.

Q How were you threatened and who threatened you?

A I was threatened with death by hanging by a Captain and 1st Lieutenant from the Prosecution. I spent a noon hour that day in a cell where there was some marks from shots from small calibre weapons on the wall at about the height of your head and, in my opinion, a little piece of flesh was still attached to one of those shots.

Q Did you write this statement at that time or any later time?

A Later.

Q How much later?

A I can't say. One week; perhaps two weeks.

Q Were you threatened at the time or immediately before you wrote this statement?

A No.

Q Were you beaten at that time?

A Not that, either.

Q Why did you write the statement then?

A Because I did not dare to resist any longer.

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Q Did you write it yourself or was it dictated to you?

A It was first prepared in English and then I wrote it.

Q Going back to the time you were beaten, to the time you were threatened, did you admit orally then what you wrote in your statement later?

A Yes.

RE-RE-CROSS EXAMINATION

QUESTIONS BY PROSECUTOR (Capt. Shumacker):

Q Trott, tell the Court some more about this piece of flesh that you saw on the wall. How big was it?

A It was about the size of the nail of your thumb.

Q And what color was it?

A It was reddish.

Q And it was pinned to the wall with the bullet, is that right?

A Yes.

Q And you could just see one piece of flesh hanging on the wall?

A Yes.

Q And how many bullet holes did you see?

A Four.

Q And they were just about the height of a man's head, were they not?

A Yes.

Q And that wall was practically completely covered with blood, was it not?

A No, only this little, this one bullet the flesh was reddish.

Q You didn't see blood spattered all over that same wall?

A No.

Q Did you see the cat-p-nine-tails that was in the corner?

A No.

Q Did you see the steel rod with the ball and the spikes sticking out of the ball in the corner?

A No.
(Trott - recross).

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Q Now, Tratt, to refresh your recollection, when you were first interrogated, it was in early January 1946, was it not?

A I don't know, I don't know the date.

Q And you recall very well that there were two reasons why you were vigorously interrogated, one being that Gustav Sprenger said that he saw you in the field at the crossroads, is that not true?

CAPTAIN NARVID: May it please the Court, I object because I do not think we went into that field at all on direct examination. We limited our examination to Stoumont and why the statement was made in Schwaebisch Hall, which he denied today, nothing further, only because the Prosecution opened the door on cross.

CAPTAIN SHUMACKER: We cracked the door, if the Court please, and the Defense opened it wide, and I want the Court to know the whole story.

LAW MEMBER: As a matter of fact, this witness was questioned more on redirect examination with respect to his treatment at Schwaebisch Hall than he was with respect to Stoumont. The objection is overruled.

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q That was one point about which you were interrogated, was it not, Tratt?

A Yes.

Q And you denied being in the field or stopping before the crossroads, did you not?

A I never denied it, I never was there. I saw the dead lying there but I was not in the field.

Q That is what I say, at the time you were

(Tratt-Recross)

Tk #324-SR-7/5/2

interrogated you denied being in the field?

A Yes.

Q And you were in the 1st Platoon of the 3rd Company?

A Yes.

Q And the 1st Platoon left Buellingen ahead of the 2nd Platoon?

A Yes.

Q When you got to the crossroads and passed this field, all these Americans had already been shot?

A Yes, they were all lying there already.

Q And there were no Germans there shooting and no German vehicles stopped in front of the field?

A No.

Q Now, you remember that at the time you were interrogated, you told about these 14 or 15 American prisoners that you had captured in Stoumont and had sent to the Aid Station?

A Yes.

Q And you well remember that when you returned to your cell you told one of your comrades who was in the cell with you that you wished that you had shot them because there would be 14 or 15 less swine that you would have to fool with, is that not true?

A The captain before that threatened me with death and accused me of murder, that I was so angry about that and could not control myself any more.

Q I asked you if you did not tell this/comrade to your in your cell after you were returned to your cell following

(Trott-Recross)

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Tk #324-SR-7/5-3

this interrogation?

A Yes.

CAPTAIN SHUMACKER: Nothing further.

DEFENSE COUNSEL: Nothing further on redirect.

PRESIDENT: Any questions by the Court? Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

DEFENSE COUNSEL: Defense calls as its next witness, Georg Freitag. Dr. Leer on behalf of the Defense will conduct the direct examination.

GEORG FREITAG, a witness called by the Defense, after being first duly sworn, testified through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and the accused.)

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (DR. LEER):

Q State your full name to the Court.

A Freitag, Georg.

Q Are you a prisoner of war?

A Yes.

Q What unit were you with before?

A 1st Panzer Regiment, 1st Battalion Headquarters Company.

Q What was your position and your job?

A I was the driver of the armored half-track and corporal.

Q Do you remember the time of the Ardennes

(Freitag-Direct)

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Offensive?

A Yes.

Q Do you remember when you got to Stoumont?

A I got there on the morning of the 19th.

Q Can you state briefly where you were in Stoumont?

A I first stopped my vehicle about 200 meters outside of Stoumont in order to pick up the wounded which had accumulated during that fight.

Q Did you receive an order concerning the wounded American soldiers?

A Yes, I had instructions that if I saw any American medical personnel, to take them along in the vehicle.

Q Where did you pick up the first wounded in Stoumont?

A About 200 meters on the field to the left.

Q Was a house standing in that field?

A Yes, the first house on the left.

Q Can you describe this house more closely?

A It was a pharmacy or a drugstore.

Q Was a burning tank standing outside this house?

A Yes, on the right side of the house there was a knocked-out Panther.

Q Did you see any officers outside of this house, German officers?

A Yes, Colonel Peiper.

Q What other officers were there?

A I didn't see any others.

Q Did Peiper arrive there after you yourself were there already?

A I think we had been standing there for half

(Freitag-Direct)

Tk #324-SR-7/5-5

an hour already when Colonel Feiper arrived.

Q Did he again leave before you yourself left?

A Yes, he left ten minutes before we did.

Q How long was he there?

A A short time only.

Q Can you tell us whether it was five minutes or was it an hour?

A It was ten minutes at the most.

Q Was there a prisoner collecting point located in Stoumont?

A Yes, prisoners which came from Stoumont were collected in the Aid Station in the castle.

Q Did you see any American soldiers next to that house which we mentioned before?

A At the time we stopped next to that house, about thirty armed Americans were taken out of the cellar by parachutists.

Q Did you see an American medic next to the house also?

A Yes, one American medic whom we took along in the field to the Aid Station.

Q Did you receive an order to do that and who gave the order?

A Yes, Colonel Feiper ordered us to take this prisoner medic along.

Q At that time did you see the vehicles of the message center at that house already?

A No, I went around the house at that time in order to collect the blankets which the Americans had had

(Freitag-Direct)

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Tk #324-SR-7/586

for our wounded because it was very cold. At that time I didn't notice any radio half-track yet.

Q Were you inside that house too?

A Yes.

Q Did you see any weapons in that house?

A After the Americans left, I went down the cellar and there found the ammunition for the anti-tank gun located behind the house and furthermore, also some small arms.

Q How many prisoners were there in the Aid Station in Stoumont?

A The prisoners increased up to 100 in the course of the day.

Q Did you hear any order concerning the evacuation of the 30 Americans which came from the house?

A Yes, Colonel Peiper gave that order.

Q How were these prisoners treated in the Aid Station in Stoumont?

A They were treated well.

Q Were any American medics working there as prisoners?

A Yes, we had about six of them.

Q Did they volunteer to take care of the wounded?

A Yes, there was a good comradeship relationship existing between us and them at that time.

Q Did you see any prisoners immediately outside of Stoumont too?

A Yes, already when I was on my way to Stoumont in my vehicle smaller groups of prisoners walked past us

(Freitag-Direct)

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Tk #324-SR-7/5-7

in the opposite direction.

Q Did you see where they were taken?

A Yes, all of them towards the castle.

Q Did you see any American prisoners in Honsfeld?

A Yes, I myself drove some of them away and took them to the doctor.

DR. LEER: No further questions. Thank you.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q How long were you in this house at the entrance to Stoumont that you have been testifying about?

A It was until 11 o'clock.

Q How many minutes or how many hours were you at this house?

A Might have been one hour approximately.

Q You arrived there at ten and left at eleven, is that what you are trying to say?

A Yes.

Q Did you go inside this house?

A Yes.

Q Did you go through all the rooms?

A Yes.

Q How many dead Americans did you see in the house?

A One American medic.

Q What room was he in?

A In the room towards the garden.

Q Did you see any dead Americans upstairs?

A No, not outside the house or behind the house

(Freitag-Cross)

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Tk #324-SR-7/5-8

either.

Q How many American prisoners of war do you estimate you saw in and around Stoumont on the 19th of December?

A I didn't see any dead Americans at all, except for the one.

Q I asked you how many prisoners of war, not how many dead Americans.

A The ones in the castle, about 100 men.

Q You said you saw some on the road between Stoumont and the castle and you saw 30 captured there at the house. All together, how many prisoners of war did you see, including those at the castle?

A They were all taken to the castle.

Q How do you know that those you saw on the road, the 30 at the house were taken to the castle?

A Because there weren't any prisoners coming from anywhere else and when I came back there weren't any there.

Q How do you know they didn't go beyond the castle?

A Well, if a soldier gets an order to take prisoners of war to the castle, he has to perform that order.

Q You were not present all the time in the castle?

A Well, I was absent when I was in Stoumont and then I returned to the castle.

PROSECUTION: No further questions.

DEFENSE COUNSEL: Nothing further on redirect.

PRESIDENT: Questions by the Court?

(Freitag-Cross)

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EXAMINATION BY THE COURT

QUESTIONS BY LAW MEMBER:

Q Was Fritz Willecke a member of your vehicular crew?

A Yes.

Q Referring to the house in Stoumont where you saw the dead American medic, did you walk completely around that house?

A Yes.

Q What did you notice as you walked around the house?

A I didn't notice anything. I was particularly interested in this anti-tank gun and then we had instructions to collect the blankets.

PRESIDENT: Any other questions? Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

DEFENSE COUNSEL: Defense recalls as its next witness, Horst Vollsprecht. Captain Narvied, on behalf of the Defense, will conduct the direct examination.

HORST VOLLSPRECHT, a witness recalled by the Defense, having been previously duly sworn, resumed the stand and testified through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and the accused.)

PROSECUTION: The witness is reminded he is still under oath.

(Vollsprecht-Direct)

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THE WITNESS: Yes.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (CAPTAIN HARVID):

Q Are you the same Vollsprecht who has previously testified in this trial?

A Yes.

Q As I recall, the last time you testified that you were present in Stoumont during the battle for Stoumont, is that correct?

A Yes.

Q On the way to the railroad station in Stoumont, do you recall at any time passing a grocery store?

A Yes.

Q On which side of the road was it?

A That was at the town limits on the right side of the road.

Q Did your tank stop in the vicinity of this store?

A Yes, after we collected our vehicles in Stoumont, we stopped on the right side of the road. That was about at the place of this grocery store.

Q Which tank was ahead of you?

A In front of us there was a half-track and in front of the half-track was the tank of 1st Lieutenant Christ.

Q How many meters away from you was Christ's tank?

A About 10 to 15 meters.

Q How long did you stop at this place?

A We stayed there long enough to smoke a cigarette, about five minutes.

(Vollsprecht-Redirect)

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Tk #324-SR-7/5-11

Q Did you get out of your tank?

A No, I didn't get out. I looked out of my porthole once because a camera, a moving picture operator was on the right side.

Q Were you able to see this grocery store clearly?

A Yes.

Q Did you see any American prisoners of war standing in front of that store?

A No.

Q Did you at any time while you were standing there see Christ's tank shooting in that direction, that is, in the direction of the grocery store?

A No, I did not see any such thing and I certainly would have had to notice it because in order to do that the gunner of Christ would have had to turn his turret around all the way until two o'clock.

Q Who was the machine gunner in the turret?

A The 1st gunner was Hans Pletz.

Q Is this the same Hans Pletz who is an accused in this case?

A Yes.

Q Where were the Americans at that time?

A The Americans were retiring in the direction of the Stoumont Railroad Station at that time.

Q You were on your way in that direction, is that right?

A Yes, we were standing at the time and immediately thereafter, a few minutes later, we moved out again.

Q During the battle for Stoumont, how were orders

(Vollsprecht-Redirect)

Tk #324-SR-7/6-12

transmitted to the tank commanders?

A By radio.

Q In other words, were Christ's orders with reference to the attack on Stoumont relayed to all tanks?

A Yes, by 1st Lieutenant Christ, that is, his radio operator.

Q Was every order transmitted?

Q Yes, every order considered important by 1st Lieutenant Christ was transmitted.

Q Did you at any time during the battle for Stoumont hear any order transmitted directing you to shoot at any group of American soldiers standing?

A No, I didn't hear any such order.

CAPTAIN NARVID: Your witness.

MR. ELOWITZ: No cross examination.

PRESIDENT: Questions by the Court? Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

End Tk #324

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7/5/46
sh-1
9:30

DEFENSE: The Defense calls as its next witness, Paul Froehlich. Dr. Leer, on behalf of the Defense, will conduct the direct examination.

PAUL FROEHLICH, called as a witness for the Defense, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE (DR. LEER):

Q State your full name to the Court, please.

A Froehlich, Paul.

Q State your former duties.

A I was a Sergeant and Section Leader in the Motor Vehicle Reconnaissance Platoon of the Headquarters Company of the 1st Panzer Regiment.

Q Are you now a prisoner of war?

A Yes.

Q What camp are you in at the present time?

A Cage 3.

Q Do you remember the time of the Ardennes offensive?

A Yes.

Q Well, do you still remember at what time of the day and on what date you came to Stoumont?

A Yes.

Q Tell us, please.

A I was outside of Stoumont on the morning of the 19th.

Q Can you describe your position to us and in whose vicinity you were?

A Yes, I was about eight hundred meters from Stoumont, the first house on the road.

Q Were you standing there during the attack and before the attack?

A Yes, before and during the attack.

(Paul Froehlich - Direct)

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Ta-325
sh-2

Q What did you do there?

A I was a runner for Col. Peiper.

Q Were you in his vicinity at the time?

A Yes, I was within his view.

Q Were any other officers there?

A Yes.

Q Did you receive any orders from Col. Peiper before the attack and during the attack?

A No, Col. Peiper gave his orders to the officers directly, since they were present.

Q When did you leave this spot which you have just described?

A After about an hour and a half or an hour and forty-five minutes, after the infantry was got into town.

Q Did you then drive into town?

A Yes. I then received an order from Col. Peiper as to driving into town. He got into my vehicle and we drove in, until we reached the first house.

Q What happened then and there?

A Peiper ordered us to stop, and he went over to the anti-tank gun which was standing next to a house, an American anti-tank gun, 92. He looked at it and went to the house. Then civilians came out, he sent those civilians back, and then I saw some American soldier standing there with about three parachutists around.

Q Where were you at the moment you heard - where were you at the time you saw this?

A I was standing behind Col. Peiper.

Q You just mentioned an American medic, I believe. What happened to him?

A Col. Peiper talked English with him, and then he said - but I don't know who he said it to - "This man is to be taken to Froehlich - Direct)

000262

the aid station.

Q Did you then remain at that spot or did you go away?

A I then received an order from Col. Peiper to bring the radio station over here. They were two or three kilometers in the direction of LaGleize.

Q Did you then drive away?

A Yes.

Q How long had you then been standing in front of this house together with Col. Peiper?

A For a very short time only.

Q Can you tell us just how long this short period extended?

A It might have been ten - five to ten minutes.

Q When did you then return from your mission?

A I fulfilled my mission in ten to fifteen minutes.

Q Did you return before the communications center returned, which you were supposed to pick up?

A Yes.

Q Who did you report back into?

A I don't know for sure, but I think it was the adjutant, Capt. Gruhle.

Q Why not to Col. Peiper who gave you the order to take off?

A Because Col. Peiper wasn't at the house any more when I returned.

Q Which officers did you see together with Col. Peiper before you left the house?

A I didn't see any.

Q Do you remember passing through Engelsdorf during the Ardennes Offensive, also known as Ligneuville?

A Yes.

Q Did you see any captured American soldiers there?

A Yes, I took prisoners myself.

(Froehlich - Direct)

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sh-4

Q Tell us where that happened?

A I was in the right side of the road, where there was a road fork which was going up there, and there were Shermans standing at the fork and trucks. I had received orders to cover up the dead and the trucks by Major Poetschke. I went out to the trucks in order to take a blanket or a shelter half from one of them in order to cover up the dead, and as I went up to a hill there, there were two American soldiers there who had their rifle pointing towards me. And I said to them, "Hands up", and then they dropped their rifles, and about four or five more men came from behind the house and also held up their hands.

Q Can you tell us what happened to those prisoners?

A Yes. I took them to the road, and then Col. Peiper then told me to leave them there, that the walking wounded would pick them up and take them back.

DEFENSE (DR. LEER): No further questions.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (MR. BLOWITZ):

Q Did the air attack on the house which you described, where you stood with Peiper, occur before or after you were sent to get the telephone equipment?

A I know nothing about an air attack. There was an air attack the day before.

Q No air attack occurred on that point?

A No.

PROSECUTION (MR. BLOWITZ): That is all.

DEFENSE: Nothing further on redirect

PRESIDENT: Any questions by the Court?

EXAMINATION BY THE COURT

QUESTIONS BY THE LAW MEMBER:

Q The dead you covered up, what nationality were they?
(Froehlich - Court)

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sh-5

A They were German soldiers.

PRESIDENT: Any other questions by the Court? Apparently none, the witness is excused.

(Whereupon the excused witness withdrew.)

DEFENSE: The Defense recalls as its next witness, Albert Braun. Dr. Leer, on behalf of the Defense, will conduct the direct examination.

ALBERT BRAUN, recalled as a witness for the Defense, testified further through an interpreter as follows:

PROSECUTION: The witness is reminded that he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (DR. LEER):

Q You are the same Albert Braun who already testified in this court, are you not?

A Yes.

Q Do you remember the Ardennes Offensive too?

A Yes.

Q Do you remember getting to Buellingen in that period?

A Yes.

Q Can you tell us when that was?

A In the morning of December 17.

Q Can you describe it more closely?

A At 9:00 o'clock.

Q Did you see any prisoners in Buellingen?

A Yes, I took prisoners myself, about fifty.

Q Where was that?

A That was about two or three hundred meters behind the exit from Buellingen.

(Braun - Redirect)

Ta-325
sh-6

Q What did you do after capturing these prisoners?

A The prisoners were disarmed.

Q Where?

A In a field near Buellingen. I think it was next to a graveyard, I can't remember for sure.

Q Who disarmed these prisoners?

A These prisoners were disarmed by me and my comrades, my radio operator, my driver and one other sergeant.

Q What was then done with these captured Americans?

A I took these prisoners to Buellingen together with my comrades.

Q Are these again these three comrades which you mentioned before?

A My driver went back and picked up the tank which was standing out front, and after we had taken these prisoners to Buellingen I left the group in order to look for a truck so that the prisoners would be transported. I found one truck and asked the driver to take the prisoners back.

Q Did you see Col. Peiper at that time?

A Yes. After the driver told me that he couldn't do that without - couldn't do that as easily as all that, and that he had different orders. At the time I met Lt. Col. Peiper, who was coming my way in a car. Col. Peiper talked to me. Since he saw that I was wounded, he stopped, asked me what my wound was and gave me wishes for a quick recovery. I went on my way and could observe that Col. Peiper went to the prisoners and that these prisoners - in his presence - were loaded on the truck and were moved back. I went back to my tank, which had come back in the meantime, and inspected the damage done by the shell. After that I returned back to town, reported out to my Company and also to the Battalion Commander - to whom I also reported the incident, and drove to the hospital.

(Braun - Redirect)

Q Didn't you ever think of shooting the prisoners which you made?

A No, never.

Q Why not?

A Why shoot prisoners? It was quite obvious that these prisoners would be taken to the rear and would be treated decently.

DEFENSE (DR. LEER): No further questions.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER):

Q Those are the orders you had, isn't that right Braun, that you would load prisoners - that when you captured prisoners you would load them on trucks and see that they were transported to the rear?

A That was understood, that if a truck was around - whether we had any direct orders - that trucks would be used that way. I don't know....

Q Do you mean to tell this Court that you didn't have orders that you would load prisoners on the empty convoys and they would be taken to the rear?

A I don't know anything about it.

Q Didn't they give you any orders as to what you do with prisoners, immediately before this Offensive started?

A Before this offensive, it was said that we, as armed troops, were supposed to proceed rapidly and were supposed to have prisoners of war to the following infantry units.

Q Do you remember the rest of your speech now, Braun?

A The rest of what speech, if I may ask?

Q "And you weren't supposed to look to the right, and you weren't supposed to look to the left, but you would drive along as rapidly as possible". Is that right?

(Braun - Recross)

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sh-8

A Yes, that was the gist of the speech.

Q And the truth about it, Braun, you had never heard anything about this infantry business until you got to Dachau, did you?

A About the infantry, I will have to disappoint you there. I already told you at Schwabisch Hall that the prisoners of war were to be left to the infantry following.

Q You wrote a statement in Schwabisch Hall, didn't you?

A Yes.

Q You didn't say anything about the infantry in your statement, did you?

A I told you about it though.

Q I say, you didn't say anything about the infantry in your written statement?

A I wrote in the written statement that we wouldn't be the ones who take prisoners.

Q I will ask you if you didn't express it this way? I will read you from this statement: "In the evening, Oberscharfuhrer Wren assembled his platoon and made an address of approximately the following content: 'This offensive will be a great thing and will certainly succeed. We will have air and artillery support. Also, there will be an action in which German soldiers dressed as Americans will infiltrate through the enemy lines. We will not delay our advance. Whatever stands in our way will be mowed down. No prisoners will be taken'. Now, you claim that your statement: "Whatever stands in our way will be mowed down. No prisoners will be taken", means that the infantry behind will take care of them. Is that right?

A The last sentence, yes. That's how I explained it to you in Schwabisch Hall too.

Q And you were interrogated by me? Capt. Shumacker interrogated you at Schwabisch Hall, did he not?

A Yes, I was interrogated by you.

(Braun - Recross)

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sh-9

Q And you told me that the orders were that the infantry following behind would take care of the prisoners.

A I didn't tell you that. I told that to the other gentleman, the second one from the right.

Q You just told me that you had orders from Oberscharfuehrer Wien, your Platoon Leader, that no prisoners would be taken.

A Yes, we weren't to bother with prisoners of war.

PROSECUTION (CAPT. SHUMACKER): Nothing further.

DEFENSE (DR. LEER): Just one more question.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (DR. LEER):

Q Tell us, with all possible clarity, what you told the interrogating officer in Schwaebisch Hall concerning the taking of prisoners of war?

A I was asked in Schwaebisch Hall, "Please explain this last sentence to me- "We will not make prisoners of war". I explained that as follows: We are an armored unit, whose only job in this offensive is to break the enemy lines quickly. We cannot afford to leave out tanks during combat in order to make prisoners of war, but rather we will leave that to the unit following us.

DEFENSE (DR. LEER): That is all.

PRESIDENT: Any questions by the Prosecution?

PROSECUTION (CAPT. SHUMACKER): No further questions.

PRESIDENT: Any questions by the Court?

EXAMINATION BY THE COURT

QUESTIONS BY THE LAW MEMBER:

Q Was the statement at Schwaebisch Hall dictated to you?

A No, I wrote it myself.

PRESIDENT: Any other questions? Apparently none, the witness is excused. The Court will recess until 1030.

(Whereupon at 1000 hours the Court recessed.)

(Braun - Court)

(Whereupon the court at 1030 hours reconvened.)

PRESIDENT: Take seats. The court will come to order.

PROSECUTION (Colonel Ellis): Let the record show that all of the members of the court, all of the members of the prosecution, all of the members of the defense, with the exception of Colonel Dwinell, Mr. Walters, Mr. Strong, who are absent on the business of the defense, are present and the interpreter and the reporter are present.

DEFENSE (Colonel Everett): Dr. Leer.

DEFENSE (Dr. Leer): If the court please, the interpreter has notified the defense, during the recess that a mistake in translation has been made and that in the last sentence read by Captain Schumacher, in the statement of the witness, the translation, in English, was "...no prisoners of war will be made...", and the proper translation of this one sentence should have been "...we will not take prisoners of war...". It would perhaps be best to have that last sentence of the statement read again and have it corrected.

PROSECUTION (Captain Schumacher): I think that the statement of the defense counsel is correct and that the translation should be corrected to read: "...we will not take prisoners of war...".

PRESIDENT: The record will be changed accordingly.

DEFENSE (Colonel Everett): The next witness for the defense will be interrogated by two of the defense counsels, first by Dr. Pfister and then by Colonel Sutton -- Colonel Sutton will conclude the examination.

(Whereupon PAUL BUTH a witness for the defense, was recalled and reminded that he was still under oath

(Buth - Redirect)

before the court.)

RE DIRECT EXAMINATION

EXAMINATION BY THE DEFENSE (Dr. Pfister):

Q What unit of the 1st SS Panzer Regiment did you belong to?

A The 9th Panzer Pioneer Company.

Q What were your military duties in this Pioneer Company?

A I was the driver of an SPW.

Q Directing your attention to the beginning of the Eifel Offensive, do you know Lieutenant Rumpf?

A Yes.

Q Was he your superior?

A Yes.

Q What rank did he have?

A First Lieutenant.

Q Was he your Company Commander?

A Yes.

Q Did Lieutenant Rumpf ever give you any instructions as to the treatment of prisoners of war, prior to the offensive, and, if so, when?

A Yes, this matter was brought up very briefly, in the course of some Company instruction.

Q What did he say on that occasion?

A That we as Panzer Troops did not have to take prisoners of war, but that that was the duty of the following infantry troops.

Q How did Rumpf express himself at this time?

A He said as follows: "...If you ever are to take prisoners of war, then think of the proverb: '...what you don't want to happen to you, you should not do to others...'"

Q Calling your attention to the town of Honsfeld, were

you next to Rumpf in Honsfeld?

A Yes.

Q Do you remember that you were at the end of the town of Honsfeld, in a northwestern direction?

A Yes.

Q On that occasion, did Rumpf give you any orders as to the shooting of prisoners of war?

A No.

Q Where were you standing, at this time, with reference to Rumpf?

A Not very far.

Q Would you have heard such an order?

A Yes.

Q What time was that?

A It was at dawn.

Q Which day?

A The 17th.

Q Did you hear Rumpf reprimand any of his own men, when they cursed at prisoners of war?

PROSECUTION(Captain Schmacher): Objection --

DEFENSE (Dr. Pfister): I will withdraw that question.

Q Did you see any prisoners of war at that end of the town of Honsfeld?

A Yes, some prisoners of war were coming out to us.

Q What happened then?

A Those prisoners of war were cursed at by our men and Rumpf then reminded them about this and told them that those were prisoners of war and that our men should remember how they would feel, when they were prisoners of war and were cursed at.

Q Were these cursings discontinued thereupon?

A Yes.

Q I would like to ask you again: did this occur on the western end of the town of Honsfeld, since it is possible that I made a mistake in putting the previous question to you?

A Yes, it was from the western end of the town of Honsfeld.

Q I direct your attention now to the town of Buellingen, where did you see prisoners of war near Buellingen?

PROSECUTION (Colonel Ellis): If the court please, the counsel is continually asking leading questions of this witness, and if the counsel can't conduct the examination properly, we request that some other counsel do the job.

LAW MEMBER: I know it is difficult, Dr. Pfister, to use our form of examination, but your questions are leading and I would suggest that you phrase your questions so that you don't put the words into the mouth of the witness on direct examination.

DEFENSE (Dr. Pfister): Yes, sir. Then I ask the court to tell me whether the question: "...did you see prisoners of war in Buellingen...", was improper --

PROSECUTION (Colonel Ellis): I don't believe that the question was put quite that way.

DEFENSE (Dr. Pfister): Well, now I put the question that way.

Q Did you see prisoners of war in Buellingen?

A Yes, I did.

Q Will you describe everything about that that you can remember to the court?

A I left Buellingen in my SPW and a Tech Sergeant was standing there with several prisoners of war, perhaps 15 or 20, so this Tech Sergeant stopped our SPW, since there was an officer

riding on it, and he asked this officer -- it was Second Lieutenant Herring -- what was to happen to those prisoners of war. Thereupon Second Lieutenant Herring answered that he was to take back the prisoners of war.

DEFENSE (Dr. Pfister): No further questions.

(Whereupon further direct examination of the present witness ensued, conducted by Colonel Sutton.)

REDIRECT EXAMINATION (cont'd.)

QUESTIONS BY THE DEFENSE (Colonel Sutton):

Q Butth, do you know Max Reider?

A Yes.

Q Was he in your Company?

A Yes.

Q Did you see Helmut Reider -- I mean, Helmut Haas in Max Reider's vehicle at the crossroads at any time?

A Helmut Haas...? Do you mean Walter Haas?

Q Well, I think that his name is Helmut, but it could be Walter. Did you see him?

A Yes, I saw him.

Q Did their vehicle arrive at the crossroads at the same time that yours did?

A No, I arrived there a little later.

Q Were there any vehicles ahead of the vehicle in which you were riding at that time?

A Yes.

Q Approximately how many?

A Well, I arrived as the last vehicle and all of the

Company vehicles were ahead of me at that time and then I arranged my vehicle in the right march order again.

Q About how much later did your vehicle arrive at the crossroads, after Reider?

A I can't say exactly, since I don't know when Reider's vehicle arrived there.

Q Well, approximately what time did your vehicle arrive at the crossroads?

A It might have been about two o'clock or two-thirty in the afternoon.

Q Did you see Max Reider shoot prisoners in the vicinity of the crossroads?

A No, sir.

Q What type of vehicle were you in at the crossroads?

A In an SPW.

Q What type of vehicle was Reider in at the crossroads?

A Reider was also in an SPW.

Q Did you see anyone shoot at the crossroads?

A No, from my arrival until shortly after I left again no shot was fired at the crossroads.

Q Did you not see Haas fire at the crossroads?

A Yes, Haas did some firing out of the SPW.

Q What weapon did he use?

A A machine-pistol.

Q Were there any Americans standing in the field, when you arrived at the field, or when you arrived in the pasture at the vicinity of the crossroads?

A No, at that time, there was nobody.

Q Did you see any Germans in the field or the pasture near the crossroads?

A No.

Q Was your vehicle in front of, or behind, Max Reider's vehicle?

A Behind the vehicle.

Q About how much distance was there between these two vehicles?

A 15 to 20 meters.

Q Did the Americans who were lying in the field appear to be dead?

A Yes.

Q Did Reider's vehicle leave the crossroads before your vehicle, or after your vehicle?

A Before I left the crossroads.

Q Did you ever hear Lieutenant Rumpf give an order to shoot prisoners of war?

A No.

DEFENSE (Colonel Sutton): No further questions.

RE CROSS-EXAMINATION

QUESTIONS BY THE PROSECUTION (Captain Schumacher):

Q Now, this man Haas that you speak about was in the 9th Panzer Pioneer Company, too, is that right?

A Yes.

Q And the man that he shot was an American soldier, unarmed and who was on his knees praying in the ditch on the right hand side of the road?

A May I ask who is supposed to have shot him?

Q Haas!

A Yes.

Q And the CO of Haas was Rumpf, is that right?

A Yes.

Q Now, didn't you testify on direct examination that you didn't see Reider at the crossroads?

A I said that I didn't see Reider in the fields, nor did I see him at the crossroads.

Q You never laid eyes on Reider anywhere in the vicinity of the crossroads or the field, is that right?

A No.

Q But you said that he was supposed to be ahead of your SPW in your column?

A Yes.

Q Were you with Reider in Buellingen, when he shot a woman in the kitchen of a house?

A No.

Q Were you with Rumpf in Buellingen, when he talked with Untersturmfuehrer Lier?

A I don't know an Untersturmfuehrer Lier.

Q I mean Unterscharfeuhrer Lier?

A No.

Q He was in your Company, wasn't he?

A Yes.

Q How long had you been in the 9th Panzer Pioneer Company, at the time of the Eifel Offensive?

A I was in the 9th Panzer Pioneer Company since April, 1944.

Q Do you recognize this as the handwriting of your Company Commander, Obersturmfuehrer Rumpf -- I'm referring now to the handwriting and not to the contents?

A No, I can't say with certainty whether this is the handwriting of Rumpf -- I don't know his handwriting --

DEFENSE (Dr. Pfister): I object to that question, on the same grounds, and for the same reason, for which I have already objected. At that time I said that the witness was not a handwriting expert and at that time the court sustained my objection.

LAW MEMBER: Well, the witness has said that he doesn't recognize it, so I believe that that will suffice.

Q Do you remember on the night of the 16th-17th of December that Unterscharfeuhrer Lier was assigned to the point of your Company.

A No, I don't know about that.

Q You said that you were in Buellingen on the 19th of December, 1944, is that right? Correction -- I mean, on the 17th of December, 1944?

A On the 17th of December, yes.

Q Did you see Unterscharfeuhrer Haas there in Buellingen, at that time?

A No.

Q I read to you a statement and ask you if you know whether or not these facts are true --

Now, having read to you that statement, I ask you if you know whether or not those facts are true?

A I never did hear anything about that, nor did I see anything.

Q In other words, you didn't search the houses in Buellingen with Haas of your Company, is that right?

A No.

Q Now, Untersturmfuehrer Herring was also an officer of your Company, wasn't he?

A Yes.

Q And he was commanded by Obersturmfuehrer Rumpf, wasn't he?

A Yes.

Q And you heard him bragging on the 18th of December about having shot an American at the crossroads, didn't you?

A Yes.

PROSECUTION (Captain Schumacher): No further questions.

RE-DIRECT EXAMINATION

QUESTIONS BY THE DEFENSE (Colonel Sutton):

Q Was Reider in the same vehicle that Haas was in?

A Reider belonged to the group of Haas.

Q Well, was he in the same vehicle with Haas?

A Yes.

DEFENSE (Colonel Sutton): If the court please, I would like to ask one question that should have been asked on direct examination --

PROSECUTION (Captain Schumacher): No objection.

PRESIDENT: There being no objection, you may proceed with the question.

DEFENSE (Colonel Sutton): Thank you.

Q Do you know Willie von Chamier?

A Yes.

Q Did you see him at the crossroads?

A No.

DEFENSE (Colonel Sutton): No further questions.

RE-CROSS EXAMINATION

QUESTIONS BY THE PROSECUTION (Captain Schumacher):

Q One more question -- will you swear on your oath before this court that Willie von Chamier did not shoot any prisoners of war at the crossroads at any time between 1200 hours and 1400 hours at any time on the 16th of December, 1944?

A I didn't see Willie von Chamier shoot at the crossroads.

PROSECUTION (Captain Schumacher): No further questions by the prosecution.

DEFENSE (Colonel Everett): The defense has nothing further on re-direct.

PRESIDENT: Are there any further questions by any member of the court?

(Whereupon, there being no further questions, the witness was excused and withdrew.)

PRESIDENT: The witness is excused.

DEFENSE (Colonel Everett): The defense calls as its next witness Hans Buchman. Lieutenant Waller will conduct the examination on behalf of the defense.

HANS BUCHMAN, a witness for the defense, was called, sworn through the interpreter, and testified through the interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY THE DEFENSE (Lieutenant Waller):

Q Will you state your name?

A Hans Buchman.

Q Were you a member of the Waffen SS, during the period December 1944 — December 16th, 1944 to 16th December, 1945?

A Yes.

Q What Company and what Regiment were you a member of?

A Headquarters Company, 3rd Battalion, 7th Regiment.

Q During that period, was your Company attached to the 1st Regiment?

A Yes, the 1st Panzer Regiment.

Q On or about the 18th day of December, 1944, were you in La Gleize?

A Yes.

Q What direction did you come from, just prior to arriving in the vicinity of La Gleize?

A From the direction of Stavelot.

Q When you entered La Gleize, can you describe, on Prosecution Exhibit No. 3, the direction of travel that you assumed? Will you come over here a minute, please? (The witness approached the wall map of the pertinent area, Prosecution Exhibit No. 3, as requested.) Now, will you describe to the court your course of travel from Stavelot to La Gleize? How did you proceed to La Gleize?

(Whereupon the witness traced with a pointed on the map, Prosecution Exhibit No. 3, the route that he had taken.)

DEFENSE (Lieutenant Waller): Let the record show that the witness had indicated the highway designated on the map in pink, indicating the main highway from Stavelot to La Gleize.

PROSECUTION (Mr. Ellowitz): No objection.

Q At what time of the day did you arrive in La Gleize?

A It was between 3 -- no, between 2 and 3 o'clock in the afternoon.

(Whereupon the witness resumed the witness stand.)

DEFENSE (Lieutenant Waller): I hand the reporter a document and request that it be marked "Defense Exhibit D-24, for identification".

(Whereupon the reporter marked the document as requested.)

Q I hand you this document, marked "Defense Exhibit D-24, for identification" and ask you what, if anything, that sketch portrays?

A That is the town of La Gleize.

Q Does it reasonably portray the condition of the streets of the town of La Gleize on the 18th of December, 1944?

A Yes.

Q Does the sketch reasonably portray the position of the church on the 19th day of December, 1944?

A Yes.

Q Does the sketch reasonably portray the position of the schoolhouse of the town of La Gleize on the 19th of December, 1944?

A Yes.

Q Can you describe what those symbols surrounding the church are?

A Do you mean these symbols (the witness pointed to the sketch)?

Q Yes, that's correct.

A That is the cemetery.

DEFENSE (Lieutenant Waller): If the court please, we ask that the document previously marked as "Defense Exhibit D-24, for identification" be accepted into evidence by the court, marked as "Defense Exhibit D-24", for attachment to the record.

PROSECUTION: No objection.

PRESIDENT: There being no objection, the Exhibit marked -- the Exhibit will be marked as Defense Exhibit D-24, accepted into evidence by the court, and attached to the record

DEFENSE (Lieutenant Waller): I hand the reporter a further document and ask that it be marked as "Defense Exhibit D-25, for identification".

(Whereupon the reporter marked the document as requested.)

Q I hand you this document, marked "Defense Exhibit D-25, for identification" and ask you what, if anything, it portrays?

A That is the town of La Gleize.

Q Does that reasonably portray the condition of the village of La Gleize, on or about the 18th of December, 1944?

A Yes.

DEFENSE (Lieutenant Waller): We offer at this time, the document just identified by the witness, previously marked as "Defense Exhibit D-25, for identification", and ask that it be accepted into evidence by the court, marked as "Defense Exhibit D-25", for attachment to the record.

PROSECUTION: No objection.

PRESIDENT: There being no objection, the document will be marked as Defense Exhibit D-25, accepted into evidence by the court for attachment to the record.

Q I hand you another exhibit, marked "Defense Exhibit D-26, for identification" and ask you what, if anything, that portrays?

A Yes, it is the town of La Gleize, and apparently the road shown in this picture is the road to Cheneux.

Q Does this reasonably portray the condition of the town of La Gleize, as it appeared on the 23rd of December, 1944?

A Yes, with the exception of the ruins.

Q Do you know the condition of the town of La Gleize on the 23rd of December, 1944?

A Only part of it.

Q Do you know whether or not the picture portrayed in this photograph is a reasonable representation of that section of La Gleize, as it appeared on the 23rd of December, 1944?

A Well, with the exception of a few buildings -- I don't think that building was there at that time (the witness pointed to the exhibit) --

Q Will you indicate on the picture with this pen which building was not there on the 23rd day of December, 1944?

(Whereupon the witness marked with a pen, as requested.)

DEFENSE (Lieutenant Waller): We offer at this time, the document just identified by the witness, previously marked as "Defense Exhibit D-26, for identification", and ask that it be accepted into evidence by the court, marked as "Defense Exhibit D-26", for attachment to the record.

PROSECUTION: The prosecution will object to this Exhibit, on the grounds that the witness has said that it represents a certain section of the town of La Gleize at this time, with the exception of ruins and new buildings. In view of the very small scale of the photograph, we don't believe that this witness is competent to make the identification. If it is shown that the witness has been in La Gleize since this time, we will withdraw the objection --

DEFENSE (Lieutenant Waller): If the court please, we believe that this photograph has been adequately identified by the witness as representing the condition of that portion of the town of La Gleize as it appeared on the 23rd day of December, 1944, with the exception of one house, which he has marked with an "X", which was constructed after the 23rd of December, 1944.

LAW MEMBER: Is this one of the photographs that Mr. Rulien took on his recent trip?

DEFENSE (Lieutenant Waller): Yes, sir.

LAW MEMBER: Will Mr. Rulien further identify it?

DEFENSE (Lieutenant Waller): Yes, sir. He can and he will.

PRESIDENT: The objection is overruled and the photograph will be accepted into evidence by the court, marked as Defense Exhibit D-26 for attachment to the record.

(Whereupon the Exhibit was marked as indicated by the reporter.)

DEFENSE (Lieutenant Waller): Now, if the court please, we would like to recall this witness, after we have completed offering all of our exhibits into evidence, but for the purpose of cross-examination we are tendering the witness to the prosecution, for the purpose of cross-examination.

CROSS-EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q Showing you this photograph, marked Defense Exhibit D-26, what portion of La Gleize does that photograph show?

A It shows a portion of the schoolhouse and the church and the road -- the road which, according to my opinion -- runs to Cheneux.

Q Have you ever been down the road from La Gleize to Cheneux?

A We were standing on that road, near the wall of the cemetery, part of which is shown here --

Q That's not my question -- I asked whether you had ever been down the road from La Gleize to Cheneux?

A Yes, we drove down this road in our SPW.

Q Can you tell, from an examination of that photograph, where it was taken from?

A No.

Q You have described certain ruins in that photograph -- what are the ruins?

A They are the ruins apparently caused by artillery fire.

Q Were those houses ruined on the 23rd of December, when you were in La Gleize?

A I don't know on which day.

Q Well, were they destroyed before you left La Gleize?

A I don't know that.

Q When did you leave La Gleize?

A On the 24th.

Q And you don't remember whether these houses were destroyed before you left La Gleize or not?

A No.

Q Have you been back to La Gleize, since the 24th of December, 1944?

A No.

Q Then, if you can't remember whether or not these houses were destroyed, how can you identify this as a picture of La Gleize?

DEFENSE (Lieutenant Waller): If the court please, that is a matter which is calling for a conclusion of the witness and it is not within the proper province of the witness' testimony.

PROSECUTION: If it please the court, this witness has identified this photograph as a photograph of La Gleize and I am only asking how he identifies the picture.

PRESIDENT: The objection is overruled.

Q How do you recognize this as a photograph of the village of La Gleize?

A I remember this schoolhouse, and this next house -- the house next to the road down here (the witness pointed to the photograph).

Q You are certain in your own mind then that this is a picture of the village of La Gleize?

A Yes.

Q Does that show the entire village of La Gleize?

A No.

PROSECUTION: No further questions.

RE-DIRECT EXAMINATION

QUESTIONS BY THE DEFENSE (Lieutenant Waller):

Q Do you know whether or not there was any fighting or artillery fire on the village of La Gleize, after the Germans had evacuated the town on the 24th day of December, 1944?

A As to that, I don't know.

DEFENSE (Lieutenant Waller): That's all. No further questions.

PROSECUTION: No further questions.

PRESIDENT: Are there any questions by the court of this witness? If not, the witness is excused.

(Whereupon, there being no further questions, the witness was excused and withdrew.)

DEFENSE (Colonel Everett): The defense calls, as its next witness, Fritz Willecke. Lieutenant Waller, on behalf of the defense, will conduct the examination.

FRITZ WILLECKE, a witness for the defense, was recalled, the witness was reminded that he was still under oath, and testified through the interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY THE DEFENSE (Lieutenant Waller):

Q You are the same Fritz Willecke that has testified heretofore before this court, is that correct?

A Yes.

Q On the 23rd day of December, 1944, were you in the vicinity of La Gleize?

A Yes, in La Gleize.

Q In what portion of La Gleize were you stationed?

A In the Preist's house.

Q On the 22nd day of December, 1944, were you in the town of La Gleize?

A Yes.

Q Where were you stationed at that time?

A In the house of the Priest of La Gleize.

Q Are you familiar with the church in the town of La Gleize?

A Yes.

Q I hand you "Defense Exhibit D-27, for identification" and ask you what, if anything, that photograph portrays?

A This is the church of La Gleize.

Q Does that photograph indicate anything else?

A Yes, it indicates that everything is destroyed.

PROSECUTION: Will you have the witness speak a little louder, please?

Witness: Yes, sir: the church is destroyed.

Q Does this picture indicate any other physical terrain features, other than the church? I mean, does this picture indicate the territory surrounding the church?

A Yes, this is the wall of the church (the witness indicated by pointing to the photograph).

Q Do the physical features indicated on that picture reasonably indicate the conditions there as they existed on the 23rd day of December, 1944?

A Yes.

DEFENSE (Lieutenant Waller): If the court please, the defense offers into evidence at this time, the document just identified by the witness, previously marked as "Defense Exhibit D-27, for identification", and asks that it be marked as "Defense Exhibit D-27" for attachment to the record.

PROSECUTION: No objection.

PRESIDENT: There being no objection, the document offered into evidence by the defense will be accepted into evidence by the court, marked as Defense Exhibit D-27 and attached to the record.

(Whereupon the exhibit was marked by the reporter as indicated).

Q I now show you an exhibit marked "Defense Exhibit D-28, for identification", and ask you what, if anything that picture portrays?

A That is the church of La Gleize and this is the entrance to the church (the witness pointed to the photograph handed to him).

Q What else does this picture indicate?

A It indicates that the tower and the roof of the church are broken down and destroyed.

Q Does this picture indicate the condition of the cemetery and the church wall, as they existed on or about the 23rd day of December, 1944?

A Yes.

Q Does this picture indicate the condition of the church, as it existed on the 23rd day of December, 1944?

A Yes.

DEFENSE (Lieutenant Waller): If the court please, we offer into evidence at this time the document just identified by the witness and ask that it be accepted into evidence by the court, marked as Defense Exhibit D-28 for attachment to the record.

PROSECUTION: No objection.

PRESIDENT: There being no objection, the document offered by the defense will be accepted into evidence by the court, marked as Defense Exhibit D-28 and attached to the record.

Q I show you a picture marked "Defense Exhibit D-29, for identification" and ask you what, if anything, that picture portrays?

A That is also the church of La Gleize.

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Q Do the physical features as portrayed in that photograph reasonably represent the conditions as they existed on or about the 23rd day of December, 1944?

A Yes.

DEFENSE (Lieutenant Waller): If it please the court, we offer into evidence at this time the document just identified by the witness, previously marked as "Defense Exhibit D-29, for identification", and ask that it be accepted into evidence by the court, marked as "Defense Exhibit D-29" and attached to the record.

PROSECUTION: No objection.

PRESIDENT: There being no objection, the document just offered by the defense will be accepted into evidence by the court, marked as Defense Exhibit D-29 and attached to the record.

Q I show you a picture marked as "Defense Exhibit D-30, for identification" and ask you what, if anything, that picture portrays?

A That is the schoolhouse of La Gleize.

Q Does the picture portray the condition of the schoolhouse, as it reasonably existed, on or about the 23rd day of December, 1944?

A Yes.

Q Look at the picture once again -- was that truck present, on or about the 23rd day of December, 1944?

A No, the truck was not there.

Q With the exception of that truck, all of the physical conditions portrayed on that picture are those that existed on or about the 23rd day of December, is that correct?

A Yes.

DEFENSE (Lieutenant Waller): If it please the court, we offer into evidence at this time, the document -- a photograph -- just identified by the witness, and ask that it be accepted into

evidence by the court, marked as Defense Exhibit D-30 for attachment to the record.

PROSECUTION: No objection.

PRESIDENT: There being no objection, the exhibit offered by the defense will be accepted into evidence by the court, marked as Defense Exhibit D-30 and attached to the record.

Q I show you another picture, marked "Defense Exhibit D-31, for identification" and ask you what, if anything, that picture portrays?

A Yes, that is the church of La Gleize -- and this is the part where the first shell hit the church (the witness pointed to the photograph) and this is the spot where I was sitting (the witness pointed again to the photograph).

DEFENSE (Lieutenant Waller): Let the record show that the witness has indicated a place on the picture indicated as being the second column of the picture.

PROSECUTION: No objection.

PRESIDENT: There being no objection, the record will so show.

Q Do the physical conditions represented there reasonably represent the conditions as they existed, of the church of La Gleize, on the 23rd day of December, 1944?

A I saw -- I wasn't there any more after the first shell, I was only there when that hole was caused and after that I wasn't there any more.

Q Well, does the picture reasonably represent the conditions -- the physical conditions -- of the church of La Gleize after the first shell hit?

A Well, after the first shell hit, it didn't look like this -- there were wounded people lying all around and then they

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were buried after the first shell hit there.

DEFENSE (Lieutenant Waller): I will not offer this for the time being. I would like to recall this witness at a later time, so, for the purpose of cross-examination, we will tender the witness to the prosecution at this time.

PROSECUTION (Colonel Ellis): No cross-examination.

DEFENSE (Colonel Everett): The defense calls as its next witness, Miles Rulein and Lieutenant Waller, on behalf of the defense, will conduct the direct examination.

MR. MILES W. RULEIN, a witness for the defense, was recalled and reminded that he was still under oath before the court, he then testified through the interpreter as follows:

RE DIRECT EXAMINATION

QUESTIONS BY THE DEFENSE (Lieutenant Waller):

Q Are you the same Miles W. Rulein that has previously testified before this court?

A Yes.

PROSECUTION: If the court please, if the purpose of this witness is to state that these pictures were taken in June, 1946, we will so stipulate.

DEFENSE (Lieutenant Waller): All right, we will so stipulate with the prosecution, however, we have some further questions that we would like to develop from this witness.

Q I show you Defense Exhibit D-24 and ask you what that sketch portrays?

A That is a sketch of a plan of part of La Cleize.

Q Would you bring that sketch up to the court here, please?

(Whereupon the witness left the witness stand and brought the sketch to the court bench, as requested).

Q -- now, will you describe to the court the road from Stavelot, entering La Gleize?

A Yes, it twists up this hill on this side (the witness pointed to the sketch) and comes into La Gleize at a "Y" here.

Q Would you describe the road leaving La Gleize, towards Cheneux?

A Yes, in coming in on this same road, you take the left hand side of the "Y" and swing around the Church and then you come into the Cheneux road.

Q Is this the Cheneux road?

A Yes.

Q What does this road indicate, if you know?

A All I know is that there is a lane that comes in at that point.

Q That is a lane, rather than a road then, is that right?

A Yes.

Q Are the symbols to Stoumont and Spa, proper, correct?

A Yes.

Q Showing you Defense Exhibit D-28, will you place that photograph on the map, showing approximately that physical condition that it portrays on this sketch?

A Yes, that is a picture of the churchyard and of the entrance to it.

Q I show you Defense Exhibit D-29. Will you place that picture on the sketch, showing the approximate physical condition that it represents?

A Yes.

Q I show you Defense Exhibit D-27. Will you place that picture on the sketch, indicating the approximate physical condition that it represents?

A Yes.

DEFENSE (Lieutenant Waller): If the court please, have all of the pictures been marked in their position on the sketch?

LAW MEMBER: I believe so.

Q I show you Defense Exhibit D-26 and ask you from what position was that picture taken?

A It was along towards Stoumont, looking across the valley to La Gleize.

Q I show you "Defense Exhibit D-31, for identification" and ask you what, if anything, that picture portrays.

A Yes, that is the interior of the church of La Gleize.

Q Was that picture taken under your direction?

A Yes.

Q About when was that picture taken?

A It was taken on June 25th, 1946, I think it was taken in the afternoon.

DEFENSE (Lieutenant Waller): If the court please, we offer at this time the picture just identified by this witness, previously marked "Defense Exhibit D-31, for identification", and ask that it be accepted into evidence by the court, marked as "Defense Exhibit D-31" for attachment to the record.

PROSECUTION: No objection.

PRESIDENT: There being no objection, it will be accepted into evidence by the court, marked as Defense Exhibit D-31, and attached to the record.

Q Can you describe the height of the surface of the cemetery, relative to the wall that surrounds it?

A Yes, that wall is a retaining wall and the surface of the churchyard was substantially level with the top of the wall.

Q Is that true for the whole length of the wall?

A I don't understand what you mean -- oh, yes, that's right.

Q Is there at any point, what would be called an inside portion of this wall?

A I don't understand what you mean by "inside portion"?

Q Well, is there a portion of this wall where an individual could be requested to stand against the wall -- with his back to the wall?

A No, not in the churchyard.

Q I show you "Defense Exhibit D-32, for identification", which represents a statement taken from Father Louis Blokian, do you recognize that as the signature of the affiant?

A Yes, I do.

Q Were you present at the taking of this statement?

A Yes, I was.

Q On approximately what date was this statement taken?

A June 11th, 1946.

Q And where was that statement taken?

A In the residence of the Priest in the town of La Gleize.

Q Who else was present at that time?

A Corporal George Converse as interpreter and Miss Betty Young, as stenographer.

Q Who interrogated the affiant?

A You did.

DEFENSE (Lieutenant Waller): Let the record show that the witness has indicated Second Lieutenant Waller. We would like to offer at this time, if the court please, the exhibit previously marked "Defense Exhibit D-32, for identification" and ask that it be accepted by the court into evidence, marked as "Defense Exhibit

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D-32" and attached to the record.

PROSECUTION: No objection.

PRESIDENT: There being no objection, the exhibit offered by the defense will be accepted into evidence by the court, marked as Defense Exhibit D-32 and attached to the record.

DEFENSE (Lieutenant Waller): We ask the permission of the court to read this statement into the record.

PROSECUTION: No objection.

PRESIDENT: It may be read to the court.

DEFENSE (Lieutenant Waller): If the court please, I will qualify two other statements before the recess and then we can read these into the record later this afternoon, if that is agreeable?

LAW MEMBER: Yes, do that.

Q I show you "Defense Exhibit D-33, for identification" and ask you -- this represents the statement of Alfred Kruetz, -- if you were present at the time this statement was taken?

A Yes, I was.

Q Where was that statement taken?

A At La Gleize, Belgium.

Q Who else was present at the time that statement was taken?

A Corporal George Converse, as interpreter, and Miss Betty Young, as typist.

Q And by whom was that statement taken?

A This statement was taken by you.

DEFENSE (Lieutenant Waller): Let the record show that the witness has indicated Second Lieutenant Waller.

PROSECUTION: No objection.

PRESIDENT: There being no objection, let the record

so reflect.

DEFENSE (Lieutenant Waller): We offer into evidence at this time the exhibit just identified by the witness, previously marked as "Defense Exhibit D-33, for identification", and ask that it be accepted into evidence by the court, and marked as "Defense Exhibit D-33" for attachment to the record.

PROSECUTION: No objection.

PRESIDENT: There being no objection, the exhibit offered by the defense will be accepted into evidence by the court, marked as Defense Exhibit D-33 and will be attached to the record.

PROSECUTION (Colonel Ellis): If the court please, we would like to reserve our right to object to these statements, insofar as the competency or relevancy of them is concerned, because we haven't had time to read either one of them.

PRESIDENT: The prosecution has that right reserved.

Q I show you an exhibit marked "Defense Exhibit D-34, for identification" and ask you if you were present at the time that that statement was taken?

A Yes, I was.

Q On what day was that taken?

A It was on June 15th, 1946.

Q And where was that taken?

A In the home of Madame _____, in La Gleize.

Q By whom was that statement taken?

A By myself.

Q And who acted as interpreter for you at that time?

A Corporal George Converse.

DEFENSE (Lieutenant Waller): We offer at this time, the exhibit just identified by the witness and ask that it be accepted into evidence by the court, marked as "Defense Exhibit

D-34" for attachment to the record.

PROSECUTION: No objection, subject to the same reservation, if it please the court.

PRESIDENT: There being no objection, the exhibit just offered by the defense will be accepted into evidence by the court, marked as Defense Exhibit D-34 and attached to the record, subject to the reservation that the prosecution may object at a later time.

Q I show you a statement marked "Defense Exhibit D-35, for identification", which represents a statement taken from Armand Baldus. Were you present at the time that this statement was taken?

A I was.

Q By whom was that statement taken?

A By me.

Q On what date was that statement taken?

A On June 16th, 1946.

Q And where was that statement taken?

A In La Gleize, Belgium.

Q And who else was present at the time that this statement was taken?

A Corporal George Converse, as interpreter.

DEFENSE (Lieutenant Waller): The defense offers at this time the exhibit just identified by the witness and asks that it be accepted into evidence by the court, marked as "Defense Exhibit D-35" and attached to the record.

PROSECUTION: No objection, subject to the same reservation, if it please the court.

PRESIDENT: There being no objection, the exhibit offered by the defense will be accepted into evidence by the court, marked as Defense Exhibit D-35 and attached to the record. The prosecu-

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tion having reserved its right to object at a later time. The court will recess until 1330 hours.

(Whereupon the court, on the direction of the President, recessed, to reconvene at 1330 hours.)

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AFTERNOON SESSION

(Whereupon Court reconvened at 1330 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: If the Court please, let the record show that all the members of the Court, all the members of the Prosecution, with the exception of Captain Byrne, who has been excused by verbal orders of the Commanding General, all the members of the Defense, with the exception of Lieutenant Colonel Dwinell, Mr. Walters, Dr. Leer, Dr. Leiling, Dr. Pfister, Dr. Wieland, and Dr. Hertkorn, who are absent on business of the accused, all the defendants and the reporter are present.

DEFENSE COUNSEL: Defense recalls Miles W. Rulien.

MILES W. RULIEN, a witness recalled by the Defense, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and the accused.)

PROSECUTION: The witness is reminded he is still under oath.

LT. WAHLER: At this time the Defense requests permission to read its exhibits into evidence.

PRESIDENT: Granted.

(Whereupon Lt. Wahler proceeded to read Exhibit D-32 as follows:

"La Gleize, Belgium
11 June 1946.

On the above date Lt. W. J. Wahler, in the presence of Miss Betty Young, stenographer; Cpl. George M. Converse, interpreter; and Mr. Miles W. Rulien, investigator, interrogated the following named witness, whose statements have all been given under oath:

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- Q. What is your name?
A. Father Louis Desire Joseph Blokian.
- Q. What religious denomination are you?
A. Catholic.
- Q. How long have you had this parrish at La Gleize, Belgium?
A. Nine years.
- Q. Do you recall during the month of December 1944 the occupation of La Gleize by German soldiers?
A. Yes.
- Q. During the occupation of LaGleize by the German armed forces did you remain in your parrish in La Gleize?
A. Yes.
- Q. Did you take refuge while the town of La Gleize was under seige?
A. Yes.
- Q. When did you take refuge?
A. On Monday, 18 December 44, at 1:45, when the Germans entered La Gleize.
- Q. Where did you take refuge?
A. In the cellar of the house of Arthur George.
- Q. Who were present in the cellar at this time?
A. Mr. George's family. Others arrived later, but at the present time I don't recall their names. On Tuesday all the people living around the parrish came to refuge in the cellar. There was also a German refugee there.
- Q. When you went into the cellar was there a lot of artillery from American forces being fired into La Gleize?
A. No.
- Q. Was La Gleize ever under fire from American forces?
A. Yes, beginning on Tuesday.
- Q. When the Germans came into La Gleize on Monday were there any Americans in the village at that time?
A. No.
- Q. When was the first time that you heard of American prisoners of war being brought to La Gleize?
A. I don't know exactly. It was probably Wednesday, or Thursday.
- Q. Where is Mr. George's home located with relation to the church?
A. About 30 meters away, on the main road of La Gleize.
- Q. How long did you remain in the cellar before you left it?
A. I left it about 4:30 on Monday, just as it was beginning to get dark.

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- Q. And where did you go?
A. To the Communal House which was inhabited by the teacher.
- Q. How long did you remain there?
A. Five minutes.
- Q. Where is the Communal House located with relation to the church?
A. Across the street.
- Q. In order to get to the Communal House you had to walk along the road past the cement wall surrounding the church?
A. I followed the road along the cemetery, inside the wall, between the cemetery and the church.
- Q. As you walked along the road to Mr. George's house to the entrance to the cemetery, did you look down the road?
A. Yes, but there was a lot of rifle fire and we hurried.
- Q. Did you see anything as you looked down this road?
A. Nothing special. There were Germans there, as there was everywhere.
- Q. Did you at that time see the bodies of any American soldiers lying on the road?
A. No.
- Q. When did you again return to Mr. George's home?
A. Perhaps 10 minutes at the most.
- Q. Where did you go when you arrived at Mr. George's home the second time?
A. To the cellar.
- Q. How long did you remain in the cellar the second time?
A. Until about 10 o'clock on Tuesday, in the morning.
- Q. Did you leave the cellar at that time?
A. Yes, I went to the kitchen which was at the top of the stairs, The Germans were there, and the people of the house were there, making coffee.
- Q. And what did you do, Father?
A. I just looked and went back into the cellar.
- Q. When did you leave the cellar again, if at all?
A. Sunday, 24 December 44.
- Q. And where did you go this time?
A. We looked all about. The Americans were there. I went up to the village and then back to my house. The American commander was in the last house of the village and was still doing a lot of phoning. I asked him where we should go. He said to go towards Stoumont.
- Q. Did you go to Stoumont?
A. No, I went back to my people, in order to tell them.

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- Q. And then what did you do?
A. We were given the order to evacuate, that we were to get our things together and that automobiles would come to get us at 4 o'clock.
- Q. What, if anything else, did you do?
A. I went to my house. We remained there watching the troops. I was asked to go around the village to assemble the people.
- Q. Did you ever leave La Gleize?
A. Yes, on the 24th.
- Q. How long did you remain away?
A. Until the following Saturday, the 30th of December. I returned once during the period that we were gone.
- Q. When was that?
A. Wednesday or Thursday. We buried a small boy who had died while we were away.
- Q. What did he die from, Father?
A. The boy died from influenza.
- Q. Between the period of 18 Dec and 24 Dec, up to the time that you left the village of La Gleize, did you ever see the bodies of any dead American soldiers lying in La Gleize?
A. No.
- Q. During this period of time, Father, what was your church being used for?
A. As a hospital. I suppose the soldiers also took shelter there.
- Q. Were these soldiers that you speak of American or German?
A. German.
- Q. Do you know if there were any wounded American soldiers lying in this church?
A. People have told me there were.
- Q. Were these American soldiers being treated by the Germans?
A. I don't think so.
- Q. Did you ever examine the wall surrounding the church for bullet holes?
A. About a year later when an investigation was made by the Americans.
- Q. Did you look at the wall?
A. Yes.
- Q. When you examined the wall, Father, did you notice any marks which could have been made by bullets from small arms fire?

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- A. No, it does not seem to me. There are marks, but don't appear to be from small arms, and certainly not from mass firing.
- Q. By mass firing do you mean machine gun fire, and machine pistols?
- A. Yes. No proving marks were visible.
- Q. Did you examine the outside wall of your schoolhouse?
- A. Partially, yes.
- Q. Did you see any marks that could have been caused by small arms fire on that wall?
- A. No.
- Q. At any time, Father, did you see the bodies of American soldiers in the town?
- A. No, except those I told you that had been burned in tanks. I had seen only one body in a tank. The body was so burned that it could not be extracted from the tank. I saw helmets of American soldiers with holes and brain matter inside.
- Q. Where were these helmets found?
- A. In a small path at the end of the church property, which is a small field about 50 meters from the church.
- Q. How many helmets did you see?
- A. One with brain matter in it, and the other with a hole in it.
- Q. Father, your church is in the center of the cemetery, is that right?
- A. Yes.
- Q. While you were in the cellar, from Monday 18 December 44 till Sunday 24 December 44, did you at any time hear the moaning or groaning of human beings?
- A. No. I heard cries, but they were from people in the village who were calling to see if we were there.
- Q. Then they were not cries in the sense that we use the word. They were one individual calling to another?
- A. Yes.

(signed) Louis Desire Joseph Blokian
Father Louis Desire Joseph Blokian
La Gleize, Belgium

Subscribed and sworn to before me this 11th day of June 1946

(signed) W. J. Wahler, JAGD
2nd Lt. W. J. Wahler, JAGD

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Tk #329-7/5-SR-6

"I, Corporal Converse, 42235314, being first duly sworn, state: That I truly translated the oath administered by 2nd Lt. W. J. Wahler to Father Louis Desire Joseph Blokian, and that thereupon he made and subscribed the foregoing statement in his own handwriting in my presence.

(signed) Cpl. George Converse
Cpl George Converse

I, Cpl George Converse, 42235314, being first duly sworn, state that the foregoing is a true and correct translation of the sworn testimony of Father Louis Desire Joseph Blokian given at LaGleize on the 11th of June, 1946, to the best of my ability.

(signed) Cpl George Converse
Cpl George Converse

Subscribed and sworn to before me this 18th day of June 1946, by the above affiant, Cpl George Converse.

(signed) W. J. Wahler, JAG
2nd Lt W. J. Wahler, JAG"

(Whereupon Exhibit D-33 was translated and read in the German language by the interpreter.)

End Tk #329

Ta-33C
7/5/46
sh-1

DEFENSE (LT. WAHLER): This is Defense Exhibit, D-33:

"LaGleize, Belgium,
11 June 1946.

"I, ALFRED KREUTZ, being duly sworn on my oath, depose and say:

"I am 49 years old and live in LaGleize with my wife and family. On the 18th of December 1944 I took refuge in a cellar in a house located on the top of a hill on the outskirts of LaGleize. I stayed there until the following Friday morning. During this time, between Monday and Friday, I left the cellar several times to go to my own house to see that everything was all right. My house is located about 30 or 40 meters from the cellar in which I took refuge. I then got orders on Friday morning at 7:30, from the Germans to go on a detail to carry mattresses from various places in the town to the cellar in which I was staying. The Germans took this cellar as a place for their wounded. I finished this about 10:30 and was relieved from the detail.

"The Germans told me that I had to find a new place to stay, so I went to a house close to the church and on my way I found my wife and two children behind a hedge. I took them and we went to this house. All this time we were running because there was a great deal of firing going on in LaGleize. The Germans came to the house in which I was staying and told us we had to move because it was not safe for us to remain in this section of the town because of the heavy firing. I asked them to get me a new shelter. They then asked me where I wanted to go. I told them that I would like to go to the church, where they then took me. We went into the church and sat down in one corner on a bench. At this time there were about 15 wounded German soldiers in the church, and one wounded American who the Germans were treating. Later in the day, however, many more German soldiers were brought into the church. We stayed here until Saturday at 4:30, when we were moved because of the heavy shelling of the church. We went to a small shed belong to Mr. Lambert, about 25 meters from the church. We stayed there until 3:30 in the morning (Sunday), and then fled through the fields to a small woods in the valley below the village. We left there at 7:30 in the morning. We tried to cross the fields, but the firing was too heavy and we returned to the woods. Then at 10:30 we heard someone call. I looked and saw two American soldiers. They helped us and took us to the road, and told us to go to the civilian station where there was aid.

"During the whole period of time that I have heretofore described I did not see any bodies of dead American soldiers.

(Signed) A. Kreutz
Alfred Kreutz

"Subscribed and sworn to me this 11th day of June 1946:

(Signed) W. J. Wahler
2nd Lt. W. J. Wahler

"I, Cpl Georg Converse, 42235314, being first duly sworn, state; that I truly translated the oath administered by 2nd Lt, W.J. Wahler to Alfred Kreutz, and that there upon he made and subscribed the foregoing statement in his own

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Ta-330
sh-2

handwriting.

Ta-330
sh-2

(Signed) Cpl. George Converse
Cpl George Converse.

"I, Cpl George Converse, 42235314, being first duly sworn, state that the foregoing is a true and correct translation of the sworn testimony of Alfred Kreutz given at LaGleize on the 11th day of June 1946, to the best of my ability.

(signed) Cpl. George Converse

"Subscribed and sworn to before me this 18th day of June 1946.

(signed) W. J. Wahler
2nd Lt. JAGD"

(Whereupon the statement was read in German by the interpreter.)

DEFENSE (LT. WAHLER): This is Defense Exhibit D-34:

"La Gleize, 15 June 1946.

"I, Mme. MARIA GREGOIRE, being first duly sworn, on oath aver-

"That I was and am now a resident of LaGleize, I was such a resident during the time of December, 1944: that when the Germans re-entered the village of LaGleize on the date of 18 December 1946, I with several other persons took refuge from the firing in a cellar, such refuge proved unsafe and we took refuge in the cellar of the church which was used by the Germans as a hospital, that while living in the refuge in the church we saw three wounded American soldiers treated in the German hospital therein; that one of said American soldiers, being badly wounded in both legs, died: that the body of said American soldier was taken outside of the church, that while at the church and moving around the church and environs, when safe, I never saw the body of any other American soldier, nor have I any knowledge of the non-combat shooting of any American soldier, nor have I heard of any such non-combat shooting of any American soldier by the Germans during the month of December, 1944.

FURTHER AFFIANT SAYETH NOT.

(Signed) Maria Gregoire
La Gleize

"Subscribed and sworn to before me this 15th day of June, A.D. 1946.

(Signed) Miles W. Rulien
Miles W.Rulien, D-152257, P-5

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sh-3

"I, Cpl George Converse, ASN 42235314, being first duly sworn, State: That I truly translated the oath administered by Miles W. Rullen to Maria Gregoire, and that thereupon she made and subscribed the foregoing statement in her own handwriting in my presence.

(Signed) Cpl. George Converse
42235314

"I, Cpl George Converse, 42235314, being first duly sworn, state that the forgoing is a true and correct translation of the sworn testimony of Maria Gregoire given at LaGleize on the 15 day of June 1946 made to the best of my ability.

(Signed) Cpl. George Converse
42235314

"Subscribed and sworn to before me this 18th day of June 1946 by the above affiant, Cpl George Converse.

(Signed) W. J. Wahler
2nd Lt. JAG

(Whereupon the statement was read in German by the interpreter.)

DEFENSE (LT. WAHLER): This is Defense Exhibit D-35:

"LaGleize, 15 June 1946.

"I, M. ARMAND BALTUS, being first duly sworn, on my oath aver-
That I am a resident of LaGleize, Belgium, that I was such a resident during the month of December 1946, that on December 18, 1946, when the Germans entered the village of La Gleize, as above stated, my family and I took refuge from the dangers of battle in a nearby cellar and when this proved to be too dangerous in not offering much protection, my family and I fled to the stone church. This church was used by the Germans as a hospital and wounded American soldiers were cared for there and I saw that this was so. I know of no American soldier of this time who was shot other than in combat. I know of no American soldier who was shot at the wall of the cemetery and church, and if that had been done, I would have known about it, being right there at the time.

"FURTHER AFFIANT SAYETH NOT.

(Signed) Armand Baltus

"SUBSCRIBED AND sworn to before me this 15th day of JUNE, A.D. 1946.

(Signed) Miles W. Rullen
Miles W. Rullen, D-152257, P-5.

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Ta-380
sh-4

"I, Cpl George Converse, 42235314, being first duly sworn, state; That I truly translated the oath administered by Miles W. Rulien to Armand Baltus, and that thereupon he made and subscribed the foregoing statement in his own handwriting in my presence.

(Signed) Cpl. George Converse
42235314

"I, George Converse, 42235314, being first duly sworn, state that the foregoing is a true and correct translation of the sworn testimony of Armand Baltus given at LaGleize on the 15th day of June 1946, to the best of my ability.

(Signed) Cpl. George Converse
42235314

"Subscribed and sworn to before me this 18th day of June by the above affiant, Cpl. George Converse.

(Signed) Wilbert J. J. Wahler
2nd Lt. JAGD

(Whereupon the statement was read in German by the interpreter.)

QUESTIONS BY DEFENSE (LT. WAHLER):

- Q Mr. Rulien, how large a village is LaGleize?
A About fifty buildings, I guess.
Q What is the approximate population of the village?
A I imagine about three hundred.
Q How many churches are there in the village of LaGleize?
A Just one.

DEFENSE (LT. WAHLER): That is all, your witness.

PROSECUTION: No cross examination.

PRESIDENT: Any questions by the Court? Apparently none, the witness is excused.

(Whereupon the excused witness withdrew.)

DEFENSE: The defense calls as its next witness Lt. Wilbert J. J. Wahler. Col. Sutton, on behalf of the Defense, will conduct the direct examination.

LT. WILBERT J. J. WAHLER, called as a witness for the Defense, being first duly sworn, testified through an interpreter as follows:
(Lt. Wahler - Direct)

DIRECT EXAMINATION

QUESTIONS BY DEFENSE (LT. COL. SUTTON):

- Q State your name to the Court.
- A Wilbert J. J. Wahler.
- Q What is your present assignment?
- A I am one of the assistant defense counsels.
- Q In what case are you connected with?
- A With the Malmedy trial.

DEFENSE (LT. COL. SUTTON): It is requested that the reporter mark this document D-36 for identification.

(Whereupon the document referred to was marked Defense Exhibit D-36 for identification by the reporter.)

QUESTIONS BY DEFENSE (LT. COL. SUTTON):

- Q I will hand you a document and ask you if you can identify it?
- A I can.
- Q What is it?
- A That is a statement taken under oath from one of the accused, Fritz Gebauer.
- Q Who took that statement?
- A I took it - I took that statement.
- Q What is the date on the statement?
- A That statement was taken on the 29th day of June 1946.

DEFENSE (LT. COL. SUTTON): I offer Defense Exhibit D-36 for identification in evidence.

PROSECUTION: Was that being offered just for identification or was it...

DEFENSE (LT. COL. SUTTON): Offered in evidence.

PROSECUTION: Prosecution objects to it as not being the best evidence. If the Court please, if that affidavit is admissible (Wahler - Direct)

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sh-6

then they can testify through affidavit on any number of items. They can come along with a parade of affidavits from all of these accused.

PRESIDENT: The spectators will keep their seats and the Court will be closed.

(Whereupon the Court took a short recess.)

(Lt. Wahler - Direct)

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(Whereupon the court reconvened at 1440 hours.)

PRESIDENT: Take seats. The Court is open and will come to order.

LAW MEMBER: The Court has considered the admission of Exhibit D-36 for Identification and has also considered a similar ruling made by the Court with respect to admission of statements made by the accused. In the instant case the statement offered for admission into evidence was made by the accused after the commencement of the trial and, under the principle of the best evidence rule, is not considered admissible at this time. The accused is in court, he has the privilege of taking the stand and then does not deprive the prosecution of its privilege of cross examination. The instant case is not similar to the case in which a statement of an accused was admitted. The former case being one where the statement was taken at Schwaibish Hall on behalf of the Prosecution and then introduced into the Court by the Defense. The objection to the admission of the statement in evidence is sustained.

DEFENSE COUNSEL (Lt. Col. Sutton): May I ask the Court's indulgence for just a moment?

(Whereupon Col. Sutton, Col. Ellis and the witness confer.)

DEFENSE COUNSEL: Does the Prosecution wish to cross examine the witness?

(Whereupon the witness was excused and resumed his seat at the Counsel Table.)

DEFENSE COUNSEL: The Defense recalls as its next witness Hans Buchman. Lt. Wahler on behalf of the defense will conduct the direct examination.

PROSECUTION: The witness is advised he is still under oath.

HANS BUCHMAN, recalled as a witness for the Defense, testified further through an interpreter as follows:

(Buchman - redirect.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Lt. Wahler):

Q Are you the same Hans Buchman that has heretofore testified before this court?

A Yes.

Q On the 18th day of December 1944, you testified that you were in the village of LaGleize, is that correct?

A Yes.

Q About what time of the day or night did you arrive in LaGleize.

A Between two and three o'clock.

Q And where did you go when you arrived in the village of LaGleize?

A We stopped in our SPW near the wall of the cemetery.

Q And with relation to the church, about how far from the vicinity of the church?

A About ten meters.

Q Can you show us on Defense Exhibit D-24 the approximate position that you assumed when you stopped in LaGleize? Would you come up here?

(Whereupon the witness, Lt. Wahler and Mr. Elowitz with the interpreter approached the court bench.)

A In front of this gate. (Indicating).

Q Will you take the stand again, please? How long did you remain in this position?

A For one hour.

Q And what did you do during this period of time?

A Most of the time we were sitting on our SPW and during the time when the fighter bombers attack took place we took shelter.

Q What other vehicles were present at the time, if any?

(Buchman - redirect).

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A Most of the vehicles were SPWs.

Q About how many of them?

A About ten.

Q During the period of time that you were parked adjacent to the cemetery wall, did you at any time see any American soldiers?

A No.

Q During this period of time did you at any time see the bodies of any American soldiers?

A No.

Q About what time did you leave this position?

A Towards four o'clock in the afternoon.

Q And where did you go at that time?

A We drove in the direction of Chenaux in our SPW.

Q How far is Chenaux from LeGleize?

A I don't know that.

Q On the road between LeGleize and Chenaux did you at any time see any American soldiers?

A No.

Q Did you at any time see bodies of any American soldiers?

A No.

Q Did you go to the village of Chenaux?

A No.

Q How far from the village did you go?

A I don't know, but I did not drive all the way alone.

Q About how far from LeGleize did you travel?

A I don't know that either. Maybe four kilometers.

Q Did you at any other time return to Lagleize?

A In the morning of the 19th. Early in the morning of the 19th.

Q And where did you go at that time?

A We left LaGleize at noon, in the direction of Stoumont.

Q How long did you remain in LaGleize at this time?

A About four hours.

Q During that period of time did you ever see any American soldiers?

A No.

Q In what portion of the village did you stop at that time or during that period of time?

A In the center of the village where the big main road is.

Q And during that period of time did you ever see any American soldiers?

A No.

Q What time did you leave LaGleize that day?

A In the afternoon between three and four o'clock.

Q Where did you go then?

A On the road in the direction of Stoumont.

Q Did you ever return to LaGleize at any other time?

A Yes, on the 21st.

Q About what time of the day or night did you return to LaGleize?

A At about three o'clock in the afternoon.

Q In what section of the village did you go at that time?

A We came from the direction of the castle of Stoumont and arrived at the schoolhouse in LaGleize.

Q When what did you do?

A We then went through the village until we reached the cross roads of Spa and we took water in one house there and spent the night there.

Q Was the village under attack at that time from the American forces?

A No.

Q How long did you remain in LaGleize?

A Until the break out at two o'clock in the night of

the 24th.

PRESIDENT: Tell the witness to talk a little more loudly, please.

Q During the period of time that you were in LaGleize, at this time was the village at any time under fire from American forces?

A Artillery fire.

Q On what dates did that commence?

INTERPRETER: Did you say commence?

Q Yes.

A It must have been during the night of the 21st to the 22nd.

Q And how long did that artillery fire continue?

A It was continued up to the break of--when we left LaGleize.

Q During the period of time that you have just described, did you at any time see American soldiers in the village of LaGleize?

A No.

Q Did you see the bodies of any American soldiers lying around in LaGleize?

A No.

Q What type of work did you do at the time?

A I was the leader of the radio troop.

Q Radio or telephone?

A Telephone troop.

DEFENSE COUNSEL (Lt. Wahler): No further direct.

Your witness.

PROSECUTION: No cross examination.

PRESIDENT: Any questions by the Court? Apparently none; the witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

(Buchman - redirect)

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DEFENSE COUNSEL: The Defense recalls as its next witness Fritz Willecke. Lt. Wahler, on behalf of the defense, will conduct the direct examination.

FRITZ WILLECKE, recalled as a witness for the Defense, having been previously sworn, testified further through an interpreter as follows:

PROSECUTION: The witness is reminded he is still under oath.

A Yes. REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Lt. Wahler):

Q Are you the same Fritz Willecke that has heretofore testified before this court?

A Yes.

Q Were you ever in the village of LaGleize?

A Yes.

Q When was the first time you were there?

A Late in the afternoon of the 21st.

Q How long did you remain in LaGleize?

A Up to the 24th at two o'clock when we retired.

Q And where were you located in the village of LaGleize at this time?

A We had our first aid station in the Priest's house.

Q Where did you keep the wounded?

A Part of them was in the church and part of them was accommodated in the cellars of LaGleize.

Q Were there any American wounded at the time in LaGleize?

A I cannot tell with certainty.

Q How often did you go to the Church in LaGleize?

A I continuously went from the Priest's house to the church and back until we retired.

Q At any time that you had been in the vicinity of the church did you at any time see any American soldiers?

(Willecke - redirect)

A I saw only the two American medics who were with us.

Q What were they doing?

A They helped us. One--they volunteered for helping us.

Q Did they treat the wounded during the period of time that you were in LaGleize?

A I cannot say that with certainty since I had to take care of the wounded in the church and those two medics were in the first aid station in the priest's house.

Q Talk a little louder, so the accused can hear you, and the court, if you will, please?

A Yes.

Q When was the last time you saw these medics?

A It was in the afternoon of the 23rd.

Q Why didn't you see them after that?

INTERPRETER: Why did you see them?

Q Why didn't you.

A I can't tell you that exactly. I don't remember that exactly.

Q Did you at any time see the bodies of any dead American soldiers in or near the churchyard or the cemetery in LaGleize?

A No, not a single one.

Q Did you ever see any in front of the church wall?

A No.

DEFENSE COUNSEL (Lt. Wahler): That is all, if the Court please.

PROSECUTION: No cross examination.

PRESIDENT: Any questions by the Court?

DEFENSE COUNSEL (Lt. Wahler): Do you want to adjourn now, sir, or do you want to go ahead with another witness?

EXAMINATION BY THE COURT

LAW MEMBER: Do you know if a wounded American died in the church?

(Willie - redirect)
" - court)

A I don't know that, but there was a comrade of mine in my barracks and he covered himself with the same blanket as the American and he knows that exactly.

Q What is that comrade's name?

A Fritz-----

DEFENSE COUNSEL (Lt. Wahler): May I ask him a question, please? Is that Kurt Eberle?

A No, he has black hair. Can't say his name.

LAW MEMBER: Did you ever go to the schoolhouse? Did you go around the schoolhouse, across the road from the church?

A No. I never went around to the schoolhouse.

PRESIDENT: Any other questions by the Court? Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

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(Whereupon the Court reconvened at 1530 hours.)

PRESIDENT: Take seats. The Court will come to order.

PROSECUTION: If the Court please, let the record show that all members of the Court, all members of the Prosecution, with the exception of Captain Byrne, who has been excused on verbal orders of the Commanding General, all members of the Defense, with the exception of Lt Col Dwinell, Mr. Walters, Dr. Wieland and Dr. Hertkorn, who are absent on business of the Defense, all the defendants and the Reporter are present.

DEFENSE COUNSEL: The Defense calls as its next witness Fritz Koessner. Lt. Wahler on behalf of the Defense will conduct the direct examination.

FRITZ KOESSNER, called as a witness for the Defense, was duly sworn and testified through an Interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and to the accused.)

DIRECT EXAMINATION

QUESTIONS BY DEFENSE (Lt. Wahler):

Q What is your name, please?

A Fritz Koessner.

Q During the period December 16, 1944 and January 16, 1945, were you a member, did you participate in the Eifel Offensive?

A Yes.

Q What organization were you a member of during that period of time?

A 9th Company, 3rd Bn., 2nd Panzer Grenadier Regiment.

Q At that time was the 2nd Regiment--strike that. At that time was your company attached to the 1st Panzer Regiment?

A Yes.

Q During the period of this offensive were you at any time in the village of La Gleize?

(Koessner - Direct)

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A Yes.

Q On what date were you in the Village of La Gleize?

A The first time on the 18th.

Q How long were you in La Gleize at that time?

A We only passed through.

Q Where did you go to at that time?

A Cheneux.

Q About what time of day were you in La Gleize on 18 day of December 1944?

A 1400 hours.

Q How long did you remain in La Gleize at that time?

A We passed through.

Q Do you recall the church in La Gleize?

A Yes.

Q Did you at that time pass by the church in La Gleize?

A Yes.

Q About what time of day did you pass by the church?

A 1400 hours.

Q At that time, did you at any time see any American soldiers?

A No.

Q Did you ever see any bodies of American soldiers lying in or around the vicinity of the church in La Gleize?

A No.

Q Did you reach the Village of Cheneux?

A Yes.

Q About what time of day did you reach Cheneux?

A I don't know the exact time, but it was dark already.

Q In the course of traveling between Cheneux and La Gleize did you see any American soldiers?

A No.

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Q Did you at any time see any bodies of American soldiers lying either in the fields or along the highway as you traveled between La Gleize and Cheneux?

A No.

Q When did you return to La Gleize?

A It was on the night of 18 to 19.

Q How long did you remain in La Gleize at this time?

A 30 minutes.

Q Where did you go at that time?

A In the direction of Stoumont.

Q Did you ever return to La Gleize after the night of 18 to 19?

A No.

Q Drawing your attention to on or about the 22nd day of December 1944, where were you at that time?

A Between Stoumont and La Gleize.

Q What, if anything, happened at that time?

A We were only lying in position on the right side of the road.

Q Were you under fire at that time?

A Yes.

Q What, if anything, happened to you?

A I was wounded.

Q About what time of day were you wounded?

A 2000 hours.

Q Where were you taken after you were wounded?

A To the church in La Gleize.

Q On what day was that?

A That was on the morning of the 23rd.

Q What time in the morning?

A Two o'clock.

Q When you were brought to the church in La Gleize were there any other wounded German soldiers in the church?

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A Yes.

Q Approximately how many would you say were in the church at that time?

A About a hundred.

Q Were there any American soldiers at that time in the church?

A Yes.

Q Do you know how many there were in the church?

A I only saw one.

Q Was this soldier wounded or not?

A Yes, he was wounded.

Q Where was he in the church relative to the position you were in?

A He was lying next to me.

Q How long did this wounded American soldier lie next to you?

A Until 4 p.m.

Q Was this wounded American soldier being treated by German medics or not?

A Yes, he was treated.

Q Do you know what was wrong with this American soldier?

A He had a leg injury.

Q When was the last time you saw this American soldier?

A When the church was shot up.

Q And then what happened, if you know?

A I didn't see him any more after that.

Q What happened to you?

A I got out of the church. I was still able to run.

Q Where did you go?

A Into a house.

Q Where was that house located with relation to the church?

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A In a westerly direction.

Q Did you at any time while you were hospitalized in the church at La Gleize witness the shooting of any American soldiers?

A No.

Q Did you see any other American soldiers in the Village of La Gleize during the period that you were in the village?

A No.

LT WAHLER: That is all.

PROSECUTION: No cross examination.

PRESIDENT: Any questions by the Court. Apparently none, the witness is excused.

(Whereupon the witness was excused and withdrew from the court room.)

DEFENSE COUNSEL: The Defense calls as its next witness Franz Wagner. Lt Wahler on behalf of the defense will conduct the direct examination.

FRANZ WAGNER, called as a witness for the Defense, was duly sworn and testified through an Interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and to the accused.)

DIRECT EXAMINATION

QUESTIONS BY THE DEFENSE (Lt Wahler):

Q What is your name, please?

A Wagner, Franz.

Q Did you participate in the Eifel Campaign during the period December 16, 1944 and January 16, 1945?

A Yes.

Q What was your organization at that time?

A Heavy Panzer Bn. 501.

Q Was the Heavy Panzer Bn. 501 a part of the 1st SS Regiment during the period of this offensive?

A I don't quite understand.

(Wagner - Direct)

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Q Was your company and battalion attached to the Feiper Regiment during the period of the offensive?

A Not the company.

Q Was the battalion?

A Yes.

Q During the Eifel Offensive were you ever in La Gleize?

A Yes.

Q When did you first arrive in the Village of La Gleize?

A On the night from 18 to 19.

Q How long did you remain in La Gleize?

A Until the night of the 23rd.

Q When did you first arrive in La Gleize--when you first arrived there what portion of the village did you first go to?

A I can't say, around the church.

Q Will you come up here please?

(Whereupon the witness left the witness stand and walked up to the Court's bench.)

Q Looking at this sketch, can you say the approximate place that you took up position? This is Defense' exhibit 24.

A This is the road from Stavelot?

Q Correct.

A We drove along here and around the church here (pointing).

Q Approximately what vicinity did you take up? Can you tell us?

A The first one was here (indicating on sketch).

Q When was that?

A That was on December 19 in the morning.

Q How long did you remain there?

A Until night, until evening.

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- Q And then where did you go?
- A Then together with a section leader I went along this village road (indicating) and into a second road over here.
- Q How long did you remain in that position?
- A Until morning of the next day.
- Q And then where did you go?
- A We returned then again to our quarters.
- Q What job did you perform in the Village of La Gleize?
- A No.
- Q Do you understand the question?
- A Whether I was in position in La Gleize?
- Q No, what was your job while you were in the Village of La Gleize?
- A Guarding prisoners.
- Q When were you first appointed to guarding prisoners?
- A On the 20th.
- Q How many prisoners were you detailed to guard?
- A Fifty to a hundred.
- Q Where were these prisoners kept under guard?
- A In the cellar.
- Q Where was this cellar located?
- A It was in a restaurant.
- Q With relation to the church, in what portion of the village was this restaurant?
- A Coming from Stayelet on the right.
- Q About how far from the church?
- A 100 meters.
- Q How long were you on duty to guard prisoners?
- A I kept on being relieved.
- Q How long did your tour of duty last?
- A Two to three hours.

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Q How long were you off duty?

A That depended.

Q Well, approximately?

A Two to three hours.

Q During this period of time were any of your prisoners that you were guarding detailed to carry out duties for German units in the town of La Gleize?

A Yes.

Q How many times to your knowledge were details sent out?

A Two or three times.

Q How many men were detailed?

A Prisoners?

Q Yes.

A Four or five men.

Q When this detail had completed its work did they return to the callar or not?

A Yes.

Q During the period that you guarded prisoners were any of your prisoners missing, found to be missing?

A I beg your pardon.

LT WAHLER: Will you read the question to him, Mr. Barton.
(Whereupon the Reporter read the last question.)

A Missing?

Q When you started out with your prisoners how many did you have--strike that last question.

A There were about 30 of them.

Q Did you receive any more prisoners to guard?

A Yes.

Q How many more?

A It got up to 50 to 100.

Q When did you leave La Gleize?

A On the 23rd to 24th.

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Q And the last time that you saw the American prisoners how many did you have at that time?

A Fifty to a hundred.

Q Were they the same prisoners that you had been guarding all the time?

A Yes.

Q Do you know whether or not any American soldiers were shot in the town of La Gleize?

A No.

Q Did you ever see any bodies of American soldiers in La Gleize?

A No.

LT WAHLER: That is all, if the Court please.

PROSECUTION: No cross examination.

PRESIDENT: Any questions by the Court? Apparently none, the witness is excused.

(Whereupon the witness was excused and withdrew from the court room.)

DEFENSE COUNSEL: The Defense calls as its next witness Herbert Ostocks. Lt Wahler on behalf of the Defense will conduct the examination.

HERBERT OSTOCKE, called as a witness for the Defense, was duly sworn, and testified through an Interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and to the accused.)

DIRECT EXAMINATION

QUESTIONS BY DEFENSE (Lt Wahler):

Q What is your name, please?

A Herbert Ostocks.

Q Did you participate in the Eifel Offensive during the period December 16, 1944, to January 16, 1945?

(Ostocks - Direct)

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A Yes.

Q What company were you a member of at that time?

A I belonged to the Headquarters Company of the 2nd Regiment.

Q On or about 21 day of December 1944 were you in the Village of La Gleize?

A Yes.

Q How long did you remain in the Village of La Gleize?

A Until the end.

Q Where did your company establish its headquarters in La Gleize?

A Next to the church.

Q Where were you during this period of time while you were in La Gleize?

A I was standing with my radio tank next to the church.

Q During the period that you were in La Gleize did you ever see any American soldiers?

A Yes.

Q Where did you see them and when did you see them?

A On the 22nd about Noon they buried our dead in the cemetery

Q How many did you see at this time?

A Three to four men.

Q Did you at any time see these American soldiers mistreated?

A No.

Q How long were you in a position to see these Americans?

A For about half an hour.

Q Do you know what happened to them?

A No.

Q Did you ever see any other American soldiers in the Village of La Gleize?

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A No.

Q Did you ever see any bodies of American soldiers in La Gleize during the period that you were in the village?

A No.

LT WAHLER: That is all.

PROSECUTION: No cross examination.

PRESIDENT: Any questions by the Court?

EXAMINATION BY THE COURT

QUESTIONS BY LAW MEMBER:

Q Of what Headquarters Company were you a member?

A 2nd Panzer Grenadier Regiment. Might I add that during the action I was in the 2nd Bn.

Q Was that Headquarters Company of the 2nd Bn. or the Headquarters Company of the Regiment?

A Of the regiment.

PRESIDENT: Any other questions? Apparently none, the witness is excused.

(Whereupon the witness was excused and withdrew from the court room.)

DEFENSE COUNSEL: The Defense recalls as its next witness Ernst Grafmueller. Lt Wahler on behalf of the Defense will conduct the examination.

ERNST GRAFMUELLER, a witness for the Defense, having been previously sworn, took the stand and testified further through an Interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and to the accused.)

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (Lt Wahler):

PROSECUTION: The witness is reminded that he is still under oath.

Grafmueller - Redirect)

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THE WITNESS: Yes.

QUESTIONS BY DEFENSE (Lt Wahler):

Q Are you the same Ernst Grafmueller who has heretofore testified before this Court?

A Yes.

Q On or about 22nd day of December 1944 were you in the Village of La Gleize?

A Yes.

Q Whereabouts were you at this time in the village?

A I was in the CP of Unterscharfuehrer Pfalzer, who was my platoon leader.

Q Whereabouts in the village was the CP maintained?

A It was in the road next to the cross roads in the direction of Stoumont and Spa.

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Q On that day were the German forces under attack from the American forces?

A Yes.

Q About what time of the day did the attack commence?

A The attack commenced with artillery barrage from one P.M. until four.

Q Did you at that time receive any orders from your commanding officer?

A Well, that depends on what orders they are.

Q Well, did you receive any orders from your commanding officers at that time?

A Well, when the alarm was sounded that tanks were approaching, my platoon leader gave me the order to go in my tank and make the road secure.

Q And what did you do then?

A I went out in my tank and remained in the tank until the attack was over.

Q Where was your tank at this time?

A It was standing on the right side of the house on the road.

Q Do you know the accused Schwambach?

A Yes.

Q The accused Rodenburg?

A Yes.

Q Do you know where they were during the period of this attack?

A I didn't see them but they certainly were in the C.P. of Pfalzer.

Q Do you know the accused Weiss?

A Yes.

Tk #333-SR-7/5-2

Q Do you know where he was?

A Yes, he was standing next to a Mark IV Tank while I was in my tank, this tank being located diagonally across from mine.

Q During the period of this attack you have just described, do you know whether or not any American soldiers infiltrated within the village?

A No, I didn't see any.

Q Did you ever hear of any infiltrating within the village?

A No, but I do know that they were at some parts of the town.

Q Did you at any time see Guenther Weiss fire upon any American soldiers?

A No, I didn't see that.

Q During the period of time that you were posted in the position that you have just heretofore described, did you see any American prisoners of war?

A No.

Q Did you ever witness the shooting of American soldiers during the period of time that you were posted as you have previously described here?

A No.

LT. WAHLER: That is all, if the Court please.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION (MR. ELOWITZ):

Q On the 22nd of December, did you see Guenther Weiss every minute of the afternoon?

(Grafmüller-Recross)

T: #333-SR-7/5-3

A I saw Guenther Weiss during the attack while I was on my tank.

Q Can you estimate the length of time you saw Guenther Weiss?

A While I was sitting in the tank I was always looking across from the top.

Q Will you repeat the answer, please?

A I did not always look out of the tank. I looked through the periscope and I could not see everything that way.

MR. BLOWITZ: That is all.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (LT. WAHLER):

Q When the attack was over, did you at any time see the bodies of any American soldiers in the vicinity where you were posted?

A No, I wouldn't remember.

Q Can you describe the combat condition as it existed during the period of this attack?

A Yes.

Q Will you do so?

A At one o'clock the Americans started the attack with artillery preparation. After about two hours, the Infantry, together with tanks, proceeded to attack La Gleize.

Q What else happened thereafter?

A There was a security chain around La Gleize and we were assigned to this chain for security purposes and the outside lines resisted the attack and repulsed it.

Q From what sides was La Gleize being attacked at

(Grafmuller-Redirect)

Tk #333-SR-7/5-4

this time?

A La Gleize was attacked from every side, mainly from the right, where the tanks came from.

Q Do you know approximately how far the main line of enemy attack was?

A How far away from La Gleize?

Q Yes.

A No, I don't know that, I didn't see it.

LT. WAHLER: That is all, if the Court please.

PROSECUTION: Just a moment, please.

MR. ELOWITZ: No further questions.

PRESIDENT: Questions by the Court? Apparently not, the witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

DEFENSE COUNSEL: Defense calls as its next witness Rolf Mobius. Dr. Leer, on behalf of the Defense, will conduct the direct examination.

ROLF MOBIUS, a witness called by the Defense, after being first duly sworn, testified through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and the accused.)

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (DR. LEER):

Q Give your full name to the Court.

A Rolf Mobius.

Q Your former rank?

A SS Captain.

(Mobius-Direct)

Tk #333-SR-7/5-5

Q Your former unit?

A Heavy tank battalion 501.

Q Do you remember the time of the Ardennes Offensive?

A Yes.

Q Did you get to La Gleize in the course of this offensive at one time?

A Yes.

Q Can you tell ^{us} when you got to La Gleize?

A I got to La Gleize on December 19th.

Q Can you give us the time of day?

A It was in the late hours of the afternoon.

Q Do you know whether any particular person was put in charge of the welfare of the prisoners of war in La Gleize?

A Yes.

Q Can you tell us who it was and what the conditions were?

A Colonel Peiper instructed Lieutenant Von Westerhagen to appoint one man to be responsible for the welfare and supply of the prisoners.

Q Do you know when that was?

A December 20th.

Q Do you know when the first prisoners came to La Gleize?

A The first prisoners came to La Gleize on the 20th of December.

Q Could it not be possible that prisoners were taken from Stoumont to La Gleize as early as the 19th?

(Mobius-Direct)

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CAPTAIN SHUMACKER: If the Court please, we object to the question as clearly leading.

LAW MEMBER: Rephrase your question. It is a leading question.

QUESTIONS BY DEFENSE COUNSEL (DR. LEER):

Q Were any prisoners taken to La Gleize from Stoumont before the 20th?

A Yes.

DR. LEER: Is this answer acceptable or am I to rephrase the question again?

PROSECUTION: If the Court please, German counsel continually lead and suggest the answers. If we are going to stick to the rules, let us have somebody do it or let us have them do it. The Prosecution does not desire to be unreasonable but they continually suggest important answers to these witnesses.

DR. LEER: To that I can only say that this is the first time that I was told this by the Prosecution, and that it was an error of mine that I put a leading question. I furthermore have myself made objections when a leading question was put by the Prosecution. It seems that this kind of thing happens. It was not my intention. I apologize and I might perhaps rephrase the question.

PRESIDENT: Very well, proceed.

QUESTIONS BY DEFENSE COUNSEL (DR. LEER):

Q On what occasion was this one man put in charge of the prisoners?

A At the time the different tasks were assigned to the various officers in general.

Q Did any reports come in from that man concerning the execution of that order?

(Mobius-Direct)

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Tk #333-SR-7/5-7

A This officer candidate Miller, who was in charge of this order reported that it had been executed and had made continuous reports as to how the prisoners were doing and continually approached Colonel Peiper with questions concerning those prisoners.

Q Were any orders issued in these talks concerning the supply of food?

A The food problem was the most serious one and was solved by us making use of our own rations as well as those of the civilian population in order to feed both us and the prisoners.

Q Do you know how many prisoners there were in La Gleize?

A There were 100 or 120.

Q Do you know whether anybody was shot in La Gleize, any other prisoners or any of your own men?

A I know of one case where one man prepared to desert and was shot after trial by summary court.

Q Do you know whether the prisoners did work?

A The prisoners were not ordered to do any work. All that they might have done is help build supports for their quarters for their own security.

Q You said that there was one man shot who had prepared to desert. Was that a German or an American prisoner?

A That was a German soldier.

Q Do you know of any prisoners being killed by artillery fire?

(Mobius-Direct)

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Tk #333-SR-7/5-8

A The officer candidate who was in charge of the prisoners reported after one artillery attack that due to one direct hit, three or four prisoners had been killed among them, one or two officers.

Q Was anything said about the way fighting would be done in the Ardennes Offensive prior to the Ardennes offensive?

A We were told that in this offensive, which would make use of the surprise element, speed was essential, that we should not bother about anything such as lost vehicles, that the only thing that was important to us was to conquer space rapidly.

Q Did you hear any hints made prior to the offensive concerning the treatment of prisoners and civilians?

A We oriented our men to the effect that we were in a different theater from the East, that we were getting into combat with an enemy whose fair methods of combat were known to us and that we would behave in the same manner towards him.

Q Did you ever find out that something unusual happened at any particular point in the advance of the Ardennes offensive?

A Colonel Peiper asked me in La Gleize, very excitedly, whether I knew that American prisoners were supposed to have been shot. I told him, "No, I don't know anything about it," and asked him whether they were supposed to have been members of the regiment.

(Mobius-Direct)

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Tk #333-SR-7/5-9

Colonel Peiper answered no, but that he would follow this matter up. He was very excited and annoyed by this report which he had received.

DR. LEER: No further questions.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q When was this that you had this conversation with Peiper, when he was so excited and concerned?

A That was in La Gleize. I can't say the day exactly.

Q Well, what day did you get to La Gleize?

A I got to La Gleize on the 19th.

Q Was that the same night?

A No.

Q Was it the next day?

A I can't say for sure.

Q Do you think it was the 21st? As a matter of fact, it happened about two o'clock in the afternoon on the 22nd, did it not?

A No, I don't know.

Q Well, will you swear that it did not happen at two o'clock on the 22nd?

A I cannot swear to its having been at two o'clock in the afternoon on the 22nd and I cannot swear to it being at any time of the day or any other day or what time such a conversation took place.

Q Are you sure it did not take place here at Dachau?

(Mobius-Cross)

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A I saw Colonel Peiper for the first time since the surrender today.

Q Your 501st Heavy Tank Battalion and the tank of the 1st SS Panzer Regiment were the only tanks in Peiper's Combat Group, is that not true?

A His tanks, the tanks of his regiments and the tanks from the 501st Panzer Battalion.

Q Your battalion did not even go by the crossroads where these Americans were killed, north of Engelsdorf, did it?

A We passed by at night.

Q You did go by that crossroads then?

A I didn't see it myself. I got into Engelsdorf twelve o'clock midnight.

Q Do you remember entering a main road about four kilometers north of Engelsdorf, at which point you made a left turn?

A I did come up across a high terrain and did turn into a road.

Q Was that approximately three or four kilometers north of Engelsdorf?

DR. LEER: Might I raise the objection that I did not ask about Engelsdorf or the crossroads on direct examination?

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q Before you reached Engelsdorf, were you travelling with the rest of your battalion, that is, the other vehicles in the 501st Heavy Tank?

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DEFENSE (DR. LEER): The same objection again. The question concerns Engelsdorf and I did not question him about Engelsdorf in the direct examination.

PROSECUTION (CAPT. SHUMACKER): If the Court please, the witness has testified on direct examination about the conversation he had with the accused Peiper, relative to what happened at the Cross-Road. At least it was implied in the witness' answer that that was the first he knew about it. At the very least we feel we have a right to cross examine the witness on that score, to test his credibility.

PRESIDENT: The objection is overruled.

PROSECUTION (CAPT. SHUMACKER): Please read the last question, Miss Reporter?

REPORTER: "Before you reached Engelsdorf, were you traveling with the rest of your battalion, that is, the other vehicles in the 501st heavy tank?"

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER):

A Yes.

Q In other words, you were not separated from the other tanks in your battalion before you reached Engelsdorf?

A I was separated from the point, and I - with the point of my company- drove with my battalion.

Q I don't understand your answer. Were you riding with your battalion or were you not riding with them?

A With mine, yes.

Q And you traveled to a good, hard surface road from high ground as you approached Engelsdorf, is that right?

A I got on to the main road from Engelsdorf to Malmedy.

Q Now, what was your particular duty in LaGleize, with respect to these prisoners?

A I had no duties concerning the prisoners.

Q You didn't receive any orders or instructions relative to the prisoners?

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A Nothing.

Q How often did you visit them?

A Never.

Q You never saw them at all?

A I only saw the prisoners taken to the C.P. of Col. Peiper.

Q Whom did you see taken to the C.P. of Col. Peiper?

A The then Major McGown was taken into the C.P. of Col. Peiper.

Q Who else?

A Two or three officers.

Q And these are the only prisoners of war you ever saw in LaGleize?

A That is the only ones I saw. I didn't see any others. Of the others, I knew that they were present, because I heard the report that they were quartered in the cellar.

Q Now, what I am trying to find out is what you know yourself and what you found out from other people. Now, you only saw Major McGown and these other two or three officers - other officers - they are the only prisoners you ever saw in LaGleize?

A Those were the ones who were put before Col. Peiper.

Q And on what date was that?

A Different days; they weren't captured at the same time.

Q Were you present when they captured - when they were captured?

A No.

Q Well, how do you know that they were captured on different days?

A Because they were introduced on different days from Col. Peiper, who found them.

Q Don't you know, as a matter of fact, that Major McGown
Moebius - Cross)

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paid several visits to Peiper's C.P.?

A I was there twice when he was in Peiper's C.P.

Q You say that before the offensive started you cautioned your men, or explained to your men that you weren't fighting in the East any longer, that you were facing a fair enemy, and that they were to fight accordingly? Is that right?

A Yes.

Q You were a firm believer in these fair methods of fighting, were you not, from both sides?

A Yes.

Q Is that the reason you joined the Allgemeine SS in 1931, when you were a national of Austria?

DEFENSE (DR. LEER): I should like to object to that. I think the questions put by the Prosecution in cross examination are going a little bit too far.

LAW MEMBER: What is the purpose of this?

PROSECUTION (CAPT. SHUMACKER): To show his background and the interest or lack of interest in this law suit, please the Court.

DEFENSE (DR. LEER): In that case you could ask questions about everything every time, because both the Prosecution and Defense could ask questions about anything that would not be at all connected with the case. Nevertheless, until now the rules have been applied in a fairly strict sense to both sides.

PROSECUTION (CAPT. SHUMACKER): If the Court please, we respectfully insist that the background of any witness may be gone into by either side to test his interest in the law suit, to test his credibility, and certainly the background of this witness is something the Court should be interested in, especially since he appears here as an advocate of these fair methods of fighting.

(Möbius - Cross)

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LAW MEMBER: I believe the objection is well taken, as to the form of the question. However, there is no reason why the Prosecution cannot ask him a direct question - "Were you a member of the Allgemeines SS", or "Were you a member in 1931?" so as to tie in the alleged interest.

PROSECUTION (CAPT. SHUMACKER): I withdraw the question and will rephrase it.

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER):

Q In 1931, were you an Austrian citizen?

A Yes.

Q In 1931 did you become a member of the Allgemeines SS?

A Yes.

Q From 1933 to 1938 the SS was outlawed in Austria, was it not?

A Yes, it was not allowed.

Q And in 1938, after the Germans took Austria, you immediately became a Captain in the Waffen-SS, did you not?

A No.

Q What did you become?

A A recruit in the Waffen-SS.

Q And then how long did it take you to attain your commission?

A I became an officer on April 20, 1940.

DEFENSE: May it please the Court, I would like to inquire if the questions have any bearing on this case, that have just been concluded? They have no bearing in the issues in this case whatsoever, as to the outlawing of this organization in Austria.

PROSECUTION (CAPT. SHUMACKER): I think that is a matter for the Court to decide, as to whether or not a man with the background of this witness appears before this Court as an entirely disinterested, unbiased witness.

(Moebius - Cross)

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DEFENSE: I request that opinion of the Court and not the Prosecution.

LAW MEMBER: In a case such as this, it is up to the Court to place its own opinion, and the Court will place whatever value it deems proper. But certainly, background questions can be asked the witnesses, whether they are brought out on direct examination or not, in order to show direct bias or interest. Whether or not these questions elicited such an answer is entirely up to the Court.

PRESIDENT: Any other questions by the Defense?

DEFENSE: Nothing further from the Defense.

PRESIDENT: Any questions by the Court? Apparently none, the witness is excused.

(Whereupon the excused witness withdrew.)

DEFENSE: The Defense recalls as its next witness Gerhard Walla. Mr. Strong, on behalf of the Defense, will conduct the direct examination.

GERHARD WALLA, recalled as a witness for the Defense, testified further through an interpreter as follows:

PROSECUTION: The witness is reminded that he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (MR. STRONG):

Q Walla, are you the same Gerhard Walla who testified in this court previously?

A Yes.

Q Can you tell us to what military unit you belonged during the so-called Bifel Offensive in December 1944?

A Headquarters Company, 1st Battalion.

Q Who was your Company Commander?

A Lt. Bucheim.

(Gerhard Walla - Redirect)

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Q And who was your Battalion Commander?

A Major Poetschke.

Q Walla, where were you on the 22nd of December 1944?

A In LaGleize.

Q Will you tell us a little more exactly what particular part of LaGleize you were in?

A Yes, on the 22nd I was in the cellar of the schoolhouse of LaGleize.

Q What was the purpose of your being in that particular cellar?

A It was a heavy artillery barrage in the town, so I stayed in the cellar.

Q Where was Major Poetschke's command post?

A In the cellar of that school.

Q Do you remember who was present in that Command Post in the morning of December 22nd?

A Yes.

Q Will you tell us who was present?

A Lt. Col. Peiper was in the C.P. with Major Poetschke, 2nd Lt. Ritzer, 2nd Lt. Steininger, 1st Lt. Rumpf.

Q If you talked with Untersturmfuehrer Ritzer, do you mean Rolf Ritzer who is an accused in the present trial?

A Yes.

Q What was the talk about?

A The general situation was talked about.

Q Do you remember whether Obersturmfuehrer Rumpf said anything to either Col. Peiper or Major Poetschke?

A Yes.

Q Will you tell us what he told them?

A 1st Lt. Rumpf told Lt. Col. Peiper that there was one man
(Walla - Redirect)

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in his Company who had left his position and removed his insignia.

Q What did Poetschke and Peiper say?

A Peiper said this man had to be shot.

Q Were there any definite arrangements made at that time about the execution?

A No.

Q What did Rumpf do after he made this report to Peiper?

A He left the C.P.

Q Do you remember what happened afterwards?

A Afterwards Major Poetschke called 1st Lt. Rumpf.

Q How much afterwards, would you say?

A About three or four minutes.

Q What happened then?

A After, at that time, Rumpf wasn't there any more, and after awhile 2nd Lt. Hennecke entered the C.P.

Q When you speak about Hennecke, do you mean the accused Hennecke in this trial?

A Yes.

Q What did either Peiper or Poetschke tell Hennecke when he reported?

A After Hennecke entered, Lt. Col. Peiper told him to tell Rumpf to form an execution detail for this one man who had left his position and taken off his insignia, and this detail was to report to Hennecke in the cellar.

Q Was there any reason given for the execution detail to report to Hennecke's Command Post?

A The execution was to take place and the C.P. -- only the detail was supposed to report to the C.P.

DEFENSE (MR. STRONG): I am afraid the witness misunderstood the question.

(Walla - Redirect)

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QUESTIONS BY DEFENSE (MR. STRONG):

Q Was there any reason why the execution detail reported to Hennecke's C.P. instead of reporting to Poetschke's C.P.?

A Yes, because there was no room in our C.P. Our C.P. was filled up.

Q What did Hennecke do when he received these orders?

A He left the C.P.

Q Did he ever report back, and if so, when?

A He reported back about five minutes later and reported the execution of the order.

Q Was anything additional said to Hennecke at that time?

A Yes. After Hennecke reported back to the C.P., Major Poetschke gave him another order to send an execution detail from his Company.

Q For what purpose?

A I don't know that.

Q Did you hear the order given by Poetschke to Hennecke?

A Yes.

Q Did Poetschke say to Hennecke what the shooting commando was for?

PROSECUTION: If the Court please, this is leading the man considerably, and he has been doing it all along. We object.

PRESIDENT: Objection sustained.

DEFENSE (MR. STRONG): I withdraw the question.

QUESTIONS BY DEFENSE (MR. STRONG):

Q Have you heard the conversation between Poetschke and Hennecke?

A I only heard the order that Poetschke gave Hennecke.

Q Would you try to repeat this order as verbatim as possible?

A Well, Poetschke said, "Hennecke, you will furnish a detail (Walla - Redirect)

from your Company", and then he added that the detail was to consist of one non-com and five men.

Q Did Poetschke say for what purpose the shooting commando was to be used?

A No.

Q Was there anything said in this connection about prisoners of war?

A No.

Q Are you sure about this?

PROSECUTION: If the Court please...

DEFENSE (MR. STRONG): I withdraw the question.

QUESTIONS BY DEFENSE (MR. STRONG):

Q How close were you to Hennecke and Poetschke when this conversation took place?

A About a meter and a half to two meters.

Q How big was the entire cellar?

A About three by four meters.

Q Were you at any time, during the morning hours of the 22nd of December 1944, absent from the C.P. of Poetschke?

A No.

Q Did the accused Ritzer at any time during these morning hours transmit any kind of order from either Feiper or Poetschke to Hennecke?

A No oral orders. I would have heard verbal orders if any had been given.

Q Did you see him transmitting any written orders?

A No, I didn't see that.

Q I will read to you now from a statement signed by the defendant Hennecke, dated the 13th day of March 1946, Prosecution's Exhibit P-76, in the record: "After I had passed this order to Rumpf, I returned to Obersturmfuehrer Feiper and reported to him that I had (Walla - Redirect)

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executed his order. I cannot recall any more with which words I did this. On this occasion Untersturmfuehrer Ritzer ordered to this dispatch for the same shooting an execution detail from my Company too. Here too, I can remember the exact words. Untersturmfuehrer Ritzer told me, 'Hein, you too dispatch one detail, one non-com and a few men for the shooting'. Hein is a nickname which I am called by my friends".

Now, I will ask you Walla, is this statement correct insofar as it refers to the transmittal of orders by Ritzer?

A No.

Q I read to you further, Walla, a statement by the accused Ritzer, on the 20th day of March 1946, Prosecution Exhibit P-115: "I was told during the oral interrogation that Untersturmfuehrer Hennecke claims that I have given him such an order, to furnish a shooting detail from his Company. As these events happened fifteen months ago, and as things in the offensive took place which I naturally attached more importance to, and therefore remained better in my memory, I can only repeat that I cannot remember any longer. It is possible, however, that Hennecke's claim, as described above, conformed with the facts".

I ask you now, once more, whether Ritzer made any remark or transmitted any order of any kind on that day to Hennecke?

A No.

Q If he would have transmitted such an order, would you have heard it?

PROSECUTION (MR. ELWITZ): Just a moment - please the Court - we object to that question. It has been asked three or four times under different phraseology and it has been answered by the witness that he didn't hear it. I am sure the witness doesn't know of such an order, as he would have heard it had it (Walla - Redirect)

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been given, because he testified that he didn't hear any such order.

DEFENSE (MR. STRONG): I tried to bring out the distance this witness was away from Ritzer and Poetschke and Hennecke, and the size of the cellar. And I believe, after I confronted this witness with the statements of the accused Ritzer, I should be permitted to ask such questions as whether he would have heard such statement, whether it would have been made.

PROSECUTION (MR. ELOWITZ: Then ask what distance he was from Ritzer.

DEFENSE (MR. STRONG): That question has been asked.

PRESIDENT: The objection is overruled.

QUESTIONS BY DEFENSE (MR. STRONG):

Q If this order would have been transmitted from Ritzer to Hennecke, would you have heard it?

A Yes.

DEFENSE (MR. STRONG): No further questions.

RE-CROSS EXAMINATION

QUESTIONS BY PROSECUTION (MR. ELOWITZ):

Q What were your duties in Poetschka's C.P.?

A I was a runner and driver of the commanding officer's vehicle.

Q And when you were not running messages, did you have no duties whatsoever?

A No.

Q You just sat at the C.P.?

A Yes.

Q Now, you were asked on direct examination for several conclusions. I direct your attention to a fact, that you said Peiper told Hennecke the execution detail would be furnished by Rumpf, was to report to Hennecke's C.P. because there was no room (Walla - Recross)

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at Poetschke's C.P. How do you know that?

A I heard that.

Q Who stated that?

A Major Poetschke.

Q Do you recall the exact words he said?

A Yes.

Q What did he say?

A First, Major Poetschke gave Hennecke the order to send the execution detail - I don't remember the exact strength of the execution detail, but he then added about the detail -- well, I don't know which detail you are talking about now, the first or second...

Q But when Poetschke first told Hennecke and Rumpf to get a detail of his own C.P., he hadn't given Hennecke a detail to get of his own, did he?

A I didn't say that at all, about the first detail. It was Col. Peiper who gave Hennecke the order to be transmitted to Rumpf and not Poetschke.

Q Then Poetschke is the man who told Hennecke to send a detail to his C.P., because there was no room at Poetschke's C.P., is that right?

A Yes.

Q Then how did Hennecke know to tell that to Rumpf, when it was Peiper who first gave the orders to Hennecke to tell Rumpf to furnish an execution detail?

DEFENSE (MR. STRONG): I object to that question on the simple grounds that it is difficult language, that it is for somebody who is not a layman, who has a very trained mind to understand that question. I think maybe Prosecution would be able to put the question in somewhat simpler form.

(Walla - Recross)

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PROSECUTION (MR. ELOWITZ): I will rephrase the question.

QUESTIONS BY PROSECUTION (MR. ELOWITZ):

Q How was it possible for Hennecke to inform Rumpf to send his execution detail to Hennecke's C.P. instead of Poetschke's C.P.?

A I didn't understand that question.

Q All right, we will go back to the beginning. You stated previously that Poetschke told Hennecke to send the execution detail to his C.P., Hennecke's C.P. instead of Poetschke's, because there was no room in Poetschke's C.P. Don't you understand that question? Do we have to get down to sentences?

A I am not quite clear about this question.

Q Did you or did you not state that it was Poetschke who gave Hennecke the order to have the execution detail report to Hennecke's C.P.?

A No, I didn't.

Q You did not state that?

A I testified that in the first execution detail, the execution detail was to report to Hennecke's C.P., but not the second detail.

Q And when I asked you how you knew that there was no room, you said you heard it, is that correct? Don't you understand that question?

A No.

PROSECUTION (MR. ELOWITZ): Will the reporter please read the last question.

(Whereupon the reporter did as directed.)

A Because I was in there myself.

Q And you stated you heard Poetschke state that to Hennecke, did you not?

A Yes.

(Walla - Recross)

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Q That is correct?

A Yes.

Q And it was Poetschke who gave Hennecke the order to furnish an execution detail from his company, is that correct?

DEFENSE (MR. STRONG): I object to that question, because the witness has testified exactly the opposite before.

LAW MEMBER: He just answered the question "yes", just now.

PROSECUTION (MR. ELOWITZ): I will put it differently.

QUESTIONS BY PROSECUTION (MR. ELOWITZ):

Q And Poetschke did not give Hennecke the order to get an execution detail until after he had returned from the errand and informed Rumpf to furnish one from his own Company, is that correct?

A Well, I can only repeat, the first time Lt. Col. Peiper gave the order to furnish an execution detail and told Hennecke to transmit that order to Rumpf, and then he reported back in. And after he had reported back, Major Poetschke gave him the order to furnish a shooting detail from his own Company.

Q Will you repeat that answer?

A Yes.

Q Now you stated that Obersturmfuhrer Rumpf brought the charges against the man from his Company when he reported to the C.P. Is that right?

A Yes.

Q And can you explain why an execution detail was ordered to be furnished before the man was tried?

DEFENSE (MR. STRONG): I object. That is a question which certainly calls for a conclusion or opinion.

PROSECUTION (MR. ELOWITZ): The witness was just asked to explain that, if he could.

DEFENSE (MR. STRONG): It undoubtedly calls for an opinion. Undoubtedly, a messenger isn't asked for an opinion on orders given by his superiors.

(Walla - Recross)

PRESIDENT: The objection is sustained.

QUESTIONS BY PROSECUTION (MR. BLOWITZ):

Q Do you remember when Hennecke reported a short time later to the C.P. and stated that the detail from the 9th Company was ready?

A No, he only reported back in order to state that he had transmitted the order to 1st Lt. Rumpf, not that the detail was ready.

Q Were you present at the C.P. a short time later, when Untersturmfuehrer Hennecke reported back and stated that the detail of the 9th Company was ready?

A No.

PROSECUTION (MR. BLOWITZ): That is all.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (MR. STRONG):

Q When you testified on direct examination, Walla, that Poetschke told Hennecke to have Rumpf's execution commando to report at Hennecke's Command Post, did you refer to the first or second execution commando?

A In the Command Post of Poetschke, not in the Command Post of Hennecke.

Q When you stated in direct examination that Poetschke told Hennecke to have an execution commando report in Hennecke's Command Post, now does that refer to the first or the second execution commando?

A From the first detail.

Q After Hennecke received this order, did he return?

A Yes.

Q What did he say?

A He had received the order to transmit this order to Rumpf
(Walla - Redirect)

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and when he came back he reported that he had transmitted the order to Rumpf.

Q Did he report anything else?

A No.

DEFENSE (MR. STRONG): No further questions.

DEFENSE: Nothing further from the Defense.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the Court? Apparently none, the witness is excused.

The Court will adjourn until 0830 tomorrow morning.

(Whereupon at 1716 hours the Court recessed.)

(Walla - Redirect)

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CAMP DACHAU, GERMANY

6 July 1946.

MORNING SESSION

(Whereupon the Court reconvened at 0830 hours.)

PRESIDENT: Take seats. The Court will come to order.

PROSECUTION: If the Court please, let the record show that all members of the court, all members of the Prosecution with the exception of Captain Byrne, who has been excused by verbal orders of the Commanding General, all members of the Defense, with the exception of Lt. Wahler, Mr. Walters, Dr. Leer, who are absent on business of the Defense, all of the Defendants, and the Reporter are present.

DEFENSE COUNSEL: The Defense calls Kurt Flohmann, a Prosecution witness. Mr. Strong, on behalf of the Defense, will conduct the direct examination.

KURT FLOHMANN, called as a witness for the Defense, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL: (Mr. Strong):

Q Flohmann, are you the same Flohmann who testified in this court on 6-2-46, Record pages 1419 and 1420?

A Yes.

Q Do you remember where you were in the days from 20 to 22 December 1944?

A Yes.

Q Where?

A I was in LaGleize during these days.

Q Who was your tank commander at that time?

A During the first days in LaGleize I didn't have a tank commandant. Our tank had been knocked out in Stavelot and during those days--and most of these days I spent in the headquarters of the first company.

(Flohmann - direct)

Q And when were you assigned to a tank crew?

A In the evening hours of the 21st of December I was detailed to the tank of Sgt. Drexler.

Q Do you remember whether or not Drexler received any orders on December 21 or 22 in connection with prisoners of war?

A No.

Q Did you, while you were in LaGleize, learn about any orders transmitted to Drexler in connection with such prisoners?

A As long as I was in LaGleize I know nothing about it.

Q How long did you stay in LaGleize?

A Until the break out in LaGleize in the morning of the 24th I remained there.

Q Did you at any time during your stay in LaGleize see any dead bodies of Americans in the neighborhood of Drexler's tank?

A No.

Q Would you have seen them if they would have been there?

PROSECUTION (Capt. Shumacker): I object to that as calling for a conclusion of the witness.

PRESIDENT: Objection sustained.

Q Were you, during your stay in LaGleize, in the immediate neighborhood of Drexler's tank?

PROSECUTION: (Capt. Shumacker) If the court please, we object to that as being a leading question; telling the witness where he was.

DEFENSE COUNSEL (Mr. Strong): I will reframe the question. Were you in a position, Flohmann, to observe the bodies, if any, in the immediate neighborhood of Drexler's tank?

PROSECUTION (Capt. Shumacker): If the court please, we object to that as also calling for a conclusion of the witness. We would suggest, if it please the court, that the witness tell the court where he was during his entire stay in LaGleize and let

the Court conclude whether or not he was in position to make these observations?

DEFENSE COUNSEL (Mr. Strong): If it pleases the Court, I don't think that last question is a leading one. I am merely trying to find out where the witness was and whether or not he was in a position to observe.

LAW MEMBER: It is not being objected to on the ground that it is a leading question, it is being objected to on the ground it is a conclusion. It calls for a conclusion. Why don't you rephrase your question? Just ask him where he was, and the court will find out if he was in that position.

QUESTIONS BY DEFENSE COUNSEL (Mr. Strong):

Q Will you tell us, Flohmann, where you spent your time from the evening of December 21, 1944, to the morning hours of December 24, 1944, when you left LaGleize?

A During these days I was next to the tank of Sgt. Drexler.

Q Flohmann, did you at any time during your stay in La Gleize, observe any bodies of Americans behind the school or in the school yard?

A No.

DEFENSE COUNSEL (Mr. Strong): Your witness.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (Mr. Blowitz):

Q Flohmann, when were you behind the school in LaGleize?

A I was behind the school in LaGleize on the first few days, that is, on the 19th and 20th.

Q And you were never behind the school after that?

A No, I was elsewhere with Sgt. Drexler then. I had no chance any more to go behind the school.

Q Didn't you take your tank with you when you went behind the school?

(Flohmann - cross)

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A I didn't quite understand the question.

PROSECUTION (Mr. Elowitz): Withdraw the question.

Nothing further.

PRESIDENT: Any questions by the Court?

EXAMINATION BY THE COURT

LAW MEMBER: You say you were with Drexler's tank all the time? When you were behind the school, was the tank there at that time?

A Drexler's tank, that was three to four hundred meters away from the school. I didn't get to the school then.

LAW MEMBER: That is all.

PRESIDENT: Any other questions by the Court?

DEFENSE COUNSEL (Mr. Strong) May I ask another question?

PRESIDENT: Go ahead.

QUESTIONS BY DEFENSE COUNSEL (Mr. Strong):

Q Flohmann, when did you join Drexler's tank crew?

PROSECUTION: (We object to that as already having been asked and answered.

A I was assigned to Sgt. Drexler's tank in the evening hours of the 21st.

Q And when were you in the school yard, before or afterwards?

A Before.

PRESIDENT: Any other questions?

PROSECUTION: No further cross examination.

LAW MEMBER: Yes, I have a question.

EXAMINATION BY THE COURT

Q When you first reached LaGleize, where were you?

A When I first came to LaGleize I was in the company headquarters with the 1st company, in the school at LaGleize.

(Flohmann - court)

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Q How long did you stay in the school?

A I can't give you the exact time I spent in school. I spent my time in school and next to the school.

Q Were you in the vicinity of the school from the time you reached LaGleize until you joined the tank?

A Yes.

LAW MEMBER: That is all.

PRESIDENT: The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

DEFENSE COUNSEL: The Defense recalls as its next witness Klaus Schneider. Mr. Strong, on behalf of the Defense, will conduct the direct examination.

KLAUS SCHNEIDER, recalled as a witness for the Defense, having been previously sworn, was examined and testified further through an interpreter as follows:

RE-DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Mr. Strong):

PROSECUTION: The witness is reminded he is still under oath.

Q Are you the same Klaus Schneider who testified before this court on the third day of June, 1946, Record page 1164?

A Yes.

Q Will you tell us where you were in the days of 20th December 1944 up to 24 December 1944.

A In Wanne.

Q When did you enter Wanne?

A In the morning hours between ten and twelve o'clock.

Q How many tanks were with you?

A Four tanks.

Q In whose tank were you?

A I was in the tank of Sgt. Pfluger.

Q Can you tell us who the commander of the other tanks were?
(Schneider redirect)

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A The commandant was Sgt. Bersin, 2nd Lt. Heubeck, and who the commander of the Mark IV tank was I don't know.

Q Who was the commander of the four tanks as a unit?

A 2nd Lt. Heubeck.

Q Schneider, you remember your testimony which you gave in this court in connection with certain incidents in which the accused Bersin and Trettin are involved, do you?

A Yes.

Q Approximately at what hour of the day and on what day did this happen?

A That was when darkness fell on the 20th of December.

Q Are you definite about it, that it was on December 20?

A Yes.

Q As far as you know, were the accused Sternebeck already in Wanne at that time?

A To my knowledge he wasn't there.

Q Did you have an opportunity during 20 December 1944, to observe the crew of the Mark IV tank which you just mentioned?

A Yes.

Q Will you tell us when and where?

A When we drove into Wanne from the village outside of Stavelot, 2nd Lt. Heubeck was in charge of their four tanks and he pulled the Mark IV tank which had bogged down in a muddy field out with our tank.

Q And did you at that time have an opportunity to see the members or the crews of the Mark IV tank?

A Yes.

Q Did you see among them the accused Sternebeck?

A I didn't know Sternebeck at that time yet and I can't remember who the commandant was.

Q You know the accused Sternebeck now?

A Yes.

Q DEFENSE COUNSEL (Mr. Strong): May I ask the court to please ask Sternebeck to rise?

PRESIDENT: Sternebeck stand up.

Q Will you look at the accused Sternebeck, Schneider, and tell me, to the best of your memory, whether you believe that you saw this man among the crew of the Mark IV tank about whom you just spoke?

A No, that was not an officer.

DEFENSE COUNSEL (Mr. Strong): No further questions.

RE CROSS EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q Schneider, you don't know whether Sternebeck was in Wanne on the afternoon of the 20th or not, do you?

A No.

PROSECUTION (Capt. Shumacker): Nothing further.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Mr. Strong):

Q Schneider, how many times all together were you in Wanne on the afternoon of the 20th?

A Four times.

DEFENSE COUNSEL (Mr. Strong): That is all.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q What time did you get to Wanne?

A In the morning hours, between ten and twelve.

Q And when you got there, where did you go?

A We went to school, where our crew had their quarters.

Q Is that where you stayed?

A Yes.

Q Did you stay there all afternoon?

A Yes.

Q So, when you say, there were only four tanks in Wanne,

(Schneider - recross)

what you mean is, there were only four tanks there at school?

A No, there were not at the school all.

Q What company were these tanks from?

A The three Panzers were from the 1st company, and the Mark IV, that tank I don't know where it was from.

Q And these were the only four tanks you saw?

A Yes.

Q There could have been another tank in Wanne that you did not see?

A That is possible.

PROSECUTION (Capt. Shumaker): Nothing further..

PRESIDENT: Any questions by the Court? Apparently not; the witness is excused.

DEFENSE COUNSEL: The Defense recalls as its next witness Josef Zitzelsberger. Mr. Strong, on behalf of the Defense, will conduct the redirect examination, and Captain Narvid has a few questions as to isolated instances.

JOSEF ZITZELBERGER, recalled as a witness for the Defense, having been previously sworn, testified further through an interpreter as follows:

PROSECUTION: The witness is reminded he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Mr. Strong):

Q Are you the same Josef Zitzelsberger who testified before in this court?

A Yes.

Q Will you tell us where you were between 19th December, 1944 and 24th December 1944?

A I arrived in LaGleize on the 19th of December 1944 and

(Zitzelberger - redirect)

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remained there until the evening of the 23d of December.

Q To what company did you belong?

A First company of the Panzer regiment.

Q Who was the platoon leader?

A Tech Sgt. Strehlow.

Q Who was your tank commander?

A Sgt. Drexler.

Q Where did your tank stand in LaGleize?

A Near the road fork going towards Stoumont.

Q Were there any other tanks standing next to or near yours?

A The first few days Sgt. Strehlow and his tank were next to us, and after the attack of Stoumont Sgt. Knappisch arrived with his tank.

Q When did Knappisch arrive?

A On the 20th.

Q To which company did Knappisch belong?

A Second company.

Q Do you know anything about any shooting of prisoners of war by members of the First company during your stay in LaGleize?

A No.

Q Do you know anything about another execution which took place in LaGleize while you were there?

A Yes.

Q Will you tell us what you know about it?

A One man from our own combat group was shot.

Q Do you know why he was shot?

A He had prepared to desert. That is, he had taken off his collar and sleeve insignia.

Q How many men did your tank crew originally consist of?

A Of five men.

Q Did you have any casualties?

A Yes, on the 21st.

(Zitzelsberger - redirect)

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Q How many?

A Two men of the group.

Q Did you receive any reinforcements afterwards?

A Yes. We got one more man.

Q Who was this?

A Sgt. Flohmann.

Q When did he report to your tank crew?

A On the evening of the 21st.

Q Do you know from your own knowledge whether any member of your tank crew ever participated in shooting prisoners of war in LaGleize?

A No.

Q I read to you from Prosecution's Exhibit P-100, Statement of the accused Mikolaschek, dated third day of April, 1946.

"Around two o'clock in the afternoon of the 22nd December, 1944, I was sent out to secure camouflage material and to camouflage our tank. I went in the direction of Unterscharfuhrer Drexler's tank and as I reached a place in front of his tank I looked to the right and saw a group of 15 dead Americans in front of a stable as indicated in No. 3 on my sketch, capital "B".

And I ask you, Zitzelsberger, whether you ever, during your stay in LaGleize saw any dead bodies near or in front of Drexler's tank?

A No.

QUESTIONS BY DEFENSE (Capt. Narvid):

Q Do you recall the 22nd of December in LaGleize?

A Yes.

Q What was the situation there at that time?

A About the afternoon of the 22nd we had a severe attack on the part of the Americans.

Q Where were you then?

A I was in the tank.

Q Where were you on the 23d of December?

A I was in the tank part of the time, and in the house.

(Zitzelsberger redirect)

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Q Was Knappisch's tank near you on the 23d of December?
A Yes.
Q All the time?
A Yes.
Q Do you know the crew of Knappisch's tank?
A Well, I don't know their names.
Q Would you recognize them?
A Yes.
Q Do you know the accused Erich Werner?
A Yes.
Q Would you recognize him?
A Yes.
Q Would you look to your left and see if you can identify the accused Erich Werner?

PRESIDENT: Tell the witness he may stand up, if he would like.

A Yes. No. 25.
Q Were you in the same company as Knappisch crew?
A No.
Q Do you know Knappisch?
A Yes.
Q How many members were there in his tank crew?
A Five of them.
Q Did you see the five men there at that time?
A Yes.
Q Did you see any American soldiers in LaGleize on the 22nd of December, 1944?
A Yes.
Q Where did you see them?
A They came to our tank and picked up ammunition there.
Q Did you see any firing or any executions of American soldiers?

A No.
(Zitzelsberger - redirect)

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Q Did you ever pass the church in LaGleize?

A Yes.

Q When?

A I put it about eleven p. m. on the 23rd.

Q Did you ever pass at any other time?

A No.

Q Did you ever see any dead bodies around the church
or in the vicinity of the church?

A No.

Q Did you ever pass the schoolhouse in LaGleize?

A Yes.

Q Did you ever see any bodies of American soldiers around
the schoolhouse?

A No.

Q Did you see the entire area around the schoolhouse at
any time?

A No.

Q What part of the schoolhouse did you see? Or what
area around it?

A I only went to the hall of the house from the road
entrance.

DEFENSE COUNSEL (Capt. Narvid): Your witness.

DEFENSE COUNSEL: You may cross examine.

PROSECUTION: No cross examination.

PRESIDENT: Any questions by the Court? Apparently
none, the witness is excused.

(Whereupon the witness was excused and withdrew
from the courtroom.)

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Tk #336-SR-7/6-1

DEFENSE COUNSEL: Defense calls as its next witness, Siegfried Lott. Captain Narvid, on behalf of the Defense will conduct the direct examination.

SIEGFRIED LOTT, a witness called by the Defense, after being first duly sworn, testified through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and accused.)

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL(CAPTAIN NARVID):

Q State your full name.

A Lott, Siegfried.

Q What was your organization, company and platoon in December 1944?

A I belonged to the 2nd Panzer Grenadier Regiment, 2nd Battalion, 11th Company, 1st Platoon.

Q What was your rank?

A SS Sturmmann, Pfc.

Q What were your duties?

A I worked as a half-track driver.

Q Did the 11th Company participate in the battle for Stavelot?

A Yes.

Q What were the results of this campaign?

A We took the bridge of Stavelot on the 18th and the 11th Company had many casualties.

Q How many men remained in the company after Stavelot?

(Lott-Direct)

Tk #336-SR-7/6-2

A 30 to 35 men.

Q How many vehicles remained?

A I can't remember that.

Q Approximately?

A 8 to 10 vehicles.

Q What type of vehicles were they?

A Half-tracks.

Q When did you arrive in La Gleize?

A We passed through La Gleize about noon.

Q On what date?

A On the 18th.

Q Did you stop in La Gleize on the 18th?

A No.

Q Do you know the accused Armin Hecht?

A Yes.

Q What company was he in?

A 11th Company.

Q What were his duties?

A Half-track driver.

Q Where was he on the 18th of December, if you know?

A He was one tank ahead of me.

Q Was his vehicle always ahead of you on the 18th of December?

A Yes.

Q How much before you, approximately?

A Approximately 10 to 15 meters.

Q Did Armin Hecht's vehicle stop in La Gleize on the 18th of December?

A No.

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Tk #336-SR-7/6-3

Q Did you see any American soldiers in La Gleize on the 18th of December?

A No.

Q Did you see any prisoners of war on the 18th of December?

A No.

Q Did you ever see Armin Hecht shoot prisoners of war in La Gleize?

A No.

Q You said you passed through La Gleize on the 18th of December. Where did you go from there?

A We drove to Cheneux.

Q What happened there?

A We had an air attack in Cheneux.

Q How long were you there?

A Two to three hours.

Q Where did you go from Cheneux?

A In the evening or the morning of the 19th we returned to Stoumont.

Q What happened in Stoumont?

A We had a fight in Stoumont.

Q How long did you remain there?

A Until the 21st.

Q Where did you go from Stoumont?

A At five P.M. we drove into La Gleize.

Q Where did you stop in La Gleize?

A We first stopped in an orchard and then at twelve o'clock midnight on the 21st we drove into a forest.

(Lott-Direct)

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Q Was Hecht's vehicle with you at this time?

A Yes.

Q Did you see Hecht all of the 21st?

A Yes.

Q Did you see him on the 20th?

A Yes.

Q Did you see him on the 19th?

A Yes.

Q Did you ever see Hecht shoot prisoners of war?

A No.

Q You said you stopped at the woods. How far were the woods from La Gleize?

A About one kilometer.

Q Who else was in the woods?

A All the half-track drivers of the company who were left.

Q Do I understand you to say that only the drivers were there?

A Yes.

Q Where were the crews?

A They were fighting.

Q Do you know the accused Oswald Siegmund?

A Yes.

Q In whose vehicle was he?

A He was an ordnance man. He was responsible for the maintenance of vehicles.

Q Do you know where he was between the 20th and 23rd of December?

A Yes.

Q Where?

A He was in the tank of Corporal Schwartz.

(Lott-Direct)

Tk #336-SH-7/6-5

- Q Where was that tank?
- A From the 21st to the 23rd it was in La Gleize.
- Q Did anything happen to that tank during that period?
- A Well, it was broke.
- Q What was Siegmund doing?
- A He was with it.
- Q How long did you remain in the woods in La Gleize?
- A From the 21st to the 23rd.
- Q Do you know the accused, Theo Rauh, R-a-u-h?
- A Yes.
- Q In what company was he?
- A 11th Company.
- Q What platoon?
- A I don't remember that.
- Q What were his duties?
- A Half-track driver.
- Q Was he also one of the drivers in the woods?
- A Yes.
- Q Did you see him in the woods all the time you were there, between the 21st and 23rd of December?
- A Yes.
- Q Did you ever see any American prisoners of war in the woods of La Gleize?
- A No.
- Q Did you ever see any American prisoners of war shot in La Gleize?
- A No.

(Lott-Direct)

Tk #336-SR-7/6-6

Q Or in the woods of La Gleize?

A No.

CAPTAIN HARVID: Your witness.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (MR. BLOWITZ):

Q Did you ever know a man by the name of
Freimuth?

A Yes.

Q Did you ever see him in La Gleize?

A Yes.

Q Was he in the woods on the afternoon of the
22nd and 23rd?

A Yes.

Q Did you ever see him shoot American prisoners
of war?

A No.

Q Do you know Herbert Stock?

A Yes.

Q Do you know if he is an accused in this case?

A Yes.

Q When did you see Stock for the last time?

A On the evening of the 22nd.

Q In La Gleize?

A No, up in the forest with us.

Q Did you ever see Stock shoot any American
prisoners of war?

A No.

Q Did you ever hear of Stock shooting American

(Lott-Cross)

TK #336-SR-7/6-7

prisoners of war?

A No.

Q On the afternoon of the 18th of December,
were you in La Gleize?

A On the 18th of December?

Q The afternoon of the 18th of December, 1944?

A No.

Q You were not in La Gleize?

A No.

Q Did you see Unterscharfuehrer Klipp on the
afternoon of the 18th of December?

A Yes, I saw him.

Q Where?

A On the tank.

Q Did you see him the whole afternoon of the
18th of December?

A No.

Q Then you did not see Armin Hecht the whole
afternoon of the 18th of December either?

A Yes, I did see him.

Q Well, if I told you that Armin Hecht rode
in the vehicle of Unterscharfuehrer Klipp, would you
change your answer?

A No.

Q Do you deny that Armin Hecht rode in the
vehicle of Unterscharfuehrer Klipp?A No, I don't know whether Sergeant Klipp was
riding in Hecht's tank.

Q Were you with both Freimuth and Stock in the

(Lott-Cross)

Tk #336-SR-7/6-8

woods on the afternoon of the 22nd of December in La Gleize?

A Freimuth came up to the forest in the morning and went back in the afternoon and Stock was there during the evening and just picked up rations.

Q Then you were not with them all the time, is that not right?

A No.

Q Were you with Theo Rauh continuously on the 22nd of December 1944?

A Yes.

Q You were with him every minute of the day on the 22nd of December, 1944, is that correct?

A Yes.

Q Do you know Goedicke?

A Yes.

Q Do you know Richter?

A When I see him I will know him, yes.

Q Do you not know Wolfgang Richter?

A I don't recall at the moment what he looks like. When I see him I will recognize him.

Q Do you know if he was in your company?

A Yes.

Q Did you see Goedicke or Richter on the afternoon of the 18th December 1944?

A I don't remember exactly, but I do think so, on the tank.

Q Do you know whose vehicle they rode in?

(Lott-Cross)

Tk #336-S R-7/6-9

A In Hecht's vehicle.

Q Who was the commander of that vehicle?

A I don't know that any more. It was Unterscharfuhrer --

Q (Interrupting) Unterscharfuhrer Klipp. I just told you that, did I not?

A Well, I don't know about later, first it was Unterscharfuhrer Fischer.

Q But you did see Hecht?

A I saw Hecht's tank.

Q You stated that you did not see any Americans in the woods on the day of the 22nd of December, is that right?

A Yes.

Q You do not know if there were any or there were not any. You just did not see them, is that right?

A I know that they were not there.

Q How do you know?

A Because I was up in the forest all the time.

Q Did you cover the entire woods yourself?

A Not the whole woods, but the vicinity where the tanks were standing.

Q So there may have been Americans in the woods that day?

A No.

MR. ELOWITZ: That is all.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (CAPTAIN NARVID):

Q Did Hecht or Rauh leave the vicinity in the

(Redirect-Lott)

Tk #336-SR-7/6-10

woods where you were?

A No.

CAPTAIN NARVID: That is all.

MR. ELOWITZ: Nothing further.

PRESIDENT: Any questions by the Court?

Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

DEFENSE COUNSEL: Defense recalls as its next witness, Rolf Ehrhardt. Captain Narvid, on behalf of the Defense will conduct the direct examination.

ROLF EHRHARDT, a witness recalled by the Defense, having been previously duly sworn, resumed the stand and testified further through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and accused.)

PROSECUTION: The witness is reminded he is still under oath.

THE WITNESS: Yes.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (CAPTAIN NARVID):

Q Are you the same Rolf Ehrhardt who previously testified in this trial?

A Yes.

Q Where were you on the 19th of December 1944, do you recall?

A I came to La Gleize on the morning of the 19th of December 1944 and stayed there all day.

(Ehrhardt-Redirect)

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Tk #336-SR-7/6-11

Q Did you see any American soldiers in La Gleize on that day?

A I don't remember having seen any American soldiers in La Gleize on December 19th.

Q Did you ever pass the church in La Gleize?

A I wasn't in the church but I passed by it.

Q Do you recall approximately the date and time you passed the church?

A I know that I went past it once on the 19th in the afternoon and until the night of the 21st when the break was made I passed by it frequently.

Q During all the occasions when you passed by it, did you ever see bodies of American soldiers in the vicinity of the church?

A I didn't see any dead American soldiers near the church.

Q Did you see any other dead bodies in front of the church?

A Yes, once on the 22nd, I saw a dead German at the wall of the church.

End Tk #336-
Barton follows

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6-T-1

Q Did you ever visit the area of the schoolhouse at La Gleize?

A I was in the schoolhouse once, but that was at night.

Q Was that the only time you were in the area of the schoolhouse?

A I drove by it only one more time and that was the 19th.

Q Did you ever see any bodies of dead Americans there?

A No, I didn't see any bodies of dead Americans in this schoolhouse.

Q Did you ever see any American prisoners of war at La Gleize at all?

A I did see prisoners of war at La Gleize the 21st. I beg your pardon, it must have been on the 22nd when some were being brought back from Stoumont.

Q Did you ever see any shooting or executions of American prisoners of war?

A No.

CAPTAIN NARVID: That is all.

RE-CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q You are a good friend of Peiper's, aren't you?

A I couldn't say that. I was a corporal at the time and I wouldn't describe myself as a friend of the Commanding Officer.

Q You are a good friend of Klingelhoefer's, aren't you?

A Captain Klingelhoefer was my Company Commander and my superior officer and I would ^{not} describe him as a friend either.

Q On the 19th you say you went to church the first time; is that correct?

A I drove past the church on the 19th I said.

Q How many times did you visit the church after the 19th?

A I didn't visit the church at all. I merely passed by it

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6-T-2

repeatedly.

Q How many times did you pass by it?

A It was frequently--about ten or fifteen times.

Q Did you pass on the right side or the left side or in front of the church?

A I went past the church on the road between the CP of Col. Peiper and Captain Klingelhoefter and the church was on the left.

Q How many prisoners of war did you see in La Gleize?

A When I saw the prisoners of war arrive on the 22nd I saw only about 40 of them.

Q Is that the most you ever saw in La Gleize?

A Yes.

Q Did you ever see any on the road between Stoumont and La Gleize?

A No.

PROSECUTION: No further questions.

DEFENSE COUNSEL: Nothing further from the defense.

EXAMINATION BY THE COURT

OCL WEILAND:

Q You say the church was on the left as you passed to and fro from the two CPs? That doesn't mean much to me. What do you mean, that the church was on the left, or where do you mean the church was?

A Going from the CP of Captain Klingelhoefter to the CP of Col Peiper the church was on the left side.

Q Where did you pass with reference to the entrance to the church?

A I can't say where the entrance to the church was. I walked past a wall of the church.

Q Did you notice an entrance through the wall?

A No, the wall was too high, you couldn't see across it.

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6-T-3

PRESIDENT: Any other questions by the Court? Apparently not, the witness is excused.

(Whereupon the witness was excused and withdrew from the court room.)

DEFENSE COUNSEL: The Defense calls as its next witness Heinz Koerner. Captain Narvid on behalf of the Defense will conduct the direct examination.

HEINZ KOERNER, called as a witness for the Defense, was duly sworn and testified through an Interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and to the accused.)

DIRECT EXAMINATION

QUESTIONS BY DEFENSE (Captain Narvid):

Q What is your full name?

A Koerner, Heinz.

Q What organization, what company, what platoon were you in in December 1944?

A 12th Company, in the 1st Platoon, 2nd Bn., 2nd Regiment.

Q Were you ever in La Gleize?

A Yes.

Q Do you recall when you first arrived there?

A April 18 first.

Q Are you sure it was in April?

A It was in December.

Q Are you sure of that?

A Yes.

Q Where did you stop in La Gleize?

A The first time I didn't stop in La Gleize at all, we just passed through.

Q Did you engage in any battle with the Americans on that day?

A Yes.

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6-T-4

Q Where were the Americans then?

A On the morning we had fighting in Stagetot and in La Gleize we were not with the point. At least I personally did not engage in any fight.

Q When you passed through La Gleize was there any resistance in La Gleize?

A Yes.

Q Where were the Americans then?

A When we went through they were on our right and the artillery was firing heavily.

Q Did you see any American soldiers engage in close combat with you in La Gleize?

A Not on the 18th.

Q Do you know the accused Oswald Siegmund?

A Yes.

Q Did you see him in La Gleize?

A No, not on the 18th.

Q Did you see him on the 20th?

A Yes.

Q Where did you see him?

A It was on the 20th on the road between La Gleize and Stoumont where our company was lying.

Q Where were you there?

A We were with our company there in the company area.

Q Was Siegmund with you all of the time?

A Yes, from in the morning until darkness I saw him.

Q Was there any American prisoners in the area there?

A Yes, I saw one Major and two soldiers who were being taken away there.

Q You mean an American Major?

A Yes.

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6-T-5

Q Did you see any mistreatment or shooting of American prisoners of war on the 20th of December?

A No.

Q Did you ever see any American prisoners of war shot in La Gleize?

A No.

Q Or in the vicinity of La Gleize?

A No.

CAPTAIN NARVID: That is all.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q What time of day was it that you passed through La Gleize on the 18th?

A Noon, 12 o'clock.

Q You say it was on the 20th that you saw an American Major who was a prisoner of war and two other soldiers?

A No; I saw them in that vicinity, but the Major that was on the 21st.

Q Were you and Siegmund in the same company?

A No.

Q What kind of vehicle was Siegmund driving?

A I don't know. I just saw him on that particular day. He just came—I don't know which vehicle he was riding in.

Q What rank was Siegmund?

A Sergeant.

Q Where did you first see him on the 20th?

A At noon about 12 o'clock.

Q What members of your crew were with you at that time?

A There were American tents there and had the order to clean those up, so I was by myself.

Q Did Siegmund help you clean those up?

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6-T-6

A No.

Q He didn't stay with you all afternoon, did he?

A Well, he did remain there. Those little barracks down there, we had our meals down there.

PROSECUTION: That is all.

DEFENSE COUNSEL: Nothing on redirect examination.

PRESIDENT: Any questions by the Court? Apparently not, the witness is excused.

(WHEREUPON the witness was excused and withdrew from the court room.)

DEFENSE COUNSEL: The Defense calls as its next witness Walter Landfried. Dr. Leer on behalf of the Defense will conduct the direct examination. Dr. Leiling would like to conclude with a few questions.

WALTER LANDFRIED, called as a witness for the Defense, was duly sworn and testified through an Interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and to the accused.)

DIRECT EXAMINATION

QUESTIONS BY DEFENSE (Dr. Leer):

Q State your name to the Court?

A Landfried.

Q Your first name?

A Walter.

Q Your former unit and rank?

A Corporal in the Headquarters Company, Panzer Regiment 1, LSSAH.

Q Are you a prisoner of war at the present time?

A Yes.

Q Where?

A In Dachau.

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6-T-7

Q Do you remember the time of the Ardennes Offensive?

A Yes.

Q Do you remember Cheneux?

A Yes.

Q Did you experience any air attacks there?

A Yes.

Q When was that?

A That was in the afternoon of December 18, 1944.

Q What did you do during that attack?

A We put our half-track in cover--we had one of the first houses in Cheneux--and waited the attacks afterwards. After one of those attacks I bandaged one of my wounded comrades and later went to the half-track with him.

Q Were you then in Cheneux during the air attacks?

A Yes.

Q About how long did these air attacks last?

A The attacks took about an hour or two.

Q How long after the attacks were over did you move out again?

A It was about twenty or twenty-five minutes after the air attacks that we proceeded on.

Q Did you see Col Peiper after you left?

A Yes.

Q Can you tell us where?

A We had been driving on a side road and as we hit the main road Col Peiper was standing in a pill box outside of Cheneux.

Q Which edge of town are you talking about?

A The edge of town before we hit Cheneux.

Q Can you give the direction there?

A No.

Q Do you know who Col Peiper rode with from then on?

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6-T-8

A Yes.

Q Who with?

A Lt Col Peiper together with End Lt Krause mounted my SPW and we then went into Cheneux, past Cheneux on the main road into a forest. On that main road we made a right turn and continued on. Since the bridge was out we had to turn around and at the time we turned around Lt Col Peiper got out of my vehicle and mounted the vehicle of Major Diefenthal, I think. We turned around and went and moved back about two or three vehicles behind Major Diefenthal.

Q Can you give us the approximate time when Col Peiper changed vehicles?

A No, but it was night.

Q Was it completely dark by then?

A Yes.

Q From Cheneux until he got out did Col Peiper ever get into any other vehicle?

A No.

Q Did you ever stop along your way?

A No.

Q How many times during that offensive did Col Peiper ride in your vehicle?

A He rode with me only that one time, that is why I can remember it very well.

DR. LEER: I have no further questions.

DEFENSE COUNSEL: Dr. Leiling.

DR. LEILING: I am sorry I have disturbed the general order of questioning in this case, but the witness was since in the hospital and I wanted to call him before.

DIRECT EXAMINATION (Cont'd)

QUESTIONS BY DR. LEILING:

Q I would like to direct your attention to the 17 December

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6-T-9

1944, Did you see the accused Gruhle on that day?

A Yes.

Q Where did you see him?

A It was about 1500 hours on the 17 December 1944.

Q Where?

A It was in a location about three or four locations west of Buellingen.

Q What happened at that spot?

A The half-track of Sgt. Hillig had bogged down and we had to stop in order to pull him out. And during that time Captain Gruhle came along, passed us by and got stuck in the mud himself. He talked to 2nd Lt Krause and asked us to pull him out. We pushed Captain Gruhle's car out and he drove on. After that we pulled Sgt. Hillig's vehicle on and we drove on.

Q What direction did Gruhle come from?

A Captain Gruhle came from the direction of Buellingen.

Q At that time was your half-track in front of Zimmerman's half-track or behind it?

A I was in front of Zimmerman's half-track looking at it from the point.

DR. LEILING: No further questions.

DEFENSE COUNSEL: You may cross.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (Mr. Elowitz):

Q Can you estimate the time that elapsed from the time Peiper got in your vehicle until he left it?

A No, but it was getting dark when Peiper got into our vehicle and quite dark at night when he got out of it.

Q Was he in your vehicle for half an hour?

A No, more.

Q How long would you estimate it was, an hour?

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A I can't say any more. I can't remember this time any more.

Q But it was getting dark when he first got into the vehicle, isn't that correct?

A Yes.

Q And you only traveled a few kilometers from the place where he got in to the place where he got out?

A We drove from this town of Cheneux along the main road through a forest and on the main road we drove on along the right, I don't know how many kilometers.

MR. ELWITZ: That is all.

CAPTAIN SHUMACKER: If the Court please, Prosecution requests permission that I cross examine the witness on the second subject about which he testified.

DEFENSE COUNSEL: No objection.

CROSS EXAMINATION (Cont'd)

QUESTIONS BY PROSECUTION (Captain Shumacker):

Q You say that you helped Gruhle get out of the mud where his vehicle became stuck a few kilometers west of Buellingen?

A Three to five kilometers I said.

Q That was on the 17 December 1944?

A Yes.

Q And after you got him out of the mud hole his vehicle left and proceeded westerly ahead of your vehicle?

A Yes.

Q And when you got to the cross roads yourself there were German soldiers still in the field shooting the Americans who pretended to pay dead--

DR. LEER: I object to this; this was not part of the direct examination.

CAPTAIN SHUMACKER: If the Court please, the purpose obviously of the witness' testimony is to establish an alibi for Gruhle by showing that he couldn't have been at the cross roads when (Landfried - Cross)

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6-T-11

any shooting took place. If that is not the purpose, we move that the witness' testimony be stricken because it is absolutely irrelevant as to whether Gruhle got stuck in a mud hole 5 kilometers west of Buellingen.

PRESIDENT: The objection is sustained. You will have to ask the question in another form.

QUESTIONS BY PROSECUTION (Capt. Shumacker) (Cont'd):

Q When you got to the cross roads were German soldiers still in the field shooting Americans who pretended to play dead?

A Yes.

CAPTAIN SHUMACKER: That is all.

PRESIDENT: Any questions by the defense?

DEFENSE COUNSEL: Dr. Leer.

REDIRECT EXAMINATION

QUESTIONS BY THE DEFENSE (Dr. Leer):

Q On December 18 did it get dark already at 1600 hours?

A It was dark already at four to four-thirty that day.

DR. LEER: Thank you.

PRESIDENT: Any other questions?

DEFENSE COUNSEL: Nothing further.

PRESIDENT: Any questions by the Court? Apparently not, the witness is excused.

The Court will recess until 1030.

(Whereupon the Court took a recess at 1002 hours.)

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sh-1
7/6/46

(Whereupon at 1030 hours the Court reconvened.)

PRESIDENT: Take seats. The court will come to order.

PROSECUTION: If the Court please, let the record show that all the members of the Court, all the members of the Prosecution with the exception of Capt. Shumacker who is absent on business for the Prosecution and Capt. Byrne who has been excused by verbal order by the Commanding General, all the members of the Defense with the exception of Mr. Walters, Dr. Pfister who are absent on business of the Defense, all of the defendants and the reporter are present.

DEFENSE: The Defense recalls as its next witness Paul Buth. Capt. Narvid, on behalf of the Defense, will conduct the direct examination.

PAUL BUTH, recalled as a witness for the Defense, testified further through an interpreter as follows:

PROSECUTION: The witness is reminded that he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (CAPT. NARVID):

Q Are you the same Paul Buth who previously testified at this trial?

A Yes.

Q Were you ever in LaGleize?

A Yes.

Q Do you recall when?

A It was the 20th up to the 23rd.

Q And what month?

A December 1944.

DEFENSE (CAPT. NARVID): Will the Court please ask No. 36 and 54 to stand up?

(Paul Buth - Redirect)

000392

Ta-338
sh-2

(Whereupon the accused Nos. 36 and 54 stood up.)

QUESTIONS BY DEFENSE (CAPT. NARVID):

Q Can you identify No. 54?

PROSECUTION: If the Court please, we object to this as leading.

PRESIDENT: The objection is sustained.

DEFENSE (CAPT. NARVID): I withdraw the question.

PRESIDENT: I will remark right now that that procedure for identification is highly improper and you should realize that.

DEFENSE (CAPT. NARVID): I beg the Court's pardon. It was my impression that it was done before; that counsel asked somebody to get up, in the last session.

PRESIDENT: Proceed.

QUESTIONS BY DEFENSE (CAPT. NARVID):

Q Do you know the accused Erich Rumpf?

A Yes.

Q Who was he during the Eifel Offensive? What were his duties?

A He was the Company Commander of the 9th Panzer Pioneer Company.

Q And do you know the accused Mauts?

A Yes.

Q What were his duties?

A He was Company medic in the 9th Panzer Pioneer Company.

Q Could you identify both of these accused?

A Yes.

Q How many times did you see them during the Eifel Offensive?

A I can't say exactly how many times.

Q Well, did you see them more than once?

A Yes.

(Both - Redirect)

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sh-3

Q Do you know them very well by sight?

A Yes.

Q Have you ever spoken to them?

A Yes.

Q Would you identify them by taking a look at your left and telling the Court what numbers they wear? First identify the accused Rumpf.

A Yes, Rumpf is No. 54.

Q And Maute?

PRESIDENT: The witness may stand up to see better.

A Number 36.

Q Did you see Maute in LaGleize at any time?

A Yes.

Q When did you see him?

A I was together with him in the cellar in LaGleize.

Q What was Maute doing in the cellar?

A He treated the wounded, when there was any.

Q What were you doing in the cellar?

A I took shelter in the cellar.

Q Why?

A Because of the artillery fire.

Q How long were you in this cellar?

A I was in the cellar from the 20th up to the 23rd.

Q And was Maute in the cellar during all this time?

A I don't know if he was there all the time, but most of the time he was in the cellar.

Q Did you ever see Lt. Rumpf enter the cellar?

A Yes.

Q Do you recall when that was?

A That was on the 22nd of December.

Q About what time, do you recall? Morning, afternoon or
(Both - Redirect)

evening?

A It was at about noon.

Q About how many were in the cellar at that time?

A I can't give you the exact number. According to my estimate, about twenty.

Q How many of them were wounded?

A There were at least six wounded in the cellar.

Q What was Maute doing at that time? Do you recall?

A No, I didn't watch Maute continuously in the cellar.

Q Then Rumpf - when Rumpf entered, were you close by then?

A Yes.

Q Did you see Rumpf talk to Maute at any time?

A No.

Q During the time Rumpf was in the cellar, did you see Rumpf and Maute all that time?

A No, 1st Lt. Rumpf came into the cellar and asked me where the vehicles were and whether they were camouflaged.

Q And what else?

A Nothing else.

Q What did Rumpf do after that?

A Rumpf then left the cellar again.

Q Did Rumpf say anything to anybody in the cellar about prisoners of war?

A No.

Q Did Rumpf say anything in the cellar about an execution detail?

A No.

Q Did you ever leave the cellar with Maute?

A Yes.

Q When?

A That was in the evening.

(Buth - Redirect)

Ta-338
sh-5

- Q Where did you go?
 A To the church, to our wounded.
 Q About how many wounded were there in the church?
 A I estimate eighty to a hundred.
 DEFENSE (CAPT. NARVID): That is all.

RE-CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

- Q On the 22nd of December, But, were you always in the cellar?
 A I have already said that I left the cellar in the evening.
 Q How long were you gone? About how long?
 A Between - about 20 minutes.
 Q Did you ever leave on any other occasion on the 22nd?
 A Not for more than that period of time. I could have left the cellar for about two minutes at the most.

PROSECUTION: If the Court please, the next questions I am going to ask this witness is for the purpose of attacking his credibility. I want to announce it beforehand.

LAW MEMBER: Is there any necessity for warning him about self-incrimination?

PROSECUTION: No. I take that back, I shouldn't have said, no. I believe he should be warned that it is self-incriminating.

LAW MEMBER: The next few questions which will be asked by the Prosecution are for the purpose of attacking your credibility. You are warned by the Court that you do not have to answer the questions if they tend to incriminate you. It is your personal privilege, and you may or may not answer them as you see fit, on the ground that the answers may incriminate you. Do you understand that?

WITNESS BUTH: Yes.

(Buth - Recross)

QUESTIONS BY PROSECUTION:

Q What cage are you held prisoner here in Dachau?

A Cage 3.

Q Do you know Ebeling, who is a prisoner of war there?

A Yes.

Q Do you know Messner, who is a prisoner of war there?

A Yes.

Q And you know Adolf, who is a prisoner of war there, don't you?

A Yes.

Q Isn't it a fact that two or three days ago that - because you believed that Messner was a stool pigeon - you said that he should be beaten, and that he would be bumped off?

A I never said any such thing.

Q And isn't it also true that both you and Ebeling discussed the circumstances surrounding the use that Messner was put to at Schwaebisch Hall, and that you suggested that a rope should be put on Messner's bed to show what he could expect?

A I believe that the comrades have a very vivid phantasy.

Q Will you answer the question?

A I discussed that with Ebeling one time, but I don't know anything for sure about this matter.

Q And didn't you both say that, "We will beat Messner", and that Ebeling said, "He will soon be bumped off anyhow"?

DEFENSE (CAPT. NARVID): I object, please the Court. I don't see how this affects his credibility. It does not involve the accused. It only relates to a third party, not a party to this action at all in this case. It isn't material, and it doesn't affect credibility as to what he said about certain witnesses. He is not being cross examined about certain admissions or statements (Both - Recross)

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he made regarding the accused, inconsistent with what he testified to today.

PROSECUTION: If the Court please, I believe on cross examination you can go into many fields to show interest, bias and prejudice of a witness, and that is what I am trying to do. I am trying to show that because of his interest and prejudices, and his bias in this particular set of facts that the testimony of this witness cannot be relied upon.

DEFENSE (CAPT. NARVID): No interest of this accused has been shown or bias relating to the accused. No inconsistency has been brought out between - as to what he testified to today or what he might have testified or written previously, therefore, there is no attack on his credibility whatsoever. Furthermore, if it please the Court, I might add that he was a witness for the Prosecution.

PRESIDENT: The objection is overruled.

PROSECUTION (To reporter): Now, will you please read back the last question, if it wasn't answered.

(Whereupon the last question by the Prosecution was read by the reporter.)

QUESTIONS BY THE PROSECUTION:

A No.

PROSECUTION: That is all the questions on this particular phase.

QUESTIONS BY THE PROSECUTION:

Q Do you know the accused Neve, of the 3rd Panzer Pioneer Company?

A No.

Q Do you know Jakel of the 3rd Panzer Pioneer Company?

A No.

Q Do you know Joachim Hofman of the 3rd Panzer Pioneer Company?

(Both - Recross)

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A Yes.

Q Did you see him in the cellar there in LaGleize on the 22nd?

A No.

Q Would you deny that he was there in the cellar on the 22nd?

A No, I couldn't deny it.

PROSECUTION: If the Court please, may we have Jakel and Neve stand up?

PRESIDENT: Yes.

(Whereupon the accused Jakel and Neve were directed to stand up.)

QUESTIONS BY THE PROSECUTION:

Q Did you see either one of these accused on the 22nd of December in LaGleize?

A No.

PROSECUTION: That is all.

PRESIDENT: Any further questions by the Defense?

DEFENSE: Nothing further on redirect.

PRESIDENT: Any questions by the Court? Apparently none, the witness is excused.

(Whereupon the accused witness withdrew.)

DEFENSE: The Defense calls as its next witness Theo Gernt. Dr. Leiling, on behalf of the Defense, will conduct the direct examination.

THEO GERNT, called as a witness for the Defense, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE (DR. LEILING):

Q What is your name?

A Gernt, Theo.

Q Which unit did you belong to in December 1944?

(Gernt - Direct)

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A Headquarters Company, LSSAH.

Q Please state your unit again without any abbreviations?

A Headquarters Company, Reconnaissance Battalion, Leibstandarte, Adolf Hitler.

Q What was your last rank?

A Tech/Sergeant.

Q Where was Knittel's C.P. on the 21st of December?

A The Command Post of Knittel was in a house on the road, one kilometer West of Stavelot, on the 21st of December 1944.

Q Which part of this house?

A The Command Post was located in the cellar of the house.

Q Where were you, yourself, during this particular day?

A I was also in the cellar of this house, in the same room.

Q What were your duties?

A It was my duty to be always in the vicinity of the Commander, and to take care of the security of the Command Post.

Q Where was the accused Knittel on the 21st of December?

A The Commander was in the cellar of this house, that is, in the Command Post, all day long.

Q Whom do you mean by "Commander"?

A Knittel.

Q How long was he in the Command Post?

A All day long.

Q How do you know that?

A Because I was there all day long myself.

DEFENSE (DR. LEBLING): No further questions.

PROSECUTION: No cross examination.

PRESIDENT: Any questions by the Court? Apparently none, the witness is excused.

(Whereupon the excused witness withdrew.)

DEFENSE: The Defense calls as - recalls as its next witness (Gernt - Direct)

Albert Gerwick. Col. Dwinell, on behalf of the Defense, will conduct the direct examination.

ALBERT GERWICK, recalled as a witness for the Defense, testified further through an interpreter as follows:

PROSECUTION: The witness is reminded that he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (LT. COL. DWINELL):

Q What is your name?

A Albert Gerwick.

Q During the Eifel Offensive, to what unit did you belong?

A To the 10th Company.

Q Who was your Company Commander?

A 1st Lt. Freus.

Q Where were you on the 16th of December 1944?

A Buellingen.

Q In the morning or in the afternoon?

A In the morning.

Q I will read you from the testimony in this case, on page 948 of the record, being the testimony of a witness, Karl Huebler: "Towards the end of Buellingen already Rottenfuehrer Brecht came towards us with two American prisoners of war. He was coming from the direction of the gas dump, which was located on the left near the exit from the town. Rottenfuehrer Brecht sent the two prisoners of war on a field and shot them in the back, from a distance of about fifteen meters". What do you know about that?

A That we took two prisoners in the airfield, in front of Buellingen, and that we turned them over to somebody on a truck in Buellingen. On this truck there were already 20 to 25 prisoners.

Q When you say, "we took the prisoners", whom are you referring to?

(Gerwick - Direct)

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A The crew of our half track vehicle.

Q Was Brecht in your crew?

A Yes.

Q During what part of the morning of the 17th of December 1944 did you see Brecht?

A He was always with us.

Q Did you see Brecht on the 17th of December 1944 shoot prisoners of war?

A No.

Q Now, you say that: "We took the prisoners and delivered them to a truck". Who delivered the prisoners of war to a truck?

A Cpl. Brecht.

Q Did you see him do that?

A Yes.

Q With reference to your SPW, where was the truck?

A The truck was standing on the righthand side of the road.

Q After the prisoners of war were delivered, did you see what Brecht did?

A Yes.

Q What did he do?

A He picked up some gas and later on I refueled.

Q How far away did Brecht go for the fuel?

A About fifteen meters.

Q Did you see him all the time?

A Yes.

Q And after the refueling, what happened?

A Then we moved out of Buellingen.

Q Was Brecht with you when you moved out of Buellingen?

A Yes.

DEFENSE (LT. COL. DWINELL): No further questions.

(Garwick - Direct)

RE-CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q Where did you say you drove these two prisoners that you are referring to?

A Near the airfield.

Q Now, the airfield - is that before Buellingen or after Buellingen?

A Before Buellingen.

Q And you don't know anything about those two prisoners that Brecht took at the end of Buellingen, do you?

A No.

PROSECUTION: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE: (LT. COL. DWINELL)

Q How many prisoners of war did Brecht take in Buellingen altogether?

A Only two, the ones on the airfield.

Q At any time, on the 17th of December, did Brecht take any other prisoners than the two that you just testified about?

A No.

DEFENSE (LT. COL. DWINELL): No further questions.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the Court? Apparently none, the witness is excused.

(Whereupon the excused witness withdrew.)

(Derwick - Redirect)

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DEFENSE (Colonel Everett): The defense, at this time, desires to introduce further evidence which will be stipulated by Colonel Dwinell.

DEFENSE (Colonel Dwinell): It is stipulated by and between the counsel for the prosecution and the counsel for the defense that if the witnesses Kurt Kramm and Eberhardt Kinderman and Heinz Birnsheim were present in court they would testify that Defense Exhibits, for identification, D-37, D-38, D-39, D-40 and D-41 are sketches showing with reasonable accuracy the relative positions of American and German forces at the dates and the places indicated thereon. For the record, the sketches are drawn in blue and red colors and the person who drew the sketches meant the red to indicate American forces and the blue to indicate German forces.

PROSECUTION: It is so stipulated.

DEFENSE (Colonel Everett): The defense rests at this point.

PRESIDENT: Has the prosecution anything further to offer?

PROSECUTION (Colonel Ellis): The prosecution does have something further to offer and calls Mr. Ellowitz -- recalls Mr. Ellowitz.

MR. ELLOWITZ, recalled as a witness for the prosecution, resumed the stand, was reminded that he was still under oath before

(Ellowitz - Direct)

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the court and testified through the interpreter as follows:

RE DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION (Colonel Ellis):

Q Are you the same Mr. Ellowitz that has previously testified in this case?

A I am.

Q Were you present in court when the accused Mortsheim testified?

A Yes.

Q Do you recall his testimony?

A Yes.

Q Did you participate in the interrogation of Mortsheim in Schwabische Hall?

A Yes.

Q Did you ever beat or cause Mortsheim to be beaten at Schwabische Hall?

A I did not.

PROSECUTION (Colonel Ellis): You may cross-examine.

RE CROSS-EXAMINATION

QUESTIONS BY THE DEFENSE (Captain Narvid):

Q Did Mortsheim ever admit to you that he had shot a prisoner of war?

A He made a statement to me that he had shot an American whom he knew was attempting to surrender.

Q Did he use the word "knew"?

A He said that he knew that the American was attempting to surrender and he stated the reasons why he knew it.

Q Do you recall whether he used the expression that he "...assumed that this man was an American prisoner of war..."?

(Ellowitz - Direct)

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A If I recall correctly, he said that he knew from all the facts that the American was attempting to surrender.

DEFENSE (Captain Narvid): If it please the court, I haven't a copy of the record with me, but I believe that the court will be able to determine the words that were used from the record.

LAW MEMBER: Well, this is a matter of argument, anyway.

DEFENSE (Captain Narvid): We have no further questions.

PRESIDENT: Any further questions by the defense?

DEFENSE (Colonel Everett): We have nothing further on cross.

PRESIDENT: Is there anything further by the prosecution?

PROSECUTION (Colonel Ellis): No further questions.

PRESIDENT: Are there any further questions of this witness by any member of the court? Apparently not, the witness is excused.

(Whereupon, there being no further questions, the witness was excused and resumed his seat.)

PROSECUTION (Colonel Ellis): The prosecution recalls as its next witness Mr. Kirschbaum.

MR. KIRSCHBAUM, a witness for the prosecution was recalled, reminded that he was still under oath before the court, and testified through the interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION (Colonel Ellis):

Q Are you the same Mr. Kirschbaum that has previously testified in this case?

(Ellowitz - Cross / Kirschbaum - Direct)

A Yes, I am.

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Q Were you present in court, during the testimony given by the accused Mortsheim?

A I was.

Q Do you recall the substance of his testimony?

A I do.

Q Now, did you participate in the interrogation of Mortsheim in Schwabische Hall?

A I did.

Q Did he make any statement in your presence?

A He did.

Q Was this an oral or a written statement?

A In writing.

Q During the taking of Mortsheim's statement, did you supply to Mortsheim the expression "...I assume that he wanted to surrender...", with respect to the prisoners that he was supposed to have murdered and which he mentioned in that statement?

A I did not.

Q Were you present in court, when the witness Zimmer testified?

A I was.

Q Do you recall his testimony?

A I do.

Q Do you recall what he told you -- no, strike that -- did you participate in the interrogation of Zimmer at Schwabische Hall?

A I did.

Q What was the substance of that interrogation?

A Well, it was concerning the incidents in Wenne, that was one part of the interrogation, and the other part involved

(Kirschbaum - Direct)

the accused August Tonk: he said that Tonk had returned from reconnaissance with two jars of food and had reported back to his Company Commander with these two jars of food, saying that two civilians had had to pay for it. When Zimmer took the witness stand for the defense, he claimed that I had supplied one particular sentence to him, since he had only overheard part of the conversation.

Q What did Zimmer tell you about the incident, when you questioned him?

A When we interrogated him, he told me that he had heard, overheard rather, the whole conversation involving Tonk, at the time that Tonk had reported back with these two jars of food -- Tonk had just reported back from a reconnaissance to Stavelot and he distinctly used the words in German which mean: "...two civilians had to pay for it...".

Q When did Zimmer make this statement to you?

A It was when he was interrogated in Schwabische Hall, Germany.

PROSECUTION (Colonel Ellis): You may cross-examine.

RECROSS EXAMINATION

QUESTIONS BY THE DEFENSE (Captain Narvid):

Q In other words, when Zimmer testified under oath in this court, he wasn't telling the truth, is that right?

A He said something completely different from what he had told me in Schwabische Hall.

Q Then he wasn't testifying truthfully as a witness, is that right?

A Well, I am not able to judge whether he testified truthfully, or not, I'm just telling you, Captain, that when he was interrogated in Schwabische Hall, Germany, he told me that

(Kirschbaum - Cross)

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he had overheard the entire conversation when Tonk had returned and he used the phrase --

Q Would you please answer the question "yes" or "no" -- did Zimmer lie in court?

PROSECUTION (Colonel Ellis): The prosecution objects to this, the counsel is arguing with the witness -- the witness has said that he didn't know whether he was lying, or not. This witness is in no position to know whether Zimmer told the truth or not.

PRESIDENT: The objection is sustained.

Q Zimmer originally was a witness for the prosecution, is that right?

A That's right.

DEFENSE (Captain Narvid): No further questions.

PROSECUTION (Colonel Ellis): No re-direct.

PRESIDENT: Are there any questions by the court? Apparently not, the witness is excused.

(Whereupon, there being no further questions, the witness was excused and withdrew.)

PROSECUTION (Colonel Ellis): The prosecution calls as its next witness, Lieutenant Perl.

LIEUTENANT PERL, a witness for the prosecution, was recalled, reminded that he was still under oath before the court and testified through the interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION (Colonel Ellis):

Q Are you the same Lieutenant Perl that has previously testified in this case?

A Yes, sir.

(Perl - Direct)

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Q Did you interrogate the accused Kramer in Schwabische Hall?

A I did.

Q Were you present in court, when the accused Kramer testified in this case?

A Yes, sir.

Q Do you recall his testimony?

A Yes, sir.

Q With reference to the accused Kramer's testimony, did change the four or five pages of his statement which was Prosecution Exhibit P-8, at Schwabische Hall, or at any other time?

A I did not change this statement, but it was changed.

Q Are you familiar with the circumstances of the changing of that statement?

A Yes, sir.

Q Will you tell the court what you know about that?

A Yes, sir.

Q Will you do so?

A I dictated the substance of Kramer's oral statement from my notes, in Kramer's presence, after I had told Kramer that if there was anything not correct about the statement that I was dictating, he should correct it right away, and he made a few corrections on this occasion. When I was finished with the dictation of this statement, I left the interrogation room and, later on, when I came back to the interrogation room to read what Kramer had written, I saw that he had made some changes from the statement that was dictated in his presence. I told him on this occasion: "...I have a good memory, and it was dictated in an entirely different way..." and I then showed him where he had made the changes and he said: "...yes, that's right..." and he said, further: "...but

(Perl - Direct)

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I state that it said: '...advance elements should not take prisoners, as the prisoners will be taken by the following units...', or something to that effect. And it was written in that way at that time. I then told him: "...but in your oral interrogation you stated that it said '...one shouldn't bother with prisoners and that prisoners shouldn't be brought in, altogether...", and you, as a General, should certainly stand to your word, whether they were written down or not, and Kramer then said: "...Yes, I said that in the oral interrogation...". So, I then suggested: "...Let us write it down, then, as it actually was...", so he then changed page 5 and wrote it as it is now, in which he says: "...In my oral interrogation, I said first that one shouldn't bother with prisoners of war...", and where he then finishes the sentence as he wanted to finish it, and then he wrote: "...but now I say that the sense of it really was that the advance elements shouldn't bring in prisoners, as the following units should take them, or something to this effect...".

Q I hand you Prosecution Exhibit P-8 and ask you to read to the court that part of that Exhibit which you are referring to now.

A In English.

Q Yes.

A Yes, sir. It reads as follows: "...In my oral interrogation I first stated that it was said in these orders that one shouldn't bother with prisoners of war, in a later oral interrogation, I stated that it said, or that it read, as follows: '... the advance units shouldn't bring in prisoners of war...', but now, in writing, I state that the sense of this paragraph was that the advance elements shouldn't bother with bringing in prisoners of war, as this would be the mission of the units following them...". These

(Perl - Direct)

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sentences were added and that is the reason that these pages were written more closely and narrowly than the others.

PROSECUTION (Captain Schumacher): I don't believe that the interpreter interpreted to the court and the accused the last sentence of the witness, following the reading of the portion of the statement.

(Whereupon the interpreter re-interpreted, as requested.)

Q Did you ever make Kramer stand at attention for two hours, while you were interrogating him at Schwabische Hall?

A No, sir.

Q Do you know who had charge of the Malmedy suspects personal belongings at Schwabische Hall?

A The respective units in charge of the administration of the jail.

Q Do you know whether or not the War Crimes Detachment had any supervision over these personal belongings?

A I know we didn't: for example, even if we wanted some paper, we had to ask for it.

(Perl - Direct)

Q Do you know whether or not the war crimes detachment had any supervision over their personal belongings?

A I know they did not. If we wanted some paper we had to ask for it.

Q Did anyone ever represent themselves to Kraemer as a major during his interrogation?

A I can't remember. Not to my recollection.

Q Did you ever make the statement to Kraemer: "We have enough ways and means to get rid of you in a quiet manner"?

A No, sir.

Q Did you interrogate the accused Feiper in Schwaibish Hall?

A Yes, sir.

Q Were you present in court when the accused Feiper testified?

A Yes, sir.

Q Do you recall the substance of his testimony?

A I do.

Q Did Feiper ever complain to you about a beating he received from the Poles the day before he left Schwaibish Hall?

A No, sir.

Q Did you see or interrogate Feiper the day before he left Schwaibish Hall?

A I did not.

Q Do you recall where you were at that time?

A Yes, sir. I was in Wiesbaden.

Q Did you ever say to Feiper in Zuffenhausen, the following:

"It is a personal misfortune that, amongst the prisoners who had been shot there are the sons of two very important Americans. If this would not be so, the whole story would not be brought to the attention of the public in such a manner, but the father is a senator and a business man told about that to the open; it enraged them and the people demand your head, since they know

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your name. You must not overlook the influence of the press or that the President would not be able to save you, because the will of the people has quite a different power in our place than in Germany. If you admit everything you can save your soldiers from great misery. I must admit that you are very popular amongst your men and that they like you very well, with the exception of some personal enemies, who, of course, has everyone, but we shall settle this matter in a very simple way and we shall call only those witnesses which are competent to us. By the way, I would like to tell you something. I would like to speak openly to you in confidence. You are an extraordinary soldier. You went through something which is called in our place a military record. That is over now. Your life is completely ruined today and there is no sense in it any more. The entire SS will be sentenced in Nuremberg as a criminal organization. Among us, I can tell you that you, as a high ranking officer of this organization, will never see your freedom again. As long as men like you are alive there can never be any talk about peace treaties or signing the peace treaties between America and Germany."

Did you ever make that statement to Peiper in Zuffenhausen?

A It is a very long statement and of course I cannot recall every word of every interrogation, but I know that it is partly correct and partly incorrect. I know that I never told him that there could not be any peace treaties as long as people, as he is alive or that we would call only those witnesses whom we liked to call. I remember for certain that I appealed to him as a good soldier not to let us go into too thorough an investigation, as in this case we would find certainly out much more than would be good for his men. It was the substance of this interrogation. But he insisted that he does not know anything.

Q* Did you ever make the statement to Peiper that amongst the prisoners who had been shot there were the sons of two very important Americans.

A No. But I told him that the case had very much publicity and even if, until then, we didn't find out who the criminals were, we would find out. We would find them out.

INTERPRETER: I didn't understand.

A And even if we didn't know up to then who the criminals were.

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(Perl - redirect)

Q Did you participate in the interrogation of the accused Christ at Schwaibish Hall?

A Yes, sir.

Q Were you present in court when the accused Christ testified?

A I was.

Q Do you recall the substance of his testimony?

A Yes, sir.

Q Did you ever threaten to hang Christ unless he told the truth?

A No, sir.

Q Did you ever curse the accused Christ?

A No.

Q Do you recall how many statements you took from the accused Christ on the 17th of December, 1945?

A I believe it was one.

Q Couldn't have been two?

A I remember that all those statements I took were introduced into court.

Q Did you participate in the interrogation of the accused Tomhardt at Schwaibish Hall?

A Yes, sir.

Q Were you present in Court when the accused Tomhardt testified?

A Yes, sir.

Q Do you recall the substance of his testimony?

A Yes, sir.

Q Well, before the interrogation of Tomhardt in Schwaibish Hall, he stated that he was standing in the hall with a hood over his head and he was struck in the face and stomach. Did you do that to him?

A I did not do it and the first time I heard about it

was here in court.

Q During the interrogation of Tomhardt did you confront him with men from his company?

A That is right, sir.

Q Did you beat any of them or cause any of them to be beaten before they were confronted with Tomhardt?

A No, they were all in a neighboring cell and in a rather happy mood.

Q Did you ever threaten Tomhardt with hanging during an interrogation, or at any other time?

A I did not.

Q Did you ever instruct the guards at Schwaibish Hall not to permit Tomhardt to rest either day or night?

A I did not. And the guards were not under my command, anyhow.

Q Did you examine the hoods that were used on the prisoners in Schwaibish Hall?

A No, sir.

Q Did you ever look into any of them?

A I know what your question is aiming at. I don't remember to have at any time seen a red hood. And I believe I would have noticed it.

Q Did you ever see any blood in any of the hoods?

A No, sir.

Q Did you participate in the interrogation of the accused Sievers at Schwaibish Hall?

A Yes, sir.

Q Were you present in the court when Sievers testified?

A Yes, sir.

Q Do you remember the substance of the accused Sievers' testimony?

A Yes, sir.

(Perl - redirect)

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Q During the interrogation of Sievers, or at any other time, did you ever strike him in the mouth or on the hand?

A No, sir.

Q Did you ever strike Sievers in the stomach?

A I did not, sir.

Q Did you ever see anyone else strike Sievers?

A No, sir.

Q Did you ever kick Sievers during an interrogation or any other time?

A I did not.

Q Did you ever threaten to beat Sievers?

A No.

Q Did Sievers ever request to relieve himself and you refused to permit him to do so?

A No, sir.

Q Did you participate in the interrogation of the accused Motzheim at Schwaibish Hall?

A Yes, sir.

Q Were you present in the court when the accused Motzheim testified?

A Yes.

Q Do you recall the substance of his testimony?

A Yes, I do.

Q Did you beat Motzheim or cause him to be beaten at any time at Schwaibish Hall?

A No, sir.

Q Did you ever kick Motzheim in his sexual parts?

A No, sir.

Q Did you ever see anybody else?

A No, sir. I was in during not all of the interrogation, but most of the time and it was a very orderly interrogation.

Q Did you participate in the interrogation of the witness Benno Agather in Schwaibish Hall?

(Peri - redirect)

A No, sir.

Q Did you participate in the interrogation of the witness Trott in Schwaibish Hall? Oskar Trott?

A Yes, sir.

Q Were you present in court when he testified?

A Yes, sir.

Q Do you recall the substance of his testimony?

A Yes, sir.

Q Did you ever threaten Trott with death during his interrogation?

A No, sir.

PROSECUTION: You may cross examine.

DEFENSE COUNSEL: Will the Court indulge us just a minute on this?

PRESIDENT: Yes.

DEFENSE COUNSEL: We would not be able to finish the cross examination this morning, sir.

PRESIDENT: Court will adjourn until 0830 Monday morning.

(Whereupon the Court, at 1200 hours adjourned.)

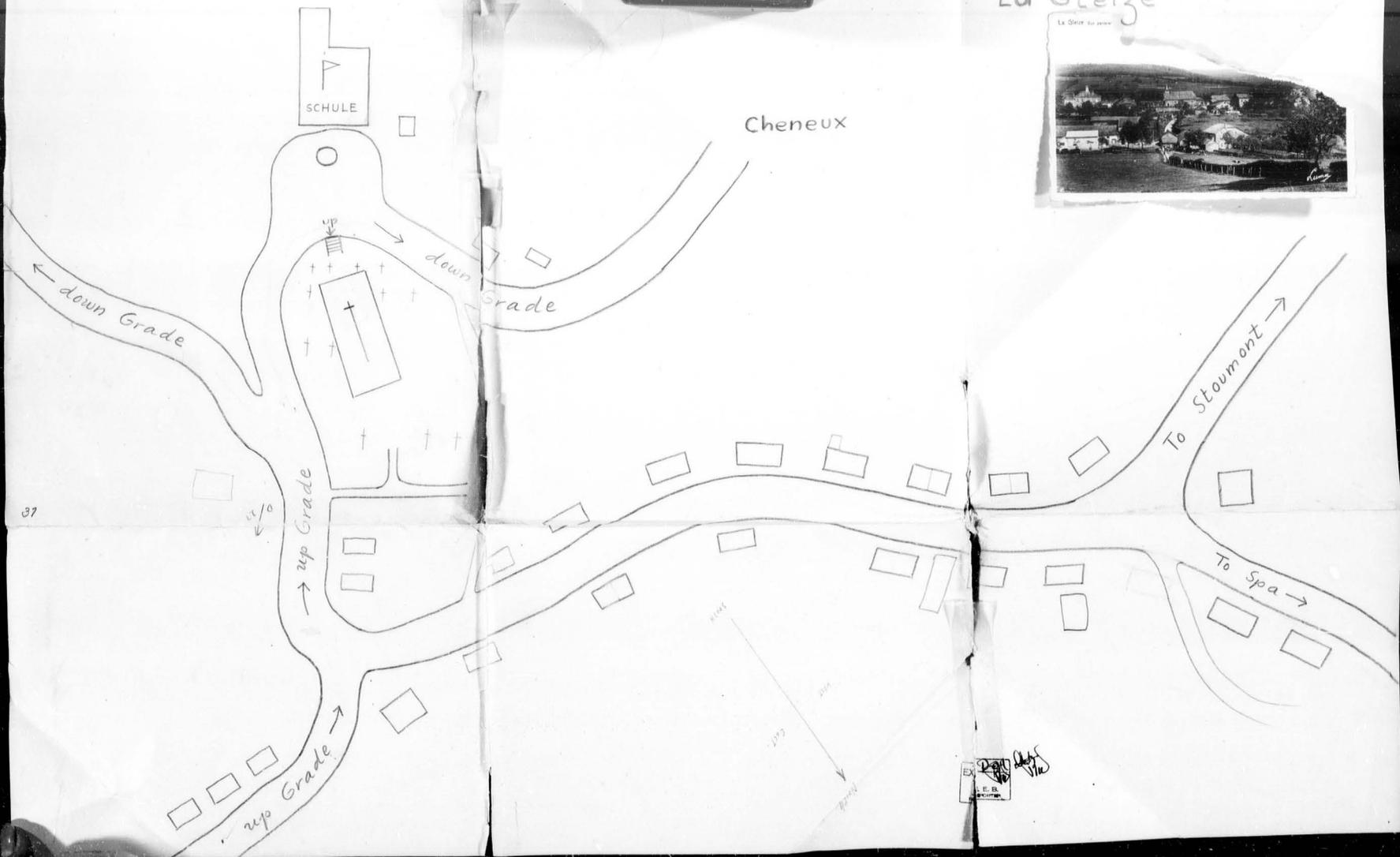
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La Gleize



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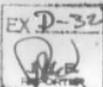
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La Gleize, Belgium
11 June 1946.

On the above date Lt. W. J. Wahler, in the presence of Miss Betty Young, stenographer; Cpl. George M. Converse, interpreter; and Mr. Miles W. Rulien, investigator, interrogated the following named witness, whose statements have all been given under oath:

- Q. What is your name?
- A. Father Louis Desire Joseph Blokian.
- Q. What religious denomination are you?
- A. Catholic.
- Q. How long have you had this parrish at La Gleize, Belgium?
- A. Nine years.
- Q. Do you recall during the month of December 1944 the occupation of La Gleize by German soldiers?
- A. Yes.
- Q. During the occupation of La Gleize by the German armed forces did you remain in your parrish in La Gleize?
- A. Yes.
- Q. Did you take refuge while the town of La Gleize was under seige?
- A. Yes.
- Q. When did you take refuge?
- A. On Monday, 18 Dec 44, at 1:45, when the Germans entered La Gleize.
- Q. Where did you take refuge?
- A. In the cellar of the house of Arthur George.
- Q. Who were present in the cellar at this time?
- A. Mr. George's family. Others arrived later, but at the present time I don't recall their names. On Tuesday all the people living around the parrish came to refuge in the cellar. There was also a German refugee there.
- Q. When you went into the cellar was there a lot of artillery from American forces being fired into La Gleize?
- A. No.
- Q. Was La Gleize ever under fire from American forces?
- A. Yes, beginning on Tuesday.
- Q. When the Germans came into La Gleize on Monday were there any Americans in the village at that time?
- A. No.
- Q. When was the first time that you heard of American prisoners of war being brought to La Gleize?
- A. I don't know exactly. It was probably Wednesday, or Thursday.

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Handwritten initials/signature

- Q. Where is Mr. George's home located with relation to the church?
A. About ³⁰~~50~~ meters away, on the main road of La Geize.
- Q. How long did you remain in the cellar before you left it?
A. I left it about 4:30 on Monday, just as it was beginning to get dark.
- Q. And where did you go?
A. To the Communal House which was inhabited by the teacher.
- Q. How long did you remain there?
A. Five minutes.
- Q. Where is the Communal House located with relation to the church?
A. Across the street.
- Q. In order to get to the Communal House you had to walk along the road past the cement wall surrounding the church?
A. I followed the road along the cemetery, inside the wall, between the cemetery and the church.
- Q. As you walked along the road to Mr. George's house to the entrance to the cemetery, did you look down the road?
A. Yes, but there was a lot of rifle fire and we hurried.
- Q. Did you see anything as you looked down this road?
A. Nothing special. There were Germans there, as there was everywhere.
- Q. Did you at that time see the bodies of any American soldiers lying on the road?
A. No.
- Q. When did you again return to Mr. George's home?
A. Perhaps 10 minutes at the most.
- Q. Where did you go when you arrived at Mr. George's home the second time?
A. To the cellar.
- Q. How long did you remain in the cellar the second time?
A. Until about 10 o'clock on Tuesday, in the morning.
- Q. Did you leave the cellar at that time?
A. Yes, I went to the kitchen which was at the top of the stairs. The Germans were there, and the people of the house were there, making coffee.
- Q. And what did you do, Father?
A. I just looked and went back into the cellar.
- Q. When did you leave the cellar again, if at all?
A. Sunday, 24 Dec 44.
- Q. And where did you go this time?

- A. We looked all about. The Americans were there. I went up to the village and then back to my house. The American commander was in the last house of the village and was still doing a lot of phoning. I asked him where we should go. He said to go towards Stoumont.
- Q. Did you go to Stoumont?
- A. No, I went back to my people, in order to tell them.
- Q. And then what did you do?
- A. We were given the order to evacuate, that we were to get our things together and that automobiles would come to get us at 4 o'clock.
- Q. What, if anything else, did you do?
- A. I went to my house. We remained there watching the troops. I was asked to go around the village to assemble the people.
- Q. Did you ever leave La Gleize?
- A. Yes, on the 24th.
- Q. How long did you remain away?
- A. Until the following Saturday, the 30th of Dec. I returned once during the period that we were gone.
- Q. When was that?
- A. Wednesday or Thursday. We buried a small boy who had died while we were away.
- Q. What did he die from, Father?
- A. The boy died from influenza.
- Q. Between the period of 18 Dec and 24 Dec, up to the time that you left the village of La Gleize, did you ever see the bodies of any dead American soldiers lying in La Gleize?
- A. No.
- Q. During this period of time, Father, what was your church being used for?
- A. As a hospital. I suppose the soldiers also took shelter there.
- Q. Were these soldiers that you speak of American or German?
- A. German.
- Q. Do you know if there were any wounded ~~German~~ soldiers lying in this church?
- A. People have told me there were.
- Q. Were these American soldiers being treated by the Germans?
- A. I don't think so.
- Q. Did you ever examine the wall surrounding the church for bullet holes?
- A. About a year later when an investigation was made by the Americans.
- Q. Did you look at the wall?

- A. Yes.
- Q. When you examined the wall, Father, did you notice any marks which could have been made by bullets from small arms fire?
- A. No, It does not seem to me. There are marks, but don't appear to be from small arms, and certainly not from mass firing.
- Q. By mass firing do you mean machine gun fire? and machine pistols?
- A. Yes. No proving marks were visible.
- Q. Did you examine the outside wall of your schoolhouse?
- A. Partially, yes.
- Q. Did you see any marks that could have been caused by small arms fire on that wall?
- A. No.
- Q. At any time, Father, did you see the bodies of American soldiers in the town?
- A. No, except those I told you that had been burned in tanks. I had seen only one body in a tank. The body was so burned that it could not be extracted from the tank. I saw helmets of American soldiers with holes and brain matter inside.
- Q. Where were these helmets found?
- A. In a small path at the end of the church property, which is a small field about 50 meters from the church.
- Q. How many helmets did you see?
- A. One with brain matter in it, and the other with a hole in it.
- Q. Father, your church is in the center of the cemetery, is that right?
- A. Yes.
- Q. While you were in the cellar, from Monday 18 Dec 44 till Sunday 24 Dec 44, did you at any time hear the moaning or groaning of human beings?
- A. No. I heard cries, but they were from people in the village who were calling to see if we were there.
- Q. Then they were not cries in the sense that we use the word. They were one individual calling to another?
- A. Yes.

L. Desires
 Father Louis Desire Joseph Blokian
 La Gleize, Belgium,

Subscribed and sworn to before me this 11th day of June 1946

W. J. Wahler
 2nd Lt. W. J. Wahler, JAGD

EX D-33
[Signature]

La Gleize, Belgium,
11 June 1946.

I, ALFRED KREUTZ, being duly sworn on my oath, depose and say:

I am 49 years old and live in La Gleizw with my wife and family. On the 18th of December 1944 I took refuge in a cellar in a house located on the top of a hill on the outskirts of La Gleize. I stayed there until the following Friday morning. During this time, between Monday and Friday, I left the cellar several times to go to my own house to see that everything was all right. My house is located about 30 or 40 meters from the cellar in which I took refuge. I then got orders on Friday morning at 7:30, from the Germans to go on a detail to carry mattresses from various places in the town to the cellar in which I was staying. Ther Germans took this cellar as a place for their wounded. I finished this about 10:30 and was relieved from the detail.

The Germans told me I had to find a new place to stay, so I went to a house close to the church and on my way I found my wife and two children behind a hedge. I took them and we went to this house. All this time we were running because there was a great deal of firing going on in La Gleize. The Germans came to the house in which I was staying and told us we had to move because it was not safe for us to remain in this section of the town because of the heavy firing. I asked them to get me a new shelter. They then asked me where I wanted to go. I told them that I would like to go to the church, where they then took me. We went into the church and sat down in one corner on a bench. At this time there were about 15 wounded German soldiers in the church, and one wounded American who the Germans were treating. Later in the day, however, many more German soldiers were brought into the church. We stayed here until ~~we~~ ~~xxxxixxxxxxx~~ Saturday at 4:30, when we were moved because of the heavy shelling of the church. We went to a small shed belong to Mr. Lambert, about 25 meters from the church. We stayed there until 3:30 in the morning (Sunday), and then fled through the fields to a small woods in the valley below the village. We left there at 7:30 in the morning. We tried to cross the fields, but the firing was too heavy and we returned to the woods. Then at 10:30 we heard someone call. I looked and saw two American soldiers. They helped us and took us to the road, and told us to go to the civilian station where there was aid.

During the whole ~~of~~ period of time that I have heretofor described I did not see any bodies of dead American soldiers.

[Signature]
Alfred Kreutz

Subscribed and sworn to me this 11th day of June 1946: -

[Signature]
2nd Lt. W. J. Wahler

I, Cpl George Converse, 42235314, being first duly sworn, state; that I truly translated the oath administered by 2nd Lt, W.J. Wahler to Alfred Kreutz, and that there upon he made and subscribed the foregoing statement in his own handwriting.

[Signature]
Cpl George Converse.

I, Cpl George Converse, 42235314, being first duly sworn, state that the foregoing is a true and correct translation of the sworn testimony of Alfred Kreutz given at La Gleize on the 11th day of June 1946, to the best of my ability.

Subscribed and sworn to before me this 18th day of June 1946,

[Signature]
[Signature]

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La Gleize, 15 June 1946.

I, Mme. MARIA GREGOIRE, being first duly sworn, on oath aver-

That I was and am now a resident of La Gleize, that I was such a resident during the time of December, 1944: that when the Germans re-entered the village of La Gleize on the date of 18 December 1946, I with several other persons took refuge from the firing in a celler, such refuge proved unsafe and we took refuge in the celler of the church which was used by the Germans as a hospital, that while living in the refuge in the church we saw three wounded American soldiers treated in the German hospital therein; that one of said American soldiers, being badly wounded in both legs, died: that the body of said American soldier was taken outside of the church, that while at the church and moving around the church and environs, when safe, I never saw the body of any other American soldier, nor have I any knowledge of the non-combat shooting of any American soldier, nor have I heard of any such non-combat shooting of any American soldier by the Germans during the month of December, 1944.

FURTHER AFFIANT SAYETH NOT.

Maria Gregoire
La Gleize

Subscribed and sworn to before me this 15th day of June, A.D. 1946.

Miles W. Rulien
Miles W. Rulien, D-152257, P-5

I, Cpl George Converse, ASN 42235314, being first duly sworn, State: That I truly translated the oath administered by Miles W. Rulien to Maria Gregoire, and that thereupon she made and subscribed the foregoing statement in her own handwriting in my presence.

Cpl. George Converse 42235314

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I, Cpl George Converse, 42235314, being first duly sworn, state that the forgoing is a true and correct translation of the sworn testimony of Maria Gregoire given at La Gleize on the 15 day of June 1946 made to the best of my ability.

Cpl. George Converse 42235314

EX 1235

La Gleize , 15 June 1946.

ARMAND BALTUS, being first duly sworn, on my oath aver-
That I am a resident of La Gleize, Belgium, that I was such a resident during the month of December 1946, that on December 18, 1946, when the Germans entered the village of La Gleize, as above stated, my family and I took refuge from the dangers of battle in a nearby cellar and when this proved to be too dangerous in not offering much protection, my family and I fled to the stone church. This church was used by the Germans as a hospital and wounded American soldiers were cared for there and I saw that this was so. I know of no American soldier of this time who was shot other than in combat. I know of no American soldier who was shot at the wall of the cemetery and church, and if that had been done, I would have known about it, being right there at the time.

FURTHER AFFIANT SAYETH NOT.

Armand Baltus

SUBSCRIBED and sworn to before me this 15th day of JUNE, A.D. 1946.

Miles W. Rulien

Miles W. Rulien, D-152257, P-5.

I, Cpl George Converse, 42235314, being first duly sworn, state; That I truly translated the oath administered by Miles W. Rulien to Armand Baltus, and that thereupon he made and subscribed the foregoing statement in his own handwriting in my presence,

Cpl. George Converse 42235314

I, George Converse, 42235314, being first duly sworn, state that the foregoing is a true and correct translation of the sworn ~~statement~~ testimony of Armand Baltus given at La Gleize on the 15th day of June 1946, to the best of my ability.

Cpl. George Converse 42235314

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Subscribed and sworn to before me this 18th day of June by the above affiant, Cpl. George Converse.

Walter J. Adell
2d Lt. 1946

Fritz GEBAUER, being duly sworn upon his oath deposes and says:

1. Ich kenne den Angeklagten Fritz RAU, Nr. 46 und ich sage aus, dass dieser Angeklagte am 19. Dezember 1944 in der Nahe von Stoumont, Belgien verwundet wurde. Ich war dabei, als er verwundet worden ist. Ich war ungefaehr 50m von ihm entfernt. Ich beobachtete, wie RAU waehrend eines Artillerieuberfalles von einem Granatsplitter getroffen wurde und umfiel. Ich selbst fuhr mit meinem SPW in Deckung, nachdem der Artillerieuberfall eingehoert hatte, ging ich mit meinem Kameraden GROTH zu der Stelle, wo RAU lag und wir trugen ihn zu unserem SPW. Anschliessend fuhren wir ihn zum Hauptverbandsplatz ins Schloss zwischen La Gleize und Stoumont. Dort haben wir RAU eingeliefert. Seit dieser Zeit habe ich Rau nicht mehr bei der Kompanie gesehen. Ich habe ihn das erste Mal in Dachau wiedergesehen.

Fritz Gebauer

Subscribed and sworn to before me
this 22nd day of June 1946.

Wilbert J. J. Wahler

WILBERT J. J. WAHLER
2nd/Lt. JAGD

EX. 036
J. E. B.
RECORDED

I, Cpl George Converse, 42235314, being first duly sworn, state; That I truly translated the oath administered by 2nd Lt W.J. Wahler to Father Louis Desire Joseph Blokian, and that thereupon he made and subscribed tht foregoing statement in his own handwriting in my presence.

Cpl. George Converse

Cpl George Converse

I, Cpl George Converse, 42235314, being first duly sworn, state that the foregoing is a true and correct translation of the sworn testimony of Father Louis Desire Joseph Blokian given at La Gleize on the 11th of June, 1946, to the best of my ability.

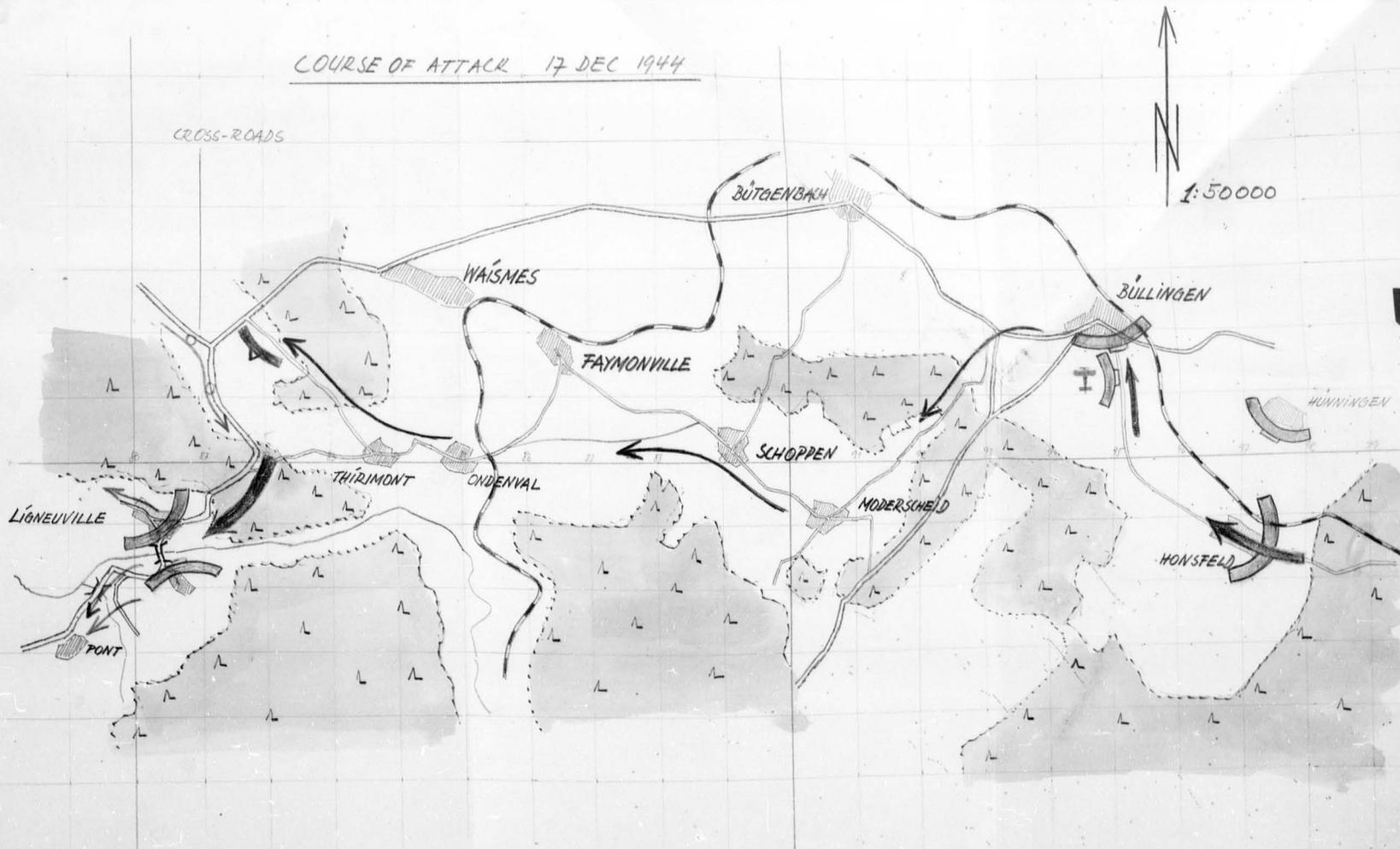
Cpl. George Converse

Cpl George Converse.

Subscribed and sworn to before me this 18th day of June 1946, by the above affiant, Cpl George Converse.

W. J. Wahler

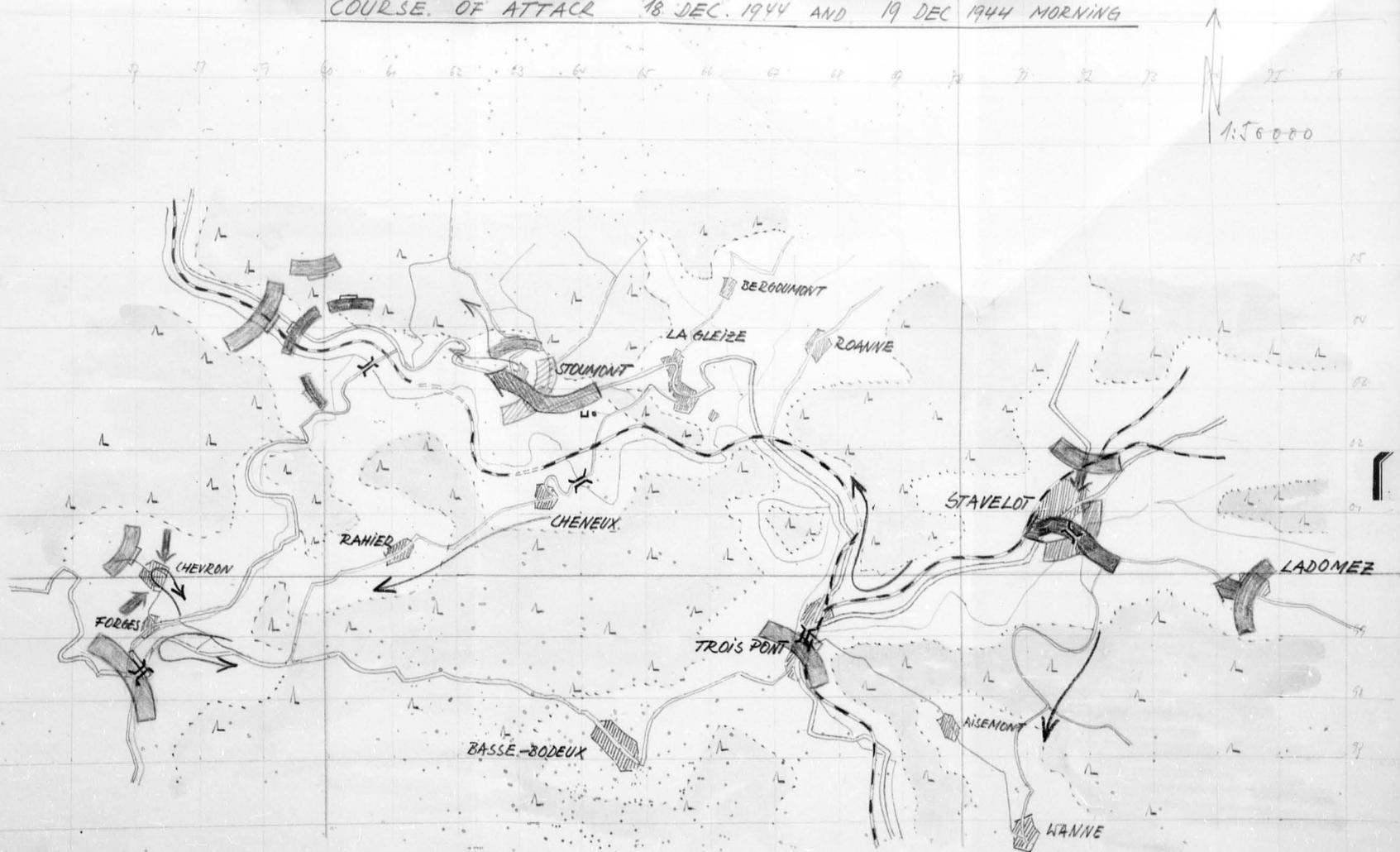
2nd Lt W.J. Wahler, JAG

COURSE OF ATTACK 17 DEC 1944

000747

7-25

COURSE OF ATTACK 18 DEC. 1944 AND 19 DEC 1944 MORNING

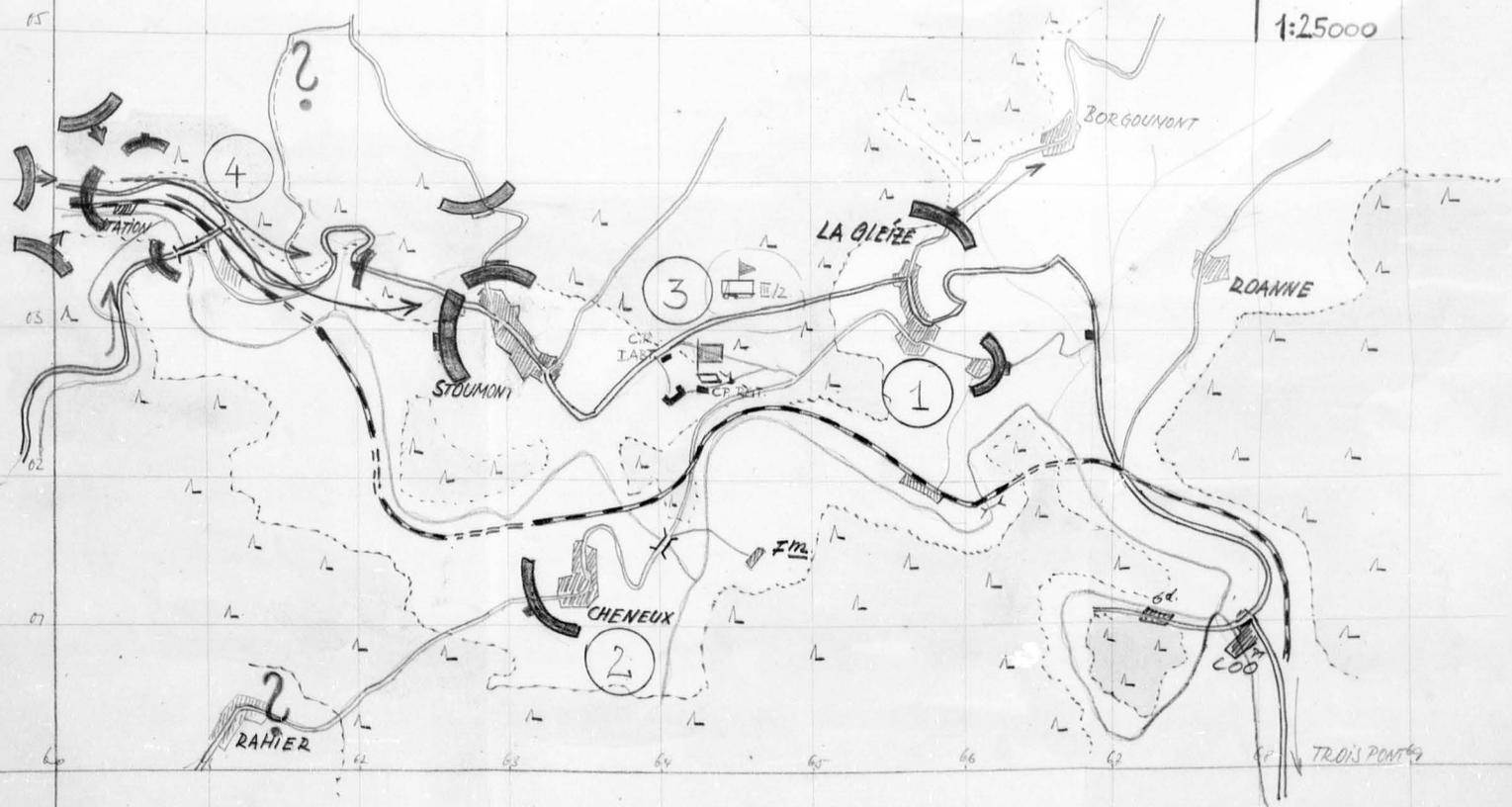


000746

2-27

Positions on 19 Dec 44 EVENING

↑
N
1:25000

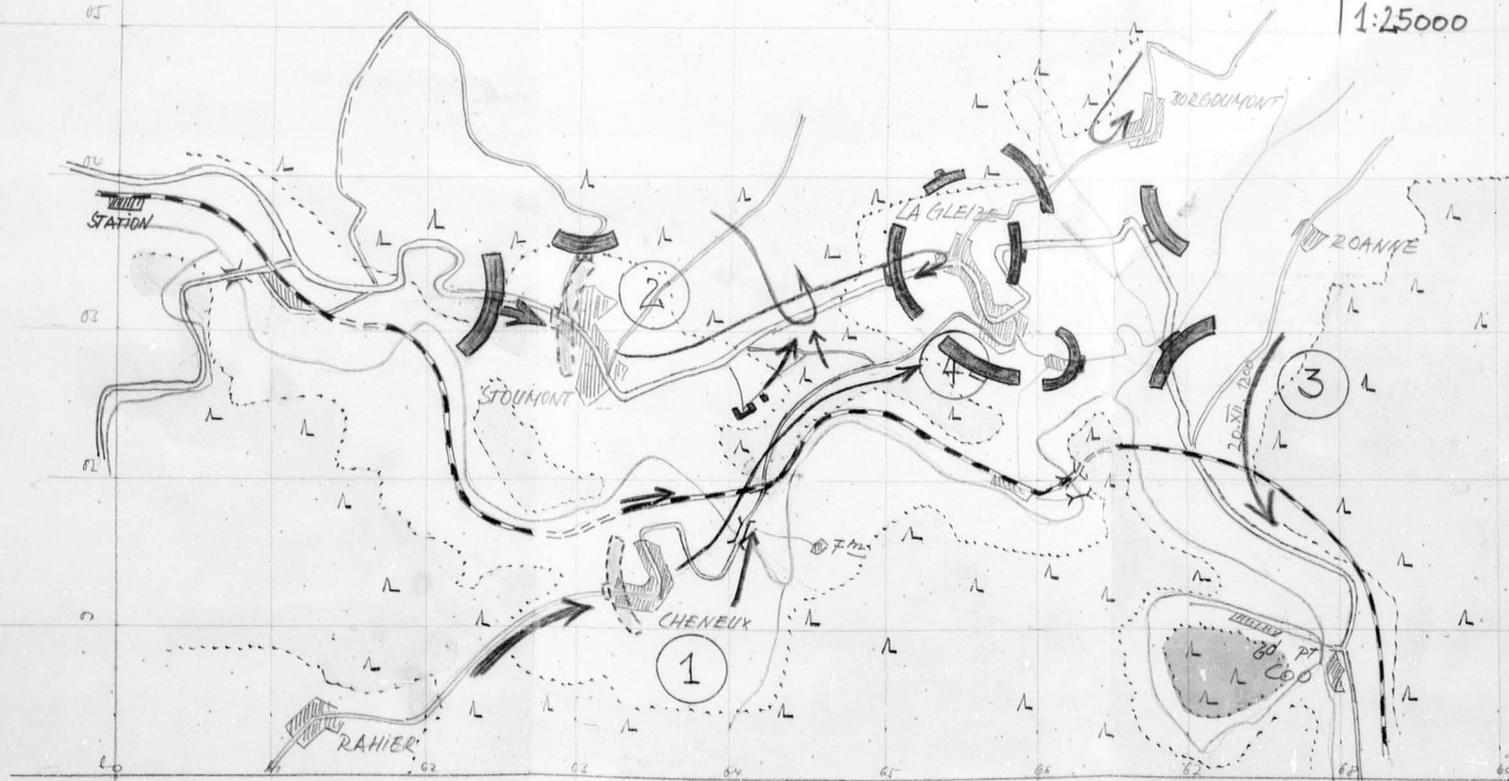


000746

E-40

Positions 02 21 Dec 44 NIGHT

↑
N
1:25000



000750

F-41

POSITIONS 22 DEC 1944

1:25000

