

MILITARY GOVERNMENT COURT

CASE RECORD.

VOLUME II - Pages 255 - 539 Incl.

Case No. 6-24 Prosecutor LT COL BURTON F ELLIS
 _____ Military Court. Defence Counsel COL WILLIS M EVERETT JR.
 *General Interpreter
 Place CAMP DACHAU, GERMANY
 Date 0830 hours 20 MAY 1946 Reporter
 TO 1200 hours 22 MAY 1946 Incl.
 Members of Court:

BRIG GENERAL JOSIAH T DALBEY
 COL PAUL H WEILAND
 COL LUCIEN S BERRY
 COL JAMES G WATKINS
 COL WILFRED H STEWARD
 COL RAYMOND C CONDER
 COL A. H. ROSENFELD

Accused VALENTIN BERSIN, ET AL
 Address Sex Age

	First Charge	Second Charge
Pleas <u>VALENTIN BERSIN, ET AL</u>	<u>Not Guilty</u>	
Findings	CLASSIFICATION CANCELLED by authority of WAG lv dtd 4 Aug 1950.	
Previous Convictions		

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.

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.

RECORD OF TESTIMONY

in trial of

THE UNITED STATES VERSUS VALENTIN BERSIN, ET AL

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY BEGINNING 16 MAY 1946

VOLUME II- Pages 265 - 539, Incl.

20 MAY 1946 - 0830 hours TO 22 MAY 1946 1200 hours, Incl.

TESTIMONY

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THE UNITED STATES

VERSUS

VALENTIN BERSIN, ET AL

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CAMP DACHAU, GERMANY
20 MAY 1946

MORNING SESSION

(Whereupon the Court reconvened at 0830 hours.)

PRESIDENT: The Court will come to order.

PROSECUTION: May it please the Court, let the record show that all the members of the Court, all the members of the Prosecution, all the members of the Defense with the exception of Dr. Rau, Dr. Wieland and Dr. Hertkorn, who are absent on business of the accused, are present and all the accused and the reporter are present.

PRESIDENT: The record will so show.

PROSECUTION: The Prosecution calls as the first witness this morning Karl Daub.

KARL DAUB, called as a witness for the Prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q State your name?

A Daub, Karl.

Q State your grade?

A Sturmman, PFC.

Q Organisation?

A Second Company, First Panzer Regiment, Leibstandarte

SS Adolf Hitler.

Q Is your organization a part of the Waffen SS?

A Yes.

Q Are you now a prisoner of war of the American Army?

A Yes.

Q Where are you now held a prisoner?

A Dachau.

Q Did you take part in the Eifel offensive during the months

of December 1944 and January 1945?

(Daub-direct)

A Yes.

Q What was your assignment?

A I was a radio operator.

Q Who was your platoon leader?

A End Lt. Kaufmann.

Q Who was your Company commander?

A 1st Lt. Christ.

Q Could you identify Christ if you were to see him again?

A Yes.

Q Take a look at the defendants sitting on your left and see if you recognise Christ as one among them?

A Yes.

Q What number is he wearing?

A Seven.

Q Christ, will you stand up?

(Whereupon the accused did as directed.)

QUESTIONS BY PROSECUTION:

Q On what date —

DEFENSE COUNSEL: May it please the Court, as a matter of technicality in the identity of the defendants in this particular case, it seems that it would be more proper for the Court, if they desire that the accused stand up to be identified, to call them to attention and rise. They have had the accused stand up on about four occasions.

PRESIDENT: That is right.

LAW MEMBER: Rosenstock, will you tell the accused that they will not rise unless the Court tells them to rise, from now on?

(The interpreter did as directed.)

(Daub-direct)

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QUESTIONS BY PROSECUTION:

Q On what date did the offensive begin?

A December 16, 1944.

Q Was a Company meeting held prior to the start of the offensive?

A Yes, sir.

Q Where was it held?

A In Blankenheim Forest.

Q Were you present?

A Yes.

Q Who spoke?

A 1st Lt. Christ.

Q Would you remember what Christ said?

A Yes.

Q Will you repeat the substance of what he said?

A Yes. He said that this attack would be the last opportunity to save Germany and that this attack would be executed according to the old SS tradition and that no value would be placed upon the taking of prisoners of war.

Q After the speech, did anyone else say anything?

A Yes. Mikolaschek said that he needed a pair of shoes and Christ said for him to get some from the Americans.

Q Could you identify Mikolaschek if you saw him again?

A Yes, sir.

Q Take a look at the defendants and see if Mikolaschek is among them?

A Yes, he is.

Q What number is he wearing?

A Thirty seven (37).

Q After the meeting what did the troops do?

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5/20 IJH k

A We sang a song.

Q What was the name of it?

A "Sharpen the long knives on the lamppost, blood should flow, cudgels should fall thickly, we don't care for the liberty of the Soviet Republic."

PROSECUTION: You may cross examine.

DEFENSE COUNSEL: On behalf of the Defense, there are no questions.

PRESIDENT: Any questions by the Court? Apparently not.
The witness is excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: Prosecution recalls Lt. Perl.

1st Lt. William R. PERL, a witness for the Prosecution, was recalled and testified further as follows:

PRESIDENT: Remind the witness that he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q While you were investigating the Malmady case, did you have an opportunity to interrogate one Friedrich Christ?

A Yes.

Q Take a look at the Defendants and see if Friedrich Christ is among those present?

A Yes.

Q What number is he wearing?

A Number 7.

PROSECUTION: Will you mark this as Prosecution Exhibit P-15 for identification?

(Whereupon the document referred to was marked Prosecution Exhibit No. P-15 for identification by the reporter.)

(Perl-redirect)

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S/ro/ 114 5

QUESTIONS BY PROSECUTION:

Q I hand you Prosecution Exhibit No. P-15 for identification and ask you if you can identify it?

A Yes.

Q In whose handwriting is the statement and who signed it?

A Friedrich Christ.

Q Is this the same Friedrich Christ that you identified previously as wearing number 7.

A Yes.

Q Was the statement signed in your presence?

A Yes.

Q Was the statement taken under oath?

A Yes.

Q Who administered the oath?

A I did.

Q Was the statement given voluntarily?

A Yes.

Q Was duress used to obtain this statement?

A No.

Q Did you make any threats or promises to obtain this statement?

A No.

Q Did you use any harsh, cruel or inhumane treatment to obtain this statement?

A No.

Q Will you describe how the statement was taken?

A First oral and then written.

PROSECUTION: Prosecution offers in evidence Prosecution Exhibit No. P-15 for identification, to be attached to the record and marked Prosecution Exhibit P-15.

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LT. COL. DWIHELL: The Defense objects on the grounds previously stated.

PRESIDENT: The objection is overruled.

DEFENSE COUNSEL: No further objection on the part of the Defense.

PRESIDENT: The exhibit offered by the Prosecution is admitted into evidence and will be marked Exhibit P-15.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-15 and is attached hereto and made a part of the record.)

PROSECUTION: Will you mark this as Prosecution Exhibit No. P-15-A?

(Whereupon the document referred to was marked Prosecution Exhibit No P-15-A for identification by the reporter.)

PROSECUTION: Prosecution offers in evidence a true and correct English translation of Prosecution Exhibit P-15 to be attached to the record and marked Prosecution Exhibit P-15-A.

DEFENSE COUNSEL: No objection to the translation.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution will be admitted into evidence and will be marked Exhibit P-15-A.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit P-15-A and is attached hereto and made a part of the record.)

PROSECUTION: Prosecution requests permission to read Prosecution Exhibit P-15-A.

PRESIDENT: Permission is granted.

(Perl-redirect)

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PROSECUTION: (Reading) "I am stating herewith the facts as given below:

On the afternoon of the day before the attack in the Eiffel Mountains started - according to my knowledge it was the 15th of December 1944 - a meeting of the company commanders was held at the CP of the armored group. On this occasion Postschke stated that the impending battle would be the decisive battle. Amongst other things he said that we should behave towards the enemy in such a way that we create amongst them panic and terror and that the reputation for spreading panic and terror through our behaviour should precede our troops so that the enemy should be frightened even to meet them. Amongst other things he also stated in connection with this that no prisoners should be taken. On my own, I added nothing to his talk nor did I take anything away from it, but on the same evening I repeated to my company in the Blankenheim Forest what Postschke had told to us.

This deposition I made on my own without influence by either threats or promises and I wrote it down in my own handwriting. It consists of two pages. I am fully aware of the importance and holiness of an oath.

Christ, Friedrich
SS Obersturmfuehrer
17 December 1945

17 December 1945

Witnessed:

/s/ Dwight F. Fanton
DWIGHT F. FANTON
Capt. QMC
Investigator-Examiner
War Crimes Branch, USFPT

Subscribed and sworn to before me
at Schwaebisch Hall, Germany
this seventeenth day of December 1945.

/s/ WILLIAM R. PERL
1st Lt. M.I.
Investigator-Examiner."

PROSECUTION: Will you mark this document as Prosecution Exhibit P-16 for identification?

(Whereupon the document referred to was marked Prosecution Exhibit No. P-16 for identification by the reporter.)

(Perl-redirect)

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QUESTIONS BY PROSECUTION:

Q During your interrogation of Christ did you take more than one statement?

A Yes.

Q I hand you what has been marked for identification as Prosecution Exhibit P-16 and ask you if you can identify it?

A Yes.

Q Do you know in whose handwriting the statement is in and who signed it?

A Friedrich Christ.

Q Is that the same Friedrich Christ that you identified as wearing number 7?

A Yes.

Q Was the statement signed in your presence?

A Yes.

Q Was the statement taken under oath?

A Yes.

Q Who administered the oath?

A I did.

Q Was the statement given voluntarily?

A Yes.

Q Was duress used to obtain this statement?

A No.

Q Did you make any threats or promises to obtain this statement?

A No.

Q Did you use any harsh, cruel or inhumane treatment to obtain this statement?

A No.

(Parl@redirect)

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Q Will you describe how this statement was taken?

A It was taken first oral in an interview and then in writing.

PROSECUTION: Prosecution offers in evidence Prosecution Exhibit No. P-16 for identification to be attached to the record and marked Prosecution Exhibit No. P-16.

LT. COL. DWINELL: Defense objects on the grounds previously stated and also objects to that part of the confession wherein the accused testifies to impressions and suppositions, on the ground that that evidence is incompetent.

PRESIDENT: The objection is overruled. The Exhibit offered by the Prosecution is admitted into evidence and will be marked Exhibit P-16.

(WHEREUPON the document referred to having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-16 and is attached hereto and made a part of the record.)

PROSECUTION: Prosecution offers in evidence a true and correct English translation of Prosecution Exhibit 16, to be attached to the record and marked Prosecution Exhibit P-16-A.

(Whereupon the document referred to was marked Prosecution Exhibit 16-A for identification by the reporter.)

DEFENSE COUNSEL: No objection to the translation.

PRESIDENT: There being no objection, the Exhibit offered by the Prosecution is admitted into evidence and will be marked Exhibit P-16-A.)

(Whereupon the document referred to having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-16-A and is attached hereto and made a part of the record.)

PROSECUTION: Permission is requested to read Prosecution Exhibit P-16-A.

PRESIDENT: Granted.

PROSECUTION: (Reading) "Supplementary to the statement I made today concerning my speech in the
(Parl-redirect) 263

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"Hankenhein Forest the evening before the attack in the Rifel started, I add the following:

In the same building in which Foetschke gave us the talk in the adjoining room was Feiper's Command Post.

I cannot recall whether Feiper was present during Foetschke's speech, but in any case, I was under the impression that Feiper knew about the order to take no prisoners of war.

I still remember that after Foetschke's speech, I discussed Foetschke's speech with another company commander, I believe it was Kramser and that after this conversation with this other company commander, I decided to give the same talk to my men.

I did not go to see Feiper, because I assumed that he knew about it and because no opposite directives of Feiper contradictory to Foetschke's order existed. Neither did I ask Foetschke why he gave the order that no prisoners should be taken, nor according to my knowledge, did anybody else ask.

I made this statement out of my own, uninfluenced by threats or promises and in my own handwriting. It consists of two pages.

I am aware of the importance and holiness of the oath.

(Signed) Christ, Friedrich
SS Obersturmfuehrer
17 December 1945.

Witnesses:

DWIGHT F. FANTON
Capt. QMC
Investigator-Examiner
War Crimes Branch, USFET

Subscribed and sworn to before me at Schwaebisch Hall, Germany this 17th day of December 1945.

(Signed) WILLIAM R. PERL
1st Lt. M.I.
Investigator-Examiner."

(Whereupon Prosecution's Exhibit 16 was read to the German defense counsel and to the accused.)

PROSECUTION: You may cross examine.

DEFENSE COUNSEL: May it please the court, on behalf of the American counsel there is no desire to cross question the witness. Dr. Leiling does desire to ask a question on behalf of the German counsel.

DR. LEILING: Yes.

RE- CROSS EXAMINATION

QUESTIONS BY DEFENSE (Dr. Leiling):

Q You mentioned three statements previously. What is the contents of the third statement?

PROSECUTION: We object; I believe it would be proper to cross examine this witness when the third statement is introduced.

LAW MEMBER: Dr. Leiling, he is not wanting to interfere with your examination at the present time. I think for the benefit of continuity it would be better to wait until the third statement is introduced.

Dr. LEILING: I only wanted to make sure that the third statement will be introduced.

LAW MEMBER: Will the third statement be introduced?

PROSECUTION: Yes, sir, it will.

LAW MEMBER: It will?

PROSECUTION: Just a minute--if the Court please, our records we have here before us only show that the accused made two statements and they have both been introduced. If you care to, indulge with us, we can check our office files. But our recollection now is that he only gave two statements.

LAW MEMBER: In that event, Dr. Leiling, you may proceed with your questioning.

Dr. LEILING: Yes, sir.

QUESTIONS BY DEFENSE (Dr. Leiling) (Continued):

Q You have mentioned three statements previously, can you tell the court the contents of the third statement?

A I do not remember to have mentioned three statements.

Dr. LEILING: Would you read the record where the witness mentioned three statements?

(Whereupon a discussion was held off the record by and between Prosecution, Defense Counsel and the Court in the presence of the accused, but out of the hearing of the accused.)

DEFENSE COUNSEL: No further cross examination by the defense.

PRESIDENT: Any questions by the court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: Prosecution calls as its next witness Ernst Schlossnikl.

ERNST SCHLOSSNIKL, called as a witness by the prosecution, was sworn and testified through an interpreter as follows:

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

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

PROSECUTION: May it please the court, the next phase of the prosecution's case will be handled by Captain Shumacker.

QUESTIONS BY CAPTAIN SHUMACKER:

Q What is your name?

A Schlossnikl, Ernst.

Q What grade or rank did you hold during the Eifel offensive in December 1944 and January 1945?

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A SS Sturmman, Pfc.

Q What unit were you in?

A 6th Company LSS, Panzer Regiment No. 1 LSSAH.

Q Was your unit a part of the Waffen SS?

A Yes.

Q Are you now a prisoner of war of the United States?

A Yes.

Q Where are you being held in custody?

A In Dachau.

Q Did you participate in the Eifel Offensive of the German Army during December 1944 and January 1945?

A Yes.

Q Who was your company commander?

A 1st Lt Junker.

Q Do you remember his first name?

A Yes, Benoni.

Q Would you know Obersturmfuehrer Junker if you saw him again?

A Yes.

Q Would you take a look at the defendants in the box to your left and state whether or not he is among those present?

A Yes.

Q What number is he wearing?

A 29.

Q On what date did the Eifel Offensive begin?

A On 16 December 1944.

Q Who were the Platoon Leaders in the 6th Company at the time of the Eifel Offensive?

A The Leader of the 1st Platoon was 2nd Lt Steiniger, the 2nd Platoon Leader was 1st Lt Sieg, the 3rd Platoon Leader was Oberscharfuehrer Vien, the Hq Troops Leader was Wrabetz.

(Schlossnikl - Direct)

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Q Were there any other officers in the company at that time other than your company commander and those officers that you have just named?

A Yes.

Q Who were they?

A Obersturmfuehrer, 1st Lieutenant, Sternebeck, 2nd Lieutenant Assmussen, and for a while Obersturmfuehrer, 2nd Lieutenant Rand.

Q Would you know Obersturmfuehrer Sternebeck if you saw him again?

A Yes.

Q Will you take a look at the defendants in the box to your left and state whether or not Sternebeck is among those present?

A Yes.

Q What number is he wearing?

A 62.

CAPTAIN SHUMACKER: If the court please, I would like for the defendant wearing that number to stand. I don't believe he has been identified before.

PRESIDENT: No. 62 will stand up -- sit down.

(Whereupon the accused wearing No. 62 did as directed.)

QUESTIONS BY CAPTAIN SHUMACKER:

Q Where was your company assembled immediately prior to the offensive?

A In the forest near Blankenheim.

Q Was a meeting held of the men of your company immediately prior to the offensive?

A Yes.

Q Did anyone speak to the men of the company on that

occasion?

A Yes.

Q Who did?

A 1st Lt Junker.

Q Do you remember what he told you?

A I don't remember the exact wording, but I can tell you the approximate meaning of this order.

Q State the substance of this order as well as you can remember it.

A He said, "We have come here in order to throw the enemy out of Europe from here. We have enough air support. The break-through through the main line of resistance will be accomplished by a Volks Grenadier Division. After that troops of the Skorcseny Unit will march through the American line in American uniforms. We know that we are fighting against an enemy who bombs our cities and our wives and our children, and we shall annihilate everything which gets in our way be they soldiers or civilians. No prisoners will be taken."

Q Do you remember whether or not Obersturmfuehrer Sternebeck, the man who you just identified as wearing No. 62, was present when this speech, this order was given?

A I think so.

Q But you are not sure about that?

A I think all officers were present at the time with the exception of Untersturmfuehrer Rand.

CAPTAIN SHUMACKER: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (Lt Col DWINELL):

Q You said that you were a private first class. Exactly what were your duties during the time that you were engaged in the Eifel Offensive?

A As a gunner, as a loading gunner.

Q You were a member of a tank crew, isn't that so?

A Yes.

Q You spoke about a meeting in the Blankenheim Forest. Was that a Platoon Commanders meeting or a Company Commanders meeting?

A It was a company meeting.

Q Just who was present at that meeting? Were tank commanders present?

A Yes.

Q As a matter of fact it was called a tank commanders' meeting, isn't that so?

A Yes.

Q Did you as a gunner attend tank commanders' meetings?

A Yes.

DEFENSE COUNSEL: No further cross examination on the part of the defense. Will the witness be recalled?

CAPTAIN SHUMACKER: I think not, but I have another question I would like to ask on re-direct examination.

REDIRECT EXAMINATION

QUESTIONS BY CAPTAIN SHUMACKER:

Q Were you a tank commander?

A No.

Q Did you personally attend this meeting?

A Well, I was present at the meeting where the whole company was present.

Q Was the speech that you have just given the court given to tank commanders alone or to all the men in the company?

A That was said to the whole company.

CAPTAIN SHUMACKER: That is all.

DEFENSE COUNSEL: No further cross examination.

PRESIDENT: Any questions by the court?

There appear to be none. The witness is excused.

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

CAPTAIN SHUMACKER: We call the witness Budik.

JOHANN BUDIK, called as a witness by the prosecution, was sworn and testified through an interpreter as follows:

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

DIRECT EXAMINATION

QUESTIONS BY CAPTAIN SHUMACKER:

Q What is your name?

A Budik, Johann.

Q What grade or rank did you hold in the Eifel Offensive in December 1944 and in January 1945?

A SS Sturmman, Pfc.

Q What unit were you in?

A Panzer Regiment No. 1 LSSAH, 6th Company.

Q Did you participate in the Eifel Offensive of the German Army in December 1944 and in January 1945?

A Yes.

Q Was your unit a part of the Waffen SS?

A Yes.

Q Are you now a prisoner of war of the United States?

A Yes.

Q Where are you being held in custody?

A In Dachau.

Q What was your particular assignment in the 6th Company during the Eifel Offensive?

A Gunner.

Q What type of vehicle did you ride in?

A 621.

Q What type of vehicle was 621?

A Tank Mark IV.

Q Were all tanks in the 6th Company Mark IV Tanks?

A Yes.

Q Who was your company commander during the Eifel Offensive?

A SS 1st Lieutenant Junker.

Q What platoon were you in?

A 2nd Platoon.

Q Who was the Platoon Leader of the 2nd Platoon?

A 1st Lt Sieg.

Q Who was the Platoon Leader of the 1st Platoon?

A 2nd Lt Steiniger.

Q Who was the Platoon Leader of the 3rd Platoon?

A Tech Sergeant Vien.

Q Were there any officers in the 6th Company other than the company commander and the Platoon Leaders whom you have just named?

A Yes.

Q Who were they?

A 2nd Lt Assmussen and 1st Lt Sternebeck.

Q Would you recognize your former Company Commander Junker if you saw him again?

A Yes.

Q Will you take a look at the defendants in the box to your left and state whether or not you see Junker among those present?

A Yes.

Q What number is he wearing?

A 28.

Q Will you look again and check the number?

A 29.

Q Will you take a look at the defendants in the box to your left and state whether or not Sternebeck, whom you mentioned previously, is among those present?

A Yes.

Q What number is he wearing? You can get up, if you like.

A 62.

Q On what date did the Eifel Offensive begin?

A On the morning of the 16th December.

Q Where was your company assembled immediately prior to the offensive?

A In the forest near Blankenheim.

Q While the company was assembled there was there any meeting of the company held?

A Yes.

Q Did anybody address the men of the company?

A Yes.

Q Who did?

A I can't say for sure, either Sieg or Junker.

Q Were there any of the other officers whom you have mentioned present when this speech was made?

A Yes.

Q Was Sternebeck present?

A Yes.

Q Will you tell the court the substance of what was said in that speech?

LT COL DWINELL: I object to that question on the ground that the witness has not identified anyone yet who addressed the company at the meeting.

CAPTAIN SHUMACKER: If the court please, it is true that the witness has said he is unable to swear who made this speech. There is proof, however, in the record that Junker received his orders from the accused Peiper, so this is certainly evidence against the accused Peiper. The witness has testified that Sternebeck, an officer in the company, was present. It is certainly evidence therefore against the accused Sternebeck. Furthermore the evidence shows that Sieg was a Platoon Leader under Junker. Junker we contend would be responsible for such a speech made by his Platoon Leaders.

LT COL DWINELL: We object to any further summation of the evidence in this case. We are interested exactly in what this witness knows.

PRESIDENT: The objection is overruled. Proceed with the questioning.

QUESTIONS BY CAPTAIN SHUMACKER:(Continued):

Q Now will you state the substance of this speech?

A Yes. "We will be supported by a Volks Grenadier Division and the Air Corps. This will be our battle of decision; it will decide whether we shall win the war or not. Prisoners will not be taken."

CAPTAIN SHUMACKER: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (Mr. Strong):

Q You state that Lt Junker addressed the whole company; is this correct?

A Yes.

Q Isn't it a fact that he merely held a meeting of the Platoon Leaders and Tank Commanders and no enlisted men were present?

A There were some who weren't present.

Q But you say you were present at that meeting of Tank Commanders and Platoon Leaders?

A Yes.

MR. STRONG: No further questions.

DEFENSE COUNSEL: Dr. Leiling on the part of German counsel would like further to interrogate the witness.

CROSS EXAMINATION (Cont'd)

QUESTIONS BY DEFENSE (Dr. Leiling):

Q Did you consider this sentence, "No prisoners will be taken," as an order applying to you?

A No.

Q Why not?

A Because that wasn't to be considered an order.

REDIRECT EXAMINATION

QUESTIONS BY CAPTAIN SHUMACKER:

Q What was it to be considered as?

A That was to say that the Infantry following us was to take the prisoners and not we.

Q Is that what Junker or Sieg said?

A I don't know that.

Q Now, Budik, who was present at this meeting that you have described?

A Captain Shumacker.

Q I mean at this meeting where the speech was made.

A I don't quite understand.

Q You have described a speech that you said was made by either Junker or Sieg?

A Yes.

Q I want to know whether just the Tank Commanders were present or whether all the men in the 6th Company were present.

A Not all of them, some of them were absent.

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20-T-12

Q Was it a meeting held only for the Tank Commanders?

A No.

Q Was it held for all the men in the company who were available and not busy on other duties?

A Yes.

CAPTAIN SHUMACKER: That is all.

DEFENSE COUNSEL: No further cross examination on behalf of the defense.

PRESIDENT: Any questions by the court? There appear to be none. The witness is excused.

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

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#25-5/20-1

CAPTAIN SHUMACKER: Prosecution calls the witness Grabowy. Prosecution does not contemplate recalling this witness.

THEO GRABOWY, called as a witness for the Prosecution, being first duly sworn, testified through an interpreter as follows:

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

DIRECT EXAMINATION

QUESTIONS BY CAPTAIN SHUMACKER:

Q What is your name?

A Grabowy, Theo.

Q What was your class or rank during the Eifel Offensive in December '44 and January '45?

A SS Rottenfuehrer, Corporal.

Q What unit were you in?

A Sixth Company Panzer Regiment Number 1, LSSAH.

Q Was your unit a part of the Waffen SS?

A Yes.

Q Are you now a prisoner of war of the United States?

A Yes.

Q Where are you being held prisoner?

A At Dachau.

Q Did you participate in the Eifel Offensive of the German Army in December '44 and January '45?

A Yes.

Q What was your particular assignment?

A Gunner.

Q What type of vehicle did you ride in?

A In the squad vehicle, a "4" tank.

Q Do you mean a Mark IV tank?

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A Yes.

Q Where was your company assembled immediately before the offensive began?

A In a forest near Blankenheim.

Q On what date did the offensive begin?

A In the night of the 16th going to the 17th.

Q Who was your company commander at that time?

A First Lieutenant Junker.

Q If you saw Junker again, would you recognize him?

A Yes.

Q You take a look at the defendants in the box to your left and state whether or not he is among those present.

A Yes, he is there.

Q What number is he wearing?

A 29.

Q Was a meeting of your company held at any time shortly before the offensive began?

A Yes.

Q Did anyone address the men of the company on that occasion?

A Yes.

Q Who did?

A First Lieutenant Junker.

Q Is that the man you have just identified as wearing number 29?

A Yes.

Q Can you repeat word for word what he said on that occasion?

A Not word for word, but approximately.

Q Give the substance of Junker's speech on that occasion.

DEFENSE COUNSEL: May it please the Court, could we get the witness to speak a little louder so that the Defense Counsel can hear him?

PRESIDENT: Will you instruct the witness to speak louder, please?

(Whereupon the witness was instructed to speak louder.)

THE WITNESS: "We are now confronted with an action during which we will drive the enemy across the ocean. We have enough air support and a Volksgrenadier Division will attack ahead of us. We will now get revenge on the enemy who bombed our cities and killed our wives and children. Anything that happens to get in front of our sight will be shot down. No prisoners will be taken in this action."

CAPTAIN SHUMACKER: Your witness.

DEFENSE COUNSEL: Defense does not desire to cross examine the witness.

PRESIDENT: Any questions by the Court? There appear to be none. The witness is excused.

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

CAPTAIN SHUMACKER: We call the witness Dethlefs. We do contemplate recalling the next witness.

KURT DETHLEFS, called as a witness for the Prosecution, being first duly sworn, testified through an interpreter as follows:

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

DIRECT EXAMINATION

QUESTIONS BY CAPTAIN SHUMACKER:

Q What is your name?

(Dethlefs-Direct)

#25-SR-5/20-4

A Kurt Dethlefs.

Q What was your grade or rank during the Eifel Offensive in December '44 and January '45?

A Schuetze, Private.

Q What unit were you in?

A Panzer Regiment Number 1, LSSAH, Sixth Company.

Q Did you participate in the Eifel Offensive in December '44 and January '45?

A Yes.

Q Are you now a prisoner of war of the United States?

A Yes, I am a prisoner of war.

Q Where are you being held in custody?

A In Dachau.

Q Who was your company commander at the time of the Eifel Offensive?

A First Lieutenant Junker.

Q On what date did the offensive begin?

A The offensive started on the 16th.

Q The 16th of what?

A 16th of December.

Q 1944?

A 1944.

Q Where was your company assembled immediately prior to the offensive?

A In the forest near Blankenheim.

Q Can you recall who the platoon leaders of the Sixth Company were at the time of the Eifel offensive?

A Yes.

Q Who were they?

A First Lieutenant Steiniger, First Lieutenant Sieg,

(Dethlefs-Direct)

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and Tech Sergeant Wien.

Q Were there any officers in the company other than Junker and the three officers you have just named?

A Yes.

Q Who were they?

A First Lieutenant Sternebeck and Second Lieutenant Asmussen.

Q Would you know Obersturmfuehrer Junker, your former company commander, if you saw him again?

A I would recognize him.

Q Will you take a look at the defendants in the box at your left and state whether or not Junker is among those present?

A Yes.

Q Well, look over there and see if he is there.

A Yes, he is there.

Q What number is he wearing?

A 29.

PRESIDENT: Will the interpreter instruct the witness to speak louder so that the people in the dock can understand and hear?

(Whereupon the witness was instructed to speak louder.)

THE WITNESS: Yes.

PRESIDENT: Louder.

THE WITNESS: Yes.

PRESIDENT: That is better.

QUESTIONS BY CAPTAIN SHUMACKER (Contd.):

Q Would you know Sternebeck if you saw him again?

A Yes.

Q Will you take a look at the defendants in the box on your left and state whether or not he is among those present?

(Dethlefs-Direct)

#25-SR-5/20-6

A Yes.

Q What number is he wearing?

A I can't recognize the number -- 62.

Q While your company was in the Blankenheim Woods, was there any meeting of the company held?

A Yes.

Q Keep your voice up loud, Dethlefs. On what date and what hour was this meeting held?

A In the afternoon of the 15th, -- I can't give you the exact time of day.

Q Will you describe the scene as well as you can -- who was there, how the men were assembled, and so forth?

A Yes, but I cannot give you the exact words that were spoken. I can only give you the approximate order that was given as the company was assembled.

Q Were the men of the company lined up in formation or how were they standing or sitting when the speech was given?

A We were in formation.

Q Who spoke to you?

A First Lieutenant Junker spoke to us.

Q Is that the man you have just identified as wearing number 29?

A I don't understand the question.

Q Was the man named Junker, who addressed that meeting, the same individual you have just identified in the box as wearing number 29?

A Yes.

Q Was Sternebeck, the man you have just identified in the box as wearing number 62, present at that meeting?

A As far as I can remember, he was present.

(Dethlefs-Direct)

#25-SR-5/20-7

Q Will you state as well as you can remember, what Obersturmfuehrer Junker told you on that occasion?

A That action was imminent, that we would attack in the early hours of the next morning, that we had some new air support and before we would approach the main line of resistance, it would be broken by a Volksgrenadier Division. Then we would follow through and no prisoners would be taken -- no attention would be paid to that and we were to think of our home and of our families and children.

Q Was the platoon leader Obersturmfuehrer Sieg present at this meeting?

A Yes.

Q Do you recall whether or not any songs, Christmas songs and SS songs were sung at this meeting?

A At first, prisoner songs were sung and then we sang some general army songs.

Q Do you remember who it was that led you in the singing?

A Yes, First Lieutenant Sieg conducted the singing.

CAPTAIN SHUMACKER: Your witness.

DEFENSE COUNSEL: On behalf of the American counsel there are no questions, but Dr. Leer would like to ask a question on behalf of the German counsel.

CROSS EXAMINATION

QUESTIONS BY DR. LEER:

Q There is one point which needs to be settled that I would therefore like to ask the witness what he means by saying that no further prisoners would be taken -- no further prisoners. Is that supposed to mean that the combat troops were not doing any business with prisoners?

A We were too weak for that, and the infantry following

(Dethlefs-Cross)

us was to collect the prisoners.

REDIRECT EXAMINATION

QUESTIONS BY CAPTAIN SHUMACKER:

Q How do you know that was the arrangement, Dethlefs?

A Because we were very weak and we had lost a lot of men all during the war and the action was to proceed rapidly.

Q Did you see any Volksgrenadier troops at any time during the offensive?

A No, I didn't see any Volksgrenadier troops.

Q How far did you get in the advance?

A Until La Gleize, where we were surrounded.

Q Did you see any troops at all, -- any German troops at all other than the Combat Group Peiper?

DEFENSE COUNSEL: May it please the Court, I think they are going a little far beyond the original testimony given by the witness. This is rebuttal as to the original testimony. We have had that innumerable times before on direct examination.

CAPTAIN SHUMACKER: If the Court please, we submit this is proper redirect examination. It is in line with a new fact that has been brought out on cross examination. We believe it is proper.

PRESIDENT: Objection overruled.

DEFENSE COUNSEL: Speak a little louder, please.

CAPTAIN SHUMACKER: Will you read the last question, Miss Reporter?

(Whereupon the last question was repeated by the Reporter as requested.)

THE WITNESS: Yes, there were some parachutists with us.

PRESIDENT: Will you have the witness speak louder

please?

(Whereupon the witness was instructed to speak louder.)

THE WITNESS: Yes, there were parachutists with us too.

QUESTIONS BY CAPTAIN SHUMACKER (Continued):

Q Do you know whether or not those parachutists started out in the offensive with the Combat Group Peiper?

A As far as I remember, they did start out with us.

CAPTAIN SHUMACKER: What was the witness' answer?

(Whereupon the last answer was repeated by the reporter.)

QUESTIONS BY CAPTAIN SHUMACKER (Continued):

Q Did you ever see any troops, which to your knowledge were following behind the Combat Group Peiper?

A No, I didn't see any because I was driving way up at the point and couldn't look back because I was driving a tank.

Q Dethlefs, did Junker say anything in his speech as to who would handle prisoners of war?

A No, he didn't say anything.

Q Do we understand your statement on cross examination that the prisoners were to be handled by troops following behind to be a conclusion of yours or what Junker told you?

A That is a conclusion of my own.

CAPTAIN SHUMACKER: If the Court please, we submit that a conclusion of the witness as to what was to happen is not proper evidence and that that answer to the question on cross examination should be stricken from the record.

LT COL. DWINELL: Conclusive evidence has been permitted in this case on direct examination.

LAW MEMBER: That is not the basis of the objection or the overruling. The motion will be overruled and the Court will take notice of whether or not it is a conclusion. The

objection is overruled.

CAPTAIN SHUMACKER: No further questions on redirect.

DEFENSE COUNSEL: May it please the Court, Dr. Leer would like to ask one further question.

RECROSS EXAMINATION

QUESTIONS BY DR. LEER:

Q Was this conclusion that the infantry was to take prisoners of war generally accepted among the troops?

A As far as I can remember, that was the general opinion.

DR. LEER: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY CAPTAIN SHUMACKER:

Q Dethlefs, to whom did you talk to find out what the general opinion was?

A We talked about it in the company.

CAPTAIN SHUMACKER: No further questions.

DEFENSE COUNSEL: No further questions.

PRESIDENT: Are there any questions by the Court? There appear to be none. The witness is excused.

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

CAPTAIN SHUMACKER: Prosecution calls Lieutenant Perl.

PRESIDENT: Could we take a break here before we take the next witness? Court is recessed until 1030 hours.

(Whereupon the Court recessed at 1000 hours until 1030 hours.)

Dethlefs-Recross

Su fls SR

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20.S.1.

Dachau, Germany

20 May 1946.

(Whereupon the Court met, pursuant to recess at 1030 hours.)

MORNING SESSION

PRESIDENT: Take seats, the Court will come to order.

PROSECUTION: May it please the Court, let the record show that all the members of the Court, Prosecution, and all members of the Defense with the exception of Dr Rau, and Dr Pfister who are absent on business of the Defense, and all the Defendants and the Reporter are present.

PROSECUTION:) Captain SHUMACKER(The Prosecution calls as its next witness Lt. Perl.

LT. WILLIAM R PERL, a witness for the Prosecution was recalled, reminded that he was still under oath, and testified through an interpreter as follows:

RE DIRECT EXAMINATION:

QUESTIONS BY PROSECUTION:(Captain SHUMACKER):

Q Are you the same 1st Lt. William R Perl who has previously testified in this case ?

A Yes

Q During the course of the investigations and interrogations at IP #2, in Schwabisch Hall, Germany, did you have occasion to interrogate Benoni Junker ?

A Yes

Q Can you identify Benoni Junker ?

A Yes

Q Will you take a look at the Defendants in the box on your left and state whether he is among those present ?

A He is.

Q What number is he wearing ?

A No. 29.

Q In the course of the interrogations did Junker make any statement to you ?

(Perl -redirect)

#26

A Yes

20.S.2.

Q In what form was this statement made ?

A Firstly oral and then a written statement.

PROSECUTION:(Captain Shumacker) I now hand the reporter a statement and request that it be marked Prosecution's Exhibit P-17 for identification.

DEFENSE: No objection.

(Whereupon the document referred to was marked Prosecution's Exhibit P-17 for identification by the reporter).

Q I now hand you herewith the statement that has been marked Prosecution's Exhibit P-17 for identification and ask you if you know whose handwriting it is and who signed that statement ?

A Yes I can.

Q Whose statement is it ?

A Benoni Junker

Q Were you present when it was signed ?

A Yes

Q Was the statement sworn to ?

A Yes

Q Who administered the oath ?

A You did.

Q Was this statement made voluntarily ?

A Yes.

Q For the purpose of the record will you state who you mean by the word "You" as to who administered the oath to that statement ?

A Yes - Captain Raphael Shumacker.

Q Was any duress used in obtaining this statement ?

A No.

Q Were any threats or promises made to Junker to obtain this statement ?

A No.

Q Was any force or harsh treatment employed to obtain this

(Perl- redirect)

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20.S.3.

statement ?

A No.

PROSECUTION:(Captain SHUMACKER) - The prosecution offers in evidence this statement signed by Benoni Junker dated 1 March 1946 as Prosecution's Exhibit P-17 and request that it be so marked and attached to the record.

DEFENSE:(Col DWINELL). Objection on the grounds previously stated.

DEFENSE: No further objection on the part of the Defense:

PRESIDENT: Objection over-ruled. The Exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-17.

PROSECUTION:(Captain SHUMACKER) - The prosecution offers in evidence a true and correct English translation of the statement just received in evidence and requests that it be marked Prosecution's Exhibit 17-A and attached to the record.

DEFENSE: No objection on the part of the Defense.

PRESIDENT: There being no objection, the Exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-17-A.

PROSECUTION:(Captain SHUMACKER)- The Prosecution requests permission to read the Exhibit just offered and received in evidence.

PRESIDENT: Granted.

(Whereupon the document referred to was read to the Court in the English language, as follows):

" During the sandtable exercises in HOF BUSCHFELD, Obersturmbannfuhrer Peiper explained that during the coming offensive we would have to go ahead recklessly. I remember that during the sandtable exercises, no special order was issued to use terror methods or to shoot prisoners of war. Nevertheless, even then it was clear to me that on the basis of remarks of important officers (I cannot say for sure who made these remarks and how these remarks were worded) the following policy should be adhered to:

"If necessary, the resistance of the enemy will be broken with brutality - after the principle- the end justifies the means. "

(Perl- redirect)

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20.S.4

On the 15th of December 1944, I had been ordered to a Company Commander's meeting in a forester's house in the Blankenheimer woods. This hunting lodge was both battalion and regimental CP.

I do not recall any more the hour of day I arrived in this hunting lodge, I only know that it was at daylight. In this forester's house a meeting of all Company Commanders of the Panzer Regiment took place. But I do remember that it was a meeting of all Company Commanders of the regiment and that among others, the following officers were present: Sturmbannfuhrer Poetschke, Hauptsturmfuhrer Gruhle, Hauptsturmfuhrer Klingelhofer, Obersturmfuhrer Christ, Obersturmfuhrer Kremser, Untersturmfuhrer Fischer, I am certain about the presence of these officers at this meeting. Obersturmbannfuhrer Peiper was only temporarily present during the meeting. To better understand my statement I have made a sketch, Marked No.1. which is attached hereto.

I entered the room which I have marked No.1. on the sketch, through the entrance marked No.3. I waited for about 20 minutes in room No.1. sitting on a chair standing close to the fireplace. During this time, Sturmbannfuhrer Poetschke was with Obersturmbannfuhrer Peiper in the room marked No.2. While I was waiting in room No.1. the Company Commanders gathered in this room -- some of them were already there when I arrived. Besides the officers who later participated in the meeting in room No.2. some others were also present in room No.1. Among those were Untersturmfuhrer Kramm, Obersturmfuhrer Rumpf, Obersturmfuhrer Sievers, and I believe also Untersturmfuhrer Rehagel and some others. There were quite a number of Ordnance officers and Peiper's Liaison Officers of the units under him. During my stay in room No.1. Obersturmbannfuhrer Peiper also came into this waiting room. He stayed only a few seconds and then returned to his room (Room No.2.)

I know the regimental order read to us approved of the use of terror methods. I know furthermore that when I left the regimental CP I was under orders that, where the military situation should require it, not to take prisoners. I no longer know whether this awareness originated from the regimental order or from Poetschke's oral orders.

From the forester's house I went to my company and about three-quarters of an hour later I called my tank commanders together. It is possible that on this occasion I talked to the entire company, but I believe that only the 15 tank commanders, the 1st Sgt. the 1st Clerk, the Maintenance Section leader and Transportation Sergeant were present.

My men were sitting in a semi-circle around me and a small camp fire was burning between them and me. It was not yet dark, but there was already twilight. In the course of issuing the orders during the lecture I called to attention that this battle will mean do or die, furthermore, in accordance with my own instructions that to break the enemy's resistance, terror methods could also be used. I also applied the use of terror methods in accordance with my instructions for the treatment of prisoners of war, but I do not recall the wording any more. I believe, in this regard, I also brought out that we should go and fight so as to drive the enemy into fear and fright.

(Perl-redirect)

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20.S.5.

My address lasted about 15-20 minutes and as far as I can remember, no questions were asked.

I add that before I left the regimental CP in the Blankenheimer Woods, I signed there that I had knowledge of the orders read to me.

To better understand my statement about the instructions I received for the company, I have made up a sketch. I have marked this sketch with II and attached it to my statement.

On this sketch, (1) means hunting lodge, 2) distance hunting lodge-company, about 300-400 M, 3) dirt road through Blankenheimer woods, 4) Company assembly area, 5) distance street to place of issuance of orders, about 15-20 M, 6) place of issuance of orders, 7) approximate direction of north.

I have made these statements voluntarily, uninfluenced by coercion, threats or promises.

I believe in God and I am aware of the meaning and sanctity of an oath. I swear to God that these statements contain the whole and pure truth, and nothing but the truth and I am prepared to repeat these statements before any court of justice at any time. "

(signed) Benoni Junker,
1 March 1946.

Sworn to and subscribed before
me this 1st day of March 1946, at
Schwaebisch Hall, Ger.

(signed) Raphael Shumacker
Capt. CMP

Witnessed:

(signed) WILLIAM R PERL.
1st Lt. M.I.

(Whereupon Prosecution's Exhibit P-17-A was then read to the Court in the German language by the interpreter).

PROSECUTION: (Captain SHUMACKER). The Prosecution now offers in evidence 6 picture affidavits which mention the names Peiper, Gruhle, Christ, Rumpf, Klingelhoefier and Sievers, and request that they be received into evidence, attached to the record and marked Prosecution's Exhibits P-17-B, C, D, E, F, G, respectively.

DEFENSE: No objection.

PRESIDENT: There being no objection, the Exhibits offered by the Prosecution are admitted into evidence and will be marked Prosecution's Exhibits P-17- B, C, D, E, F, G, respectively.

PROSECUTION:(Captain SHUMACKER) The Prosecution now
(Perl-redirect)

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requests permission to read these exhibits to the court.

20. S. 6.

DEFENSE:(Dr LELLING). I object there is no need to read.

PROSECUTION:(Captain SHUMACKER): Well if the Defense stipulates that this is an affidavit by Junker identifying the man Peiper and others, then we do not insist upon reading that to the court.

DEFENSE: The Defense does not deny that is Peiper's picture or others representing these other 5 Exhibits.

PROSECUTION: (Captain SHUMACKER). Does that just apply to that particular one or does it apply to those heretofore introduced ?

DEFENSE: At this time those 6. We are just trying to save the Court's time.

PROSECUTION:(Captain SHUMACKER): Wer are just as anxious to save the court's time but we want to be fully sure what the understanding is. Is it stipulated that these Exhibits P-17-B,C,D, E,F,G, inclusive, carry the photographs of Peiper, Gruhle, Christ, Rumpg, Klingelhofer, and Sievers respectively, the accused in this case ?

DEFENSE: That is correct.

PRESIDENT: The reading will be dispensed with.

RE-CROSS EXAMINATION:

QUESTIONS BY DEFENSE:(Col DWINELL)

Q Lt.Perl, prior to the signing of the accused's statement, Prosecution's Exhibit P-17, did you at any time tell the accused Benoni Junker, that he might as well sign his statement since all of the Company Commanders had signed statements incriminating him ?

A I told him that he should confess because most of the Company Commanders had already confessed.

27,5/20,1sp

Q Who were the company commanders to which you made reference?

A I am certain that I referred to Christ. The others I do not remember.

Q Had the accused Klingelhoefler made a statement prior to that made by Junker?

A I do not know any more.

LT. COL. DWINELL: No further questions.

DEFENSE COUNSEL: May it please the Court, no further cross examination is desired at this time.

CAPT. SHUMACKER: No redirect.

PRESIDENT: Any questions by the Court? There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

CAPT. SHUMACKER: Prosecution at this time desires to call Harry W. Thon.

HARRY W. THON, called as a witness for the prosecution being first duly sworn testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (CAPT SHUMACKER)

Q What is your name?

A Harry W. Thon.

Q How do you spell your last name?

A T-h-o-n.

Q What is your present assignment and station?

A I am an interrogator for War Crimes Branch, USFET.

(Thon - Direct)

Q Are you now on temporary duty with the Third United States Army?

A Yes, sir.

Q When did you first go to work for the War Crimes Branch?

A On the 27th of November 1945.

Q Prior to that time had you been in the military service of the United States?

A Yes, I was.

Q What was your grade or rank and what kind of work did you do when you were in the military service?

A I was a master sergeant and I was an interrogator for MII 427G and later on for Berlin district interrogation center.

Q How long were you in the military service?

A From August 14, 1942 until the 27th of November 1945.

Q Where were you born?

A I was born in Philadelphia, Pennsylvania.

Q Did you thereafter spend some years living in Germany?

A Yes, sir, I lived in Germany from 1914 until 1929.

Q Do you speak and understand the German language?

A Yes, sir.

Q When were you first assigned to work on what is commonly known as the Malmedy case?

A I believe the exact date is December 31, 1945.

(Thon - Direct)

Q When you first started working on the case, what type of work did you do?

A I assisted in screening suspects of war crimes.

Q Where was this?

A That was at IP no. 78 or IP 79. I am not sure about those first two letters in Kornwestheim.

Q To refresh your recollection, didn't you live in Kornwestheim and wasn't the enclosure itself in a little town called Zuffenhausen?

A That is correct. I lived in Kornwestheim and we went to work in Zuffenhausen where the German enclosure was.

Q After this screening was completed that you have referred to, did the detachment working on the case move to Schwaebisch Hall?

A That is correct.

Q Were the suspects that were at 78 moved to IP No. 2 Schwaebisch Hall about the same time?

A About the same time. That is correct.

Q In what capacity did you work at IP No. 2 in Schwaebisch Hall?

A I first worked there as an interpreter and then I was made an interrogator and worked by myself.

Q When did you go to Schwaebisch Hall?

A I believe it was the 9th or 10th of December. I remember it was a Sunday.

Q 1945?

A That is right.

Q And how long did you work as an interpreter
(Thon - Direct)

27,4sp

before you were made an interrogator?

A I believe it was two to three weeks.

Q During your interrogations at IP No. 2 in Schwaebisch Hall, did you have occasion to interrogate one Oskar Klingelhoefler?

A Yes.

Q Would you recognize Oskar Klingelhoefler if you saw him again?

A Yes.

Q Have you seen him in the courtroom?

A Yes.

Q Is he among the accused present?

A Yes.

Q Will you point him out and tell the Court what number he is wearing.

A He is wearing the number 35 and sitting on the third row last man with the black coat on.

Q During the course of your interrogation of Oskar Klingelhoefler, did he make a statement?

A Yes, he did.

CAPT. SHUMACKER: I hand the reporter this document and request that it be marked Prosecution's Exhibit No. 18 for Identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. 18 for Identification by the reporter.)

Q I hand you Prosecution Exhibit No. 18 for Identification and ask you whether you know whose handwriting it is and who signed that statement.

(Thon - Direct)

27,5sp

A This is the statement of Oskar Klingelhoefer and it is signed by him.

Q Was that statement signed in your presence?

A I believe it was.

Q Is the statement sworn to?

A Yes, it is.

Q Who administered the oath?

A You, Captain Shumacker.

Q Was this statement that you have just identified made voluntarily?

A Yes.

Q Was any force or threat used to obtain this statement?

A No.

Q Did you make any promises to Klingelhoefer?

A No.

CAPT. SHUMACKER: Prosecution offers in evidence Prosecution Exhibit No. 18 for identification and requests that it be attached to the record and marked Prosecution Exhibit No. 18.

LT. COL. DWINELL: Defense objects to the evidence on the grounds previously stated.

PRESIDENT: Objection overruled. The exhibit offered by the prosecution is admitted into evidence and will be marked Prosecution Exhibit No. 18.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. 18 and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: Will you mark this please
(Thon - Direct)

Prosecution Exhibit No. 18-A?

(Whereupon the document referred to was marked Prosecution Exhibit No. 18-A for identification by the reporter.)

CAPT. SHUMACKER: Prosecution offers in evidence a true and correct English translation of Prosecution Exhibit No. 18 and requests that it be attached to the record and marked Prosecution Exhibit No. 18-A.

DEFENSE COUNSEL: No objection on the part of the defense.

PRESIDENT: There being no objection the exhibit will be admitted into evidence and marked Prosecution Exhibit No. P-18-A.

CAPT. SHUMACKER: Prosecution requests permission of the Court to read Prosecution Exhibit No. 18-A.

PRESIDENT: Granted.

CAPT. SHUMACKER: (Reading)

" A F F I D A V I T

Of

OSKAR KLINGELHOEFER

"I Oskar KLINGELHOEFER, being first duly sworn, make the following statement under oath:

"During the EIFEL offensive in December 1944, I was Company Commander of the 7th SS Panzer Company, 1st SS Panzer Regiment, LAH. My rank was Hauptsturmfuehrer.

"On the afternoon of 15 December 1944, I was ordered to a meeting of Company Commanders in a blockhouse next to a forester's house near BLANKENHEIM. I am positive that the following officers were present in the room in this blockhouse where we received orders pertaining to the coming offensive:

(Thon - Direct)

"SS Obersturmbannfuhrer PEIPER, Joachim -
Commanding Officer, 1st SS Panzer
Regiment, LAH

SS Hauptsturmfuehrer GRUHLE - Regimental Adjutant,
1st SS Panzer Regiment, LAH.

SS Sturmbannfuhrer POETSCHKE, Paul (I am not
positive about this first name) - Battalion
Commander, 1st SS Panzer Battalion, 1st
SS Panzer Regiment, LAH.

SS Obersturmfuehrer KREMSER - Company Commander,
1st SS Panzer Company, 1st SS Panzer
Battalion, 1st SS Panzer Regiment, LAH.

SS Obersturmfuehrer CHRIST - Company Commander,
2nd SS Panzer Company, 1st SS Panzer
Battalion, 1st SS Panzer Regiment, LAH.

SS Obersturmfuehrer JUNKER, Benino - Company
Commander, 6th Panzer Company, 1st SS
Panzer Battalion, 1st SS Panzer Regiment
LAH.

SS Hauptsturmfuehrer KLINGELHOEFER, Oskar -
Company Commander, 7th Panzer Company,
1st SS Panzer Battalion, 1st SS Panzer
Regiment, LAH.

SS Hauptsturmfuehrer OTTO - Company Commander,
Service Company. 1st SS Panzer Battalion.
1st SS Panzer Regiment, LAH.

"I also remember seeing SS Untersturmfuehrer
FISCHER, the Adjutant of the 1st SS Panzer
Battalion, but I cannot swear that he was in the
room at the time the order was given. It is my
recollection that other officers were present
in the blockhouse and might have been either in
the room where we received the orders or in the
adjoining room.

"When the meeting began, I remember distinctly
that Obersturmbannfuhrer PEIPER told POETSCHKE
to start and not to be disturbed any longer.
Thereupon, POETSCHKE gave us the order and there
were intermittent comments from Obersturmbann-
fuhrer PEIPER.

"The outline of the order as I remember it,
was as follows:

1. Situation of the enemy.
2. Our own situation.
3. Our intentions.
4. Order for the armored group of
the 1st SS Panzer Division, LAH.
5. Support by Artillery, air force,
V-1 and V-2.

27,8sp

6. Order of March - check points of advance.
7. Aid station.
8. Communications and pyrotechnics.
9. Location of the leader of the battalion and the armored group.

"In addition to the above, the following order was given by POETSCHKE in PEIPER's presence:

"In front of the combat unit itself the unit "Grif" of Obersturmbannfuehrer SKORZENY in American uniforms and vehicles will march in order to destroy all communications and to spread panic and terror and to eliminate command posts. Prisoners are not to be taken by this unit."

"I cannot say with certainty that the above words were used but the above is the substance of the order.

"We also received this further order in substantially the following words:

"Ahead of us there shall be terror and horror. We should remember in this fight especially the cities which have suffered tremendously during the bombing attacks and have suffered great misery. Therefore, all scruples and humane feelings shall be thrown overboard. No prisoners of war will be taken."

"With reference to prisoners of war, I remember distinctly that PEIPER himself made this comment: "Situations can arise in which no prisoners of war can be made."

"It is my recollection that Hauptsturmfuehrer GRUHLE again read the order to us in its entirety. We were cautioned about the secrecy of this order and each of us present signed a piece of paper in which we acknowledged having received the order itself, and the fact that the contents were to be kept secret.

"After having received our orders and signing the acknowledgement, we were dismissed in order to pass on the order orally to our platoon leaders and through them to the men of the companies. It is my recollection that I passed on the orders I had received to my platoon leaders in my company orderly room vehicle, and I also reminded them that the orders were secret (The order to the platoon leaders might have been issued in the vicinity of the forester's house.). This order was passed on to the men of my company by the platoon leaders.

"I have prepared a sketch in order to clarify the scene of the meeting in the blockhouse I

27,9sp

have described in this statement. This sketch is marked Exhibit "1", is attached hereto and made a part of this statement.

"This statement is given by me voluntarily and of my own free will. I have written it in my own handwriting. I have not been subjected to force, duress or threats of punishment. No promises of reward or immunity from prosecution have been made to me.

"I swear that the facts stated in this affidavit are true and I am prepared to repeat them under oath in any court of justice.

(signed) OSKAR KLINGELHOEFER
18 March 1946.

Sworn to and subscribed before
me this 18th day of March 1946 at
SCHABISCH HALL. Ger.

RAPHAEL SHUMACKER
Capt. CMP."

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

Q What number did you say Oskar Klingel-
hoefer was wearing?

A 35.

CAPT. SHUMACKER: Will the man wearing
number 35 please hold up his hand?

(Whereupon the accused Klingelhoefer held up
his hand.)

CAPT. SHUMACKER: All right.

CAPT. SHUMACKER: The Prosecution now offers in evidence four picture affidavits bearing photographs of the accused Peiper, Gruhle, Christ and Junker, and requests that they be attached to the record and marked Prosecution Exhibits P-18-B, P-18-C, P-18-D and P-18-E, respectively.

DEFENSE: There is no objection, may it please the Court.

PRESIDENT: There being no objection, the exhibits offered by the Prosecution will be admitted into evidence and marked Prosecution Exhibits P-18-B, P-18-C, P-18-D and P-18-E.

(Whereupon the documents referred to were received in evidence as Prosecution Exhibits P-18-B, P-18-C, P-18-D and P-18-E and are attached hereto and made a part of the record.)

CAPT. SHUMACKER: This witness will be recalled. Your witness.

DEFENSE: May it please the Court, at this time the Defense does not desire to interrogate the witness.

PRESIDENT: Any questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

CAPT. SHUMACKER: We call the witness Reicke.

We do contemplate recalling the next witness who is going to take the stand.

WERNER REICKE, called as a witness for the Prosecution, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q What is your name?

A Werner Reicke.

Q What grade or rank did you hold during the Eifel offensive in December, 1944, and January, 1945?

A SS Sturmman.

Q What company were you in?

- A The 7th SS Panzer Company.
- Q What regiment and division?
- A Division LSSAH, 1st Panzer Regiment.
- Q Are you now a prisoner of war of the United States?
- A Yes.
- Q Where are you being held in custody?
- A Down in Austria.
- Q Where are you being held in custody as of today?
- A In the prisoner of war camp in Dachau.
- Q Did you participate in the Eifel offensive in December, 1944, and January, 1945?
- A Yes.
- Q Who was your company commander at that time?
- A SS Hauptsturmfuehrer Klingelhoefler.
- Q Do you remember his first name?
- A Yes. Oskar.
- Q What platoon were you in?
- A The 1st Platoon.
- Q Who was your platoon leader?
- A SS Untersturmfuehrer Heinz Rehagel.
- Q Would you know your company commander, Klingelhoefler, if you saw him again?
- A Yes.
- Q Will you take a look at the defendants in the box to your left and state whether or not Klingelhoefler is among those present.
- A Yes. -- Yes.
- Q What number is he wearing?
- A 35.
- Q Would you know your former platoon leader, Heinz Rehagel, if you saw him again?
- A Yes.

Q Will you look at the defendants in the box to your left and state whether or not he is among those present.

A Yes. -- Yes.

Q What number is he wearing?

A 48.

CAPT. SHUMACKER: Will the defendant wearing no. 48 please rise. (Whereupon the defendant wearing no. 48 rose.)

Q On what date did the Bifel offensive begin?

A On December 16.

Q Is that 1944?

A Yes. 1944.

Q Where was your company assembled or bivouacked at that time?

A Before the offensive we were bivouacked in the woods of Blankenheim.

Q Was there a meeting of your platoon, the 1st Platoon, at any time immediately prior to this offensive?

A Yes.

Q On what date and about what time of day was this meeting?

A This was on the 16th of December in the woods of Blankenheim, in the early morning hours.

Q Were you present at the meeting yourself?

A Yes.

Q Who, if anyone, addressed the men of the 1st Platoon?

A SS Untersturmfuehrer Rehagel held the speech.

Q He was your platoon leader?

A Yes.

Q What men attended this meeting?

A As far as I can remember, the assembled 1st Platoon.

Q Who was your tank commander?

A SS Oberscharfuehrer Werner Koch.

Q Was he there?

A That I can't remember.

Q Do you know where your platoon leader, Rehagel, had been or what he was doing immediately before this meeting was held?

A Yes. Untersturmfuehrer Rehagel came back and told us that he was coming back from a conference.

Q A conference with whom, and who attended the conference, if he told you?

A He didn't state who participated in it. He only said that he had been there -- that he was coming back from there.

Q All right. Will you give the Court the substance of what Rehagel told the men of the 1st Platoon on this occasion.

A Among other things, Untersturmfuehrer Rehagel said that this offensive was of great importance to us, and that we would be supported by the new Luftwaffe and the new weapons, but at the end of his speech he stated that prisoners of war were not to be taken.

CAPT. SHUMACKER: Your witness.

CROSS EXAMINATION

QUESTION BY DEFENSE (Lt. Col. Dwinell):

Q Did Rehagel say that prisoners of war would be the concern of the infantry following?

A I can't remember that.

DEFENSE: No further questions.

CAPT. SHUMACKER: No redirect.

PRESIDENT: Any questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

CAPT. SHUMACKER: We call the witness Schroth.

We don't contemplate recalling the next witness.

If the Court please, the Prosecution desires to make this statement: When we say we don't contemplate recalling a witness, that is what we believe at this time, but we don't want to put ourselves in the position of not being able to recall a witness if it becomes necessary in rebuttal or for any other purpose.

DEFENSE: May it please the Court, we have no objection to that, our main purpose being to accelerate this part in order to free these other American witnesses.

WOLFGANG LEO SCHROTH, called as a witness for the Prosecution, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q What is your name?

A Wolfgang Leo Schroth.

Q What was your grade or rank during the Eifel offensive during December, 1944, and January, 1945?

A Rottenfuehrer.

Q What unit were you in during the Eifel offensive in December, 1944, and January, 1945?

A 7th Company, Panzer Regiment 1.

Q What division?

A 1st SS Division.

Q Is that commonly known as the LSSAH?

A Yes.

Q Was your unit a part of the Waffen SS?

A Yes.

Q Are you now a prisoner of war of the United States?

A Yes.

Q Where are you being held in custody?

A Dachau.

Q Did you participate in the Eifel offensive in December, 1944, and January, 1945?

A Yes.

Q Who was your company commander at that time?

A SS Hauptsturmfuehrer Klingelhoefner.

Q Who was your platoon leader?

A SS Untersturmfuehrer Behagel.

Q What platoon were you in?

A The 1st Platoon.

Q On what date did the offensive begin?

A On December 16, 1944.

Q Immediately prior to the offensive, where was your company bivouacked?

A In the Blankenheim Forest.

Q Was there any meeting of your platoon at any time shortly before the offensive began?

A Yes.

Q On what date and what time of day did this meeting take place?

A On the 16th of December in the forenoon. The exact time of day I don't know.

Q Were you present at this meeting?

A Yes.

Q Who spoke to you?

A Untersturmfuehrer Rehagel.

Q Will you state to the Court the substance of what Rehagel told you on that occasion.

A The exact wording of the speech I don't recall any more, but he spoke about the importance of the coming offensive, and, amongst other things, he said that there existed an order that no prisoners of war were to be taken.

Q Would you know Rehagel if you saw him again?

A Yes.

Q Will you look at the defendants in the box to your left and state whether or not Rehagel is among those present.

A Yes.

Q What number is he wearing?

A 48.

Q Is the man you have just identified as wearing no. 48 the man who made this speech to you on the morning of 16 December 1944?

A Yes.

CAPT. SHUMACKER: Your witness.

DEFENSE: May it please the Court, Dr. Leer, on behalf of the Defense, would like to ask a few questions.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (Dr. Leer):

Q One question, Schreth: Have you made prisoners of war yourself, or have you shot prisoners of war?

A No.

Q Have you been in a position to have to take prisoners of war?

A No.

Q Why not?

A Because I was a tank driver.

Q Has no tank driver been in the position to take prisoners of war?

A No.

CAPT. SHUMACKER: If the Court please, we object. We believe it is immaterial as to whether or not a tank driver is in a position to take prisoners of war, and we do not see the purpose of this line of questioning. Further, if the Court please, the witness has testified only, on direct examination, as to this speech or order that was given by Rehagel, and we submit that the cross examination should be confined to that field of questioning.

PRESIDENT: Objection is sustained.

DR. LEER: I beg for one other question.

Q Whom did that order you spoke of before concern, if not the tank drivers?

A It was read in general for the company.

Q Was the order of which you spoke read to the company?

A No. Only the speech of Untersturmfuehrer Rehagel was made to us.

Q Then why do you say, in the first sentence, the order was read?

A I wanted to say that, in general, it was made public to the company.

DR. LEER: Thank you.

CAPT. SHUMACKER: No redirect.

PRESIDENT: Any questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

PRESIDENT: Court will recess until 1315 hours.

(Whereupon the Court recessed at 1200 hours.)

(Whereupon the court reconvened at 1315,

20 May 1946.)

R-29-1

PRESIDENT: Take seats.

PROSECUTION: Let the record show that all of the members of the court, all of the members of the prosecution, with the exception of Lieutenant Byrne who is absent on the business of the prosecution, and all of the members of the defense, with the exception of Dr. Rau, Dr. Weiland and Dr. Hartkorn, are present, and the reporter is present.

PROSECUTION: It has come to the attention of the prosecution that when a witness is asked whether he is able to identify one of the accused, that the defendants have been raising their numbers in order that the witness can see this and make the identification in question. We ask that the defendants be instructed to discontinue this practice.

PRESIDENT: Yes, the interpreter will so instruct the accused.

(Whereupon these instructions were interpreted to the accused.)

PROSECUTION: The prosecution feels that when a defendant is identified for the first time, or when he has not been identified for some time, it would help materially if he would be called upon to stand.

PRESIDENT: That is correct, he will be

(Reconvention of court.)

called upon to stand.

PROSECUTION (Captain Schumacher): The prosecution calls the witness Piper. The prosecution does expect to recall this witness.

HANS PIPER, called as a witness by the prosecution, was sworn and testified through an interpreter as follows:

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

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION (Captain Schumacher):

Q What is your name?

A Hans Piper.

Q Is that Piper, or Peiper, P-e-i-p-e-r?

A My name is Piper, P-i-p-e-r.

Q What grade and rank did you hold, during the Eifel Offensive in December, 1945, and January, 1946?

A I was a Sturmman.

Q What Company were you in?

A Service Company.

Q What Regiment and Division?

A First Regiment, LSSAH.

Q Was your organization a part of the Waffen SS?

A Yes.

Q Are you a prisoner of war of the United States?

A Yes.

Q Where are you now being held prisoner?

A At Dachau.

Q Who was your Company Commander?

A. Hauptsturmfuehrer Klingelhoefel.

R-29-3

Q Who was your Platoon Leader?

A Untersturmfuehrer Heinz Rehagel.

Q Whose tank did you ride in, during the offensive?

A In the tank of the Platoon Leader.

Q Which Platoon Leader?

A Heinz Rehagel.

Q Would you know former Company Commander Klingelhoefler, if you saw him again?

A Yes.

Q Would you take a look at the defendants in the box to your left and state whether or not Klingelhoefler is among those present? Do you see him?

A Yes.

Q What number is he wearing?

A Thirty-five.

Q Would you know your former Platoon Leader, Heinz Rehagel, if you saw him again?

A Yes.

Q Will you take a look in the box to your left, at the defendants, and state whether or not Rehagel is among them?

A Yes.

Q What number is he wearing?

A Number forty-eight.

Q On what date did the offensive begin?

A The 16th of December, 1945.

Q Was there a meeting of your Platoon, shortly before the offensive began?

A Yes.

Q On what date was this meeting held?

(Piper -- Direct)

R-29-4

A On the 16th of December, 1945.

Q At approximately what time of the day?

A In the early morning hours.

Q Who spoke at this meeting?

A Untersturmfuehrer Heinz Rehagel.

Q Was that your Platoon Leader?

A Yes.

Q And to whom did he speak?

A To the First Platoon.

Q Were you present?

A Yes.

Q Tell the court the substance of Rehagel's remarks or speech on that occasion?

A This is what Rehagel said: "...We are going to have a strong airforce and a new weapon will be used...heavy artillery preparations are going to be made...no prisoners of war are going to be made...".

Q Will you state whether or not he said anything about the bombing attacks on German cities and the German people?

A I can't remember that.

PROSECUTION (Captain Schumacher): Your witness.

DEFENSE: The defense does not desire to ask any questions of the witness.

PRESIDENT: Are there any questions of this witness by any member of the court? (There were none.)

(Whereupon the witness was excused and withdrew.)

(Piper -- Direct)

R-29-5

PROSECUTION (Captain Schumacher): The prosecution desires to recall Lieutenant William R. Perl.

FIRST LIEUTENANT WILLIAM R. PERL, recalled as a witness by the prosecution was reminded of his oath and testified as follows:

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

RE-DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION (Captain Schumacher):

Q Are you the same First Lieutenant William R. Perl, who has previously testified in this case?

A Yes.

Q During the course of your interrogation at IP number 2, SCHWABISCH HALL, Germany, did you have occasion to question one Erich Munkemer?

A Yes.

Q Would you recognize Munkemer, if you saw him again?

A Yes.

Q Have you seen him in the courtroom?

A Yes.

Q Is he among the accused?

A Yes.

Q What number is he wearing?

A Thirty-nine.

PROSECUTION (Captain Schumacher): We ask that Munkemer stand.

(Whereupon the accused Munkemer arose.)

PROSECUTION (Captain Schumacher): The accused may be seated.

(Perl -- Re-Direct)

R-29-6

(Whereupon the accused Munkemer resumed his seat.)

Q Did Munkemer tell you his rank and organization?

A Yes.

Q Will you state that to the court?

A His rank is an Untersturmfuehrer and he belongs to the First Panzer Regiment LSSAH, I believe to the 7th Company, but I'm not sure about this.

Q During the course of your interrogation of Munkemer, did he make a statement to you?

A Yes.

Q In what form was that statement made?

A Oral first, then written.

PROSECUTION (Captain Schumacher): The prosecution hands the reporter a document and asks that it be marked "Prosecution Exhibit No. 19, for identification".

(Whereupon the reporter marked the document as requested.)

Q I hand you a document marked "Prosecution Exhibit No. 19, for identification" and ask you to state whether or not you know the handwriting and who signed that statement?

A Yes, I do.

Q Who made that statement?

A Untersturmfuehrer Erich Munkemer.

Q Is that the same Munkemer that you have previously identified as wearing number thirty-nine?

A Yes.

Q Was that statement made voluntarily?

A Yes.

Q Were any threats or promises employed to obtain that statement?

(Perl -- Re-Direct)

R-29-7

A No.

Q Was this statement sworn to?

A Yes.

Q Who administered the oath?

A I did.

PROSECUTION (Captain Schumacher): The prosecution offers into evidence the document previously marked "Prosecution Exhibit No. 19, for identification" and requests that it be marked "Prosecution Exhibit No. 19", for attachment to the record.

DEFENSE: The defense objects on the grounds previously stated.

PRESIDENT: The objection is overruled and the Exhibit offered into evidence by the prosecution will be accepted into evidence by the court, marked Prosecution Exhibit No. 19, for attachment to the record.

PROSECUTION (Captain Schumacher): The prosecution offers into evidence a true and correct English translation of Prosecution Exhibit No. 19, to be marked "Prosecution Exhibit No. 19-A", and to be attached to the record.

DEFENSE: The defense has no objection.

PRESIDENT: There being no objection, the translation offered into evidence by the prosecution is accepted into evidence by the court and will be marked Prosecution Exhibit No. 19-A, for attachment to the record.

PROSECUTION: The prosecution requests permission at this time to read Prosecution Exhibit No. 19-A to the court.

(Perl -- Re-Direct)

PRESIDENT: Granted.

E-29-8 .

PROSECUTION (Captain Schumacher): The statement reads as follows: "I, Erich Munkemer, being duly sworn, make the following statement under oath:

"During the Eifel offensive in December, 1944, I was Leader of the 2nd Platoon, 7th Company, 1st Panzer Regiment, LSSAH.

"On the morning of the 16th of December, 1944, I was ordered to report to the Company Commander together with SS Untersturmfuehrer Hans SIPROT, to receive the orders for the coming offensive. For this, we were assembled on the edge of the woods opposite a forester's house along the route of advance abreast with our assembly area. Hauptsturmfuehrer Oskar KLINGELHOEFER issued to us Platoon Leaders the following order which I reproduce true to its meaning:

"Together with our 1st Panzer Division LSSAH, also other Panzer and Infantry Divisions, formed along a broad front for the attack, to push deep into the enemy lines, and to get ready for the decisive punch. Thereby the Luftwaffe will be committed on a reinforced scale. Luftwaffe and Army will successfully employ the latest in new weapons.

"In this connection, the order contained the following quotations as to its meaning concerning the treatment of prisoners of war: '...Prisoners of war will be turned over to the troops following and evacuated by them...'.
"

"This paragraph also had, in addition, quotations at the
(Perl - Redirect)

R-29-9

end, that situations can arise where our armored group, weak from an infantry point of view, thrusts narrow and deep into the enemy front and can no longer evacuate the prisoners. An evacuation being impossible, then the prisoners will be shot.

"The men are to be instructed that upon capture no statements are allowed to be made about that.

"On the 16th of December, 1944, upon receipt of the orders as mentioned above, I transmitted these quotations conforming to their meaning to my tank commanders.

"This statement consists of three handwritten pages and one sketch.

"I swear before God that the statements in this deposition are true.

"I made this statement voluntarily and of my own free will, uninfluenced by duress, threats, harsh treatment or promises and am prepared to repeat same under oath before any court.

"Signed: Erich Hunkemer, SS Untersturmfuehrer, 11 April 1946.

"Sworn to and subscribed to before me this 11th day of April 1946, at Schwabisch Hall, Germany. Signed: William E. Perl, First Lieutenant, M.I., O-551549, Investigator-Examiner, War Crimes Branch, USFET."

PROSECUTION: The prosecution offers into evidence three picture affidavits, all three executed by Erich Hunkemer, one bearing a photograph of Oskar Klingelhofer,

(Perl -- Re-Direct)

R-29-10

one bearing a photograph of Heinz Rehagel, and one bearing a photograph of Hans Siptrot, and requests that these affidavits be received into evidence, attached to the record, as Prosecution Exhibits 19-B, 19-C and 19-D, respectively.

DEFENSE: On behalf of the defense, there is no objection to the introduction of this evidence or any necessity for the reading of the same.

PROSECUTION: Is it understood that these are photographs of the accused of the names indicated, Oskar Klingelhofer, Heinz Rehagel and Hans Siptrot?

DEFENSE: It is so agreed.

PRESIDENT: It having been so agreed, the photographic exhibits offered into evidence by the prosecution will be accepted into evidence by the court and marked as Prosecution Exhibits 19-B, 19-C and 19-D, for attachment to the record.

(Whereupon the Exhibits referred to were appropriately marked by the reporter and are attached hereto.)

(Perl -- Re-Direct).

CAPTAIN SHUMACKER: Your witness.

DEFENSE: May it please the Court, the Defense does not desire to interrogate the witness.

PRESIDENT: There appear to be no questions by the Court. The witness is excused.

CAPTAIN SHUMACKER: We call the witness Geisberger.

FRITZ GEISBERGER, called as a witness for the Prosecution, being first duly sworn, testified through an interpreter as follows:

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

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Captain Shumacker):

Q What is your name?

A Fritz Geisberger.

Q What grade or rank did you hold during the Eifel offensive in December 1944 and January 1945?

A I was a Private.

Q What unit were you in during that time?

A Seventh Panzer Company.

Q What regiment and what division?

A Panzer Regiment No. 1, First Panzer Division, ISSAH.

Q Are you now a prisoner of war of the United States?

A Yes.

Q Where are you being held in custody?

A In Dachau.

Q Did you participate in the Eifel offensive December 1944 and January 1945?

A Yes.

Q Who was your company commander?

A Hauptsturmfuehrer Klingelhoefner.

Q Do you remember his first name?

A No.

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Q What platoon were you in?

A In the second platoon.

Q Who was your platoon leader?

A Untersturmfuehrer Munkemer.

Q Could you identify your former company commander Klingelhoefer if you saw him again?

A Yes.

Q Will you look at the defendants in the box at your left and state whether or not Klingelhoefer is among those present?

A Yes, Number 35.

Q Would you know your former platoon leader Munkemer if you saw him again?

A Yes.

Q Will you look at the defendants and see if he is among those present?

A Number 39.

Q He is present, then?

A Yes.

Q On what date did the offensive begin?

A On the 16th December 1944.

Q Was there any meeting of the men of your platoon, the second platoon, at any time shortly before the offensive began?

A Yes.

Q On what date was this meeting held?

A On the 16th December.

Q Do you remember approximately what time of day it was held?

A In the morning hours.

Q Who spoke at that meeting?

A Untersturmfuehrer Munkemer.

Q Can you repeat word for word what Munkemer said on that occasion?

A I only remember the meaning of what he said.

Geisberger - Direct

Q Can you state the substance of Munkemar's speech on that occasion?

A Yes.

Q Were you present when Munkemar spoke?

A Yes.

Q Give the court the substance of his speech on that occasion.

A Untersturmfuehrer Munkemar made a short speech and here is what he said: "We are going to receive support from the air force. The artillery will open a big fire. We must think of our parents and our brothers who are being killed at home through the air terror. Fight according to the old SS spirit. No prisoners are to be made."

Q That speech was made by the man you just identified as wearing Number 39?

A Yes.

CAPTAIN SHUMACKER: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (Dr. Hertkorn):

Q Has it been said in the course of this conference that prisoners were to be brought back to the infantry?

A No.

Q Did this speech made by your platoon leader have two sections and take care of the question of prisoners in two different sections?

A No.

DEFENSE: No further questions by Defense.

CAPTAIN SHUMACKER: No redirect.

PRESIDENT: No questions by the court. Witness is excused.

(Whereupon the witness was excused and withdrew.)

CAPTAIN SHUMACKER: Prosecution calls the witness Loehmann.

The Prosecution does not expect to recall this witness.

WERNER LOEHMANN, called as a witness for the Prosecution, 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 PROSECUTION (Captain Shumaker):

Q What is your name?

A Werner Loehmann.

Q What grade or rank did you hold during the Eifel offensive during December 1944 and January 1945?

A Private.

Q What unit were you in during that time?

A First SS Panzer Regiment, I&A, Seventh Company, Third Platoon.

Q Are you now a prisoner of war of the United States?

A Yes.

Q Where are you being held in custody?

A In Dachau.

Q Did you participate in the Eifel offensive in December 1944 and January 1945?

A Yes.

Q Who was your company commander at that time?

A Hauptsturmfuehrer Klingelhoefer.

Q Do you remember his first name?

A Oskar.

Q Who was your platoon leader at that time?

A Oberscharfuehrer Siptrott.

Q Would you know your former company commander if you saw him again?

A Yes.

Q Would you look at the defendants in the box at your left

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and state whether or not he is among those present.

A Yes.

Q Do you see him?

A Yes.

Q What number is he wearing?

A 35.

Q Would you know your former platoon leader Siptrott if you saw him again?

A Yes.

Q Would you look at the defendants in the box to your left and state whether or not you see him among those?

A Yes.

Q What number is Siptrott wearing?

A 60.

CAPTAIN SHUMACKER: Will Siptrott please stand?

(Whereupon the accused arose.)

Q On what date did the Eifel offensive begin?

A On the 16th December.

Q What year?

A 1944.

Q Where was your company assembled immediately prior to the beginning of the offensive?

A In the woods of Blankenheim.

Q Was there any meeting of your platoon, the third platoon shortly before the offensive began?

A Yes.

Q Who spoke at this meeting?

A Oberscharfuehrer Hans Siptrott.

Q Is that the same man you just identified as wearing Number 60?

A Yes.

Q On what date was this meeting held?

A On 16 December 1944.

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Q What time of day?

A In the early morning hours.

Q Will you state to the court the substance of what Siptrott told you -- told the men of the platoon on that occasion? Do you understand the question?

A Yes.

Q Well, state to the court then the substance of Siptrott's speech on that occasion.

A Oberseharführer Siptrott returned from a conference of the platoon leaders and called the third platoon for a short conference. He spoke about the support by the Luftwaffe and about the new weapons that were to be used during this offensive and here's what he said at the end of his speech: There was a new order no prisoners of war were to be made.

Q Were you present at this speech?

A Yes.

CAPTAIN SHUMACKER: Your witness.

GROSS EXAMINATION

QUESTIONS BY DEFENSE (Captain Narvid):

Q Did Siptrott tell you who was present at the conference of platoon leaders?

A No.

Q You said something about Siptrott telling you about a new order. Did Siptrott tell you who gave the new order?

A No.

Q Did Siptrott specifically instruct the troops that prisoners of war were to be shot in the coming offensive?

A I can't remember whether he said it specifically, but that is what I understood from his speech.

Q Is that your own personal conclusion?

A Yes.

Q You don't know if that was the conclusion of all the other soldiers, do you?

A This I can't say.

DEFENSE: No further questions by Defense.

CAPTAIN SHUMACKER: No redirect.

PRESIDENT: No questions by the Court. Witness excused.

(Whereupon the witness was excused and withdrew.)

CAPTAIN SHUMACKER: We call the witness Von Kelling. We do not contemplate recalling the next witness.

WALTER VON KELLING, called as a witness for the Prosecution, 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 PROSECUTION(Captain Shumacker):

Q What is your name?

A Walter Von Kelling.

Q What was your grade or rank during the Eifel offensive, December 1944 and January 1945?

A Sturmmann, Pfc.

Q What unit were you in during that period?

A In the 10th company, third platoon.

Q Was that the 10th Panzer Grenadier Company?

A Yes.

Q What regiment?

A 2nd Panzer Grenadier Regiment.

Q What division?

A Division ISSAH.

Q Are you now a prisoner of war of the United States?

A Yes.

Q Where are you being held in custody?

A In Dachau.

Q Did you participate in the Eifel offensive in December 1944 and January 1945?

A Yes.

Q Who was your battalion commander at that time?

A Hauptsturmfuehrer Diefenthal.

Q Who was your company commander at that time?

A Obersturmbannfuehrer Preuss.

Q Would you know your former battalion commander if you saw him again?

A I think yes.

Q Will you look at the defendants in the box at your left and state whether or not you recognise him as among those present?

A Yes.

Q Do you mean yes you will look, or yes you see him?

A I see him.

Q What number is he wearing?

A Number 10.

CAPTAIN SHUMACKER: Will the Court have the defendant wearing Number 10 please stand?

PRESIDENT: Number 10 stand.

(Whereupon the accused wearing Number 10 arose.)

Q Would you look at the defendants in the box to your left and state whether or not you see your former commander Preuss among those present?

A Yes.

Q Have you seen him?

A Yes.

Q What number is he wearing?

A 14.

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CAPTAIN SHUMACKER: Will the Court please have the defendant wearing Number 44 stand?

PRESIDENT: Number 44 stand.

(Whereupon the accused wearing Number 44 arose.)

Q On what date did the offensive begin?

A On 16 December 1944.

Q Where was your company assembled immediately before the offensive began?

A In a forest near Blankenheim.

Q Was there a meeting held by the 10th Company at any time before the offensive began?

A Yes.

Q Who spoke at this meeting?

A Obersturmbannführer Preuss.

Q Is that the same man you have just identified as wearing Number 44?

A Yes.

PRESIDENT: Will the Prosecution have the witness speak more loudly?

CAPTAIN SHUMACKER: Will you speak out louder so that all the accused and all the members of the court can hear you?

Q Will you tell the Court substantially what Preuss said on this occasion?

A He told us that it was going to be a big affair, we will have support, great support of tanks and airplanes and no prisoners of war were to be taken. That is all what I know of up till today.

CAPTAIN SHUMACKER: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (Lt. Colonel Dwinell):

Q Did Preuss tell you that your unit was to push forward with great speed?

Von Elling - Cross

A That I don't know any more.

Q You said that prisoners were not to be taken. What else did Freuss say in his speech?

A Anything else I can't recall any more.

Q How long did the speech take?

A I judge about a quarter of an hour.

Q Was the speech -- did the speech concern itself with the line of march and your place in the line of march?

A He explained shortly the route to us.

Q Were there any maps shown to you at the meeting?

A Yes, one map.

Q Was the route of march from Elankenheim forest to Stevelot explained to you?

A Yes.

Q Were you told how many troops would be engaged in the offensive?

A Yes, but I don't know any more how many.

Q Were you told anything about the part that surprise would play in the campaign?

A No.

Q Was there anything said about the part parachute troops would play in the offensive?

A That I don't know any more.

Q As I understand it, then, the only thing you remember about the entire speech was the statement made that prisoners were not to be taken, is that correct?

A Yes.

LT. COLONEL DWINELL: No further cross examination.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Captain Shumacker):

Q Do you know why that stuck in your mind, Von Elling?

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A It was said that we were to have support of airplanes and many airplanes were to support us and there weren't any and something like that sticks in your mind.

Q I don't believe you understood my question. I asked you why Preuss' statement that no prisoners were to be made remains in your mind?

A That I kept in my mind.

CAPTAIN SHUMACKER: Nothing further.

DEFENSE: No recross examination.

PRESIDENT: No questions by the Court. Witness excused.

(Whereupon the witness was excused and withdrew.)

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CAPTAIN SHUMACKER: Prosecution calls the witness Hans Rineck and the Prosecution does contemplate recalling this witness.

HANS RINECK, called as a witness for the Prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q What is your name?

A Hans Rineck.

Q What was your grade or rank during the Eifel offensive of December 1944 and January 1945?

A Untersturmfuehrer.

Q What was your unit, at that time?

A The unit was the Third Battalion, 2nd Panzer Grenadier Regiment, LSSAH.

Q What section were you in, in this battalion?

A I belonged to the "V" Company of the Third Battalion, that is the Headquarters Company.

Q Are you now a prisoner of war of the United States?

A Yes.

Q Where are you being held in custody?

A I am being kept in custody in the PW camp in Dachau.

Q Who was your battalion commander during the Eifel offensive?

A My battalion commander in the Eifel offensive was the then Hauptsturmfuehrer Diefenthal.

Q Do you remember his first name?

A Josef Diefenthal.

Q Who was your immediate commanding officer?

A My direct commanding officer, the commander of the staffel I belonged to was the Untersturmfuehrer Flacke.

(Rineck-direct)

Q Did you participate in the Kifal offensive of December 1944 and January 1945?

A Yes.

Q On what date did the offensive begin?

A The offensive began on 16 December 1944.

Q Immediately before the offensive began, where was your company and your battalion bivouacked?

A My company, that is the battalion, was bivouacked in the woods near Nettersheim, prior to the offensive.

Q Is Nettersheim in the general vicinity of a town called Blankenheim?

A Yes.

Q Could you identify or recognize your former battalion commander if you saw him again?

A Yes.

Q Will you look at the defendants in the box on your left and state whether or not he is among those present?

A Yes.

Q Do you see him?

A Yes.

Q What number is he wearing?

A The number ten.

Q All right.

CAPT. SHUMACKER: Will the Court have the defendant wearing number ten raise his hand?

PRESIDENT: The defendant will raise his hand.

(The accused stood and raised his hand.)

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER)

Q Was there a meeting of the stabscompanies of your battalion shortly before the beginning of this offensive?

(Rineck-direct)

A The headquarters company, that is, the leader's staff, had a meeting before the offensive.

Q On what date was this meeting?

A This meeting was on 16 December, early in the morning.

Q Were you present at that meeting?

A Yes.

Q Who spoke at that meeting?

A At this meeting our leader Untersturmfuehrer Flacke spoke.

Q Will you tell the Court what was said at this meeting?

A I can only state the approximate wording of what was said.

Q State the approximate wording of what was said.

LT. COL. DWINELL: At this point I would like to object, may it please the Court, to testimony affecting Flacke who is not a defendant in this case or an accused in this case and who is not available to us in rebuttal.

CAPT. SHUMACKER: For the same reason stated before we think this proof competent with regard to officers of high rank. Furthermore at a later date in the trial we will make it competent as to the defendant Diefenthal.

PRESIDENT: The objection is overruled.

CAPT. SHUMACKER: The witness will please continue.

THE WITNESS: At that time, Untersturmfuehrer Flacke held a speech and among other things, he said the following: that the greatest weight should be placed on this offensive; that so many airplanes were to be committed, 2,000 airplanes; that 4,000 cannons were to fire; Volksgrenadier Regiment-Division would make the break through through the main line of resistance and among other things he declared further that one didn't have to be concerned about prisoners of war and he said also further that we had to settle an old account in Bree.

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QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q Did he explain what he meant by "settling an old account in Bree"?

A By that he meant that the civilians had shot at him and that he wanted to take revenge for it.

Q Do you know who was commanding the 10th Panzer Grenadier Company of the 3rd Battalion, during the Eifel offensive?

A Yes.

Q Who was it?

A It was Obersturmfuehrer Georg Preuss.

Q Would you know Preuss if you were to see him again?

A Yes.

Q Would you look at the defendants in the box to your left and state whether or not Preuss is among those present?

A Yes.

Q Do you see him?

A Yes.

Q What number is he wearing?

A Number 44.

CAPT. SHUMACKER: Will the Court please ask the accused wearing number 44 to raise his hand?

PRESIDENT: Accused 44 will raise his hand.

(The accused did as directed.)

QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q Did you happen to see part of a meeting held by the 10th company, commanded by Preuss, at any time, prior to the beginning of the offensive?

A Yes.

Q Was that before or after this meeting that you have just described, that was held by Flacke?

A It was the night before.

(Rineck-direct)

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Q Will you describe the scene that you saw when you came upon the meeting of the 10th Company?

A At that time, I stood with my SPW near the CP of Diefenthal and was waiting for orders as what I was to be committed. It was late in the evening hours and I received the order to be assigned to the adjutant's tank and both --

Q Will both the witness and the interpreter please speak louder so that all the accused and the Court can hear?

A (Continuing) -- and then drove to the line up of the battalion. At that time I came to the 10th Company and I had to stop because the leader of the 10th Company was holding a speech.

Q By "leader of the 10th Company", to whom are you referring?

A To Obersturmfuehrer Georg Preuss.

Q Is that the same man you just identified as wearing number 44?

A Yes.

Q While you were there, what if anything, did you hear Preuss say?

A I came at about the end of his speech. I only heard part of his speech.

Q What part did you hear?

A The last part.

Q What did you hear Preuss say?

A Among other things I remember, "We'll fight in the old SS tradition, we won't give the enemy any quarters, not even the civilians."

Q For the sake of the record, Mr. Interpreter, did you not mean "quarter" and not "quarters"? Is that the correct translation?

A We don't give the enemy any quarter.

CAPT. SHUMACKER: Your witness.

(Renick-direct)

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CROSS EXAMINATION

QUESTIONS BY DEFENSE (LT. COL. DWIDELL)

Q You attended two meetings, is that right, the one conducted by Frouss and the one conducted by Flacke?

A Only by accident I came to the speech of Frouss.

Q Referring to the speech of Flacke, how long did that speech last?

A By Flacke? The speech of Flacke lasted about -- a quarter-- I don't recall the exact time.

Q What were your duties in the stabscompans?

A I was a radio operator and leader of the adjutants SPW.

Q Therefore, at a meeting of that sort, you would be very much interested in the line of march, is that so?

A The line of march?

Q The question was: you would be very much interested in the line of march, is that so?

A I don't get the sense of "line of march".

Q Would you be interested in the line of march when a meeting is held by your platoon commander just in advance of an offensive?

A I don't get the sense? Shall I describe the line of march of the offensive?

Q No. I will put another question. At the meeting conducted by Flacke, did Flacke tell you where the offensive was going to be conducted?

A At that time, Flacke said -- I can't recall exactly in what direction.

Q Was anything said at that meeting about the number of tanks and vehicles that would be in the line of march?

A That I also cannot recall.

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Q Was there anything said at that meeting about the part that the paratroops would play in the offensive?

A That I can't say exactly.

Q Was anything said about what part the infantry would play in the offensive?

A It was only said that the Volksgrenadier would force a break through through the main line of defense and that we would follow up.

Q At that meeting did you hear any mention of the "Operation Grieff", G-r-i-e-f-f-?

A At this meeting I didn't hear anything about it. Only later during the course of the offensive I heard about it.

Q One thing does stand out very definitely in your mind and that is that at the meeting it was said that prisoners of war would not be taken, is that correct?

A In almost the exact wording: "There is no need that prisoners of war are being taken."

LT. COL. DWINELL: No further questions.

DEFENSE COUNSEL: Dr. Hertzorn would like to ask some questions.

QUESTIONS BY DEFENSE (DR. HERTKORN)

Q How long have you been with the stabscompnie, Mr. Witness?

A I came to the stabscompnie in October 1944.

Q Was the stabscompnie, on the former withdrawal through France-- did it come through Bree?

A That I cannot testify exactly but I have heard from members of the stabscompnie that they had been there.

CAPT. SHUMACKER: We object to this line of questioning. I don't think the witness can testify when the stabscompnie was there, if he was not there himself and I do not believe that we are going into the whole French campaign anyhow. The question is irrelevant and incompetent.

(Rineck-cross)

DR. HERTKORN: I wanted to ask the question to test the memory of the witness.

CAPT. SHUMACKER: The witness said that he was not there if I understand his answer correctly.

DR. HERTKORN: And for the further reason that the question is this that Untersturmfuehrer Flacke had to settle an account with the civilians there.

PRESIDENT: The objection is sustained.

QUESTIONS BY DEFENSE: (DR. HERTKORN)

Q How long was Flacke with the stabscompnie?

A I only came in October to the stabscompnie. I was in Engda in Westphalia and that was during October when Untersturmfuehrer Flacke came to us in the battalion.

Q Then the stabscompnie was in Bree before October?

CAPT. SHUMACKER: What was the witness' answer?

THE WITNESS: I don't know.

QUESTIONS BY DEFENSE: (DR. HERTKORN)

Q If the stabscompnie was ever in Bree then it was before October, was it not?

A Yes.

DR. HERTKORN: That is all.

CAPT. SHUMACKER: No redirect.

PRESIDENT: Any questions by the Court? Apparently not.

The witness is excused.

(Whereupon the witness was excused and withdrew.)

CAPT. SHUMACKER: The Prosecution calls as the next witness Karl Conrad.

KARL HEINZ CONRAD, called as a witness for the Prosecution, being first duly sworn, testified through an interpreter as follows:

(Conrad-direct)

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q We do not contemplate recalling this witness. State your name.

A Karl Heins Conrad.

Q What was your grade or rank during the Eifel offensive of December 1944 and January 1945?

A SS Rottenfuehrer.

Q In what unit were you, at that time?

A 10th Company, 2nd Panzer Grenadier Regiment, 1st Battalion, LSSAH.

Q In what battalion were you?

A 3rd Battalion.

Q Who was your battalion commander?

A Hauptsturmfuehrer Diefenthal.

Q Who was your company commander?

A Obersturmfuehrer Preuss.

Q Are you now a prisoner of war of the United States?

A Yes.

Q Where are you being held in custody?

A In Dachau.

Q Did you participate in the Eifel Offensive in December 1944 and January 1945?

A Yes.

Q Would you be able to recognize your former battalion commander Diefenthal if you saw him again?

A Yes.

Q Will you look at the defendants in the box to your left and state whether or not he is among those present?

(Conrad-direct)

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A Yes.

Q Will you state what number he is wearing?

A Number 10.

Q Would you know your former company commander Preuss if you saw him again?

A Yes.

Q Will you look at the defendants in the box on your left and state whether or not he is among those present?

A Yes.

Q What number is he wearing?

A Number 44.

Q On what date did the offensive begin?

A 16 December 1944.

Q Shortly before the offensive began was a meeting held of the 10th Company, your company?

A Yes.

Q On what date and at approximately what time of day was the meeting held?

A About midnight from the 15th to 16th December.

Q Were you present at that meeting?

A Yes.

Q Who spoke at that meeting?

A Our company commander, Obersturmfuehrer Preuss.

Q Is that the same man that you just identified as wearing number 44?

A Yes.

Q Can you repeat word for word what Preuss said on that occasion?

A Not word for word but about the meaning.

(Conrad-direct)

Q Will you tell the Court, as well as you can remember, what Preuss said on that occasion?

A Yes. "The fuehrer wants to give the German people a Christmas present by us going into the offensive. The fight will be hard and without —"

CAPT. SHUMACKER: I would suggest that the witness repeat the last sentence to the interpreter in German so that he can translate it properly.

THE WITNESS: "The fight will be hard and it will be fought without regard to losses."

QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q Will you continue?

A "Prisoners of war are not going to be taken and gasoline and rations will have to be secured by yourselves."

Q Did Preuss say anything as to whether or not you would have any air support?

A Yes, we would have several thousand airplanes for air support.

Q Did he tell you anything about what your immediate objective would be?

A Our objective would be to break through to the Meuse River to create a bridgehead.

Q Do you remember anything else that Preuss said on that occasion other than what you have already told us?

A That with us, several other Armies would be committed.

Q Do you remember anything else?

A No.

CAPT. SHUMACKER: Your witness.

(Conrad-direct)

CROSS EXAMINATION

QUESTIONS BY DEFENSE (LT. COL. DWINELL)

Q What was your assignment in the company to which you belonged?

A Tank driver.

Q You spoke about a meeting conducted by Preuss?

A Yes.

Q Was that a very long meeting?

A No.

Q Just how long was that meeting?

A A quarter of an hour.

Q In addition to the statement made about the treatment of prisoners, was there anything else taken up?

A No. I don't recall anything else.

Q So that was the only matter discussed at that meeting, is that correct?

A Yes.

DEFENSE COUNSEL: Defense has nothing further.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q Conrad, did you testify on direct examination as to what Preuss said would be your first objective?

A Yes. To build a bridgehead over the Meuse River.

Q Do you remember that Preuss spoke about this bridgehead?

A Yes.

Q Do you remember that he spoke about the Christmas present that Hitler wanted to give the German people?

A Yes.

(Conrad - redirect)

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5/20 IJH 12

Q Do you remember that Preuss told you that you were to capture your own rations and gasoline?

A Yes.

Q Do you remember that Preuss told you that several thousand airplanes would give you air support?

LT. COL. DWINELL: Defense objects to putting all of this into the record again. He is leading the witness. The Court will remember what the witness said on direct examination. Counsel is leading him to repeat it over and over again.

PRESIDENT: Objection sustained.

CAPT. SHUMACKER: No further questions.

DEFENSE COUNSEL: Defense has nothing further.

PRESIDENT: Any questions by the Court? Apparently not. The witness is excused.

(Whereupon the witness was excused and withdrew.)

PRESIDENT: The Court will recess, at this time, until 1530 hours.

(Whereupon the Court at 1500 hours recessed.)

(Whereupon the Court reconvened at 1530 hours.)

PRESIDENT: 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, all the members of the Defense, with the exception of Dr. Rau and Dr. Pfister, who are absent on business of the Defense, all the defendants, and the reporter are present.

CAPT. SHUMACKER: The Prosecution desires to recall the witness 1st Lt. Perl.

PRESIDENT: Capt. Shumacker, will you see if there are any witnesses in the courtroom and make the usual announcement?

CAPT. SHUMACKER: Are there any witnesses in the courtroom -- any people who will be called by either side as a witness to testify in this case? If there are any such witnesses, will you please leave?

There appear to be none.

CAPT. SHUMACKER: Lt. Perl, you are reminded that you are still under oath.

WILLIAM R. PERL, recalled as a witness for the Prosecution, resumed the stand and testified further through an interpreter as follows:

REDIRECT EXAMINATION (Continued)

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q Are you the same 1st Lt. William R. Perl who has previously testified in this case?

A Yes.

Q During the course of interrogations that you conducted at IP No. 2 at Schwabisch Hall, did you have occasion to question one Heinz Tomhardt?

A Yes.

Q Did Tomhardt make a statement to you during the course of your interrogation?

A Yes.

Q In what form was this statement made?

A Oral first, then in writing.

CAPT. SHUMACKER: I hand the reporter a statement and request that it be marked Prosecution Exhibit No. P-20 for Identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-20 for Identification by the reporter.)

Q Lt. Perl, I hand you Prosecution Exhibit No. P-20 for Identification and ask you whether or not you know the handwriting and who signed that statement.

A Yes, I know.

Q Whose handwriting, and who signed it?

A Heins Tomhardt.

Q Was that statement made voluntarily?

A Yes.

Q Did you employ any force or threats to obtain that statement?

A No.

Q Was any duress or harsh treatment employed to obtain that statement?

A No.

Q Were you present when the statement was signed?

A Yes.

Q Was the statement taken under oath?

A Yes.

Q Who administered the oath?

A I did.

Q Would you know Heins Tomhardt, the man who signed that statement, if you saw him again?

A Yes.

Q Will you look at the defendants in the box to your left and state whether or not Heins Tomhardt, who signed that statement, is among those present.

A He is present.

Q What number is he wearing?

A 67.

CAPT. SHUMACKER: Will the Court request the defendant wearing no. 67 to stand?

PRESIDENT: 67 stand.

(Whereupon the defendant wearing no. 67 stood up.)

CAPT. SHUMACKER: The Prosecution offers in evidence Prosecution Exhibit No. P-20 for Identification and requests that it be attached to the record and marked Prosecution Exhibit No. P-20.

LT. COL. DWINELL: The Defense objects to the evidence on the grounds previously stated.

PRESIDENT: The objection is overruled. The exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution Exhibit No. P-20.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution Exhibit No. P-20 and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: The Prosecution offers in evidence a true and correct English translation of Prosecution Exhibit No. P-20 and requests that it be attached to the record and marked Prosecution Exhibit No. P-20-A.

DEFENSE: There is no objection on behalf of the Defense.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution Exhibit No. P-20-A.

(Whereupon the document referred to was marked and received in evidence as Prosecution Exhibit No. P-20-A, and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: The Prosecution requests permission of the Court to read its Exhibit No. P-20-A.

PRESIDENT: Granted.

(Whereupon Prosecution Exhibit P-20-A was read to the Court, as follows:)

"On the 15th December 1944, I learned for the first time that during the immediately impending offensive no prisoners should be taken.

"On that day I was a number of times in our battalion command post and the meeting to which I am referring, and at which I was present, took place either at the beginning of darkness or else close to 2200 hours.

"At that time our battalion command post (Command post of the III (GP battalion/2 Panzer Grenadier Regiment L.S.S. A.E.) was located in the woods north of Blankenheim. For better understanding of this statement I have prepared a sketch which I have marked I and attached hereto.

"On this sketch marked I, the legend is:

1. Forester's lodge.
2. Garden
3. Fence
4. Path

"In this forester's lodge at the abovementioned time a meeting took place of all company commanders, conveyed by the battalion commander.

"At this meeting were present all the time: Hauptsturmfuehrer Diefenthal, who presided; Untersturmfuehrer Max Leike for the 9th Company; Obersturmfuehrer Georg Preuss for the 10th Company; I myself for the 11th Company.

"Hauptscharfuehrer Joshen Thiele for the 12th Company as well as Untersturmfuehrer who was at that time the communications officer of the battalion, and whose name I don't recall at the present, as he was only a short time in our unit. Besides these mentioned persons, also Untersturmfuehrer Flacke, the battalion adjutant, was present. While all others during the whole meeting remained at their seats, Flacke walked often to and fro during the meeting as he assisted Hauptsturmfuehrer Diefenthal like handing him maps, or similar things; however Untersturmfuehrer Flacke did not leave the room during the meeting.

"At this meeting Hauptsturmfuehrer Diefenthal acquainted us with the route of advance and march order. Furthermore he informed us that we were to be supported by heavy artillery barrages and large airplane commitments.

"Furthermore Hauptsturmfuehrer Diefenthal informed us about the Skorcseny group, dressed in American uniforms. He related further that German agents were working in the rear of the enemy who would aid us.

"Hauptsturmfuehrer Diefenthal declared that we had to fight recklessly and declared further that we were not allowed to take any prisoners in this offensive.

"I don't recall any more the exact wording of this order. I only know he issued this order not to take prisoners.

"The meeting which I just described lasted about one hour.

"For better understanding of this meeting and the location where it took place, I have prepared another sketch which I have marked II. The sketch as a whole represents the only room of the described forester's house:

1. Is the table
2. A bench
3. Another bench
4. The stove
5. Is a stool
6. Telephone table
7. Entrance

"I, myself, sat at the bench indicated by no. 3 and believe that amongst others also Obersturmfuehrer Preuss sat at this bench. Hauptsturmfuehrer Diefenthal himself sat at the stool indicated by no. 5. I don't know any more where the others who were present sat. Nobody sat at the telephone table.

"After the above-described meeting I went right back to my company, where I laid down for the time being to sleep.

"Between 2 and 3 o'clock in the morning (then already December 16th 1944) I had the company awakened and assembled it around a fire.

"Then I made a speech to the assembled company in which I pointed out that the decisive battle of the war was about to begin. I requested my men to fight ruthlessly and told them also that it was not permitted to take prisoners. At the same time I informed them not to shoot at such prisoners who waved their steel helmets. I didn't tell them the reason for this last order. It was based on the reason that I had been informed by Hauptsturmfuehrer Diefenthal during the meeting which I described that Skoreseny's men would make themselves known by waving their steel helmets. The participation of Skoreseny's group I kept a secret from my men because Hauptsturmfuehrer Diefenthal had expressly stated that this point was not to be published.

"I don't know any more with what words I delivered the order that no prisoners of war were to be taken. I only know that I gave it.

"On the other hand I don't recall any more to have issued an order to shoot all civilians. It is possible that I said to shoot suspicious civilians.

"No questions were asked after my speech. We lined up within a few minutes thereafter.

"Also to make my issuing of the order better understood, I have also prepared a sketch of the place at which I gave the above order.

"This drawing I have marked III, and attach it also to this statement. In it the legend is:

1. My location during my speech and issuing of the order.

- 2. Radio SPW of the company
- 3. The assembled company
- 4. The forester's house pictured on sketches I and II

"I have made this statement uninfluenced, without force, threats or promises and I am prepared to repeat it before any court of justice.

"I believe in God and I am aware of the importance and sanctity of the oath. I swear before God that this statement consisting of nine handwritten pages and three drawings also prepared by me, is the whole and pure truth and consists of nothing but the truth.

Heinz TOMHARDT
 SS Obersturmfuehrer
 March 6th 1946.

Witness:
 Raphael SHUMACKER
 Capt. GMP.

"Sworn to and subscribed before me this 6th day of March 1946 at Schwabisch Hall Germany.

William R. PERL
 1st Lt. M.I. O-555149
 Investigator-Examiner
 War Crimes Branch USFET"

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

CAPT. SHUMACKER: The Prosecution offers in evidence a picture affidavit executed by Heinz Tomhardt, bearing a photograph of Josef Diefenthal, and requests that it be attached to the record and marked as Prosecution Exhibit No. P-20-B.

DEFENSE: The Defense has no objection, and there is no necessity, as far as the Defense is concerned, of reading this into the record.

CAPT. SHUMACKER: Is it agreed by the Defense that the photograph on this affidavit is a photograph of the accused Josef Diefenthal?

DEFENSE: The Defense agrees.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution Exhibit No. P-20-B.

(Whereupon the document referred to was marked and received in evidence as Prosecution Exhibit No. P-20-B.)

SR file Polly
#33-5/20-1

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER CONTD.):

Q Lieutenant Perl, during the course of your interrogation at I.P. #2 at Schwäbisch Hall, Germany, did you have occasion to interrogate one Heinz Hendel?

A Yes.

Q Did Hendel make a statement or statements to you during the interrogation?

A He made statements to me.

Q In what form were these statements made?

A Oral first, then in writing.

CAPTAIN SHUMACKER: I hand the reporter a statement and request that it be marked Prosecution's Exhibit 21 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit Number P-21 for identification by the reporter.)

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER CONTD.):

Q I hand you the statement that has been marked Prosecution Exhibit 21 for identification and ask you whether or not you know whose handwriting is on that statement and who signed it?

A I know.

Q Who wrote it and who signed it?

A Heinz Hendel.

Q Would you know Heinz Hendel if you saw him again?

A Yes.

Q Will you look at the defendants in the box to your left and state whether or not Heinz Hendel, who signed that statement is among those present?

A He is.

Q What number is Hendel wearing?

SR fls Polly
#33 - 5/20-2

A 22.

CAPTAIN SHUMACKER: Prosecution requests that the Court ask the defendant wearing the number 22 to stand.

PRESIDENT: Number 22, stand.

(Whereupon the accused wearing the number 22 stood up.)

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER CONTD.):

Q Did Hendel make that statement voluntarily?

A Yes.

Q Did you employ any duress or force to obtain said statement?

A No.

Q Did you make any promises or threats to Hendel to obtain this statement?

A No.

Q Was the statement signed by Hendel in your presence?

A Yes.

Q Was the statement sworn to?

A Yes.

Q Who administered the oath?

A I.

CAPTAIN SHUMACKER: Prosecution offers in evidence, Prosecution Exhibit Number P-21 for identification, --

INTERPRETER: Will you repeat that, please?

(Whereupon the statement made by Captain Shumacker was repeated by the reporter.)

CAPTAIN SHUMACKER: (Continuing) -- request that it be attached to the record and marked Prosecution's Exhibit Number 21.

LT. COL. DWINELL: Defense objects to the evidence on the grounds previously stated.

(Perl-Redirect)

SR file Polly
#33 - 5/20-3

PRESIDENT: The objection is overruled. The exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-21.

CAPTAIN SHUMACKER: Prosecution offers in evidence a true and correct English translation of its Exhibit P-21, request that it be attached to the record and marked as Prosecution's Exhibit P-21-A.

DEFENSE COUNSEL: No objection on behalf of the Defense.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution will be admitted in evidence and will be marked Exhibit P-21-A.

(Whereupon the document referred to was received in Evidence, marked Exhibit P-21-A, is attached hereto and made a part of the record.)

CAPTAIN SHUMACKER: Prosecution requests permission to read its Exhibit P-21-A.

PRESIDENT: Granted.

CAPTAIN SHUMACKER: (Reading)

"I, Hauptscharfuhrer Heinz HENDEL being duly sworn, state the following:

In the night of the 15th to the 16th December 1944 I assembled my platoon after Obersturmfuhrer Heinz TOMHARDT finished his speech, and delivered to them a short address.

At this I did not add anything of my own but merely repeated what Obersturmfuhrer TOMHARDT had already said, namely that it was not allowed to take prisoners and that panic and fright was to be spread by the members of my platoon and that the 2nd platoon had to distinguish itself in the fighting as well as in the execution of the order in regard to prisoners of war.

In the night of the 16th to the 17th December 1944, our column had to stop. I know that our column had to come to a halt in the vicinity of a village, immediately before we expected enemy contact and that I dismounted to relieve myself.

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Also a number of other members of my platoon dismounted. At this occasion and because the contact with the enemy was imminent, I repeated the orders which I had already given before the takeoff from the forest near NEDDELSHEIM. I said, "Boys, now we get at the enemy, don't forget you must fight ruthlessly. No prisoners will be taken. Everything that comes in front of our barrels will be mowed down. The second platoon has to distinguish itself".

Amongst those I thus spoke to were Sturmann STOCK, Sturmann RUMPF, Sturmann SONNABORN, my driver, Rottenfuehrer Arvid FREIMUTH, and Unterscharfuehrer Oswald SIEGMUND. Unterscharfuehrer SIEGMUND didn't normally belong to my platoon but was attached and subordinated to me for the EIFEL offensive. Actually Unterscharfuehrer SIEGMUND didn't belong to the combat unit and was only attached to me as punishment because he always dodged around in the rear.

I have made this statement voluntarily and out of my own will, uninfluenced by force, threats, or harsh treatment and uninfluenced by promises of any kind.

I swear before God that this statement is true and am prepared to repeat same before any court under oath.

Heinz HENDEL
SS Hauptscharfuehrer
4 April 1946

Witnessed
RAPHAEL SHUMACKER
Capt. CMP

Sworn to and subscribed to before me this 4th day of April 1946, at Schwaebisch Hall, Germany

WILLIAM R PERL
1st Lt. M.I. O-555149
Investigator-Examiner
WCB. USFET"

INTERPRETER ACKERMANN: Sir, I can hardly read this handwriting.

PROSECUTION: If the Court please, Mr. Thon has been sworn as an interpreter. He says he can read it.

(Whereupon the interpreter Harry Thon read the document in the German language.)

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER CONTD.)

Q On the next day did you take another statement from the same man, Heinz Hendel?

(Perl-Redirect)

Sally file Polly
#33 - 5/20-5

A Yes.

CAPTAIN SHUMACKER: I hand the reporter an instrument and request that it be marked Prosecution's Exhibit 22.

(Whereupon the document referred to was marked Prosecution Exhibit No. 22 for identification by the reporter.)

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER CONTD.):

Q I hand you Prosecution's Exhibit marked P-22 for identification and ask you if you know whose handwriting it is and who signed it?

A Yes, I know.

Q Who wrote it and who signed it?

A Heinz Hendel.

Q Is that the same Heinz Hendel you previously identified as wearing number 22?

A Yes.

Q Was this statement made voluntarily?

A Yes.

Q Did you employ any force or harsh treatment to obtain that statement?

A No.

Q Did you make any threats or promises to Hendel to obtain the statement?

A No.

Q Was it signed by Hendel in your presence?

A Yes.

Q Was the statement sworn to?

A Yes.

Q Who administered the oath?

A I.

CAPTAIN SHUMACKER: Prosecution offers in evidence

Sally file Polly
#33 - 5/20-6

the exhibit that has been marked P-22 for identification, request that it be attached to the record and marked as Prosecution's Exhibit Number 22.

LT. COL. DWINELL: Defense objects to the evidence on the grounds previously stated.

PRESIDENT: Objection overruled. The exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-22.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution Exhibit No. 22, is attached hereto and made a part of the record.)

CAPTAIN SHUMACKER: Prosecution offers in evidence a true and correct English translation of its Exhibit p-22, request that it be attached to the record and marked as Prosecution's Exhibit Number P-22-A.

DEFENSE COUNSEL: No objection on behalf of the Defense.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution will be admitted into evidence and will be marked Exhibit P-22-A.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution Exhibit No. P-22-A, is attached hereto and made a part of the record.)

CAPTAIN SHUMACKER: Prosecution requests permission to read its Exhibit P-22-A.

PRESIDENT: Permission granted.

CAPTAIN SHUMACKER: (Reading): "I, Hauptscharfuhrer, Heinz Hendel, being duly sworn, state the following:

1. In May 1934, I voluntarily joined the "Allgemeine SS". From the year 1934 until the year 1935 I belonged to the Special Command of SACHSEN, and in the year 1935, I was transferred to the Totenkopfverbände to which I belonged until February 1942. From 1935 until 1940 I was with the Totenkopfverbände in the Concentration camp SACHSENHAUSEN and CRANIENBURG. My rank was Scharfuhrer. Scharfuhrer conforms to the American S/sgt. The greatest part of the time I spent

ally file Polly
#33 - 5/20-7

in the concentration camp as a guard.

In the year 1942 I was transferred to the Waffen SS, that is, I came to the LSSAH.

During the EIFEL offensive in December 1944 and January 1945 I belonged to the 11th company IIIrd (3.gep) Armored Battalion, 2nd Panzer Grenadier Regiment, "LSSAH", that is, I was platoon leader of the 2nd Platoon in the company mentioned.

2. In the night of the 15th to the 16th December 1944, the company commander of the 11th Company, Obersturmfuehrer Heinz TOMHARD, delivered a speech to the assembled 11th company in a forest in the vicinity of STETTERSHEIM. In this speech Obersturmfuehrer TOMHARD brought out among other things that we had to fight ruthlessly and that we had to spread among the enemy panic and fright and that no prisoners should be taken. Hereby he also said that we should make plenty of 'RABATZ' when driving through the villages and that we should shoot at everything. Rabatz is an expression of the SS lingo and means fun, which consists of destroying plenty and to bump off many people.

Immediately upon Obersturmfuehrer Heinz TOMHARD finishing his speech, I assembled my 2nd Platoon near our vehicles and I incited the men of my platoon to especially distinguish themselves in the execution of this order. I no longer know the wording of my speech, but its contents were that the 2nd Platoon must fight especially ruthlessly and I repeated hereby that the 2nd Platoon had to especially distinguish itself also in the spreading of fright and terror among the enemy. Also I repeated that it was our duty to make Rabatz.

3. In the following night, as well as in the night from the 16th to the 17th December 1944, we came closer towards the enemy. Just before we encountered the enemy or expected to encounter him - I believe it was in the vicinity of LOSHEIM - our column was required to stop for reasons I no longer recall; most of the men of my platoon dismounted at this time, either to relieve themselves or to stretch their limbs. Hereby, I dismounted also. While I stood there near my SPW, surrounded by my men, I gave them another short inflammatory indoctrination on account of the imminent contact with the enemy. I said, 'Boys, now we are closing on the enemy; do not forget you must fight ruthlessly. No prisoners will be taken. Everything which shows itself before our barrels will be bumped off, because the 2nd Platoon must distinguish itself'. Among those to whom I spoke thus were: Sturmmann STOCK, Sturmmann RUMPF, Sturmmann SONNEBORN, my driver, Rottenfuehrer FREIMUTH and Unterscharfuehrer Oswald SIEGMUND, all of my platoon. Unterscharfuehrer SIEGMUND normally did not belong to my platoon. However, he was assigned under my command to me for the EIFEL offensive. Unterscharfuehrer SIEGMUND really did not belong to the combat unit and was only punitively put under my command and assigned to me because he always dodged around in the rear areas.

I prepared two sketches which I marked A and B.

Sally file Polly
#33 - 5/20-8

Sketch A shows the locality of my first speech which I delivered immediately following the speech of my Company Commander, Obersturmfuehrer TOMHARD. The numbers indicate: 1. Direction arrow which indicates the direction of STETTERSHEIM, 2. Wide wood path, 3. Narrow wood path, 4. SPW's of my platoon, 5. Fire, 6. men of my platoon. Sketch B shows the road to LOSHEIM on which stood our column when I delivered the second speech to my men. The numbers indicate: 1. Direction to LOSHEIM, 2. Street, 3. SPW of the 10th company which stood in front of me, 4. My SPW, 5. SPW of Unterscharfuehrer PREUSS, 6. Men of my platoon.

I made this statement voluntarily and of my own will, uninfluenced by coercion, threats or harsh treatment and uninfluenced by promises of any kind.

I swear before God that the statements which I made in this deposition are true, and I am prepared to repeat same under oath before any court.

(signed) Heinz HENDEL
SS Hauptscharfuehrer
5 April 1946

Witnessed:
RAPHAEL SHUMACKER
Capt. CMP.

Sworn to and subscribed to before me this
fifth of April 1946 at Schwabisch Hall, Germany.

William R. Perl
1st Lt. M.I. O-555149
Investigator-Examiner
War Crimes Branch
USFET"

PROSECUTION: If the Court please, I suggest that
Mr. Thon read this statement also.

(Whereupon the document was read in the German language
by Interpreter Harry Thon.)

Su fls SR

#34

20.S.1

PROSECUTION:(Captain SHUMACKER):The Prosecution offers in evidence three Picture Affidavits executed by Heinz Hendel bearing the photographs of TOMHARDT,STOCK, and SIEGMUND and request that they be attached to the record and marked Prosecution's Exhibits P-22-B,C,D,respectively.

DEFENSE: On behalf of the Defense there is no objection to the entries and there is no necessity for reading these.

PROSECUTION: It is agreed that the affidavits bear the photographs of the accused TOMHARDT, STOCK and SIEGMUND respectively ?

DEFENSE: It is so agreed.

PRESIDENT: There being no objection, the Exhibits offered by the Prosecution are admitted into evidence and will be marked Prosecution's Exhibits P-22-B,C,D, respectively.

(Whereupon the documents referred to having been previously marked and identified were received in evidence as Prosecution's Exhibits P-22-B,C, and D and are attached hereto and made a part of the record.)

DEFENSE: Dr Hertkorn who represents the accused Hendel desires to interrogate the witness at this time.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE:(Dr HERTKORN)

Q Lieutenant, do you know who took Hendel to his cell ?

A No.

Q Did you see just as he was being taken to his cell ?

A Yes.

Q Was that by a soldier of the United States Army or some other Army ?

A He was brought in by a member of the Polish Guard Unit.

Q Did you enter the room - the cell - yourself later on ?

A What do you mean by 'later on' ?

Q Several minutes, or a short time later, so you could start your interrogation ?

A When Hendel was brought into the cell I was there already.

Q. Yes I

A I interrogated him and had his 2nd shorter statement signed, then

(Perl- recross)

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I left.

20. S. 2.

Q During some other interrogation was there a difference in time between the instant Hendel was brought in to the room and the time you appeared ?

A It might have been the second time - I do not recall.

Q What condition was it you found Hendel in when you then entered that cell ?

A I do not remember whether at the second statement Hendel was brought into the cell I was there already or whether he was there when I entered.

Q Did you at any time find Hendel in the cell while he was not standing up ?

A I do not remember - he might have been sitting.

Q Do you remember, Lieutenant, at any time when the one time SS Officer Kramm was dictating ?

A Yes.

Q What were the reasons why Kramm was used for dictation ?

A The first statement was taken rather late in the afternoon and dictated by me personally after I had told him it is his statement and he should say if I dictated something which is not right. I could not go into some of the details this evening because we had to quit work. The next morning I called Hendel again and I called Kramm too. Kramm was a perfect German stenographer and had saved me the time to wait there until he had wrote it all down.

Q Was it usual in other cases that dictation was done by American personnel ?

PROSECUTION: I object to that question we are not involved in other cases - we are dealing with these two particular statements.

PRESIDENT: Objection over-ruled.

A Never was any statement taken by any American personnel in German shorthand. Kramm was the only person available in the whole house who knew German shorthand that we knew about. I remember I once
(Perl- rccross)

34 20. S.3.

asked the accused Fischer whether he knew shorthand because I had heard something about this - that he knew shorthand but we could not use him because either he did not know it or that his shorthand was too poor.

Q Lieutenant, Hendel claims that during the interrogation he was told that the loop was getting tighter around his neck and that he would be hanged next morning ?

A This was not told to him during the whole of the interrogation which was very easy and he was obviously very happy about it and we told him we interrogated him to see whether he had shot himself.

Q Were you present when Kramm took down the dictation from Hendel ?

A I dictated to Kramm in Hendel's presence the statement.

Q Is it true - did he at that occasion - did Hendel state that some of the terminology and words in this statement were not correct ?

A I remember on several occasions he wanted to change certain words in the dictation and in all those cases the changes were made.

DEFENSE: No further questions.

PROSECUTION:(Captain SHUMACKER): No redirect.

PRESIDENT: No questions by the Court. Witness excused.

(Whereupon the witness was excused and resumed his seat at the prosecution table.)

PROSECUTION:(Captain SHUMACKER). The Prosecution desires to recall Morris Elowitz.

MORRIS ELOWITZ, a witness for the Prosecution was recalled, reminded that he was still under oath, and testified through an interpreter as follows:

RE DIRECT EXAMINATION.

QUESTIONS BY PROSECUTION(Captain SHUMACKER):

(Elowitz -redirect)

34.
20. S.4.

Q Are you the same Morris Elowitz who has previously testified in this case ?

A Yes

Q During the course of your interrogations at I P #2 at Schwabisch Hall, Germany did you have occasion to interrogate one Herbert Stock ?

A Yes.

Q Did he make a statement to you during that interrogation?

A He did.

Q In what form was that statement made ?

A He first made an oral statement; on the basis of the information he gave me we dictated the information - assembled the information and he wrote the statement.

PROSECUTION: The Prosecution now hands the reporter an instrument and requests that it be marked Prosecution's Exhibit P-23 for identification.

(Whereupon the document referred to was marked Prosecution's Exhibit P-23 for identification by the Reporter.)

Q Would you know him, Herbert Stock, if you saw him again ?

A Yes

Q Will you look at the Defendants in the box on your left and state whether or not he is among those present ?

A He is.

Q What number is he wearing ?

A No. 64.

PROSECUTION: (Captain SHUMACKER) Request, may it please the court, that number 64 stand up.

PRESIDENT: Number 64 stand up.

(Whereupon the Accused bearing Number 64 stood up for identification by witness).

Q I now hand you Prosecution's Exhibit P-23 which has been marked for identification and ask you to state whether or not you (Eloowitz-redirect)

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know whose handwriting it is, and who signed that statement ?

20. S 5.

A It is written and signed by Herbert Stock.

Q Was that statement signed in your presence ?

A Yes.

Q Was the statement sworn to ?

A Yes

Q Who administered the oath ?

A 1st Lt. William R Ferl.

Q Was any force or duress used to obtain this statement ?

A No.

Q Was the statement voluntary ?

A It was.

Q Did you make any threats or promises to Stock to obtain this statement ?

A No.

PROSECUTION: (Captain SHUMACKER) The Prosecution offers in evidence the instrument which has been marked Prosecution's Exhibit P-23 for identification and request that it be admitted in evidence, attached to the record and marked Prosecution's Exhibit P-23.

DEFENSE:(Col DWINELL). We object on the grounds previously stated.

PRESIDENT: Objection over-ruled. The Exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-23)

(Whereupon the document referred to having been previously marked and identified was received in evidence as Prosecution's Exhibit P-23 and is attached hereto and made part of the record.)

PROSECUTION:(Captain SHUMACKER) The Prosecution offers in evidence a true and correct English translation of its Exhibit P-23 and requests that it be received in Evidence and marked Prosecution's

(Elowitz -redirect)

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Exhibit P-23-A.

DEFENSE: No objection on the part of the Defense.

PRESIDENT: There being no objection the Exhibit offered by the Prosecution, is admitted into evidence and will be marked Prosecution's Exhibit P-23-A.

(Whereupon the document referred to, having been previously marked and received in evidence as Prosecution's Exhibit P-23-A is attached hereto and made a part of the record.)

PROSECUTION:(Captain SHUMACKER). The Prosecution requests permission to read Prosecution's Exhibit P-23-A to the Court.

PRESIDENT: Granted.

(Whereupon Prosecution's Exhibit P-23-A was read to the Court in the English language, as follows).

" I Herbert Stock, SS Sturmman, having been duly sworn, make the following statement under oath as an addition to my statement dated the 15th of March 1946:

In my statement of the 15th of March 1946, I described the speech which our company commander Tomhart delivered to us in the night of the 15th of December 1944. Immediately after the company commander's speech Hauptscharfuhrer Heinz Hendel, platoon leader of the 2nd platoon, called his platoon together and delivered a short speech. Hauptscharfuhrer Hendel spoke of the same things as our company commander. He spoke as follows:

"Men you all have heard the speech of the Company commander. You are not allowed to forget that he told us. It is necessary that we fight ruthlessly in this offensive. All that comes before our barrels will be shot. Prisoners of war will be shot. In this offensive plenty of 'Rabatz' will be made, and all that shows itself in the streets and in the windows will be shot."

I know that the expression 'Rabatz' is used in the fight by us SS soldiers and means that everybody is free to have as much fun as he wants to in shooting at everything - at property, civilians and prisoners of war.

Between 3 and 3.30 hours in the morning of the 17th December 1944 before our company came to Losheim, Hauptscharf, Hendel spoke again to the 2nd platoon. He spoke as follows:

"This morning we shall meet with the enemy. You know what I have told you before. You must advance ruthlessly, shoot prisoners of war the same way as you would shoot soldiers who fight against us. There will be plenty of 'Rabatz' for

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everybody."

Immediately after the speech of Hauptscharfuhrer Hendel, our company came to Losheim.

I make this statement consisting of 3 pages voluntarily, without force, menace, or promises of reward."

(signed) Herbert Stock
Sturmann
9 April 1946

Sworn to and subscribed to before
me this 9th April 1946 at Schwabisch
Hall, Germany.

William R Perl,
1st Lt.M.I.-0-5551149
Investigator-Examiner
W.C.B. USFET.

(Whereupon the above statement was read to the Court in the German language by the interpreter.)

PROSECUTION: (Captain SHUMACKER): The Prosecution offers in evidence picture affidavit executed by Herbert Stock bearing the photograph of Heinz Hendel, and request that it be attached to the record and admitted in evidence as Prosecution's Exhibit P-23-B.

I believe it is agreed that the photograph thereon is a photograph of the accused Heinz Hendel.

DEFENSE: No objection on the part of the Defense and there is no necessity for reading same. It is agreed that it is a photograph of Heinz Hendel.

PROSECUTION: Of the accused Hendel ?

DEFENSE: Yes.

PRESIDENT: There being no objection, the Exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-23-B.

(Whereupon the document referred to having been marked and identified was received in evidence as Prosecution's Exhibit P-23-B; is attached hereto and made a part of the record.)

DEFENSE: (Captain NARVID). At this time the Defense moves to strike the testimony, all evidence, and Exhibit P-23 on the grounds that it is purely self-serving. It is what purports to be a confession (Elowitz-redirect)

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but is, in fact, no confession at all since the accused Herbert Stock does not make any admission against interest - thus it is not an admission against self interest: it purely involves another accused, and this is against the principle enunciated and I quote from paragraph 493 of "American Jurisprudence" : " The voluntary confession of a co-defendant or co-conspirator made after the commission of a crime or termination of the conspiracy cannot be admitted against other defendants when such a confession was not made in their presence and assented to by them, even though the several defendants are not tried jointly. " ; In this case this is even more applicable since what purports to be a confession, is no confession at all:

LAW MEMBER: There being no objection by any member of the Court, the Lawmember will make the ruling: The Defense is again referring to a statement - thereby Prosecution's Exhibit P-23 as being a confession. This Court has already ruled with respect to the admission of statements of this type. A statement properly presented and having bearing upon any of the issues in this case will be admitted in evidence by this Court and such probative value will be placed upon it as the Court deems fit. The motion is denied.

DEFENSE: No interrogation.

PRESIDENT: No questions by the Court - witness excused.
(Whereupon the witness was excused and withdrew and resumed his seat at the Prosecution table.)

PRESIDENT: The Court will adjourn until 0830 hours tomorrow.
(Whereupon the Court at 1700 hours adjourned.)

MAY 21, 1946

MORNING SESSION

(Whereupon the Court reconvened at 0830 hours, May 21, 1946.)

PRESIDENT: 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, all members of the defense counsel, all of the defendants and reporter are present.

CAPT. SHUMACKER: Call the witness Heinrich. At this time the prosecution does not contemplate recalling this witness.

GUNTHER HEINRICH, called as a witness for the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER)

Q What is your name?

A Heinrich.

Q Your first name?

A Gunther.

Q What grade or rank did you hold during the Eifel offensive in December 1944 and January 1945?

A I was corporal and medic in the first company.

Q Did you say the first company?

A 11th company.

Q Are you now a prisoner of war of the United States?

A Yes.

Q Will the witness please talk out loud so everybody in the courtroom can hear you.

A Yes.

(Heinrich - Direct)

35,2sp

Q Where are you being held in custody?

A I am in custody in Dachau.

Q Did you participate in the Eifel offensive of the German Army in December 1944 and January 1945?

A Yes.

Q When you say the 11th company, do you mean the 11th Panzer Grenadier Company?

A Yes.

Q What battalion?

A Third battalion, second regiment.

Q What division?

A First Panzer Division, LSSAH.

Q Who was your company commander at the time of the Eifel offensive?

A First Lieutenant Tomhardt.

Q Do you remember his first name?

A Heins.

Q Who was your platoon leader?

A Master Sergeant Hendel.

Q What was his first name?

A Hans Willi.

Q Would you know your former company commander if you saw him again?

A Yes.

Q Will you look at the defendants in the box to your left and state whether or not Tomhardt is among those present?

A Yes.

Q What number is he wearing?

A Can I get up so I can see?

Q Surely.

A 67.

(Heinrich - Direct)

35.3sp

PRESIDENT: Number 67, stand up. Sit down.

Q Will you know your former platoon leader, Hans Hendel if you saw him again?

A Yes.

Q Will you look at the defendants in the box to your left and state whether or not Hendel was among those present.

A No.

Q Will the witness look at each accused starting at the bottom row and go all the way down and take row by row.

A Yes.

Q Do you see Hendel among the defendants?

A Yes.

Q What number is he wearing?

A 22.

PRESIDENT: Number 22 stand. Sit down.

Q On what date did the Eifel offensive begin?

A December 16th, 1944.

Q Was there any meeting of the 11th company held shortly before the offensive began?

A Yes.

Q Did you attend this meeting?

A Yes.

Q Who spoke at this meeting?

A First Lieutenant Tomhardt made a speech at this occasion.

Q Is that the same Tomhardt whom you have just identified as wearing number 67?

A Yes.

Q Can you give the substance of what Tomhardt said on that occasion?

A Yes.

Q Will you do so.

(Heinrich - Direct)

35ap
4ap

A It was in the hours of the evening from the 16th to 17th of December. It might have been 1 o'clock.. We were called together to the headquarters tank of the 11th company and a speech was made to us. In this speech it was said that we were about to attack, that this action would be deciding our victory, that there was no need of us worrying because everything was well organized, that we would have air support, that it was not permitted to take prisoners of war, and that civilians would be shot.

Q Now, when was this meeting held?

A At the night of the 16th to the 17th of December at about midnight or 1 o'clock.

Q Where was this meeting held?

A In the Blankenheim forest.

Q On what date did you say the offensive began?

A On the 16th.

Q Now, if the offensive began on the 16th was your company still in the woods on the night of the 16th to the 17th?

A That was an error of mine. The speech was made from the 15th to the 16th at night.

Q Was there ever any meeting held shortly before the offensive began of the second platoon?

A We didn't have a real meeting, but after the speech we were dismissed and several men in the second platoon were still together.

Q Did anyone talk to those men of the second platoon who were assembled?

A Yes.

Q Who?

A Master Sergeant Hendel.

Q What in substance did Hendel say on that occasion?

(Heinrich - Direct)

35,5ep

A Hendel emphasized that the second platoon was to distinguish itself particularly, especially that we were to excel in knocking out tanks, that no prisoners were to be taken and that civilians were to be shot at. That is, real robots were to be made.

PROSECUTION: If the Court please, there is a correction on the translation there. I believe it should have been no prisoners must be taken.

PRESIDENT: Read the record and let's find out.

(Whereupon the reporter read the answer as requested.)

CAPT. SHUMACKER: Prosecution is satisfied with the translation.

PRESIDENT: Is that satisfactory to the defense?

DEFENSE COUNSEL: Perfectly satisfactory.

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER)(Contd)

Q What was it that Hendel said about robots?

A He said that there was to be plenty of robots and by that word robots, it is meant that one was to shoot without any inhibitions and destroy everything in sight.

Q Did Hendel later on talk to the men of the second platoon or any of the men of the second platoon?

A Yes, that was in the Losheim forest.

Q And when was this?

A That was on December 16, 1944.

Q Was that in the day time or night time?

A That was in the early morning hours.

Q And what did Hendel say on that occasion?

A The substance of his speech was just about the same as it had been in the Blankenheim forest.

Q This Hendel who talked on these two occasions, is that (Heinrich - Direct)

the same man who you have identified among the accused as wearing number 22?

A Yes.

CAPT. SHUMACKER: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (LT. COL. DWINELL)

Q You said that Tomhardt made a speech on the evening of the 15th in which he said that many preparations had been made for the offensive, is that correct?

A Yes.

Q How long did this speech last?

A It might have lasted about 20 minutes.

Q Were there any other meetings of the company prior to the meeting that you have just spoken about?

A I can't say that because I was not able to leave the company area.

Q Well, did Lt. Tomhardt have a meeting on the 14th of December?

A I wouldn't remember.

Q Did he have a meeting on the 13th of December?

A No.

Q Well, on the 15th of December did he only have one meeting?

A That was at night time. He had one meeting then, yes.

Q Therefore, there was only one meeting on the 15th at which the preparations for the offensive were discussed, is that right?

A Yes.

Q Just prior to the offensive how many meetings did you attend at which preparations for the offensive were discussed?

A I was present at one meeting which was together with my company with 1st Lt. Tomhardt.

(Heinrich - Cross)

Q When did that meeting take place?

A That was about midnight between the 15th and 16th of December.

QUESTIONS BY DEFENSE (CAPT. NARVID)

Q Who was your cell mate in Schwaebisch Hall?

A I was in the same cell with a man named Piper from the armored regiment for the last eight days.

Q Was Tomczak ever in your cell?

A I was together with him for two days.

CAPT. SHUMACKER: If the Court please, we object to this line of cross examination. It does not bear on any of the evidence brought out in direct.

CAPT. NARVID: Subject to connection if the Court please. I shall connect it right away.

PRESIDENT: Objection overruled.

QUESTIONS BY DEFENSE (CAPT NARVID CONTD)

Q Do you recall making a statement to Tomczak that you never received any order from Hendel to shoot prisoners of war?

A No.

Q How many times were you interrogated in Schwaebisch Hall?

CAPT. SHUMACKER: If the Court please, we object to that question. It's probably irrelevant and incompetent.

PRESIDENT: Objection sustained.

QUESTIONS BY DEFENSE (CAPT NARVID CONTD)

Q Prior to the time that you made a written statement in Schwaebisch Hall, were you shown the statements of Tomhardt and Hendel?

CAPT. SHUMACKER: If the Court please, we object to that statement. What this witness was shown before he made any statement is immaterial and incompetent in this case. He is testifying from the witness stand and he may be cross examined (Heinrich - Cross)

35,8ap

to what he is testifying to now before this Court not as to any statement he previously made.

PRESIDENT: Objection is sustained.

QUESTIONS BY DEFENSE (CAPT. HARVID CONTD)

Q You were never particularly friendly with Hendel, were you?

A We got along well.

Q Well, isn't it a fact on the 4th of April you told Godioke, Friedrichs and Rau in Schwaebisch Hall that you have to settle an account with Hendel?

A No.

CAPT. HARVID: That is all.

QUESTIONS BY DEFENSE (DR. HERTKORN)

Q Do you know that Hendel met American medical trucks already at St. Vith?

A I don't remember the exact name of the place any more, but it is true that at a cross roads next to a forest we did meet American ambulances and I was in the vehicle of Master Sergeant Hendel at the time.

Q Were these ambulances still held by American soldiers?

A Yes.

Q What happened to these ambulances by order of Hendel?

A I don't know that. All I can say is that these ambulances were stopped. It was like this, that our tank formation had gotten out of control and that we didn't know where we were going exactly, so that we passed by these ambulances but what happened to them or if anything happened to them, I can't say.

Q Were the crews taken out of those ambulances?

A No, I didn't see that.

Q Did you see those ambulances driven off towards the rear?

A They were standing there and then they drove along a

(Heinrich - Cross)

little bit towards the front and then we drove off in the opposite direction and took the position in the forest.

Q Did you hear Hendel issue any instructions concerning those ambulances?

A No.

Q One other question. Did you drive across the cross roads south of Malmedy together with Hendel -- that is, the cross roads in question here

A Yes.

CAPT. SHUMACKER: If the Court please, we object to any examination of this witness as to what he saw or did at the cross roads. That has not been brought out on direct examination and we think it improper at this time. If the Court please further, if after the prosecution has introduced its proof in chief and the defense wants to recall this witness for cross examination on what happened there, they will have the opportunity to do so at that time.

PRESIDENT: Will the defense counsel state the purpose of this line of questioning at this time.

DR. HERTKORN: The cross examination was intended to show whether or not Hendel was touched by the accusations brought up against him in the charge sheet. I shall withdraw the question until the prosecution will bring up this question.

DEFENSE COUNSEL: No further cross examination.

CAPT. SHUMACKER: No redirect.

PRESIDENT: Any questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

CAPT. SEUMACKER: We call the witness Pluschke.

WILHELM PLUSCHKE, called as a witness for the Prosecution, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q What is your name?

A Wilhelm Pluschke.

Q What was your grade or rank during the Eifel offensive in December, 1944, and January, 1945?

A Unterscharfuehrer (Sgt.).

Q What unit were you in at that time?

A 12th Company, 2nd Panzer Grenadier Regiment, Leidstandarte.

Q Leidstandarte Adolf Hitler?

A Yes.

Q Who was your battalion commander at that time?

A Sturmbannfuehrer (Major) Diefenthal.

Q Who was your company commander?

A Hauptsturmfuehrer (W/Sgt.) Thiele.

Q Are you now a prisoner of war of the United States?

A I didn't understand the question.

Q Are you now a prisoner of war of the United States?

A Yes.

Q Where are you being held in custody?

A In Dachau.

Q On what date did the offensive begin -- the Eifel offensive?

A December 15, 1944.

Q Was there any meeting of your company -- the 12th Panzer Grenadier Company -- shortly before the offensive began?

A Yes.

Q Did you attend that meeting?

A Yes.

Q Who spoke, if anyone, at that meeting?

A My company commander, M/Sgt. Thiele.

Q Will you please speak loud enough so that all the accused, all members of the Court, all counsel, and everyone in the courtroom can hear you?

A Yes.

Q Now, who did you say spoke at this meeting?

A My company commander, M/Sgt. Thiele.

Q Who attended the meeting?

A The whole company.

Q Were the platoon leaders present?

A Yes.

Q Who were the platoon leaders?

A T/Sgt. Feldvoss, T/Sgt. Pfalzer, and T/Sgt. Breidruck.

Q What about Oberscharfuehrer Voigt?

A Oberscharfuehrer (T/Sgt.) Voigt was the headquarters troop leader of the company.

Q Was he there, too?

A Yes.

Q Do you remember the substance of what Thiele said on that occasion?

A I can remember the substance, yes.

Q Will you state the substance to the Court?

A Yes. He spoke as follows: This action would make the decision for Germany. We were to remember our destroyed cities, our wives and children, and if we did that we would surely know what to do when we captured Americans. We should keep up the spirit of the Leidstandarte and should prefer to die in action, rather than retreat.

CAPT. SHUMACKER: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (Lt. Col. Dwinell):

Q There were several meetings of the 12th Company prior to the

offensive. Isn't that a fact?

A To my knowledge, there were two.

Q What was said at the first meeting?

A The substance of these two speeches was, in general, the same.

Q How long did the first meeting last?

A I can't remember that any more.

Q How long did the second meeting last?

A Maybe about twenty minutes.

Q You said that at one of the meetings Thiele said that this action would make the decision for Germany. Is that right?

A Yes.

Q At which meeting was that statement made, the first meeting or the second one?

A I think at the first one.

Q Therefore, this was a very important offensive, was it not?

A Yes.

Q And you say that, in preparation for the offensive, the company commander had only two meetings?

A Yes. He made two speeches to the company at these occasions.

Q What was the date of the first meeting?

A I think on the 13th or 14th of December, 1944.

Q In addition to what would be done with prisoners, what other matters were taken up at the meeting?

A I have already given you the contents of this speech, and that was most of what there was to it.

Q Was there anything said at the meeting about the part in the offensive that the infantry would play?

A No.

Q Was anything said at the meeting about the part that the paratroopers would play in the offensive?

A No, not that, either.

Q Was anything said about supply of gasoline?

A I can't remember hearing anything about that.

Q Was anything said about the route of march?

A That might be possible.

Q Was there anything said about the objective to be taken in the offensive?

A The goal of the offensive was announced, and as far as I can remember they were supposed to be the bridges across the Meuse.

Q And how did Thiele express that in his speech? How did he exactly express that?

A I don't remember that any more.

Q But you do remember very clearly what he said about prisoners?

A Yes.

DEFENSE: Dr. Wieland, for German counsel, would like to ask a question.

QUESTIONS BY DR. WIELAND:

Q Did your unit take any prisoners?

CAPT. SHUMACKER: If the Court please, we object to that line of questioning at this time.

PRESIDENT: Objection is sustained.

QUESTIONS BY DR. RAU:

Q Were you oriented about the treatment of prisoners of war during your basic training?

A I was oriented in my basic training.

Q In which manner?

A In the usual manner of instruction.

Q Will you explain the contents of this instruction to us?

A It has been too long for me to remember.

Q Did you go through a cycle of instruction as a noncommissioned officer candidate?

A Yes.

Q Were you oriented about the treatment of prisoners of war during that cycle of instruction?

A I don't remember that any more.

Q What did you yourself do to counteract the order which you say was given to the effect that prisoners of war were to be shot?

A There was nothing I could do to counteract it.

Q Couldn't you object?

A No.

Q Why not?

A That was not within my power.

DEFENSE: Nothing further.

CAPT. SHUMACKER: No redirect.

PRESIDENT: Any questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

CAPT. SHUMACKER: The Prosecution wants to recall the witness Morris Elowitz.

MORRIS ELOWITZ, recalled as a witness for the Prosecution, testified further through an interpreter as follows:

REDIRECT EXAMINATION (Continued)

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q Mr. Elowitz, you are reminded that you are still under oath.

A Yes.

Q Are you the same Morris Elowitz who previously testified in this case?

A Yes.

Q During the course of your interrogations at IP No. 2, Schwabisch Hall, Germany, did you have occasion to question one Axel Rodenburg?

A Yes.

Q Would you know Rodenburg if you saw him again?

A Yes.

Q What company was Rodenburg in?

A 12th Company of the 2nd Panzer Grenadier Regiment.

Q That is as of the time of the Wifel offensive?

A That is what he told me.

Q Would you look at the defendants in the box to your left and state whether or not the Axel Rodenburg you refer to is among those present.

A Yes, he is.

Q What number is he wearing?

A 53.

PRESIDENT: 53 stand up. -- Sit down.

Q In the course of your interrogations of Rodenburg, did he make a statement to you?

A Yes.

Q In what form was this statement made?

A He at first made an oral statement, and I dictated it back to him and he wrote it down.

CAPT. SHUMACKER: I hand the reporter an instrument and request that it be marked Prosecution Exhibit No. P-24 for Identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-24 for Identification by the reporter.)

Q I hand you this statement, which has been marked Prosecution Exhibit No. P-24 for Identification, and ask you to state whether or not you know whose handwriting it is and who signed it.

A It is written and signed by Axel Rodenburg.

Q Was that statement signed in your presence?

A Yes.

Q Was the statement sworn to?

A Yes.

Q Who administered the oath?

A Capt. Raphael Shumacker.

Q Was the statement made voluntarily?

A Yes.

Q Did you employ any force or harsh treatment to obtain that statement?

A No.

Q Did you make any promises or threats to Rodenburg to obtain that statement?

A No.

Q Is the Rodenburg who signed this statement the same man you just identified as sitting in the defendants' box, wearing no. 53?

A Yes.

CAPT. SHUMACKER: The Prosecution offers in evidence this statement marked Prosecution Exhibit No. P-24, for identification and requests that it be attached to the record and marked as Prosecution Exhibit No. P-24.

LT. COL. DWINELL: The Defense objects to the evidence on the grounds previously stated.

PRESIDENT: The objection is overruled. The exhibit offered by the Prosecution will be admitted in evidence and will be marked Prosecution Exhibit No. P-24.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution Exhibit No. P-24 and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: The Prosecution offers in evidence a true and correct English translation of its Exhibit No. P-24 and requests that it be attached to the record and marked Prosecution Exhibit No. P-24-A.

DEFENSE: There is no objection on behalf of the Defense.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution will be admitted in evidence and will be marked Prosecution Exhibit No. P-24-A.

(Whereupon the document referred to was marked and received in evidence as Prosecution Exhibit No. P-24-A.)

CAPT. SHUMACKER: The Prosecution requests permission to read its Prosecution Exhibit No. P-24-A.

PRESIDENT: Granted.

(Whereupon Prosecution Exhibit No. P-24-A was read to the Court, as follows:)

"I, Axel Rodenburg, Unterscharfuhrer in the 12th Company, 3rd Battalion, 2nd Pz. Gr. LSSAH, having been duly sworn, make this additional statement supplementary to my affidavit of 25 February 1946.

"On the 15th December 1944, our company under the command of CO Joehen Thiele Hauptcharfuhrer, was in the Nettersheimer Forest near the Blankenheim Forest, on the day before the start of the Eifel offensive. I remember that in the evening of this day after darkness our company was called together for a speech of the CO Hauptcharfuhrer Thiele. The company assembled and Hauptcharfuhrer Thiele stood next to a camp fire in front of the company and with him were Oberscharfuhrer Voigt, Oberscharfuhrer Pfalzer, Oberscharfuhrer Feldvoss, platoon leaders of our company.

"I remember Hauptcharfuhrer Thiele spoke to us substantially in the following manner: 'Now the offensive will start, which is going to determine the final fate of Germany. We must destroy the enemy and not show any consideration. We will fight in the old SS spirit. I am not giving you any direct orders to shoot prisoners of war, but you are well trained SS soldiers, you know what you should do with prisoners without me telling you that.'

"I concluded from this speech that I could shoot as many prisoners of war as I wanted to, and that my superior officers would not punish me for that. That was the understanding of the other soldiers in my company to whom I talked later. However, who those soldiers were I cannot remember any more today.

"I make this additional statement consisting of two pages voluntarily without coercion, threats or promises of reward.

(Signed) AXEL RODENBURG
26 February 1946

"Sworn to and subscribed before me this 26th day of Feb. 1946 at Schwabisch Hall, Ger.

(Signed) RAPHAEL SHUMACKER
Capt. CMP

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

CAPT. SHUMACKER: Your witness.

DEFENSE: The Defense does not desire at this time to interrogate the witness.

PRESIDENT: Any questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

CAPT. SHUMACKER: The Prosecution desires to recall William R. Perl, 1st Lt.

WILLIAM R. PERL, recalled as a witness for the Prosecution, testified further through an interpreter as follows:

REDIRECT EXAMINATION (Continued)

QUESTIONS BY PROSECUTION (Capt. Shumaaker):

Q Lt. Perl, you are reminded that you are still under oath.

A Yes.

Q. Are you the same 1st Lt. William R. Perl who has previously testified in this case?

A Yes.

Q During the course of your interrogations at IP No. 2, Schwabisch Hall, Germany, did you have occasion to interrogate one Frans Sievers?

A Yes.

Q Would you know Sievers if you saw him again?

A Yes.

Q Will you look at the defendants in the box to your left and state whether or not Sievers is among those present?

A He is.

Q Have you already seen him in the defendants' box?

A Yes.

Q What number is Sievers wearing?

A 59.

PRESIDENT: 59 stand up. -- Sit down.

Q Did Sievers tell you his rank and his position during the Sifel offensive in December, 1944, and January, 1945?

A Yes.

Q What was his rank, and what was his position?

A His rank is Obersturmfuehrer, and he is the commanding officer of the 3rd Panzer Pioneer Company.

Q During the course of your interrogations, did Sievers make a statement to you?

A Yes.

Q In what form was this statement made?

A First oral, then in writing.

CAPT. SHUMACKER: The Prosecution hands the reporter an instrument and requests that it be marked Prosecution Exhibit No. P-25 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-25 for Identification by the reporter.)

Q I hand you Prosecution Exhibit No. P-25 for Identification and ask you if you recognize the handwriting and if you know who signed that statement.

A Yes.

Q Whose handwriting is it, and who signed it?

A Franz Sievers wrote it and signed it.

Q Is that the same Franz Sievers you have just identified as wearing no. 59?

A Yes.

Q Was the statement signed in your presence?

A Yes.

Q Was it sworn to?

A Yes.

Q Was the statement made voluntarily?

A Yes.

Q Did you employ any force or harsh treatment to obtain the statement?

A No.

36-11

Q Did you make any threats or promises to Sievers to obtain this statement?

A No.

R-37-1

PROSECUTION(Captain Schumacher): The prosecution offers into evidence the document previously marked "Prosecution Exhibit P-25, for identification" and requests that it be marked "Prosecution Exhibit No. 25", for attachment to the record.

DEFENSE: The defense objects on the grounds previously stated.

PRESIDENT: The objection is overruled and the Exhibit offered into evidence by the prosecution will be accepted into evidence by the court and marked Prosecution Exhibit No. 25, for attachment to the record.

PROSECUTION (Captain Schumacher): The prosecution offers into evidence a true and correct English translation of Prosecution Exhibit No. 25, to be marked "Prosecution Exhibit No. 25-A", and to be attached to the record.

DEFENSE: The defense has no objection.

PRESIDENT: There being no objection, the translation offered into evidence by the prosecution is accepted into evidence by the court and will be marked Prosecution Exhibit No. 25-A, for attachment to the record.

PROSECUTION(Captain Schumacher): The prosecution requests permission to read Prosecution Exhibit No. 25-A to the court.

PRESIDENT: Granted.

PROSECUTION(Captain Schumacher): The statement reads as follows:

(P-25, P-25-A, introduced)

R-37-2

"For the Armored Group, under the command of Obersturmführer PEIPER existed, during the Eifel offensive, the order: '...The resistance of the enemy is, if necessary, to be broken by terror...'.

"Furthermore existed the order, if the situation requires it, to shoot prisoners of war.

"At the sand table, exercises of the Armored Groups, or immediately thereafter following officers' meetings, at an estate near WEILLERSNIST (at the end of November -- beginning of December 1944) I heard for the first time an expression which had reference to that.

"This announced policy said: '...Also, a bad reputation has its commitments...'.

"I believe pretty well that this expression was made by Obersturmführer PEIPER, but I can't insist with absolute certainty if it was he who came forth with this statement.

"At a later occasion, a secret regimental order was shown to me in which it said that if the situation requires it, prisoners of war are to be shot and that the resistance of the enemy, if necessary, is to be broken by terror.

"I can't remember the exact wording of this order, but the sense of the words of this regimental order is clear in my memory, as it is stated in the above.

"This regimental order was presented to me, either at the regimental CP in WEILLERSNIST, or in a small hunting castle or hunting lodge in the forest near BLANKENHEIM.

(Statement of Sievers)*

R-37-3

"During the days prior to my departure from SATZVEY -- I can't state the exact day -- I was twice at the Regimental CP in WEILERSNIST. We left SATZVEY on the 12th or 13th of December, 1944.

"At the occasion of these two visits, secret orders were shown to me and I signed something, but I don't know any more what I signed.

"I also, on December 15th, 1944, took part at a meeting of all Company Commanders of the 1st Section. Besides these Company Commanders, also I was present, because I was assigned by Obersturmfuehrer PEIPER to the 1st Section. Also Hauptsturmfuehrer MOEBIUS of the 501st King Tiger Detachment was present.

"It is possible that the above-described secret Regimental order was presented to me only at this meeting or immediately before or after. Anyway, I also signed something at the hunting lodge. I don't know any more exactly what I signed there. Anyhow, I know that this written Regimental order was never sent to my Company, but I got only to read it. I don't know any more if this order was signed personally by Obersturmfuehrer PEIPER or by Hauptsturmfuehrer GRUHLE, I only know that it was a secret Regimental order.

"Sturmbannfuehrer POSTSCHKE gave all this and more at the meeting on December 15th, 1944, indoctrinated us orally with the contents of this Regimental order, and at the same time he also emphasized that the enemy resistance, if necessary, had to be broken by terror.

(Reading and translation of P-25-A)

R-37-4

"I don't know any more if we were to publish the contents of the described secret order to all the men of the Company, or if the Platoon Leaders were only to be acquainted with this hideous measure. I assumed the latter and published it in this form to my Platoon Leaders only. I did that on the evening of December 15th, 1944.

"The Platoon Leaders who I gave these orders were: Untersturmführer AUGUS T. SEITZ, Untersturmführer RUDI KAMPFE, and Oberscharführer MAX BAUTNER. At that time, I did not read the Regimental order to them, because the document was only read to me, it was not given to me; therefore I said to my Platoon Leaders that the enemy resistance had to be broken, if necessary, by terror, and if the situation requires it, to shoot prisoners of war.

"I don't recall to have issued an order like that, before the 15th December, 1944. I also don't recall to have ever said anything about this offensive directly to my Company.

"For more precise explanation of my statement, I myself have prepared three sketches and attach them to my statement.

"The sketch marked "I" shows at the left part, the house in which our Regimental CP was located. The Regimental CP itself is shown on the right part of the sketch number "I". Number "I" indicates the room of the Commanding Officer, Obersturmführer PEIPER, number 2 is the room of the Adjutant, Hauptsturmführer GRUHLE, in whose connection concerning secret order, I had signed something.

"Sketch number "II" shows the hunting lodge in the woods near BLANKENHEIM, in which I also signed something in

(Reading and translation of P-25-A)

R-37-5

connection with the secret order. I did that in the room to the right rear. It was in this room where POETSCHKE had impressed us, also orally, of the contents of the written Regimental order which I described above.

"On sketch "II", I have also shown the seating arrangement. Number 1 is Sturmbannfuhrer POETSCHKE, number 2 is Hauptsturmfuhrer MOEBIUS, number 3 is myself.

"There were also two or three more officers present, but I don't know for certain who they were, with the exception of Untersturmfuhrer KRAMM, whose presence at this meeting I recollect precisely.

"Sketch number "III" represents the place where I issued to my Platoon Leaders the described order on December 15th, 1944.

"On this sketch, number one indicates the place where the order was given and the space for the vehicles of the 1st and 2nd platoons, number 2 indicates the vehicles of the 3rd platoon and the service company.

"I have made my statement voluntarily and out of my own will. At none of the interrogation have I been subject to force, nor were promises made to me.

"I believe in God and I am aware of the importance and sanctity of an oath.

"I swear before God that my statements (those of February 25th, 1946, and the one of this date) are the whole and pure truth and I am prepared to repeat this statement, at any time, before any court.

(Reading and translation of Sievers' statement)

R-37-6

"Signed: Franz Sievers, 27th of February 1946. Witnessed: Raphael Schumacher, Captain, CMP. Sworn to and subscribed before me this 27th day of February, 1946, at SCHWARZISCH HALL, Germany, signed: William R. Perl, First Lieutenant, M.I., O-555149, Investigator-Examiner, War Crimes Branch, USFET.

PROSECUTION (Captain Schumacher): The prosecution offers one picture affidavit, bearing the photograph of Joachim Peiper, executed by Franz Seivers, and requests that it be attached to the record and marked Prosecution Exhibit 25-B.

DEFENSE: The defense has no objection to the admission of this picture affidavit and the defense agrees that the photograph thereon is the photograph of a defendant, Joachim Peiper.

PRESIDENT: It having been so agreed, the photographic exhibit offered into evidence by the prosecution will be accepted into evidence by the court, marked as Prosecution Exhibit 25-B, and attached to the record.

(Whereupon this exhibit was appropriately marked by the reporter and is attached hereto.)

PROSECUTION (Captain Schumacher): Your witness.

CROSS-EXAMINATION

QUESTIONS BY THE DEFENSE:

(Perl -- Cross)

R-37-7

Q Exhibit P-25, Lieutenant Perl, is dated the 27th of February. How many times prior to the 27th of February was Sievers interrogated?

A I can't recall that.

Q Was he interrogated on the 25th, do you know?

A It might be.

Q Just on what date did he write the confession out?

A On the 27th of February.

Q The statement was dictated, is that correct?

A Yes.

Q Who did the dictation?

A I dictated it.

Q Didn't Sievers refuse to take the dictation from you?

A No.

Q I notice that the dictated confession is very lengthy.

During the course of this dictation, did he make any protests about the inaccuracies of the statement that you were making?

A No, he never protested; he suggested changes and, of course, they were made.

Q Was the dictated statement or confession made in the interrogation cell at SCHWABISCH HALL?

A Yes.

Q Lieutenant, at any time, did you see Seivers mistreated in any way?

A No.

DEFENSE: No further questions.

RE-DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION (Captain Schumacher):

(Perl -- Re-Direct)

R-37-8

Q Lieutenant Perl, I just noticed that at the top of the front page on Prosecution Exhibit P-25 there is a date "26 February 1946", and the date "27 February 1946" appears on the last page. Can you explain those two dates?

A Yes, I believe I can.

Q Well, explain it.

A I never started dictating a statement by dictating the date. To start with the date is the German custom, and here, obviously, I started with the date, without knowing the exact date.

Q Do you think that it is possible, or do you know, whether that statement was written partly on one date and partly on another?

A I do not remember whether it was started on one day and finished on another, but I am almost certain that it could not have been this way, because if somebody confessed, we had to take the statement in one.

Q "In one", by that do you mean that the statement had to be taken on one occasion?

A Yes.

PROSECUTION (Captain Schumacher): Your witness.

RE-CROSS EXAMINATION

QUESTIONS BY THE DEFENSE:

Q As a matter of fact, Lieutenant Perl, this confession took two solid days of dictation, isn't that so?

A No.

DEFENSE: No further questions.

R-37-9

PROSECUTION (Captain Schumacher): No re-direct.

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

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

PROSECUTION (Captain Schumacher): The prosecution calls as its next witness Leopold Lattenmayer.

LEOPOLD LATTENMAYER, called as a witness by the prosecution, was sworn and testified through an interpreter as follows:

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

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION (Captain Schumacher):

Q Now, will you speak loud enough, so that everybody in the courtroom can hear you?

A Yes.

Q What grade or rank did you hold, during the Eifel offensive, in December, 1944, and January, 1945?

A Corporal.

Q What unit were you in?

A The 3rd Pioneer Company.

Q What Battalion? What Division?

A Pioneer Battalion, LSSAH.

Q Are you now a prisoner of war of the United States?

A Yes.

Q Where are you being held in custody?

(Lattenmayer -- Direct)

R-37-10

A In Dachau.

Q Did you participate in the Eifel Offensive in December, 1944, and January, 1945?

A Yes.

Q Who was your Company Commander at that time?

A First Lieutenant Seivers.

Q Do you remember his first name?

A Yes.

Q What was it?

A Franz.

Q Would you know Obersturmfuehrer Franz Seivers, were you to see him again?

A Yes.

Q Would you look at the defendants in the box to your left and state whether Seivers is among those present?

A Yes.

Q What number is he wearing?

A Fifty-nine.

PRESIDENT: Number fifty-nine, stand up.

(Whereupon the accused Seivers arose.)

PRESIDENT: All right sit down.

(Whereupon the accused Seivers resumed his seat.)

Q- On what date did this offensive begin?

A On the 16th of December.

Q Of what year?

A 1944.

Q Where was your Company bivouaced, immediately before the offensive began?

(Lattenmayer -- Direct)

R-37-11

A In the forest of SATZVEY, near FELDKIRCHEN.

Q Is that spelled S-A-T-Z-V-E-Y?

A Yes, that is the same.

Q Was any meeting held of your Company, the 3rd Panzer Pioneer Company, while you were assembled in the vicinity of SATZVEY?

A Yes.

Q Do you remember the date of that meeting?

A It was on the 14th.

Q The 14th of what?

A December.

Q Who spoke at that meeting?

A Obersturmfuehrer SEITZ.

Q Was SEITZ an officer in the Company?

A Yes.

Q Was he a Platoon Leader?

A Yes, 1st Platoon.

Q Can you state the substance of what SEITZ said at that meeting?

A Only suggestions, more or less.

Q All right, what did he say?

A He said that there was a secret order and that we were to remember the air attacks and that no prisoners would be taken and that all kinds of weapons were available for this attack.

Q Were you present at this meeting?

A Yes.

Q From SATZVEY, where did your Company go to?

A To a forest, near BLANKENHEIM.

Q What Platoon were you in?

A First Platoon.

(Lattenmayer -- Direct)

R-37-12

Q And SEITZ was your Platoon Leader?

A Yes.

Q How many groups, or sections, were there in each platoon of the 3rd Panzer Pioneer Company?

A Three groups.

Q How many vehicles were there in each group?

A Two of them.

Q Did you attend any other meetings, where similar statements were made, after the Company moved to the BLANKENHELM woods?

A No.

Q Did your Platoon Leader go to a meeting, when the Company was assembled in the BLANKENHELMER woods?

A Yes.

Q Who was your Group Leader?

A Corporal Schott.

Q Did Corporal Schott talk to your Group, after he had attended this meeting?

A Yes.

Q What did he tell you?

A That we were to move out that same day and to get ready.

Q What else did he tell you?

A That we shouldn't forget this order.

Q What order?

A Probably the same one that Lieutenant Seitz had talked about before.

Q Did any order other than that given to you by Seitz -- was any other order issued to you, prior to the offensive?

A I don't remember.

(Lattennayer -- Direct)

R-37-13

Q Did you know of any other order that Seitz could have been referring to, other than the order given to you by Seitz at SATZVEY?

A No.

PROSECUTION (Captain Schumacher): Your witness.

CROSS-EXAMINATION

QUESTIONS BY THE DEFENSE:

Q You said that Seitz had said that you would not take prisoners? Who was to take them?

A According to Lieutenant Seitz, we wouldn't shoot the prisoners in this manner.

DEFENSE: Nothing further.

PROSECUTION (Captain Schumacher): No re-direct.

PRESIDENT: Are there any questions by any member of the court of this witness at this time? (There were none.)

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

PRESIDENT: Court will recess for thirty minutes.

(Whereupon Court recessed for thirty minutes until 1030 hours.)

(Lattenmayer -- Cross)

(Whereupon the Court reconvened at 1030 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: If the Court please, let the record show that all the members of the Court are present, all the members of the Prosecution are present, all the members of the Defense Counsel and all the defendants and the reporter are present.

CAPTAIN SHUMACKER: Prosecution would like to recall the witness Harry Thon.

HARRY W. THON, an American civilian called as a witness for the Prosecution testified as follows:

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

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Captain Shumacker):

CAPTAIN SHUMACKER: Mr. Thon, you are reminded you are still under oath.

Q Are you the same Harry W. Thon who has previously testified in this case?

A Yes.

Q During the interrogations you conducted at IP Number 2, Schwabisch Hall, Germany, did you have occasion to question one Gustav Knittel?

A Yes, sir.

Q Would you know Knittel if you saw him again?

A Yes.

Q Have you seen Knittel in the courtroom?

A I have.

Q Is he among the accused present?

A He is.

Q What number is he wearing?

A Number 31.

PRESIDENT: Will Number 31 stand up?

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(Whereupon the accused wearing Number 11 stood up.)

Q At the time you interrogated Knittel did he give you the rank he held and the unit he commanded during the Eifel offensive during December 1944 and January 1945?

A No did.

Q Would you state that rank and command?

A Yes, Obersturmbannfuhrer and he was commanding officer of the First Reconnaissance Battalion, ISSAH Division.

Q You're sure it was Obersturmbannfuhrer, not Sturmbannfuhrer?

A I believe it was Sturmbannfuhrer.

Q As a result of your interrogation, did Knittel make a statement?

A At first he didn't, at the first interrogation.

Q Well, later did he make a statement?

A He made a statement upon Peiper's request.

CAPTAIN SHUMACKER: I hand the reporter a statement and ask that it be marked Prosecution's Exhibit Number 26 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit Number 26 for identification by the reporter.)

Q I hand you Prosecution Exhibit Number 26 for identification and ask you whether or not you know the handwriting and who signed it.

A Yes, this is Knittel's handwriting and it is signed by him.

Q Is the statement dated?

A No, it is not.

Q Is the statement sworn to?

A No, it isn't.

Q Do you remember the approximate time that Knittel wrote that statement?

A It was in the first days of April 1946.

Q Was the statement made voluntarily?

A Yes, it was.

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Q Did you employ any force or harsh treatment to obtain that statement from Knittel?

A No.

Q Did you make any threats or promises to Knittel?

A No.

Q Is the Knittel who wrote and signed that statement the same man whom you have identified among the accused as wearing Number 31?

A Yes, he is.

Q You stated a moment ago that Peiper had something to do with Knittel's writing that statement. Will you explain what you mean?

A Yes, I interrogated Knittel one afternoon, I think it was around 4:00 o'clock and Knittel said he didn't know from anything. I stopped the interrogation right there and the following morning I opened the door to Knittel's room where he was quartered and was standing in the doorway talking to him. I saw Peiper in the hallway and thought it a good idea to call him over. I therefore called him and asked Peiper in front of Knittel whether it wasn't his opinion . . .

CAPTAIN SHUMACKER: Will the witness make that last statement in English?

A (Continuing) I asked Peiper whether he didn't think it a good idea that Knittel tell me the truth since we knew everything already.

CAPTAIN SHUMACKER: Will the interpreter translate that into German?

(Whereupon the interpreter did as directed.)

A (Continuing) So Peiper told Knittel, yes, that is true, they know everything. Knittel asked Peiper whether he had made statements. Peiper answered the question with "yes". Thereupon

Knittel got paper and pencil and wrote this statement.

CAPTAIN SHUMACKER: Prosecution offers in evidence the exhibit marked Number 26 for identification and requests that it be attached to the record and marked Prosecution Exhibit Number 26.

LT. COLONEL DWINELL: This is an unsworn statement and my objection previously made would not be appropriate. There is no objection.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted in evidence and will be marked Exhibit "P-26".

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit Number 26 and is attached hereto and made a part of the record.)

CAPTAIN SHUMACKER: The Prosecution offers in evidence a true and correct English translation of its Exhibit "P-26" and requests that it be attached to the record and marked Prosecution Exhibit 26A.

DEFENSE: May it please the Court, the Defense has no objection.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution in evidence will be admitted in evidence and marked "P-26A".

(Whereupon the document referred to, having been previously marked by the reporter was received in evidence as Prosecution Exhibit 26A and is attached hereto and made a part of the record.)

CAPTAIN SHUMACKER: Prosecution requests permission to read its Exhibit "P-26A".

PRESIDENT: Granted.

CAPTAIN SHUMACKER (Reading):

"I, SS Stubaf, Gustav KNITTEL, after being duly sworn, make the following statement under oath:

"During the EIFEL offensive, I was commander of a fast group consisting of the SS Pz. A.A., 1st SS Panzer Recon. Battalion, strengthened by the 2./A.Re.L., 2nd Btry, 1st Arty. Regt., A.R. 1 and 1. Pi. Co., SS Pi. Bn., 1. My fast group was under SS Oberstufaf.

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Joachim PEIPER, who commanded the armored group until I held the time ripe to part from the Armored group to capture a MEUSE bridge south of DROE, with a quick thrust.

"As commander of the replacement regiment of the Leibstandarte in LUBBECKE on the 12.12.44 I received the division order for the immediate transfer to the field division there to take over again my old unit SS Pz. A.A. 1. (SS tank first Reconnaissance battalion. TM) There I arrived in the area of EUSKIRCHEN in the evening of 13.12. I reported to the Division commander, SS Oberfuhrer MOHNKE. At first I begged him not to have to take over the battalion because I wanted to grant this campaign to the new younger commanders. The division commander wanted to arrive at a decision on the 14.12

"During a ride in the area of EUSKIRCHEN I met SS Stubaf. WEISER, Adjutant of the Oberstgruppenfuhrer DIETRICH, Commander of the Pz. A.O.K. 6 (6th Army Command). We discussed the coming offensive. WEISER told me that on the 12/12 he was present at a speech of the Fuhrer with the Oberstgruppenf. as the only ranking below a General. He spoke very impressed about the personal experience of the Fuhrer's speech. He said that everything what Germany has still at its disposal of material and good divisions was here concentrated for the decisive battle. This last exertion of force was supposed to create the decisive turning point of the war in a few weeks by a lightning thrust and should mean the end of the war. The main tactical objective should be to separate the American armies from the British and their smashing. Our first objective would be the supply base ANTWERP. Until the turn of the year no foreign soldier was supposed to stand any more on German soil. Everything was to be permitted that would help you to advance. The Fuhrer covers you. Think of the German fatherland which suffers under the enemy bomb terror, and be ruthless towards the enemy civilian population. When a military necessity is at hand allied prisoners of war should be shot. Concludingly he said that in case the offensive should not reach the great staked goal, then anyway the MEUSE line should be won.

"On the 14.12 at 1400 I had to report to SS Oberfuhrer MOHNKE, who ordered me to take over again the SS Pz A.A.1. Simultaneously there as first commander I was let in on the secret of the plan of attack of the offensive. The conference was mainly of tactical contents which culminated therewith, that it should be a beautiful commission for me.

"After that I got myself the orders and maps on hand from the I a, SS Stubaf., ZIEHSEN. Among these must also have been the written order of the Pz. A.O.K. 6 (Tank Army Command 6) signed by Oberstgruppenf. DIETRICH which was transmitted by the division and which concerned itself with the conduct towards the civilian population and the shooting of allied prisoners of war.

"On the 15.12 at 1000, I was ordered to a conference of the commanders, to the first I/SS Panzer Korps at which all division commanders, regimental commanders and the commanders of the two fast groups took part. Besides SS Sturmabfuhrer SKORZENY was introduced.

"Hereby the Korps commander, SS Gruppenfuhrer PRIESS spoke in short about the coming offensive whereby the substantial points of the army order were covered and ruthless combat tactics were requested of us.

"On the 15.12 at 1400 I was ordered to the commander's conference of the armored group under the leadership of SS Oberstufab. PEIPER. As substantial point for me the "Operation Greiff" was hereby discussed.

"On the 15.12 at 2300 I conducted a company commanders' conference of the fast groups at the battalion C.P. of the Pz. A.A. 1:

"Location: Near railroad station GLAADT

"Participants:

Adjutant	SS Unterstuf.	STIEWE		
Comp. commander	1st Comp. SS	Ustuf		
"	"	2nd Comp. SS	Oberstuf.	COBLENZ
"	"	3rd Comp. SS	"	LEIDREITER
"	"	4th Comp. SS	"	WAGNER
"	"	5th Comp. SS	"	REUSS
"	"	Pz. Pl. Comp.	"	
Battery	"	2./A.R.L.	"	
Comp	"	Head. Comp. SS	"	GOLTZ

Contents of the Conference

1. Taking over of the battalion.
2. Issuance of the written tactical divisional order and the distribution of the maps.
3. Marking of position and the plan of attack.
4. Presumable commitment of the battalion
5. Publishing of the operation "Greiff."
6. Oral transmittal of the order transmitted by the division from the SS A.O.K. 6 about conduct in battle in extracts. Last exertion of force for final battle, beautiful far staked task, fighting requiring greatest harshness. The going is through enemy territory, think of your relatives suffering under the bomb terror in the treatment of the enemy civilian population. If the military necessity requires it, in especially compelling situations, allied prisoners of war are to be shot.

KNITTEL
SS Stufab."

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CAPTAIN SHUMACKER: Your witness.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE (LT. COL. DWINELL)

Q Mr. Thon, the statement, Prosecution Exhibit P-26 was dictated to Knittel, is that not so?

A No. It was not dictated.

Q Is this statement in Knittel's handwriting?

A Yes, it is.

Q Were you present when he wrote it?

A At part times. I was not there all the time.

Q Were you there at the time when he began to write the very first part of the statement?

A I don't remember for sure but I believe I was.

Q I notice that at the very beginning of the statement appears the expression: "After being duly sworn, make the following statement under oath:", did you not dictate that phraseology to him?

A It could be that it was dictated but I believe it was this way: I showed Knittel several statements of other defendants in this Court and that he has copied it from them.

DEFENSE COUNSEL: Defense requests that the interpreter translate the statement again, the last statement.

CAPT. SHUMACKER: Will the reporter give the witness the answer in English and let the interpreter translate it again.

(Whereupon the last answer was read by the reporter.)

QUESTIONS BY DEFENSE: (LT. COL. DWINELL)

Q As a matter of fact, Knittel very vigorously protested writing that phraseology at the beginning of the statement, is that not so?

A No.

LT. COL. DWINELL: That is all.

QUESTIONS BY DEFENSE (DR. LEILING)

Q You referred to a remark made by Feiper, did you not?

A That is right.

Q Didn't Feiper say, "They know more than we do"?

A The exact words that Feiper used on that occasion,
I do not know.

DR. LEILING: No further questions.

DEFENSE COUNSEL: Nothing further from the Defense.

CAPT. SHUMACKER: No redirect.

PRESIDENT: Any questions by the Court? Apparently
not. The witness is excused.

(Whereupon, the witness was excused and withdrew to the
Prosecution table in the courtroom.)

PROSECUTION: The Prosecution calls as its next witness,
Mr. Virgil P. Lary.

VIRGIL P. LARY, an American civilian, called as a witness
for the Prosecution, being first duly sworn, testified as follows:

(Whereupon the questions, answers and proceedings were
translated by the interpreter into the German language.)

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Will you state your name, occupation and residence?

A Virgil P. Lary, Jr., student at the University of
Kentucky, Lexington, Kentucky.

Q What is your nationality?

A American citizen.

Q Were you in the military service of the United States
on 17 December 1944?

A I was.

Q What was your rank and organization?

(Lary-direct)

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A 1st Lieutenant, Field Artillery, Battery B, 285
Observation Battalion.

Q Where were you on the 17th December 1944?

A Enroute from Zievenhut, Germany to a small town in
the vicinity of Bastogne, Belgium.

Q Who was with you?

A Battery B of the 285 Field Artillery Observation Battalion.

Q Were you traveling in column?

A We were.

Q Where were you in the column?

A I was in the first jeep in the leading element.

Q Was that the first vehicle in the column?

A Yes, it was.

Q Do you recall the route of your truck convoy?

A From Zievenhut, Germany to Zweivold, Germany to Eupen,
Belgium to St. Vith, Belgium to a small town in the vicinity of
Bastogne, Belgium.

Q With reference to Prosecution Exhibit P-3, which is
the large map on the wall, at your right, will you indicate as
much of the route as is shown on there?

A Yes.

Q As you indicate on the map, will you please indicate
directions and towns?

A This is North (indicating) in this direction and this
is South (indicating) in this direction. This is the road from
Eupen (indicating) to Malmedy.

Q In what direction were you traveling on that road?

A We were traveling south on this road (indicating)
into Malmedy.

(Lary@direct)

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Q Did you leave Malmedy?

A Yes, we did.

Q In what direction did you go when you left Malmedy?

A We traveled in the direction southeast to Beugnes.

Q About what time of day was it when you passed The
Crossroads of Beugnes, Belgium?

A Approximately 1:00 to 1:30 in the afternoon.

Q Do you recall what happened after you crossed the
Crossroads at Beugnes, Belgium?

A Approximately 1,000 meters south of the Crossroads
our convoy of approximately 30 vehicles was fired upon from the
high ground due east by some small arms, mortars and artillery.

Q On what highway or towards which village were you
travelling when you passed the Crossroads?

A In the direction of the village of Ligneuville.

Q In what direction was that?

A That was in the direction south that the convoy was
travelling.

Q After you were fired upon what did you do?

A I discussed with Captain Mills, who was in the leading
Jeep and who was in charge of the convoy, what would be best, to
continue en route, to attempt to turn around or to abandon the
vehicles and get into the ditch.

Q What did you do?

A The firing became so intense that we decided to get
into the ditch, stopping the convoy.

Q After you got into the ditch, what did you do?

A We continued to lie in the ditch while the artillery
and small arms fire came into the convoy.

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Q Was anyone in the ditch with you?

A Yes. Captain Mills and Corporal Lester, driver of the vehicle.

Q Can you describe what happened after you were in the ditch?

A I spoke to Captain Mills and said, "Do you think that a patrol has broken through or is it too heavy for our patrol?" and he said, "The fire is too intense."

Q Then what happened?

A At this time, I spoke to Captain Mills and said, "Let's crawl up this ditch and attempt to make a stand for it besides that small house which we just passed."

Q What did Captain Mills say?

A He said, "Alright."

Q Then what did you do?

A We crawled up the ditch for approximately 100 meters in the direction of the house, north.

Q Did you take refuge in the house?

A We did not.

Q What did you do?

A At this time I was almost opposite the house. I started to cross the road in the direction of the house. At this time, I noticed almost upon me a German tank.

Q How did you know that it was a German tank?

A I saw the black crosses on the side.

Q What did you do after you saw the German tank?

A As the personnel had their heads out of the tank, I dropped down to the ground and pretended to be dead.

Q Then what happened?

(Lary@direct)

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A The tank passed me without incident. I again attempted to cross the road and noticed a half track vehicle following the tank.

Q Were there any distinguishing marks on this vehicle?

A I don't remember.

Q What happened after that?

A A German in this vehicle seeing me come out of the ditch with my hands over my head took a pistol out of his holster and started to shoot at me.

Q What did you do when he attempted to shoot you?

A Seeing his intention I stepped behind one of my vehicles and thus deflected his aim.

Q Did you see what this German did after he did not fire at you?

A No, I did not. I immediately heard, however, two shots.

Q Then what happened?

A This vehicle passed on down the road without further incident.

Q Then what did you do?

A I crossed the road to where there were approximately 15 to 20 of my men standing with their hands over their heads in front of this house.

Q Did you have any conversation with these men?

A I did.

Q What was the nature of the conversation?

A I spoke to these men and said, "Pick up your arms and we'll attempt to make a stand for it in this small house."

Q Did you?

(Lary-direct)

A We didn't. Corporal Daub stated, "Look up the road, Lary" and this I did and saw an entire column of armored vehicles approaching in our direction. At this time I stated, "It will be necessary for us to surrender to these people."

Q Did you surrender?

A At this time, no.

Q What did you do?

A I crossed back over the road and spoke to Captain Mills.

Q Where was Captain Mills at that time?

A He was still lying in the ditch.

Q What did you say to Captain Mills?

A I said, "Captain Mills, are you hit?" and there was no answer. I repeated the question, "Captain Mills, are you hit?" and he said, "No. Go away or they will come back and kill me."

Q Did you have further conversation with him at that time?

A I did.

Q What was it?

A I said, "Captain, come out of the ditch those people have gone". This he did and joined our group across the road.

Q Was this the group by the house or the group opposite the house?

A This was the original group of approximately 15 or 20 men that I first joined. I would like to insert one thing here. When I saw the intention of the German to shoot me, after stepping behind the vehicle, I removed my raincoat which had bars on it, covered the rank and insignia on my collar with my sweater and covered with mud, the helmet with the large stripe in the back and the bar insignia on the front.

Q After you crossed with Captain Mills to the group in front of the house, what happened?

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A Corporal Daub, in the group, spoke to me and said, "Let's make a break across the field for it."

Q Did you reply?

A I did. I said, "No. If you make a break for it they have a right to shoot you."

Q Then what did you do?

A We continued to stand there waiting for this next group of armored vehicles to come closer in our direction.

Q Did they arrive?

A They did and we surrendered at that time to them.

Q What did they do with you?

A All the men in our group had their hands over their heads, like this (indicating).

PROSECUTION: Let the record show that the witness put his hands over his head and clasped them behind his head.

THE WITNESS: At this time, a German in the leading tank motioned to us to the rear in this manner (indicating).

PROSECUTION: Let the record show that the witness made a motion with his right arm and hand, with his thumb extended over his right shoulder. Go ahead.

THE WITNESS: At this time we started to march back in the direction we had come or in the direction north to The Crossroads. Approximately six or seven vehicles back in this column, a German stated the following, as his vehicle passed us travelling south, "Its a long way to Tipperary, boys". No one in our group responded or made comment and we continued to march to the rear.

QUESTIONS BY PROSECUTION:

Q Did any other German say anything further to you?

A Yes. A German on foot came to our group and stated, "Stop, stop, I want drivers for these vehicles". We passed on

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and paid no attention to this man and continued to walk north
in the direction of the Cross roads.

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Q Did you reach the Crossroads?

A Yes, we did. However, before we reached the Crossroads --

Q What happened there?

A I saw M/Sgt. Lacey, with another man whose name I don't remember, being marched south, under guard, down the road.

Q Was that in the direction that you had come from?

A He was being marched south, in the original direction of our convoy's travel.

Q Did you ever see M/Sgt. Lacey or this other man again?

A I did not.

Q What happened to you after you reached the Crossroads?

A Just before the Crossroads, approximately 50 to 100 meters, there was parked a half-track vehicle with a German standing at the side of it. As we approached this vehicle, the German searched the men and took from them cigarettes and watches. This I witnessed.

Q Did he take the arms away from the men?

A The men were unarmed.

Q You mean they had thrown their arms away before this point was reached?

A When I joined the men, approximately 15 or 20, by the house, their arms were at their feet.

Q Well, after these men were searched, then what happened?

A We were motioned into the field.

Q Going north on this highway, which side of the road would this field be?

A Facing north, it would be on your left, or to the west.

Q How close to the Crossroads would this be?

A Approximately 50 to 100 yards.

Q Did you go into the field?

A Before entering the field, I requested of this man who was

searching the men and relieving them of their possessions, permission to have one of our men treated for wounds received in the initial firing. This man's name was Cpl. Valensi. Permission was refused.

Q Then what happened, after this?

A Disregarding the individual that was searching the men, I marched into the field with the rest of the groups as they joined the group in the field.

Q What did you do when you reached the field?

A I walked to the right center of the group and joined the group of men, approximately 150 to 175, who were standing in the field.

Q How were these men standing?

A They were standing with their hands over their head in this manner (indicating), shoulder to shoulder --

PROSECUTION: Let the record show that the witness indicated that the men were standing with their arms and hands clasped over their head.

A (Continuing) -- shoulder to shoulder, a 20-man front, approximately eight ranks deep.

Q How far were you from the road where you were standing?

A I would estimate the distance to be approximately 15 to 20 yards.

Q Did any of these prisoners in the field carry arms?

A I saw no one in the field with arms.

Q Did you see any wounded men in the field?

A I did not.

Q Were all the prisoners of war that you saw in the field Americans?

A To my knowledge, they were.

Q Do you remember the names and the unit of any of the prisoners you saw in the field?

A I do.

Q Will you tell the Court the names and unit of those that you remember?

A The following men were all from the 285th Field Artillery Observation Battalion.

Q Do you know their battery?

A Battery B. -- Capt. Mills, Lt. Munsinger, Lt. Reardon, Pvt. Carr, Pvt. Cohen, Sgt. Franz, Sgt. Geisler, Sgt. Hercherloth, Sgt. Kinman, Sgt. Lours, Cpl. Laufer, Cpl. Rosenfeld, Cpl. Valensi, Cpl. Skoda.

Q Is that all you remember?

A Those are all the names that I remember of those I saw in the field.

Q Did you see any American medics in the field?

A I did.

Q Did they wear any distinguishing marks to indicate that they belonged to the Medical Corps?

A Yes, a helmet painted with red crosses on four sides and a medical armband on the left arm.

Q Did you notice any attempt on the part of the prisoners in the field to escape?

A I noticed no attempt to escape.

Q While you were standing in the field, did you say anything to anyone?

A I did. I spoke to an officer who was from another unit, whose name I do not know.

Q What did you say?

A "It looks like we will spend some time in Germany this winter."

Q Did he reply?

A He did not.

Q Did you hear any other conversation by Americans while you were standing in the field?

A At that time, no.

Q Did you hear the Germans say anything while you were standing in the field?

A I heard a foreign language being spoken from the road. German I did not know at that time.

Q Did you notice the attitude of the Germans while you were standing in the field?

A An attitude of great haste.

Q Anything else?

A Only their actions on the road.

Q What were their actions on the road?

A Before I go further, I would like to insert one thing: Before joining the group in the field, I saw an American Lieut. Colonel being forced at rifle point, by two Germans, to drive a jeep. This jeep stopped at our right front, facing east on the road. The Colonel got out of the jeep and joined our group.

Q Did you hear the Colonel say anything while he was in the field?

A No.

Q Did you observe what the Germans were doing on the road?

A At this time the half-track vehicle, mounting a cannon, was brought up and faced -- or the attempt was made to face it -- in the direction of our group. For some reason unknown to me, this cannon was ordered off, and it proceeded south down the road.

Q Then what happened?

A At this time two vehicles drove up and parked on our flanks, approximately 30 yards apart. At this time I saw a German in one of these vehicles place a machine gun over the side of the vehicle.

Q What else did you notice on the road?

A At this time another vehicle drove up and stopped in the center of these two.

Q Do you know what type of vehicle this was?

A I do not recall, but I saw only one-half of a man standing in this vehicle.

Q What else did you observe?

A I saw this man take a pistol and aim it in the direction of our group.

Q Did he aim the pistol more than once?

A He did, in the following manner: his hands on his hip, three times (indicating).

Q Then what happened?

A He then fired two shots into our group. At the first shot a man to my right front, approximately here (indicating), with his hands up in this manner, went down like this.

PROSECUTION: Let the record show the witness indicated that the man shot had his arms extended over his head and fell sideways to the left.

Q Did you observe anyone hit by the second shot?

A I did not.

Q How close was this vehicle to you from which the man fired?

A Approximately 15 yards.

Q Do you know the rank of the German who fired these two shots?

A I do not.

Q Was he an officer?

A I don't know.

Q At that time were you familiar with the insignia of rank of the Waffen SS or the Wehrmacht?

A I was not.

Q At that time were you familiar with the uniforms of German officers?

A I was not.

Q Have you ever stated in any sworn statement you have given that an officer in a half-track fired at the prisoners of war with a pistol?

A I did.

Q When was this?

A This was in Liege, Belgium.

Q What was the date?

A On the 18th of December, 1944.

Q Under what circumstances did you give this statement?

A I gave this statement to a Captain -- from what department I don't know -- while I was under the effects of morphine and ether, and I assumed at that time that a man commanding such a position of importance, being armed with a pistol and who would take the responsibility, must have been an officer.

Q Could you identify the German who fired the first two shots if you were to see him again?

A I could.

Q Will you take a look at the defendants seated on your left and see if the German who fired the two first shots at the prisoners of war at the Crossroads near Baugnez, Belgium, on 17 December 1944, is present.

A This (indicating) is the man that fired the first two pistol shots into the American prisoners of war.

Q What number is he wearing?

A No. 14.

PROSECUTION: If the Court please, will you have this individual identified as no. 14 stand up?

PRESIDENT: No. 14 stand up. -- Sit down.

PROSECUTION: If the Court please, the Prosecution requests a five-minute recess to have pictures taken.

PRESIDENT: Court will recess for five minutes. Spectators will not leave the courtroom.

(Whereupon the Court recessed at 1145 hours.)

(Whereupon the Court reconvened at 1150 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: If the Court please, let the record show that all members of the Court, all members of the Defense counsel, all members of the Prosecution, all the defendants, the reporter are present.

PROSECUTION: If the Court please, let the record show that the accused identified as having fired the first two shots at the Crossroads on 17 December 1944, wearing the number 14, has previously been identified as George Fleps.

I want to remind the witness that he is still under oath.

DIRECT EXAMINATION (Continued)

QUESTIONS BY PROSECUTION:

Q Have you ever seen the accused George Fleps, whom you have identified as firing the first two shots at the Crossroads, at any time since December 17, 1944, prior to today?

A Yes, I have.

Q Where was it?

A At Schwabisch Hall, Germany.

Q Can you describe the circumstances?

A Upon my arrival in this theatre, I requested of Col. Burt Ellis permission to see the defendants, stating that I thought at the time that I could identify the man, if he lived, that fired the first two pistol shots. Permission was granted under the following conditions: In the first part of April of this year I was taken to Schwabisch Hall by Col. Ellis. He stated to me that the defendants would be brought out singly, in groups of two, and in groups of three. I was to stand at approximately the same distance as I stood from the Crossroads on that day. This was done, and a group of three men were brought out. I recognized none of these. At this time a group of two men were brought out. I recognized none of these. At this time three men were brought out. I immediately picked out this man as the man who fired the first two shots at the Crossroads.

Q By "this man," who are you referring to?

A The man that I just identified, no. 14.

Q On December 17, 1944, did you understand German?

A I did not.

Q Did you hear anything while you were standing there, before the first shots were fired, that sounded to you like an order to fire?

A Only sharp voices from the road, from the people -- the Germans -- on the road.

Q Now, what happened after these two shots were fired?

A At this time I heard two machine guns open up on the group. The firing seemed to become more intense. Those of us that were not killed originally fell to the ground. I fell with my face in the mud, my feet pointed toward the road.

Q How long did the machine guns fire at your group?

A For approximately three minutes.

Q Did you hear any noises after the firing ceased?

A I did. I heard the agonized screams from the American wounded.

Q Did you hear anything else?

A I heard single shots which sounded or seemed like they came from pistols.

Q Did you see any Germans come into the field?

A I did not. My face was in the mud.

Q Did you hear any firing in the field?

A I did. I heard these shots that sounded like pistol shots.

Q After the pistol shots, did the moaning and groaning cease?

A Yes. Completely.

Q Did you hear the Germans say anything during the shootings?

A Only laughter.

Q Did any vehicles pass along the road while you were lying in the field?

A Yes.

Q Did you hear any noises from these vehicles?

A Yes. I heard laughter and more machine gun fire. However, before this machine gun fire, I would like to state to the Court:

While lying in the field, I heard someone walk past my head, heard a single shot on my right, heard what I identified as a clip being re-loaded, replaced in the pistol, and the individual walked on past my head, out of hearing.

Q Did you hear anything else while you were lying in the field?

A At this time, after hearing the laughter and more machine gun fire from these passing vehicles, things became quiet and I could hear the motors in the distance. I heard one man before me say, "'So-and so,' have they killed you yet?" This man replied, "No, but if the son of a bitches are going to kill me, I wish they would come back and get it over with."

Q Were you wounded while you were in the field?

A I was.

Q Whereabouts?

A Through the left foot.

Q How long were you in the field?

A I was in the field approximately an hour to an hour and a half.

Q Did anything else happen that you haven't described while you were lying in the field?

A Yes. Someone said, "Let's go." At this time it was almost a simultaneous reaction. Those of us that could get up and made a break.

Q Where did you go?

A I stepped over numerous bodies lying around me and ran in the direction northwest. At this time another machine gun opened up from a vehicle at the Crossroads when we made the break.

Q How many bodies do you estimate you saw lying in the field when you made your break?

A I estimate well over a hundred.

Q How many people do you estimate made the break with you?

A Approximately 15.

Q Where did you go after you went northwest?

A I crossed a barbed wire fence and a dirt road, and passed behind a house where there was a soldier, an American soldier, lying. I spoke to him and said, "Let's crawl into this small shed, or they will kill you if they find you here."

Q Did he reply?

A He did: "No, I will remain here." At this time I crawled into the shed on my stomach and covered myself with what appeared to be tobacco sticks.

Q How long did you remain in the shed?

A I remained in the shed until after dark -- until about eight o'clock.

Q While you were in the shed, did you hear any noises coming from the field where you had previously been shot at?

A I did. I heard more screams and more shots.

Q After the shots, did the screaming stop?

A Yes, it did.

Q Now, where did you go when you left the shed?

A I crawled in the direction of due west up a hedge row and noticed a large fire coming from a house on the Crossroads. At this time I took an assimuth on buzz bombs that were passing overhead and went in that direction across the fields.

Q Where did you go to?

A I walked approximately two miles, then got down and crawled into a small town, where I was helped by two Belgium girls into Malmedy into a combat Engineer aid station.

PROSECUTION: You may cross examine.

PRESIDENT: Court will recess until 1315.

(Whereupon the Court recessed at 1200 hours 21 May 1946.)

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AFTERNOON SESSION

(Whereupon the Court reconvened at 1315 hours, 21 May 1946.)

PRESIDENT: Take seats. 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 Shumacker, who is absent on business of the Prosecution, all the members of the Defense Counsel, all the defendants and the reporter are present.

If the Court please, before the cross examination of this witness starts, I would like to request that inasmuch as there are six American witnesses who have travelled a long way to give their testimony and inasmuch as they are anxious to go home as soon as possible, that when this witness has finished his testimony on direct that the Defense complete their cross examination so that the witness can be permanently excused. When he has been excused, they would like to remain and listen to the testimony until such time as the last American witness has testified, and they would all like to leave in one group.

PRESIDENT: That will probably be satisfactory.

DEFENSE COUNSEL: May it please the Court, it might become necessary to recall the first witness on account of some variation of the other six. We have agreed among ourselves that when all six witnesses have testified, that they will be excused. Would that be satisfactory with the Court?

PRESIDENT: Yes.

PROSECUTION: Do I understand that when they finish the testimony they may remain in the courtroom?

PRESIDENT: All except the first one.

DEFENSE COUNSEL: Any of them may remain -- not before they have testified but after the Lieutenant has finished his testimony, as far as the Defense is concerned, he may remain in the courtroom, but we would like to have the privilege of recalling him.

PROSECUTION: Thank you.

VIRGIL P. LARY, an American civilian, called as a witness for the Prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

PROSECUTION: Mr. Lary, you are reminded you are still under oath.

THE WITNESS: Yes, sir.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (LT. COL. DWINELL):

Q Going back to your testimony at the very beginning and with respect to the crossroads, from what direction did the initial firing come?

A From the high ground due east.

Q Referring to the activity on the roads regarding the field, you said, I believe, that the Germans seemed to be acting in haste, is that correct?

A That's correct.

Q During the incident in the field that you described, did you notice a continual movement of German vehicles on the road towards Ligneuville?

A No, I did not.

Q Can you recall about how many vehicles passed that road during that period of time?

(Lary-Cross)

A I do not recall as my attention was focused on the foreground.

Q Do you recall whether you noticed any German soldiers giving orders to the tank drivers to move on?

THE WITNESS: Will you repeat the question, please?
(Whereupon the question was repeated by the reporter.)

THE WITNESS: I did not understand German, therefore, I did not understand an order.

QUESTIONS BY DEFENSE COUNSEL (LT. WAHLER):

Q Mr. Lary, how long did you stand in the field just prior to the initial burst of fire?

A Approximately five to ten minutes.

Q While you stood there, did you happen to notice the type of vehicles that were parked, that is, German vehicles that were parked along the highway towards Engelsdorf?

A Yes, I recall one vehicle was a half-track.

Q Did you notice any other half-tracks?

A There was one other vehicle parked on the left flank, -- the type I do not remember.

Q Do you happen to remember how many tanks you saw there?

A The number of tanks I do not know. However, I did see tanks.

Q Did you notice any American vehicles parked along the highway?

A Yes, our entire convoy was parked along the highway.

Q You further testified that as you stood in the field two vehicles drove up and parked on your flanks, is that

correct?

A That is correct.

Q What type of vehicles were these?

A The vehicle on the right flank I identified as a half-track.

Q And the one on the left flank, do you recall what type that was?

A I don't recall what type of vehicle.

Q Did you at any time see the SPW on your right flank open fire?

A Is an SPW a half-track?

Q Yes.

A I saw the half-track on the right with a German soldier place a machine gun with the ground mount over the side.

Q Did you at any time see this machine gun fire?

A I did not.

Q Did you happen to notice the type of vehicle that Georg Fleps was on, the man whom you identified?

A I don't recall the type of vehicle. However, I only saw half of his body.

Q I believe you testified that at the initial burst, or immediately after the initial burst of fire, you heard two machine guns fire, is that correct?

A That is correct.

Q Did you happen to notice from what type of vehicles this machine gun fire came from?

A When the machine guns initially fired I immediately fell with my face in the mud.

Q I believe you further testified that about an hour

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or an hour and a half later you and a number of other American soldiers commenced to run and at that time you heard machine gun fire coming from the corner, I believe it was, is that correct?

A From the direction of the crossroads, yes.

Q Did you happen on that occasion to take notice at that time the type of vehicle that this machine gun fire was coming from?

A As I saw, -- the impression that I now have is that it was a half-track.

LT. WAHLER: That is all.

DEFENSE COUNSEL: Nothing further on cross examination on behalf of the Defense.

PROSECUTION: I would like to ask a few more questions on direct.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Are you sure it was a half-track that opened fire when you got up and left the field?

A I am not sure. It was my impression, as I was in rapid motion at that time and only glanced in the direction of the field.

Q On cross examination you testified that you saw the trucks of your convoy parked along the highway. Did you see any other American vehicles parked along the highway?

A Yes. I recollect now seeing three ambulances parked facing in the direction of Malmedy, which would be northwest, when I ran.

Q You have testified that you could only see the top part of the body of the man who fired. What kind of a

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vehicle would that indicate that he was riding in?

LT. WAHLER: If the Court please, the witness has testified that he did not know the type of vehicle. Certainly, Prosecution should not be allowed to put words in the witness' mouth.

PROSECUTION: This man testified that he is an American Army officer, he has also testified that he was not certain. I do not expect him to testify with any certainty.

LT. WAHLER: The witness is not testifying as an opinion witness. He is testifying to actual facts that he saw. He testified that he did not know the type of vehicle that Georg Fleps was on.

PRESIDENT: The objection is sustained.

QUESTIONS BY PROSECUTION:

Q While you were standing in the field, do you recall whether or not the Germans were receiving any American fire?

A While we stood in the field until the initial firing by the Germans, there was no firing from any direction into any group of people.

PROSECUTION: That is all.

LT. WAHLER: Nothing further. Thank you.

PRESIDENT: Are there any questions by the Court? There appear to be none. The witness is excused.

(Whereupon the witness was excused and left the witness stand.)

PROSECUTION: Prosecution calls as its next witness Mr. Carl R. Daub. This witness will be interrogated by Mr. Elowitz of the Prosecution.

CARL R. DAUB, an American civilian, called as a witness for the Prosecution, being first duly sworn, testified through

(Lary-Redirect)

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an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (MR. ELOWITZ):

Q State your full name and age.

A Carl Robert Daub.

Q How old are you?

A 23.

Q Where do you live?

A Colebrook, Pennsylvania.

Q What is your nationality?

A German.

Q Does the witness understand the question?

A No, sir.

Q Where were you born?

A Lebanon County, Pennsylvania.

Q Have you ever lived in any other place but the

United States?

A No, sir.

Q Of what country are you a citizen?

A United States.

Q Have you ever served with the United States Army?

A Yes, sir.

Q While serving with the United States Army, have you ever been assigned to the European Theater of Operation?

A Yes, sir.

Q During what year or years?

A From the year 1943 to the year 1946.

Q What organization did you belong to while serving with the United States Army in Europe?

(Daub-direct)

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A Battery B, 285th Observation Battalion.

Q What was your rank?

A Technical 5th Grade.

Q What were your duties?

A I was assistant flash observer.

Q Do you recall the name of your battery commander?

A Captain Scarborough.

Q Do you recall the name of your platoon leader?

A First Lieutenant Lary.

Q I now direct your attention to the morning of the 17th of December 1944 and ask where you were on that day and at that time, if you remember.

A In the morning I was in Schevenhuette.

Q On that particular morning was your company engaged in a military mission?

A Yes, sir.

Q What was that mission?

A We were travelling from Schevenhuette to the direction of St. Vith.

Q Do you know the names of any towns or villages through which you passed that morning?

A I remember Malmedy.

Q Is that the only town that you remember?

A That is all.

Q I call your attention to Prosecution's Exhibit Number 3 on the wall to your right and ask you if you can trace the route of your march on that morning? You may step off the stand and take a closer look at the exhibit. Do you recognize the places on the exhibit? You have mentioned

(Daub-Direct)

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the town of Malmedy in your testimony. Do you recognize that on the map? Can you trace the route after you left Malmedy?

A That is the route (indicating).

Q Do you recognize the place identified on the map as Beugnez?

A Yes, sir.

MR. ELWITZ: Will the witness speak louder so that the reporter can take the record?

QUESTIONS BY PROSECUTION (MR. ELWITZ CONTD):

Q In what direction did you travel after you came to Beugnez?

A We travelled south.

Q Will you point it out?

A (Indicating).

Q You may resume the stand. What occurred after you turned south at the crossroads which you have pointed out as Beugnez?

A The first thing I remember was machine gun fire.

Q Where were you riding?

A I was riding in a two-and-a-half ton.

Q A two-and-a-half ton what?

A GMC truck.

Q Can you describe the position of your vehicle in the column?

A It was in the front of the convoy.

Q Do you remember about which vehicle it was?

A It was third or fourth.

Q How many men were riding with you in that vehicle?

A In the rear of the vehicle there were four of us. There were two in front.

Q How far had you turned south at the crossroads.

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when you first heard the machine gun fire? Strike that. How far did you travel? Will you give just an estimate?

A I think about 1,000 yards.

Q Then what happened?

A Well, the four fellows on the back got out on the tail-gate ready to jump.

Q Did the truck stop?

A We waited till the truck slowed up and then we jumped. Then the truck came to a stop.

Q Then what did you do?

A Four fellows -- three fellows jumped into the gutter to the right of the truck.

Q How long did you remain in the gutter?

A We laid there several minutes.

Q Did you leave the gutter?

A I noticed a house and I thought it would be safer, so I crossed the road to the house.

Q Who went with you?

A Lafer and Werth.

Q At that time did the three of you have your weapons with you?

A Yes, we did.

Q How long did you remain behind the house?

A About twenty minutes.

Q What caused you to leave that shelter?

A First thing I noticed was some armor was directed towards us.

(Daub-Direct)

Su fls SR

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21 S 1

Q What do you mean by armor ? Will you explain ?

A First coming towards us I saw a big tank.

Q Did the tank recognize you men standing at the house ?

A He did. He motioned for us to rise up and go to the rear of the column.

Q Will you explain what you mean by 'he' ?

A The fellow who motioned us to go to the rear of the column.

Q This man on the tank' - he was driving ?

A That is right.

Q Can you describe the uniform he was wearing ?

A I don't remember.

Q Can you remember anything about it ?

A No, but I can remember the way he was armed.

Q Do you remember the color of the uniform ?

A No.

PRESIDENT: Will the witness speak a little louder.

Q Were you familiar with the insignia and rank of Waffen SS or Wehrmacht soldiers ?

A No.

Q When this man on the tank motioned to you and the three men with you to go to the rear, what did you do ?

A We immediately started moving to the rear of the column.

Q You started back up the road towards the cross-roads ?

A That is right.

Q What did you do with your weapons ?

A Just dropped them on the ground.

Q What did you do with the ammunition ?

A That was dropped also.

Q In what manner did you hold your hands ?

A I had my hands about half way up.

Q Will you indicate the position to the court how you

(Daub:-direct)

#42

A Like this before they started to shoot.

21.S.2

PROSECUTION: (MR ELOWITZ): Let the record show that the witness had his hands and arms in a half-raised position.

Q Did you and the three men with you join another group when you came out on the road ?

A Yes we did. Several of us met and walked together.

Q Did you recognize your platoon leader in this group ?

A Yes I also remember him.

Q Did you have any conversation with him ?

A Yes I spoke with him a few words.

Q What did you say to him or what did he say to you ?

A I only remember telling him to cover his bars with mud.

Q When you started up towards the Crossroads did you notice the manner in which the other people in your party held their hands and arms ?

A Some fellows held them high up above their heads and some had them clasped on the heads.

Q Clasped on the heads is that what you say ?

A Yes.

Q Did any German vehicle pass you coming in the opposite direction as you were walking back towards the Crossroads ?

A Yes sir.

Q Can you describe the type of vehicle ?

A I can only remember the first one was a tank.

Q Did any German vehicle pass you firing at your group as you were walking towards the Crossroads ?

A One of the tanks fired on us.

Q What type of weapon did they fire ?

A It had a light calibre weapon.

Q Did you actually see the weapon firing ?

A Yes I did.

Q Did you notice if any Americans were hit ?

A I remember two or three of them fell.

#42

21 S 3

Q Were they marching ahead of you ?

A They were marching ahead of us.

Q Marching with arms in the air ?

A They were.

Q Did they have any weapons ?

A No they did not.

Q Approximately how long did it take you to march from the point where you were first told to go back until you reached the Crossroads ?

A Around five minutes.

Q When you got to the Crossroads what did you notice ?

A I noticed a group of soldiers.

Q As you were marching towards the Crossroads what side of the street were they ?

A They were on the left side.

Q Can you estimate the number of soldiers standing there ?

A 150

Q About 150 ?

A Yes.

Q Did you notice if any of those soldiers had weapons ?

A I did not.

Q Did you notice or see any weapons ?

A I did not.

Q Mr Daub , I will ask you that question again, did you notice any weapons ?

A No.

Q Did you notice the manner in which the Americans were standing ?

A The front was more or less - they were in a stright line and then shaped in a half-moon.

Q In about how many ranks were they lined up, can you (Daub:-direct)

#42

estimate ?

21 S 4

A To the center about twelve.

Q Did these soldiers have their hands raised in the air ?

DEFENSE:(Lt WAHLER): If the court please, the Counsel has been continually leading the witness. I believe at this time when the evidence is going to become most crucial, he should not lead the witness.

PRESIDENT: The Defense is correct; will you discontinue asking leading questions to the witness.

Q I ask you Mr Daub, at the time you arrived at the place about which you have just testified, where there stood approximately 150 Americans, did you notice the manner in which these Americans were standing ?

A They were standing with their hands over the head, some high in the air and some clasped.

Q What did you do when you arrived at this place ?

A I crossed the fence - went over , and stood in the first rank.

Q What happened to the other men who were with you ?

A They did the same.

Q You testified that you stood in the first rank of this group standing in the field, will you please estimate the distance from that point to the highway ?

A Ten yards.

Q Did you notice anything on the highway as you stood there ?

A Some pieces of armor came very shortly after.

Q Will you please explain what you mean by 'some' ?

A I noticed one vehicle.

Q Did you watch this vehicle ?

A I glanced at it a few times.

Q What happened to this vehicle ?

A They tried to face the vehicle directly at us.

(Daub -direct)

#42

21S 5

Q Will you please describe what you mean ?

A The vehicle was maneuvering - trying, I think to point the gun at us.

Q Did you see the gun ?

A (No answer)

Q Did you understand the question ?

A I don't remember.

Q What happened to this vehicle which you have just described?

A It just stayed there - finally stopped.

Q Did it remain all the time you were there ?

A That is right.

Q Did you see any other vehicle on the road ?

A No I did not.

Q How long did you remain standing in the field ?

A About 10 minutes.

Q During that time did you see another vehicle on the road ?

A I don't remember.

Q Did anything unusual happen while you were standing in that field ?

A I noticed our medic bandaging a soldier's arm.

Q Do you know the name of that medic ?

A Indelicato.

Q Do you know what happened to him ?

A I seen him get shot.

Q Describe the manner in which he was shot ?

A I heard the machine-gun firing and I seen him double up.

Q Before you saw Delacotto shot, did you hear any other firing ?

A I heard two pistol shots.

Q Did you see who fired those shots ?

A I seen at the time but I cannot remember.

Q Did you see anybody hit by thesetwo shots ?

#42

21 S 6

A I did not

Q You have testified that a man by the name of Indelicato was the first aid man in your company is that correct ?

A That is correct.

Q Did you see if he was wearing Red Cross Insignia at that time ?

DEFENSE:(Lt WAHLER): I f the Court please I am going to interpose the same objection to that question when the evidence is going to a crucial point; her certainly should not lead the witness with such questions as "What type of emblems--".

PROSECUTION:(Mr ELWITZ): I will rephrase the question.

PRESIDENT: Alright.

Q.(Continuing) What type of uniform was Indelicato wearing ?

A O. D. uniform.

Q What insignia did he wear on that uniform ?

A He wore his Red Cross armband.

Q Did he have any special insignia on his helmet ?

A He did.

PRESIDENT: I will again remind the Prosecution to discontinue asking leading questions.

Q. Q You have testified that you saw Indelicato shot - I ask you how far away you were standing from Indelicato when you saw him shot ?

A About 20 yards - No! 20 feet.

Q Can you just estimate the distance ?

A 20 feet

Q How did you happen to see Indelicato shot ?

A I glanced in that direction before I hit the ground.

Q Why did you hit the ground ?

A I heard the burst of small arms fire.

Q In what direction ?

A To my front.

(Daub-direct)

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21. S 7

Q How long did you lay on the ground ?

A I estimate one hour.

Q What happened while you were on the ground ?

A There was small arms firing and I heard my buddies screaming and praying.

Q What else did you hear ?

A I heard the thud of bullets going into my buddies.

Q You testified that you lay in the field about 45 minutes, what did you do after that ?

A I lay until it got quiet - until I heard no more machine-gun firing.

Q Then what did you do ?

A I raised my head to the left but there was a buddy lying to my left and I could not see, so I slowly raised and looked to my right and I still could not see because of my buddies lying around me, so I took a chance and ran.

Q Where did you run to ?

A I ran to the rear of the group of my buddies.

Q Then where did you finally arrive ?

A Malmedy.

DEFENSE: The Defense does not desire to interrogate the witness further.

PRESIDENT: No further questions - witness excused.

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

PROSECUTION: The Prosecution calls as its next witness Kenneth E Kingston.

KENNETH E KINGSTON, a witness for the Prosecution was duly sworn and testified as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:(Lt. BYRNE)

Q Will you speak loudly so that everybody can hear. Please (Kingston-direct)

#42

state your full name ?

21 S 8

A Kenneth E. Kingston.

Q Your address ?

A Allentown, Pennsylvania.

Q What is your occupation ?

A Steel worker.

Q Were you formerly in the United States Army ?

A Yes.

Q On 17 December 1944 were you in the United States Army ?

A Yes I was.

Q What was your organization on that date ?

A Battery "B" 285, Field Artillery Battalion.

(Kingston-direct)

43,5/21,1sp

Q On the 17th of December 1944, where was your organization located?

A Schevenhutte, Germany.

Q Did you have a military mission on the 17th of December?

A Yes. We were in route from Schevenhutte Germany to a little town outside of St. Viht past Bastogne.

Q Do you remember the names of any of the towns that you passed through on that day?

A Eupen and Malmedy.

Q With reference to Prosecution's Exhibit No. 3, the large map on the wall to your right, is a part of the route you took shown there?

A Yes, sir.

Q Would you walk over to the map and point out the portion of the route that is shown on the map?

(Whereupon the witness did as directed.)

Q You are pointing to the village of Malmedy. What direction did you go when you left Malmedy?

A Southeast.

Q And continuing from Malmedy, where did you go?

A South.

Q You are pointing to a cross roads at the village of Baugnez. What direction did you proceed from that cross road?

A Southwest.

(Kingston - Direct)

43,2sp

Q About how far from the cross roads did your convoy proceed?

A Well, I proceeded about 500 yards south of the cross roads.

Q You have testified that you traveled about 500 yards south of the cross roads. What happened at that time?

A Well, the convoy stopped because it was being strafed with machine gun fire and 88 fire.

Q And what did you do?

A The convoys stopped and I seen all the men heading for the ditches in the field, so I got out and went to the left hand side of the road in the ditch.

Q Were there any buildings in the vicinity of where you headed for the ditch?

A Yes, sir. I got in front of the house by the wood pile there.

Q About how far away from the road were you?

A Two or three feet.

Q And after you got to that side of the road, what did you do?

A Well, I laid in the ditch there for a few minutes and Corporal Flechsig and Mike Skoda came over a few minutes later.

Q And then what happened?

A Well, machine guns and the 88 were flying all around the place there and we just laid in the ditch waiting there a few minutes.

Q About how long did you lie there?
(Kingston - Direct)

43,3sp

A I would say about 10 or 15 minutes.

Q After you had laid there for 10 or 15 minutes, did you leave?

A No, sir. I seen Corporal Conrad and Corporal Garrett get up and run over to the truck for their arms and Corporal Garrett got up to the ditch all right and Corporal Conrad was running over to the ditch when the shell came, and he hollered as if he was hurt and Corporal Garrett told him to get into the ditch.

Q And after Conrad got back in the ditch, then what happened?

A We laid in the ditch there for a few minutes when Sergeant Mearig and Sergeant Stabulis and Flack and Hall got up and ran across the country towards the woods.

Q When you say they took off across the fields towards the woods, what direction did they go?

A West.

Q Had they been on the same side of the road that you were?

A No, sir. They were on the right hand side of the road.

Q Did you watch these four men take off across the fields?

A Yes, sir.

Q And then what happened?

A Well, a machine gun cut loose at them from some place and mowed the four of them down.

(Kingston - Direct)

43,4sp

Q Could you see the machine gun?

A No, sir. I seen it later on.

Q What direction did the machine gun fire come from?

A East.

Q After you saw these four men shot, then what did you do?

A Well, we stayed there for a couple of seconds and then a tank pulled up along the side of the house and along the road.

Q What direction did the tank come from?

A East. It made the turn. It came on to Macadam Road and the SS pointed right at us so we stood up and put our hands up.

Q How did you hold your hands?

LT. BYRNE: Let the record indicate that the witness raised his hands over his head.

Q Did the first tank make any effort to take you prisoner?

A Yes, sir.

Q What did they do?

A They told us to march up the road.

Q And did you march up the road?

A Yes, sir.

Q When you say up the road, what direction do you mean?

A North.

Q Is that back towards the cross roads you have indicated on the map?

A Yes, sir.

(Kingston - Direct)

43,5sp

Q As you proceeded up the road towards the cross roads, did anything happen?

A Well, we had to wait until there was three or four other tanks behind this first tank and as they pulled up on Macadam Road they stood up on the turrets of the tank and fired on the four bodies lying on the other side of the field.

Q Did you wait until after these four tanks had passed before you started back across the cross roads?

LT. WAHLER: If the Court please, counsel is again leading the witness.

PRESIDENT: Be more careful of that.
Continue questioning.

QUESTIONS BY PROSECUTION (LT. BYRNE CONTD)

Q You have testified there were three or four tanks in this group that approached, is that right?

A Yes.

Q And you waited at the house for some little time. What happened after you had waited here while these tanks went by?

A Well, we were standing there as prisoners with our hands up and some fellow in the first tank stood up and fired into these four bodies lying there with a carbine and when he went by as the second pulled up, they fired into those bodies with the carbines and machine guns, so we just waited until the four tanks went by. Then we walked up the road.

Q Were there any vehicles along the road as
(Kingston - Direct)

43,6sp

you went up the road?

A Yes sir, armored columns on the right hand side and our columns on the left.

Q Did you have any conversation with anyone on the way up this road?

A Well, we seen Lt. Rierden and Corporal Fleshig and I told them to get down. Then we walked up the road I would say about 30 or 40 feet. Then we saw a German officer jump out of a vehicle, and he asked us if we were chauffeurs and we told him no, so then he motioned for us to move on up the road, and as I started up the road, he gave me a boot. So we marched on up the road and a couple of fellows in an armored half track called us over to their track and took our cigarettes and gloves.

Q Did you continue up the road?

A Yes, sir.

Q How far did you go?

A Well, we walked up to the cross roads.

Q What happened after you arrived at the cross roads?

A Well, they had us in like a little formation up there and stripped us of all our personal belongings.

Q Did they take anything from you personally?

A Yes sir, my wrist watch and fountain pen.

Q Did you remain at the cross roads there?

A Yes sir, we waited there for a few minutes until they brought some more men up.

(Kingston - Direct)

43,7sp

Q About how many prisoners were in the group?

A Well, at the time I got there, there was about 16, and later on, I imagine there was close to 70 or 80.

Q Did you recognize the uniforms of your captors?

A Yes, sir.

Q Do you know what uniforms they were?

A Yes, sir.

Q What were they?

A Well, there were some black uniforms with light blue braid around the hat and shoulders and there were some with camouflaged uniforms on.

Q What nationality were the capturing troops?

A German.

Q Had you seen German troops before this time?

A Yes, sir.

Q Did you recognize the insignia on any of the vehicles?

A Yes, sir.

Q What was it?

A Like black and white cross.

Q After you remained at the cross roads as you have previously testified for a few minutes, then what happened?

A A couple of German soldiers told us to move back, kept on telling us to move back, move back, move back, so we moved back until we got against the barbed wire fence, and a lot of fellows didn't know what to do so they jumped over the

(Kingston - Direct)

fence. So we jumped over the fence and they kept on howling, move back, move back, until we got about 20 feet behind the fence.

Q After you were out in the field about how many prisoners were in the group?

A I would say around a hundred.

Q While you were out in the field, did anything unusual occur?

A Yes sir. There were two fellows wounded. I was wounded in the arm and also Corporal Stevens was wounded in the arm. So Lt. Lary asked permission from the company of German soldiers if it was allowed to perform first aid.

Q Was the permission granted?

A Yes, sir. Indelicato was allowed to perform first aid.

Q Then what happened?

A Well, Indelicato was performing first aid and Stevens, he had him laying down on his back fixing his arm and Sergeant Ahrens and I and Mike Skoda and I were in a group there talking to him just about 15 feet when I heard two shots fired.

Q Did you see who fired the shots?

A No, sir, I didn't.

Q What direction did the shots come from?

A Well, they came from the road, from the east.

Q What side of the road was the field on that you have described you were in?

A The right hand side.

Q When you described the right hand side of this highway, which direction were you facing?

(Kingston - Direct)

43,9sp

A We were facing east.

Q Will you look at the map, at Prosecution Exhibit No. 3 and you have described the highway as running from the cross roads south, is that correct?

A Yes.

Q Is that the road to which you are referring?

A Yes, sir.

Q Which direction were you facing when you described the right hand side of the road?

A We were facing to the Macadam Road.

Q I don't believe you understand my question. When you described the right hand side of the road, which direction are you facing?

A North and south.

Q You are only facing one of those directions. Which one are you facing?

A The road runs north and south.

Q When you describe the right hand side of the road, which direction are you looking?

A I am looking south.

Q Which side of the road was the field on that you have described?

A The right side.

Q When you were standing in the field, were you facing the road or away from it?

A Facing the road.

Q You have described two shots that you heard fired. What occurred after those two shots were fired?

(Kingston - Direct)

A Well, they started the machine guns there. There were three half tracks lined up guarding us there and machine guns started first and they started from the left to the right hitting Indelicato first.

Q How do you know Indelicato was hit?

A I seen him hit the ground.

Q And after Indelicato was hit, what happened?

A I hit the ground.

Q You have described three vehicles. Do you know whether or not there was firing from all three of those vehicles?

A I imagine so because it sounded like it.

Q How long did the firing continue?

A For about 10 or 15 minutes.

Q Were you hit during the firing?

A Yes, sir. I was grazed three times.

Q Where were you wounded?

A In the leg, by the spine and in the hand.

Q And after the firing had continued for ten minutes as you have described, then what occurred?

A Well, the firing stopped and as these armored vehicles pulled down Macadam Road, they would throw a burst of machine gun fire into us while they were passing by.

Q Did you see the armored vehicles going down the road?

A Yes, sir. Every once in a while I would glance up and take a look.

(Kingston - Direct)

43,11sp

Q When you say armed vehicles, what kind of vehicles do you mean?

A Tanks and half tracks.

Q Do you know what kind of tanks and half tracks made up the convoy that was passing you?

A I would say they were mark IV and mark V tanks.

Q Had you seen mark IV and mark V tanks before that day?

A Yes, sir.

Q How long did you remain in the field after the shooting?

A I stayed in the field until about 4:30 that evening.

Q From the time of the original shooting until you left the field, did anything occur in the field?

A Yes, sir.

Q What was it?

A Well, after they got done machine gunning us, why there were foot troops come in the field among the men lying and groaning and that stuff and the ones they would see moaning and groaning they would shoot.

Q Did anything happen to you personally?

A Yes, sir.

Q What was it?

A One of the German soldiers must have seen that I was moved or still alive, so he picked up my hand to take the ring off and he stood back (Kingston - Direct)

43,11sp

about three feet and fired two rounds into my helmet missing my head.

Q About how long was this after the initial shooting?

A I would say about five or ten minutes.

Q You have testified that you remained in the field until around 4:30 or 5 o'clock, is that correct?

A Yes, sir.

Q What happened about that time?

A Around 4:30 or 5?

Q That is correct.

A Well, I heard somebody holler, "Let's go", so I got up and took off across the country.

Q Where did you go?

A Right into Malmedy.

Q Going back to the initial straffing of your column, you have described part of the fire that you received as fire from 88's, is that correct?

A Yes, sir, I imagine so because it sounded like it.

Q Did you see any of the guns?

A There is 88's mounted on all the tanks.

Q When you say there was 88's mounted on all the tanks, how do you describe it?

A I would say about 10 or 15 feet long with a flashlight.

Q How do you distinguish an 88 as you have described it from a 7.5?

(Kingston - Direct)

43,12sp

A That goes by the millimeter.

Q My question was directed to observing it.
How would you tell the difference?

A Well, by the size of the hole in the tank.

Q Would you be certain as to whether or not
there were 88's or 7.5's mounted on these vehicles?

A Well, there might have been 7.5's there,
but I thought they were 88's.

Q Were there prisoners represented in the
field composed of any unit other than your own?

A I didn't pay much attention to that, sir.

Q You have described a man named Indelicato
as bandaging the wounds of two men, is that correct?

A Yes, sir.

Q Was Indelicato from your organization?

A Yes, sir, he was our corporal medic.

Q What insignia if any was he wearing?

A He had a Red Cross arm band and he also
had a red cross painted on his helmet.

Q Was that the same man that you have
described as the first man shot?

A Yes.

LT. BYRNE: You may cross examine.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (LT. WAHLER)

Q In the early part of your testimony I
believe you stated that there were four or five
Americans that arose out of the ditch and ran
across the field. Is that correct?

A Yes, sir.

(Kingston - Cross)

43, 13sp

Q These four or five Americans did not surrender is that correct?

A No, sir, they were shot.

Q At no time did you see these four or five Americans with their hands raised in the air, did you?

A I did not have time to.

Q You also testified that there was an armor column parked on the right side of the road adjacent to the field in which you were and a number of other Americans were standing, is that correct?

A Yes, sir.

Q Can you tell me the number and types of vehicles that were in this armored column?

A No, sir. I didn't count them.

Q Now relative to these three SPW's that you mentioned, where were they standing with relation to your position in the field? I mean by an SPW a half track.

A They were lined up right along the barbed wire fence there in front of us.

Q And you are definite that there were three of them?

A Well, there might have been three or four. I didn't pay close enough attention.

Q Could there have been two of them and one Panzer or one tank?

A What was that, Sir?

Q Could there have been two half tracks
(Kingston - Cross)

43,14sp

and one tank?

A Well, I seen three half tracks there. I don't know.

Q Did you at any time see any firing coming from either one of these SPW's?

A I didn't see the firing, but I know it hit me.

Q Do you know from what vehicles this fire came?

A No, sir. As soon as I heard the machine gun firing, I hit the dirt.

Q While you were standing in the field, did you have an opportunity to notice the number of vehicles proceeding down the road south towards Engelsdorf?

A Yes, sir. They were moving along the road while we were standing in the field.

Q Was there a great deal of traffic proceeding along that highway?

A Well, it moved like a regular convoy moved.

Q Do you have any opinion as to how fast they were traveling?

A No, I don't.

Q You further testified that the uniforms of your captors were black and others had camouflaged uniforms. Could you give me an idea as to number of German soldiers that had black uniforms on?

A Well, the majority of the ones that were (Kingston - Cross)

43,15sp

in the tanks that I took notice, had black uniforms on with blue braid around the hat.

Q Did you see any German soldiers who were not in their tanks wearing black uniforms?

A Yes sir, the ones that came in the field and shot us up with small arm fire.

Q About how many of those?

A I don't know. I didn't count them, sir.

Q Do you have any ideas as to the number?

A No, sir.

Q Now relative to those that wore camouflaged uniforms, do you know from what types of vehicles or units they were?

A Well, they were right of the back of the half tanks there.

Q And how many of these individuals did you see?

A I walked over to one half track and they were lined up on both sides. There were seats in back of the half track. I imagine there were eight or ten.

Q Did you see any of these individuals alight from their vehicle and go into the field?

A No, sir. I didn't pay close attention to that.

Q I believe you have spoken of troops that were on foot in the field. Would you term them infantry soldiers?

A Well, I would say the ones that were riding in back of the half tracks were armored
(Kingston - Cross)

43,16sp

infantry because they most generally ride there.

Q Did you at any time hear any of the officers in charge give orders to their troops?

A They were running around there and laughing and howling and everything -- I didn't know what the hell was going on.

LT. WAHLER: That is all.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (LT. BYRNE)

Q I have one further question. You testified that vehicles as they passed the field after the initial shooting fired into the field. How do you know that those passing vehicles fired into the field?

A Well, they would give a small burp from the machine gun and then stop.

Q Did you see the guns pointed in the direction of the field?

A No, sir, but I seen the bullets hit them.

LT. BYRNE: No further questions.

DEFENSE COUNSEL: Nothing further.

PRESIDENT: Any questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: If the Court please, the prosecution offers in evidence to be marked Prosecution Exhibit No. 27 attached to the record, the original Inspector General, the first U.S. Army (Kingston - Redirect)

43,17sp

report, dated 27 January 1945, reference number of originating office IG, 101, exhibit A, exhibit J and exhibit P which consist of 55 photographs.

LT. COL. DWINELL: Defense objects to this as a violation of the best evidence rule and as far as the testimony that is incorporated in the exhibit is concerned and also objects to the photographs that are introduced as part of the exhibit because no proper foundation has been laid for them as to time and place. A foundation must be laid to indicate that these photographs represent the exact condition of the place and the exact time when the incident took place.

PROSECUTION: If the Court please, I believe the rule in this case which applies to Military Government Courts is that an Inspector General's report is admissible in evidence in whole or in part.

COLONEL ROSENFELD: Court will reserve its decision on admission of this subject until after the afternoon recess.

PRESIDENT: Court will recess until 1520.
(Whereupon the Court at 1450 recessed.)

R-44-1

(Whereupon the court reconvened at 1530, 21 May 1946)

PROSECUTION: Let the record show that all the members of the court, all of the members of the prosecution, all of the members of the defense, all of the defendants and the reporter are present. If the court please, there is an additional interpreter to be sworn at this time.

(Whereupon Mr. Helmut Bodenheim, U. S. Civilian, was sworn as an interpreter.)

LAW MEMBER: There being no further objection, the law member will make the ruling for the President. The court finds that the document introduced into evidence has a bearing on the case before it and it will therefore be admitted into evidence, for whatever probative value it may have in connection with this case; it will be marked Exhibit P-27.

PROSECUTION: If the court please, I have copies of Exhibits A, J and P, which I will give to the court to look at, if I may read Exhibit P-27.

DEFENSE: May it please the court, the defense has no objection, in view of the previous ruling, to the reading of this report, but these other "Exhibits" are nothing but pictures that are attached, as a part of the original I.G. investigation. May I inquire of the prosecution whether they intend to connect all of the photographs which are attached to the I.G. report?

PROSECUTION: One of the subsequent witnesses will identify a great number of these pictures.

DEFENSE: Still, I think that that doesn't

(Introduction of P-27)

B-44-3

answer our question as to whether all of these photographs will be identified.

PROSECUTION: It has already been admitted and it is a part of Exhibit P-27. In order to expedite matters, the prosecution will withdraw these photographs at this time. The prosecution requests permission to read Prosecution Exhibit P-27.

PRESIDENT: Granted.

(Whereupon the document referred to (P-27), having been previously marked and identified and received into evidence, was read to the court by the prosecution, as follows:)

PROSECUTION: The Exhibit reads as follows:

HEADQUARTERS
FIRST UNITED STATES ARMY
Office of the Inspector General
Command Headquarters
APO 230

Information to Establish
Prima Facie Case Required by SHAFER
Court of Inquiry

Reference Number of

Originating Office:
IG-101

27 January 1945

TO : Commanding General, Twelfth Army Group, APO 665.

FROM: Commanding General, First U.S. Army, APO 230.

Date and Time: 26 January 1945. Own File Ref: IG-101

1. Nature of Violations:

Massacre of approximately 120 American prisoners of war with small arms and machine gun fire after they had been searched and disarmed, and were then assembled in a field with their hands up in the air. Later, wounded American PW's and those who showed signs of life were killed by

(Reading of P-27)

B-44-3

pistol or rifle bullets fired at close range, or by crushing in the skull with a rifle butt or other heavy object. In several cases, there was maltreatment of a dead body in that both eyes of an American PW were gouged out, probably while he was still alive.

2. Place, Date, Time:

In a field southwest of and in the vicinity west of crossroads at K-814019, at Belgium, at approximately 1400 hours, 17 December 1944.

3. Brief Resume of Incident (See Exhibit A for Sketch Map):

a. At about 1400 hours, 17 December 1944, Battery B, 285th Field Artillery Observation Battalion, was traveling in a convoy going south on the highway between Malmedy and St. Vith, Belgium. As the last vehicles in the convoy were clearing the crossroads at Baugnez (coordinate K-814019) and while most of the vehicles were on the straight stretch of road (Highway N-23) going south from this crossroads toward St. Vith, the entire column was suddenly fired upon by machine gun and artillery fire from the direction of the road (Highway N-32) going to Weismes and from a wooded area south of that road. The column of American vehicles halted and most of the officers and enlisted men jumped into a ditch along the west side of Highway N-23. A few of the soldiers, including Corporal George E. Graeff, Corporal Robert B Conrad, T/5 Eugene H. Garrett, Private First Class Donald L. Bower, t/5 Warren R. Schmitt, and T/4 Robert P. Mearig, ran across a field toward the west and hid in the woods, tall grass, brush, or ditches a short distance west of Highway N-23, and subsequently escaped without being captured. A few other soldiers who were near the crossroads when the firing started, including T/5 John A. O'Connell, T/4 Selmer H. Leu, T/5 Harold N. Billow, all of Battery "B", 285th

(Reading of P-27)

B-44-4

Field Artillery Observation Battalion, Private First Class James M. McKinney, 575th Ambulance Company, and Private First Class Homer D. Ford of the 516th MP Battalion, who was directing traffic at the road junction, ran behind a brick house standing on the southwest corner of the road intersection and hid in a barn or shed.

b. The machine gun and artillery fire on the column of American vehicles continued for about ten to fifteen minutes and then two German tanks and some half-track vehicles came down the road from the direction of Weismes. Upon reaching the intersection, these vehicles turned south on the road toward St. Vith. The tanks directed machine gun fire into the ditch along the side of the road in which the American soldiers were crouching, and upon seeing this, the other American soldiers dropped their weapons and raised their arms over their heads. The surrendering American soldiers were then required to march back to the road intersection, and while doing this and as they passed by some of the German vehicles then on Highway N-23, German soldiers on these vehicles took from the American prisoners of war such items as wrist watches, rings and gloves. The American soldiers were then assembled on the St. Vith road in front of a house standing on the southwest corner of the intersection. Other German soldiers who had arrived at the road intersection in tanks and half-track vehicles, further searched some of the captured Americans at this place and also took valuables from them.

c. American PW's from units other than Battery "B", 285th Field Artillery Observation Battalion, were also placed in this assemblage. Some of these American soldiers from other units had been previously captured by the German tank column, or by individual German reconnaissance vehicles, and they had been

(Reading of P-27)

B-44-5

forced to travel with the German column, or individual vehicles, to this road intersection. Along these were two officers and nine enlisted men of the Reconnaissance Company, 32nd Armored Regiment, who, while traveling south in four one-quarter ton trucks, were captured when they met in the German column approximately one and one-half miles north of St. Vith. They were then forced to ride in their own one-quarter-ton trucks in the German column, estimated to have been approximately two miles long, along a route on side roads toward the north and east of the Malmédy-St. Vith highway. Prior to the capture of these eleven officers and enlisted men, at least one unidentified American soldier was already a prisoner of war in the German column. Earlier that day, Staff Sergeant Herman Johnson, Company "M", 23rd Infantry, 2nd Division, was also captured by a German tank, and after being questioned he was forced to ride in an armored car with the Germans for approximately three hours, while they engaged in reconnaissance and cutting communication lines. This armored car joined the other German vehicles at the Baugnez road intersection and Staff Sergeant Johnson was made to join the other American PW's.

d. One officer and five or six enlisted men of the 575th and 546th Ambulance Companies, who had been riding in ambulances and in a one-quarter-ton truck from Malmédy toward Weismes, were also fired upon by the German column when the vehicles approached or had passed the crossroads at Baugnez. Some of these individuals were then also captured and placed in the assemblage of the American PW's on the road. Likewise, two trucks of the 86th Engineer Battalion (HP) upon approaching the road intersection from the direction of Malmédy behind the vehicles in the column of Battery "B", 285th Field Artillery Observation Battalion, were

(Reading of P-27)

R-44-6

halted and at least one of the Engineer soldiers was taken prisoner. One unidentified Lieutenant Colonel in an American Officer's uniform, apparently taken prisoner at about this same time, was also seen at this crossroads. However, he was placed in a 1/4 ton truck, under guard, and was driven down the road toward St. Vith. The evidence indicates that this officer had a head wound as his face was bandaged. Likewise, in another 1/4 ton truck, several American soldiers with markings on their helmets "MDF" were taken away from the scene, under guard, toward St. Vith.

e. The American PW's who were assembled on the road near the intersection were then directed to go into a field south of the house (House No. 6) on the southwest corner of the intersection and west of the road going toward St. Vith. Medical aid men, wearing the Red Cross brassards on their sleeves, wanted to give first aid treatment to the American wounded, but this they were denied by the Germans. At about this same time, a German light tank or half-track attempted to maneuver itself into position on the road so that its cannon would be directed at the group of American PW's gathered in the field approximately twenty-to twenty-five yards from the road. This, however, was stopped by a German officer, apparently because the maneuvering of the vehicle into position on the road interfered with the traffic of other German vehicles. Shortly after this, other German tanks and half-tracks came around the corner and proceeded along the road toward St. Vith. Some of these stopped when they came opposite the field in which the unarmed American PW's were standing in a group, with their hands up in the air or clasped behind their heads. A German soldier, believed to be an officer or a non-commissioned officer, in one of these vehicles which stopped, raised up and pointed a pistol and took deliberate aim and fired into the group of American PW's. One of the American soldiers

(Reading of P-27)

B-44-7

fell. This was repeated a second time and another American soldier in the group fell to the ground. At about this time, machine guns on two of the vehicles on the road started to fire into the group of American PW's in the field. All, or most, of the American soldiers dropped to the ground and stayed there while the firing continued for two or three minutes. Most of the individuals in the field were hit by this machine gun fire. The German vehicles on the road then moved on toward the south and were followed by more vehicles which also came from the direction of Weismes and as these latter vehicles came opposite the field in which the American soldiers were lying, they also fired with small arms from the moving vehicles at the prostrate bodies in the field.

f. Movements of German vehicles along the road occurred intermittently for approximately an hour and a half. Shortly after the initial firing upon the American PW's in the field, a few of the American soldiers attempted to run away from the scene, but they were fired upon and they did not go very far before they were hit and/or had to stop running. There is no evidence that any of these escaped or are now living. Later, evidently during periods when there was no movement of vehicles, on the road, some of the other American PW's got up and ran away from the scene, but they were fired upon with machine gun and small arms fire from the road intersection, where one tank and some German soldiers were on guard. After running a short distance, and after being fired upon again, some of these soldiers again dropped to the ground and played dead. Some German soldiers, evidently from the group of those who were on guard at the road intersection, then walked among the group of American PW's who were still in the original position on the field, and also among those who had run away for a short distance, and shot with pistol or rifle fire, or clubbed with a rifle butt, or other heavy object, any of the individual

(Reading of P-27)

R-44-8

American soldiers who still showed signs of life. In some instances, the American PW evidently was shot at close range squarely between the eyes, in the temple, or the back of the head; in other instances, the German soldier would back off or fire at the prostrate American soldier from greater distances, varying from one to two yards to possibly ten or more yards. In a few of the latter cases, the German soldier's aim apparently was bad and the American soldiers so fired upon, including T/5 Kenneth E. Kingston and Private John R. Keller, both of Battery "B", 285th Field Artillery Observation Battalion, later escaped.

g. Approximately one and a half to two hours after the first firing upon the American PW's in the field took place, and after no more vehicular traffic had been heard on the road for several minutes, one of the American soldiers, Private William Reem, Battery "B", 285th Field Artillery Observation Battalion, who was among the soldiers lying in the field said: "Now is our chance to make a break for it." Approximately 20 or 25 of the American soldiers then jumped up and ran toward the west and northwest, some entering and hiding in the nearby houses, sheds, and hedgerows. When they ran, they were again fired upon by the guards and by the tank at the road intersection. Some of the individuals in the group kept on going and managed to escape to our own lines. The Germans set fire to a shed into which some of the escaping American PW's had run and from the evidence obtained, there is no indication that any of these Americans survived. The burning of the shed also set fire to the house standing on the southwest corner of the road intersection.

(Reading of P-27)

R-44-9

h. The atrocities committed against the American PW's by the German troops were partially witnessed by some of the civilians living in the vicinity of the road junction. One man, Henri Lejoly, age 45, and a woman, Frau Adele Bodarwe, age about 55 (a widow stated to have three sons in the German Army), were at the road intersection and witnessed the American soldiers being assembled and searched on the road, prior to their being taken to the field. They also later saw the initial machine gun firing from the German vehicles on the St. Vith road into the group of American PW's gathered in the field. When this happened, Frau Bodarwe was stated to have remarked, "Oh, my God", in French and she then went inside her own house (House No. 6). Mr. Lejoly stated that he had returned to his house (House No. 5) where he stayed for about half an hour, at which time he went outside again. As he came to the south side of his house, a German soldier in a tank, which was on the Weismes road near the intersection, fired several shots from a pistol at him. Mr. Lejoly ran back into the house and the tank then fired a cannon shot and a machine gun into the house. He again went outside, with his hands up in the air, and talked with the German noncommissioned officer in charge of the tank, protesting the action being taken against a disinterested civilian. This noncommissioned officer then gave Mr. Lejoly a piece of paper on which he had written his name and field post office address, "SS Unteroffizier R. Brisemeister, Feldposten 40935", (See Exhibit I) for use in obtaining reparations from the German government on the damage done to the house. This is the only positive direct evidence that could be obtained in this investigation regarding the identification of any German soldiers who were actually present or took part in the atrocity. Mr. Lejoly denied seeing any of

(Reading of P-27)

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the subsequent atrocities following the initial machine gun fire into the field where the American PW's were assembled. He has not seen Frau Bodarwe since he left her on that occasion and she could not be located during this investigation.

1. Another Henri Lejoly, age 50, living in House No. 7, while looking out of an upstairs window also saw the American PW's being assembled in the field. The manner in which it was being done by the Germans made him suspect that they were going to shoot the Americans. Not wanting to be a witness to such an act, he left the window, but he heard the machine gun firing immediately afterwards. After going downstairs, he looked out through the door and saw several American soldiers run by his house in a northwesterly direction. He heard more firing and saw the American soldiers drop. He stayed in the house the rest of the day and did not witness anything else. The following morning, 18 December 1944, he found two wounded American soldiers in a shed by his house. They stayed there for several days, during which time German soldiers, usually in pairs, came by daily and saw the two wounded Americans. The pairs of German soldiers were stated to have been different ones each day, but there was always "one bad one" and "one good one". The bad one wanted to kill the two Americans, but the good one always objected to it. The testimony of Private Angelo Accetti, a wounded German PW, who was located at the 189th Station Hospital, APO 562, on 17 January 1945, indicates that he was one of the German soldiers who saw these wounded men. (See Exhibit C, pages 58 to 71.) It was not practicable during this investigation to attempt identification of Accetti by Mr. Lejoly, or by other members of his household. One of the American soldiers, believed to be Staff Sergeant John D. Osterme, 37022567, Battery B, 285th

(Reading of P-27)

R-44-11

Field Artillery Observation Battalion, died after two or three days, and he was removed from the shed and placed outside on the ground by Mr. Lejoly. The identification or disposition of the other American soldier could not be determined, however, the evidence indicates that he might have been evacuated by the Germans.

4. Victims:

- a. Lary, Virgil P. 1st Lt O-1181338 Btry B 285th FA Bn
- b. Ahrens, Kenneth F. Sgt 33409504 Btry B 285th FA Bn
- c. Appman, Charles F. T/5 -- "

DEFENSE: May it please the court, the defense will agree to stipulate as to this tabulation.

LAW MEMBER: Yes, there appears to be no necessity for reading this into the record. The court will have this before it and may refer to it.

PROSECUTION: Very well, sir. We would like to continue with the reading of some further narrative portions.

(Whereupon the prosecution continued his reading as follows:)

"7. Perpetrators:

a. Names of Units or Persons Believed to be Responsible:

(1) Intelligence data and interrogation of captured German PW's shows that the German column which arrived at the Baugez road intersection at approximately 1400 hours, 17 December 1944, was a Combat Team (Kampfgruppe Peiper) of the 1st SS Panzer Division composed of:

(Reading of R-27)

R-44-12

"1st Bn, 1st SS Panzer Regt, IAH
6 - 8 King Tigers of the 501st Tank Bn.
3rd Bn, 2nd SS Pz. Regt, (also possibly 2nd Bn)
9th Company, 1st SS Pz. Regt IAH (Engr Co)
6th Company, 1st SS Engr. Bn.
5th Btry, 1st SS Arty Regt.
Elements of Parachute Inf. Regt. ZEV,
including 12th Company.
Penal Platoon attached to Engineers.

"The mission of this combat team was to capture Liege, Belgium, but it was stopped by the Allies at LaGleize on 19-23 December 1944 and sustained heavy losses. The evidence indicates that the spearhead of the column probably consisted of all or part of the 1st Battalion, 1st SS Panzer Regiment IAH, consisting of 1 and 2 Companies (Panther) and 6 and 7 Companies (Mark IV). Each Company had 17 tanks and 90-100 men (17-24 years old). The following units were probably also with the spearhead:

"1st Platoon, 9th Company (Engineer with attached personnel from a penal or disciplinary unit.
3rd Platoon, 12th Company, Para Regt ZEV
3rd Platoon, 9th Company (Engineer)
King Tiger Tanks of the 501st Tank Bn.

"Testimony of the German PW's shows that orders to shoot American PW's were given by Untersturmfuehrer Hering and Unterscharfeuhrer Persin (or Persil) both of or with the 9th Company (Engineers).

b. (1) Witnesses description of type of enemy units, details of clothing and equipment:

(a) Type of Enemy Unit: Combat Team, mainly composed of SS troops wearing the SS insignia on coat lapels. Also some parachute personnel, wearing wing insignias on breast pockets.

(Reading of P-27)

R-44-13

(b) Details of clothing: A variety of uniforms were observed by the witnesses. The crews of the armored vehicles wore black uniforms with leather jackets over them. Other German soldiers wore camouflage suits over the normal uniforms, described as being dark green, light green, grey or black uniforms. Shoulder tabs on the uniforms were of different colors -- yellow, light blue, and black. Headgear also varied, with some German soldiers wearing steel helmets, tank helmets, peaked caps (like hunting caps), or caps similar to the U. S. service cap. The description of the SS insignia on coat lapels also varied from silver lightning streaks on a very dark background to black streaks of lightning on a light grey or a red background. The German soldiers who later killed the wounded American PW's lying in the field with pistol and rifle fire at close range, wore black uniforms with boots and black peaked caps. One German officer wore a dark cap with a skull insignia on the front center. One German soldier also wore a blue polka dot scarf.

"(2) Only one Feldpost number was obtained through interrogation of local inhabitants: Feldposten 48935 (See Exhibit I).

"(3) Description of Vehicles: Tanks: Tiger, Panther, and Mark IV, or light tanks. The Tiger tanks were equipped with flash hiders on the guns. One tank, described as a long one and equipped with an 88 mm gun had a marking on it 'D-4U' (See Exhibit B, Q 722-723). Another large tank had a number, either 831 or 631, on it (See Exhibit B, page 233). Another tank had 639 marked on it in large numbers (See Exhibit B, Q. 2152). No identifications on any other vehicles were obtained. The descriptions indicate that there were a

(Reading of P-27)

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considerable number of half-track vehicles in the column. The evidence further indicates that there were approximately 90 to 100 track vehicles in the column.

"(4) No information was obtained from Allied Unit War Diaries.

"(5) See Exhibit O for interrogation reports of enemy prisoners of war captured in the area.

"8. Name and unit of officer who will be responsible for assisting Supreme Headquarters, Allied Expeditionary Force Court of Inquiry, in its investigation of the incident and location at which the court will report:

"Lt Col. Alvin B. Welsh, IGD, Assistant Inspector General, Headquarters First U. S. Army. Signed: Alvin B. Welsh, Lieutenant Colonel, Inspector General's Department, Assistant Army Inspector General."

#45
C-21-1

PROSECUTION: The Prosecution calls as its next witness, Kenneth Ahrens. Captain Shumacker will conduct the interrogation for the Prosecution.

KENNETH F. AHRENS, an American civilian, called as a witness for the Prosecution, being first duly sworn, testified as follows:

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

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Captain Shumacker):

Q Will you state your name, occupation and residence.

A Kenneth F. Ahrens, I am a cost accountant, I work for the General Electric Company in Erie, Pennsylvania. My address is 232 Sanford Place, Erie, Pennsylvania.

Q Were you in the military service of the United States on 17 December 1944?

A Yes, I was.

PRESIDENT: Will the witness please talk loud enough so everyone in the courtroom can hear you?

A Yes, sir.

Q What unit were you in on that date?

A I was in Battery "B" of the 285th Field Artillery Observation Battalion.

Q What was your grade or rank at that time?

A I was a sergeant.

Q Who was your company commander?

A My company commander was Captain Scarborough.

Q In whose platoon were you?

A My platoon officer was Lieutenant Lary.

Q Is that the same Lieutenant Lary who has previously testified in this case?

A Yes.

Q Were you in this truck convoy that moved south from Schevenhutte en route to St. Vith on 17 December 1944?

Ahrens-Direct

45
C-21e2

A Yes, I was.

Q In what type of vehicle were you riding?

A I was riding in a jeep.

Q About how many vehicles were in this column?

A Approximately 30.

Q In which vehicle were you riding as far as the numerical order was concerned?

A I was in the fourth vehicle.

Q How many other men were in that vehicle with you?

A There were three others besides myself.

Q Did anything unusual happen insofar as this convoy is concerned after you left the town of Malmedy, Belgium?

A Yes, there did.

Q What happened?

A We went past a crossroad.

Q About how far from Malmedy was this crossroad you mentioned?

A I would say about six kilometers.

Q In what direction from Malmedy was this crossroad?

A Southwest or south.

Q Will you look at the map, Prosecution's Exhibit 3 which is hanging on the wall to your right and walking over to this exhibit, point out the crossroad you are referring to.

A This is the crossroads I am referring to (indicating).

Q With the pointer will you trace the route that your column took from Malmedy to the crossroad.

A From Malmedy we took this road (indicating).

Q Where were you destined?

A We were destined in the area of Bastogne.

Q What was the next village south of the crossroad?

A Lingneville (Engelsdorf).

CAPTAIN SHUMACKER: Will you take the witness stand again, please.

Ahrens-Dir Q About what time of day did you pass this crossroad?

#45
C-21-3

A At approximately 1:00 o'clock in the afternoon.

Q What happened after the convey passed the crossroad?

A About three quarters of a mile past the cross roads

I noticed the convey come to a halt.

Q Did you know why it halted?

A Yes, I did.

Q Why did it halt?

A Because we were fired upon by machine gun fire, cannon,
and it also seemed there was some mortar fired.

Q From which direction did this fire come?

A This fire came from an easterly direction.

Q What did you do when your jeep came to a stop?

A I hit the ditch to the right of the road.

Q How long did you stay in that ditch?

A I stayed in that ditch for about two minutes.

Q Then where did you go and for what purpose?

A I crawled out of the ditch, heading for a house on
the eastern side of the road directly across from the ditch.

Q Why did you go over to this house?

A The fire was hitting pretty heavy and I figured the
house would offer me some shelter, you might say, or protection
from the fire.

Q Were any of your buddies, men of your battery with you
when you got over to this house on the east side of the road?

A Yes, there were approximately ten men.

Q Up to that time had you seen any enemy weapons or any
enemy vehicles?

A No.

Q Where were you when you first saw any enemy weapons or
any enemy vehicles?

A I was right alongside of this house.

Q And what enemy weapons or equipment did you see?

#45
C-21-4

A The first vehicle I saw was a tank.

Q And where was the tank when you saw it?

A The tank was coming towards me on the road toward
Lingneville.

Q In what direction was the tank moving, north, south,
east or west?

A South.

Q What did you do when you saw this tank?

A I noticed the men down the road coming up on the road
with their hands in the air.

Q When you speak of the men down the road, in which
direction from you were these men?

A North.

Q Then what did you do?

A Then I laid there until the first tank and I believe
there were two following it passed me.

Q And then what did you do?

A They were spraying both sides of the road with fire and
naturally with only a carbine, I came up on the road with my
hands up in the air.

Q What did you do with your carbine?

A I threw it on the ground.

Q Did you surrender at that time?

A I did.

Q What did you do to indicate that you were surrendering?

A I threw my gun on the ground and put my hands in the air.

Q Would you demonstrate to the court in what way you
manifested your surrender?

ta 46
5/21 IJH 1

CAPT. SHUMACKER: Let the record show that the witness raised his arms extended over head.

QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q Then what did you do or where did you go?

A I was told to start walking back down the road.

Q Who told you to walk back down the road?

A The Germans that were in the tanks.

Q Did you understand German?

A No.

Q How did they tell you to go back down the road?

A He motioned with his arm (indicating).

Q Did you go back up the road alone?

A No.

Q Who went with you?

A There was a Corporal Valensi, a Corporal Skoda, Sergeant Merriken and the rest of the names I can't remember.

Q About how many men, other than the three that you have named, went back up the road?

A I would say approximately eight men.

Q As you walked back up the road did any vehicles pass you?

A Yes.

Q What type of vehicles were they?

A They were armored vehicles consisting of tanks and half tracks.

Q Were they American vehicles?

A No.

Q Whose vehicles were they?

A They were German vehicles.

(Ahrens-direct)

ta 46
5/21 1jh 2

Q Had you seen German tanks and half tracks before?

A Yes.

Q Were you able to recognize these vehicles as German tanks and half tracks?

A Yes.

Q In which direction were the vehicles moving?

A South.

Q Where was the American truck convoy that you had been riding in?

A The vehicles were all stopped along the road.

Q Headed in which direction?

A South.

Q On which side of the road going south?

A On the west side of the road going south.

Q How far up the road did you walk?

A Approximately three quarters of a mile.

Q How near to the Crossroads that you have mentioned did you reach?

A About fifty yards south of the cross roads.

Q Will you describe the Crossroads to the Court, with reference to the roads forming the intersection, any buildings that you recall and any other terrain features?

A On the main road that we were travelling, from Malmedy to Ligneville, this road runs through the cross roads. At the cross roads there is a road leading to the east and at the cross roads there is also a road, a dirt road leading to the west. On the southwest corner of the cross roads there is a house. There is also a house on the northwest corner of the cross roads. Fifty yards southwest of the cross roads or I'll say fifty yards southwest of the house on the southwest

ta 46
5/21/ IJH 3

corner of the cross roads there is a hedge row, this hedge row borders the north boundary of the field.

Q About how large is this field that you are referring to?

A This field is approximately 100 yards long, running parallel to the road and approximately 65 yards wide.

Q Is this field enclosed in any way or bordered in any way, with the exception of the hedge row at the north end?

A Yes. On the eastern side of the field, nearest the road is a barbed wire fence and on the other two sides there is also a barbed wire fence.

Q I show you an overlay which is Exhibit A to Prosecution Number P-27 and ask you if you know what that overlay represents.

A Yes, I do.

Q What is it?

A It is an overlay of the Crossroads showing the field that I just described.

Q Does it show the house on the southwest corner of that intersection?

A Yes.

Q What number is the house given on the overlay?

A That is house number six.

Q Does it show the house on the northwest corner of the intersection that you described?

A Yes.

Q What number does that house bear on this overlay?

A Number seven.

Q Does this overlay correctly show the roads forming the intersection, the Crossroads that you have described?

A Yes, it does.

(Ahrens-direct)

to 16
5/21 IJH 4

Q What happened when you got up to a point - I believe you said approximately fifty yards south of the intersection?

A We were put into a single line and searched for valuables, wrist watches, bill folds and so forth.

Q What happened to your personal property?

A My personal property was taken away from me.

Q What happened after you men were searched?

A We were told to go down into the field. On the west side.

Q Is that the field that you previously described as being south of the house on the southwest corner?

A Yes, it is.

Q You say they told you to go "Down" into the field. Will you describe this field to the Court with respect to its elevation as compared to that of the road?

A It is approximately two feet below the road level.

Q Is there anything between the road and the field except the barbed wire fence that you have just described?

A Yes, there was.

Q What?

A A ditch.

Q Did you go into the field when told to do so?

A Yes.

Q In what part of the field did you stand?

A I stood in the left side of the field facing the road.

Q Was that towards the north end of the field or the south end of the field?

A It was towards the south end of the field.

Q How many other men were in the field when you arrived?

A Approximately 150.

(Ahrens-direct)

ta 46
5/21 IJH 5

Q Did any others arrive after you went into the field?

A I was one of the very last ones to be told to go into the field. I don't believe there was very many after I had gone into the field.

Q Who were these men that were in the field with you?

A They were men from my Battery.

Q Were they American soldiers?

A Yes.

Q Were there any medical personnel among the men in the field?

A Yes.

Q Can you name any of them?

A A very good friend of mine, Corporal Indelicato.

Q Did you see any other medical personnel in the field?

A Yes.

Q Do you know who they were?

A No.

Q Was there anything to distinguish Corporal Indelicato as a medic?

A Yes.

Q What?

A The regular medic red cross band on the sleeve or arm, rather, and also the red cross painted on the helmet.

Q What was Indelicato doing when you went into the field?

A He was giving first aid to one of the men in my Battery.

Q To whom was he giving first aid?

A Corporal Snider.

Q How were you and the other men standing in the field, if you can describe it?

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5/21/ IJH 6

A I was standing a little north, when I say a "little" I mean a few feet north of Corporal Indelicato and Corporal Spider.

Q Were you armed?

A No.

Q Were the other men armed?

A No.

Q How were you holding your hands or your arms?

A Like so (indicating).

CAPT. SHUMACKER: Let the record show that the witness has his arms upraised with his hands and fingers clasped above his head.

QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q How were the other men standing in so far as their arms were concerned?

A Some with their arms upraised and some with their arms clasped on top of their heads.

Q While you were standing there did you notice any movement of traffic on the road in front of you?

A Yes. There was a German armored column on the road.

Q Was it moving or was it parked?

A Some of the vehicles were parked but most of them were moving.

Q In which direction were those that were moving travelling?

A South.

Q What type vehicles were stopped on the road in front of you?

A There were three tanks stopped on the road in front of me.

Q Were there any half tracks stopped on the road in front of you?

A I don't remember.

ta h6.
5/21 IJH 7

Q Are you sure that the three vehicles that you mentioned were tanks?

A No. I am not sure. They could - a couple of them could have been half tracks.

Q Did you notice any unusual movement of any single German vehicle while you were standing in the field?

A Yes.

Q Will you describe it?

A There was a German standing in the turret of a tank waving a pistol towards us (indicating).

Q Was he waving it or was he pointing it?

A He was pointing it.

Q Then what happened?

A Then he fired a shot into a fellow standing approximately ten feet to the left of me.

Q Could you tell who the shot hit?

A No, I couldn't.

Q Did he fire any other shots, other than this single shot?

A Yes.

Q How many more shots?

A He fired one other shot.

Q Then what happened?

A Then both of these men dropped to the ground.

Q Which men are you referring to?

A The men standing to the left of me that were hit by these two bullets.

Q Did you see the two men fall?

A Yes.

(Ahrens-direct)

Ta 46
5/ 21 IJH 8

Q Do you know who they were?

A No.

Q Then what happened?

A Then the machine guns from the vehicles on the road started to spray us.

Q When that started what did you do?

A I fell to the ground.

Q Did you fall on your back or on your stomach?

LT. WAHLER: May it please the Court, counsel for the Prosecution has been leading the witness continually and I believe, at this time, he should be cautioned about addressing leading questions to the witness.

CAPT. SHUMACKER: I think that I have taken great pains not to ask the witness leading questions.

PRESIDENT: Continue questioning.

THE WITNESS: I fell on my stomach.

QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q In which direction did you fall?

A I fell with my head in a westerly direction.

Q In what direction were your feet?

A My feet were towards the road.

Q How long did this machine gun fire last?

A It seemed like ages but I'd say approximately five or ten minutes.

Q Were you hit by this fire?

A Yes, I was.

Q In what part of your body?

A In my back.

Q Were you later hospitalized as a result of this wound?

A Yes.

ta 46
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- Q How long were you in the hospital?
- A Four months.
- Q Do you bear a scar on your back as a result of that wound?
- A Yes, I do.
- Q What happened after the machine gun fire ceased?
- A There was some small arms fire taking place then.
- Q From where did the sound of the small arms fire come?
- A It sounded more in the northern side of the field.
- Q Then what happened?
- A Then there was more small arms fire.
- Q Were there any sounds in the field, at that time, other than the small arms fire that you described?
- A Yes. The men were in much agony and there was much groaning and moaning long about that time.
- Q Did you ever hear or see any soldiers come into the field?
- A Yes, I did.
- Q Will you describe that to the Court?
- A I couldn't see them because I had my face buried in the mud but I could hear them walking around amongst the men lying in the field.
- Q As they walked around among the men in the field, did you hear any firing?
- A Yes. There was numerous small arms fire.
- Q Were any of these shots fired near you?
- A Yes.
- Q Will you describe that to the Court?

(Ahrens-direct)

ta 46
5/21 IJH 10

A I couldn't see them because my face was buried in the mud but I could hear them. One of the German soldiers was standing alongside of my head and fired into the fellow who was moaning to the right of me.

Q Was there any moaning after that shot was fired?

A No. Just one last gasp for breath.

Q After this happened was there any other firing from the road?

A Yes. There was.

Q Will you describe that to the Court?

A As the vehicles, the German vehicles would round the fork in the road and head towards Ligneuville they would pass the field as we lie there and spray into the bodies lying in the field.

Q How could you tell they were shooting into the field?

A Because the bullets were throwing dirt on my legs.

Q Were the bullets hitting anything other than the dirt?

A Yes. They were hitting the men.

Q How do you know that?

A Because there was much pain and moaning and agony taking place.

Q Could you tell by the sound whether or not any of these bullets hit any of the men?

A Yes, I could.

Q How long did this column continue to go by and spray the men lying in the field?

A I'd say approximately one half to one hour.

Q What happened after the column ceased going by?

A Everything seemed to be very quiet except for a few muffled voices towards the crossroads.

ta h6
5/21 IJH 11

Q What happened then?

A At that time, I didn't know whether there was any of the men still alive and in fact, I was pinching myself to make sure I was alive. Then one of the men to the right of me whispered to a man lying alongside of him and he asked if he was still alive, this fellow answered, "Yes".

Q After the column ceased going by, did you and some of the other men lying in the field finally make your escape?

A Yes, we did.

Q What started the break?

A One of the fellows yelled, "Let's go!"

Q What did you do?

A I got up and ran in the direction of Malmedy.

Q Did you get to Malmedy that night?

A Yes, I did.

CAPT. SHUMACKER: If the Court please, it will take a little while longer to finish with this witness. I do not know what the pleasure of the Court is.

PRESIDENT: How much longer?

CAPT. SHUMACKER: Perhaps ten minutes on direct examination.

PRESIDENT: The Court will adjourn until 0830 hours tomorrow morning.

(Whereupon the Court at 1705 hours adjourned until the following day.)

(Ahrens-direct)

22 May 1946.

MORNING SESSION

(Whereupon the Court reconvened at 0830 hours.)

PRESIDENT: 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, all members of the defense counsel and all of the defendants and reporter are present.

If the Court please, we have a new court reporter to swear this morning.

(Whereupon Miss Sylvia Holtzman, U.S. civilian, was sworn by the Court.)

CAPT. SHUMACKER: Prosecution recalls the witness Ahrens.

Mr. Ahrens, you are reminded that you are still under oath.

KENNETH AHRENS, a witness for the prosecution resumed the stand and testified further through an interpreter as follows:

DIRECT EXAMINATION (CONTINUED)

QUESTIONS BY PROSECUTION (CAPT SHUMACKER)

Q Can you remember the names of any of the men that you saw in the field at the cross roads on 17 December 1944?

A Yes.

Q Will you state those names?

A Capt. Mills, Lt. Rierden, Lt. Lary,
(Ahrens - Direct)

Lt. Munsinger, Sgt. Geister, Corp. Indelicato,
Corp. Haines, Pfc. Burkett, Corp. Skoda.

Q Were all these men, men of your outfit?

A Yes, sir.

Q When you were standing there or lying there
in the field during the shooting that you described,
when you were on the stand yesterday, did you hear
any sounds other than the cries and moans from your
comrades and the shooting that you described?

A Yes, I did.

Q What other sounds did you hear?

A As I laid there in the field, I could
hear the German soldiers up on the road.

Q And what were they saying?

A They were having a hell of a good time
laughing and joking while the boys were praying.

Q Did you know at that time the meaning of the
SS slang expression "rabatz"?

A No, I didn't.

Q Since your return to this theater for the
purpose of testifying in this case, have you re-
visited the place where this shooting took place
at the cross roads?

A Yes, I have.

CAPT. SHUMACKER: I hand the reporter a
photograph to be marked Prosecution Exhibit No. 28
for identification.

(Whereupon the photograph referred to was marked
Prosecution Exhibit No. 28 for identification by the
reporter.)

(Ahrens - Direct)

Q I hand you a photograph that has been marked Prosecution's Exhibit No. 28 for identification and ask if you can tell the Court what it is.

A Yes, I can. It is a picture of the field showing what is left of the house in the background that I described yesterday afternoon.

Q In your testimony yesterday I believe you mentioned two houses. Which of those two houses is shown in that photograph?

A That is the house on the southwest corner of the cross roads.

Q Continue with your description.

A It also shows the hedge row that I spoke of yesterday and in the right hand corner of the photo it shows the barbed wire fence running parallel with the road that I spoke of yesterday.

Q Was there snow on the ground as shown in that photograph at the time you were lying in the field on 17 December 1944?

A No, sir, very little.

Q When you left the field, can you estimate about how many men lay there after you made a break for it?

A No, I can't.

DEFENSE COUNSEL: No objection on behalf of the defense.

CAPT. SHUMACKER: Prosecution offers in evidence the photograph heretofore marked Prosecution's Exhibit No. 28 for identification, requests that it be attached to the record and marked Prosecution's Exhibit No. P-28.

(Ahrens - Direct)

PRESIDENT: There being no objection, the exhibit offered by the prosecution is admitted into evidence and will be marked Prosecution's Exhibit No. P-28.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-28 and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: I hand the reporter two photographs and request that they be marked Prosecution Exhibit No. 29 and 29-A.

(Whereupon the photographs referred to were marked Prosecution's Exhibits No. 29 and 29-A for identification by the reporter.)

CAPT. SHUMACKER: I hand the reporter two other photographs and request that they be marked Prosecution Exhibits No. 30 and 30-A, and one further photograph to be marked Prosecution Exhibits No. 30-B.

(Whereupon the photographs referred to were marked Prosecution Exhibits Nos. 30, 30-A and 30-B for identification by the reporter.)

CAPT. SHUMACKER: I hand the reporter one other photograph and request that it be marked Prosecution Exhibit No. 31 for identification.

(Whereupon the photograph referred to was marked Prosecution Exhibit No. 31 for identification by the reporter.)

CAPT. SHUMACKER: I hand the reporter a photograph and request that it be marked Prosecution exhibit No. 32 for identification.

(Whereupon the photograph referred to was marked Prosecution Exhibit No. 32 for identification by the reporter.)

CAPT. SHUMACKER: I hand the reporter one other photograph and request that it be marked Prosecution Exhibit No. 33 for identification.

(Whereupon the photograph referred to was marked Prosecution Exhibit No. 33 for identification by the reporter.)

CAPT. SHUMACKER: I hand the reporter another photograph and request that it be marked Prosecution Exhibit No. 34 for identification.

(Whereupon the photograph referred to was marked Prosecution Exhibit No. 34 for identification by the reporter.)

CAPT. SHUMACKER: I hand the reporter two photographs and request that they be marked Prosecution Exhibits Nos. 35 and 35-A for identification.

(Whereupon the photographs referred to were marked Prosecution Exhibits Nos. 35 and 35-A for identification by the reporter.)

CAPT. SHUMACKER: I hand the reporter another photograph and request that it be marked Prosecution Exhibit No. 36 for identification.

(Whereupon the photograph referred to was marked Prosecution Exhibit No. 36 for identification by the reporter.)

CAPT. SHUMACKER: I hand the reporter one other photograph and request that it be marked Prosecution Exhibit No. 37 for identification.

(Whereupon the photograph referred to was marked Prosecution Exhibit No. 37 for identification by the reporter.)

DEFENSE COUNSEL: May it please the Court, I have not seen these exhibits that he has marked for identification. However, I am led to believe by casual observation of them that they are identical with exhibits that have already been offered in evidence and that it seem inappropriate to continue to take the time of the Court to produce enlargements of photographs that have already been introduced in evidence.

CAPT. SHUMACKER: If the Court please, I think an objection at this time is inappropriate. In the first place they haven't been offered in evidence. In the second place, they are not identical, and in the third place, the witness cannot identify what is shown on the photographs in the smaller photographs that have been heretofore introduced.

PRESIDENT: Prosecution will proceed.

QUESTIONS BY PROSECUTION (CAPT SHUMACKER CONTD)

Q I hand you a photograph that has been marked prosecution Exhibit No. 29 for identification and ask you whether or not you can tell what is shown in that photograph?

A Yes, I can.

Q What is shown?

A A picture of Corporal Indelicato lying in the field.

Q I hand you a photograph marked Prosecution (Ahrens - Direct)

Exhibit No. 29-A for identification and ask you if you can state what that is.

A Yes, I can.

Q What is it?

A That is another picture of Corporal Indelicato.

Q I hand you Prosecution Exhibit No. 30 for identification and ask if you can tell the Court what that photograph is.

A Yes.

Q What is it?

A That is a picture of Sergeant Jordan lying in the field.

Q I hand you a photograph marked Prosecution Exhibit No. 30A for identification and ask you if you can state what that is.

A Yes.

Q Who is that?

A That is another picture of Sergeant Jordan.

Q I hand you a photograph marked Prosecution Exhibit No. 30-B for identification and ask if you can state who is shown in that picture.

A Yes, that is another picture of Sergeant Jordan.

Q I hand you a photograph marked Prosecution Exhibit No. 31 for identification and ask if you can state whose body is shown in that picture.

A Yes.

Q Whose body?

A That is Corporal Haines.

(Ahrens - Direct)

47,8sp

Q I hand you a photograph marked Prosecution Exhibit No. 32 for identification and ask if you can state whose body is shown in that photograph.

A Yes. That is Sergeant Sheetz.

Q I hand you a photograph marked Prosecution Exhibit No. 33 for identification and ask if you can state whose body is shown in that photograph.

A Yes, that is Corporal Brozowski.

Q I hand you a photograph marked Prosecution Exhibit No. 34 for identification and ask if you can state whose body is shown in that photograph.

A Yes, that is Corporal Cohen.

Q I hand you a photograph marked Prosecution Exhibit No. 35 and ask if you can identify that photograph.

A Yes, that is Pfc. Collier.

Q I hand you a photograph marked Prosecution Exhibit No. 35 and ask if you can tell who is shown in that photograph.

A That is another picture of Pfc. Collier.

Q I hand you a photograph marked Prosecution Exhibit No. 36 for identification and ask if you can tell who is shown in that photograph.

A That is another picture of Corporal Cohen.

Q I hand you a photograph marked Prosecution Exhibit No. 37 for Identification and ask if you can tell the Court whose picture is shown there.

A That is a picture of Pfc. Burkett.

Q Were all these men whom you have named men in your outfit?

(Ahrens - Direct)

47,9sp

A Yes.

Q Do you know where these men are buried?

A Yes, I do.

Q Where?

A Henry Chappel cemetary in Belgium.

Q Have you visited their graves yourself?

A Yes, I have.

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MR. STRONG: Do we understand that these pictures are enlargements of pictures which already form part of Exhibit P-27, or are they new and independent pictures?

CAPT. SHUMACKER: If the Court please, I don't know what the defense understands.

LAW MEMBER: The Court understands one thing, and that is, if those pictures are enlargements of pictures that are already in evidence you are wasting the Court's time, so the Court would like to know itself.

CAPT. SHUMACKER: If the Court please, I think part of those pictures are enlargements, but those were introduced, if the Court please, because the smaller pictures did not show the face on the body in sufficient detail to enable the witness to swear, under oath, that he could identify the person. The prosecution believes that it is proper for the witness to identify as many of the bodies of the men in the field as possible.

LAW MEMBER: Enlargements of photographs, which are already in evidence, may always be produced in court, and the Court will always give the prosecution or defense permission to use them. It is not necessary to introduce them a second time.

CAPT. SHUMACKER: Does the Court like the prosecution then to check these photographs with those that have already been introduced and withdraw those that are duplicates?

LAW MEMBER: It makes no difference now.

DEFENSE COUNSEL: There is no objection further than has already been stated, that I was trying to save the Court's time in this matter.

CAPT. SHUMACKER: The prosecution offers in evidence then photographs which have been marked Prosecution's Exhibit No. 29 for identification, 29-A for identification, 30, 30-A, 30-B, (Ahrens - Direct)

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31, 32, 33, 34, 35, 35-A, 36 and 37, request that they be attached to the record and marked Prosecution's exhibits, as indicated.

MR. STRONG: If it please the Court, the defense at this time wants to move to strike as prosecution's evidence this part of prosecution's P-27 which consists of nineteen separate pictures, numbered 19, 20, 26, 27, 30, 31, 32, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54 and 55, and move further to strike as evidence Prosecution's Exhibit No. 29, up to and including 37, which have just been admitted. The grounds for the motion are these. The defense is cognizant of the fact that this Court has admitted into evidence yesterday the General Inspector's Report, which forms Prosecution's Exhibit P-27. However, the defense feels that as part of this General Inspector's Report the pictures which I have mentioned before should not have been admitted. And the defense feels more strongly so after the witnesses, or those after the introduction of this report have not been able to connect the pictures and the actual facts. The defense feels that the admission of these pictures would constitute a violation of the best evidence rule, and refers in this connection to the Rules for the Military Government, page 37 and 43, in which it is stated not only that: "The Court shall in general require the production of the best evidence", but in which it is further stated, pointing to page 43, that: "...if the matter is important and controverted every effort should be made to obtain the presence of the witness".

The defense feels that no foundation has been laid by the prosecution for the admission of these pictures. The prosecution has failed to produce the photographer or the

(Ahrens - Direct)

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photographers who have taken these pictures. We do not know on what dates and under what conditions these pictures were taken, and we do not know whether they actually represent a true and correct reproduction of the scene of the crime at the time of the crime. The incident at bar occurred on December 17, 1944. We have no idea how many days later these pictures were taken. Merely by glancing at the pictures, one fact comes to our mind which I just mention as an example. The witnesses have continuously talked about the mud in which they were, whereas these pictures show snow-covered landscape. We hold that pictures which might have been taken one, two, three or four weeks after the accident do not represent a true and correct picture. We wish to mention, in this connection, that the first paragraph of the Inspector General's Report referred to some eye-gouging, and that some of the pictures contain corpses in this condition. I do not need to say that pictures of this type may be highly prejudicial to the cause of our defendants and are of an inflammatory character. We, therefore, strongly feel that this evidence should be kept out, at least for the time being, until prosecution has established at least by the presentation of a competent photographer the conditions and dates under which these pictures were taken. In addition, we feel that some independent evidence should be produced as to the fact of eye-gouging, before these last mentioned pictures -- which form a group by themselves -- should be admitted.

Therefore, defense respectfully moves that the motion be granted and that these exhibits be stricken.

LAW MEMBER: There being no objection by the Court, the Law Member will make a ruling on behalf of the President.

MR. STRONG: If it please the Court, the interpreter

(Ahrens - Direct)

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is very incorrect, if I may say so.

PRESIDENT: If you will give him a better opportunity to interpret, then he will not be so bad.

LAW MEMBER: So far as the motion to strike that portion of Exhibit 27, is concerned, it is obvious the defense forgets the ruling made by the Court yesterday with respect thereto. The repetition of the motion this morning is out of turn, and does not meet with favor by the Court, and that part of the motion is denied. So far as the motion with respect to photographs now being offered is concerned, this Court is perfectly capable of judging when the photographs were taken, the conditions under which they were taken and their probative value. The remainder of the motion is denied.

CAPT. SHUMACKER: If the Court please, I believe there has been no announcement by the President that these exhibits be received in evidence and marked Prosecution's exhibits.

PRESIDENT: The exhibits offered by the prosecution are admitted into evidence and will be marked Exhibit P-29, 29-A, 30, 30-A, 30-B, 31, 32, 33, 34, 35, 35-A, 36 and 37 respectively.

(Whereupon the photographs referred to, having been previously marked and identified were received in evidence as Prosecution's Exhibits No. 29, 29-A, 30, 30-A, 30-B, 31, 32, 33, 34, 35, 35-A, 36 and 37, are attached hereto and made a part of this record.)

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER, Cont'd.):

Q One further question. You stated yesterday, on direct examination, that you saw the medic, Cpl. Indelicato,

(Ahréns - Direct)

giving first aid to one, Cpl. Snider. Were you in error as to the last name?

A Yes, I was.

Q To whom was Indicato rendering first aid?

A Cpl. Stevens.

CAPT. SHUMACKER: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (LT. WAHLER):

Q You stated yesterday that German soldiers stood in a vehicle and commenced to fire with a pistol. Is that correct?

A That is right.

Q What type of vehicle was he in?

A He was in a tank.

Q Do you know what type of German tank it was?

A No, I don't.

Q You further stated that machine gun fire commenced to spray the soldiers in the field. Do you know from what vehicles this machine gun fire came from?

A From the vehicles up on the road.

Q Do you know the type of vehicles they were?

A I am sure two of them were half tracks.

Q Was there any machine gun fire coming from any other vehicles that you recall?

A I couldn't say for sure.

Q What direction were these two SPW's that were firing, relative to your position in the field?

A I don't remember.

Q How long an interval of time elapsed between the firing of this pistol by this one German soldier and the commencing of machine gun fire from these SPW's?

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sh-5

A Almost instantly after he fired the pistol, machine gun firing started.

Q For how long a period of time did you stand in the field adjacent to the road going down to Engelsdorf?

A You mean did I stand or lie there?

Q Excuse me, I mean the period of time that you originally came to the field up to the period that you were fired upon.

A Approximately five minutes, maybe a little longer.

Q During that period of time and the time just immediately preceding it, did you have an opportunity to observe the amount of traffic that was passing south towards Engelsdorf?

A I didn't count them, but I did observe them.

Q Can you tell the Court whether or not it was a great deal of traffic or a sparse amount of traffic?

A There seemed to be quite a bit of traffic.

Q Can you tell us the type of vehicles that passed?

A No, I couldn't say for sure.

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

DEFENSE COUNSEL: No further cross examination on behalf of the defense.

CAPT. SHUMACKER: No redirect.

PRESIDENT: Any questions by the Court? There appear to be none, the witness is excused.

(Whereupon the witness was excused and withdrew.)

(Ahrens - Cross)

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PROSECUTION: May it please the Court, the Prosecution calls as its next witness, Mr. Samuel Dobyms.

SAMUEL DOBYMS, an American civilian, called as a witness for the Prosecution, being first duly sworn, testified as follows:

(Whereupon the questions, answers and proceedings were translated into the German language by the Interpreter.)

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (LT. COL. CRAWFORD)

Q Will you state your name?

A Samuel Dobyms.

Q Where do you live?

A Sandusky, Ohio.

Q What is your occupation?

A Drill press operator.

Q What is your nationality?

A American.

Q Were you in the military service of the United States on 17 December 1944?

A Yes.

Q What was your rank and organization?

A Pfc, member of 575 Ambulance Company, attached to the 99th Division.

Q What were your duties on 17 December 1944?

A Evacuating battle casualties for the 99th Division.

Q What type vehicle were you using for that purpose?

A United States Army ambulance.

Q Will you give the Court a description of that vehicle?

(Dobyms-direct)

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A It was a regular US Army ambulance and had the regular sized red crosses on it.

Q How old was that vehicle?

A It was a reconditioned ambulance because my old ambulance was broke down and it had fresh paint on it. It was freshly painted.

Q Where were you on the early morning of 17 December?

A Evacuating battle casualties from Buetgenbach along route 32 to Waimes, Belgium.

Q Who was driving this ambulance?

A The ambulance had two drivers, a driver and an assistant, Wayne Scott, and myself.

Q How long had you been driving an ambulance?

A I come into Normandy on D-3.

Q The morning of the 17th of December, where did you go from Buetgenbach?

A After Buetgenbach fell to the enemy I reported to Waimes to receive further orders.

Q Did you ever leave Waimes?

A Yes. After we left Waimes, my regiment went from Waimes along 32 to Malmedy.

Q How many trips did you make to Malmedy?

A Only one trip, I was captured on my return to Waimes.

Q What route did you follow from Waimes to Malmedy and the return route?

A Route 32.

Q Where were you at the time that you were captured?

A Approximately three miles out of Malmedy and between 300 and 400 yards beyond the intersection of 32 and 23 highways.

ta h9
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Q When you refer to route 32, what do you mean?

A That's the highway that runs between Waines and Malmedy.

Q What do you mean by route 23?

A That's the intersection that runs off route 32 towards St. Vith.

Q After you passed the intersection you have just referred to, what happened?

A My ambulance was suddenly riddled by machine gun fire.

Q Who was driving?

A Wayne Scott.

Q What did you and Scott do?

A We both hit the floor board of the ambulance.

Q Did you stop the ambulance before this happened?

A No, sir. The ambulance went out of control because no one was at the steering wheel and left the road, crossed the hedge row and stopped in the field.

Q When the ambulance stopped, what did you do?

A Wayne Scott and myself immediately got out of the ambulance and took cover in a hedge row alongside route 32.

Q After the ambulance stopped and you got out, did the firing stop?

A No, sir. They sprayed the hedge row with machine gun fire.

Q What happened then?

A The firing ceased and we must have layed in the hedge row for at least ten minutes until the German armored vehicles come up the road from Waines towards Malmedy.

(Dobyns-direct)

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Q What happened then?

A Then a German soldier who I thought was an officer, came over to inspect the ambulance and seen us laying in the hedge row. We stood up and put our hands up. We were searched and then we were ordered up on the road to where the German armored vehicles were. On the road a German soldier pulls a pistol and starts to kill me - to shoot me and this German that first captured me who I thought was an officer, told him not to shoot me.

Q When you stood up, at the approach of this German soldier, what did you do?

A Do you mean on the road or when I was first captured?

Q When you got up out of the hedge row.

A I just stood up and put my hands over my head.

Q In what manner?

A Something in this manner (indicating).

LT. COL. CRAWFORD: Let the record show the witness extended his arms over his head and clasped his hands.

QUESTIONS BY PROSECUTION: (LT. COL. CRAWFORD)

Q With relation to the vehicles on the road, where were you placed?

A I was ordered to get on the third or fourth leading armored vehicle.

Q What type of vehicle was that?

A It was a tank.

Q Was there anything in particular that led you to believe that it was a tank?

A Yes. Because of the heavy artillery piece on the front.

Q What was done with Scott?

A He was placed on the third or fourth armored vehicle behind me.

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Q What did the German column do after that?

A They proceeded up the road towards the intersection of 23 and 32.

Q What happened then?

A There I was sitting on a tank watching them shoot up the rear end of the American convoy which was on highway 32 and had not yet turned the corner into highway 23.

LT. COL. CRAWFORD: I will ask the witness to step over to the map, which is Prosecution Exhibit P-3 and point out those locations to the Court.

(The witness did as directed.)

QUESTIONS BY PROSECUTION: (LT. COL. CRAWFORD)

Q Will you point out to the Court the town of Buetgenbach where you were the morning of 17th December?

A Yes. Here (indicating).

Q Where did you go from Buetgenbach?

A I travelled from Buetgenbach along this route here (indicating) into Waimes, Belgium (indicating).

Q Where did you go from Waimes?

A In the early part of the afternoon I received orders to evacuate casualties out of Waimes along this route (indicating) along the intersection of 32 and 23 to the 4th evacuation hospital in Malmedy.

Q How did you return?

A I returned out of Malmedy the same way. I went on highway 32.

Q How far did you get on that route 32 on your return trip?

A It was about 300 or 400 yards beyond the intersection.

(Dobyns-direct)

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5/22 IJH 6

Q Is that where your ambulance was fired upon?

A About here (indicating). No, it was before we got to the heavy woods here (indicating).

Q Now, you testified that the leading elements of that column fired on some American vehicles, will you show the location of those American vehicles to the Court?

A It was about this point (indicating) just before we turned the corner on 23 here (indicating). It was still on 32.

Q Let the record show that the witness indicated a point on route 32 between Waines and Malmady before coming into the intersection of Malmady- St. Vith road, which the witness referred to as Route 23.

Do you know the name of the village at the Crossroads, referred to in your testimony?

A No sir I do not.

Q Referring to the map, Prosecution Exhibit No. P-3 could you tell the Court the name of that village, the one that is indicated to be in the vicinity of the Crossroads?

A If I can pronounce it regularly I think it is Beugnez.

Q Is that the town in the vicinity of the intersection of Routes 23 and 32 that you have been referring to?

A This is the Crossroads I'm referring to but as far as the village or town, there is nothing there.

Q Were there any houses in the vicinity of the Crossroads?

A Yes.

Q Will you describe to the Court the firing upon these American vehicles by the leading elements of the German column?

A One armored vehicle which I can't remember, I think it was a half track, went down the side of the ditches and strafed the soldiers as they were laying in the ditches.

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As any member of the American PW's raised his hands over his head they wouldn't shoot and by-passed him and go on strafing the trucks and the ditches.

Q As the men got out of the ditches, how did they hold their hands?

A Most of them had their hands over their heads in this manner (indicating).

LT. COL. CRAWFORD: Let the record show that the witness put his hands over his head and clasped his hands.

QUESTIONS BY PROSECUTION:(LT. COL. CRAWFORD)

Q When were you taken off the tank?

A When they assembled the prisoners from the American convoy at the intersection.

Q Where were they assembled?

A At the intersection of 23 and 32.

Q On which road were they assembled?

A Route 23.

Q What happened there?

A There I witnessed the American PWs robbed of their watches, cigarettes and fountain pens and anything else of value.

Q What happened to you?

A They took either 2 1/2 or 3 1/2 packs of cigarettes off me.

Q At that time, did you have any credentials to identify you?

A Only my Red Cross identification card.

Q Where was that?

A In my bill fold.

Q Did anything happen to your bill fold?

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5/22 IJH 8

A Yes. After they searched my bill fold they threwed it on the ground and afterwards when we was ordered over to the field, I picked it up and put it back in my pocket.

Q How were you dressed, at that time?

A I had on, O.D. pants, O.D. shirt, combat jacket, combat boots, helmet and liner.

Q How was Scott dressed?

A The same as I.

Q After you were searched, what happened?

A Well, after they finished searching all of the American PWs we were then ordered on Route 23 over a fence into an open field.

Q When you left the road, in which direction did you walk?

A We were told to assemble on the left side of the road.

Q From the road you walked in what direction?

A That would be west.

Q After you got into the field, what happened?

A Two German armored vehicles pulled up on the road, route 23 and lined up on each flank of the American PWs in the field.

Q Will you describe the group that was in the field when the two vehicles lined up on their flank?

A We was lined up something like a Company front, only four or five or maybe six ranks deep in place.

Q Where were you standing in that group?

A On the left flank of the PWs as you faced the road.

Q In what rank?

A In the front rank.

Q Can you name anyone who was standing in the field, at that time, with you?

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A Yes.

Q Will you name them?

A Lt. Gunther, Pfc Wayne Scott, Pfc Anderson, Pfc
MC Kenney, Pfc Arkovitch.

Q From what organization were these men?

A 575th Ambulance Company.

Q How were they dressed?

A I can't remember.

Q Did any of the men from your unit wear any distinguishing
marks or insignia?

A Some did and some didn't.

Q Will you describe those marks and insignia?

A Some had the Red Cross painted on the front, back
and sides of their helmets and some wore Red Cross brassards.

Q Did you see any such insignia in the field that day?

A Yes.

Q How many?

A I don't know how many. I can't remember.

Q What was the nationality of these men standing in the
field?

A Americans.

Q How were they standing?

A As far as I could see, each American PW was standing
in the field like a Company front, like I said, with his hands
over his head.

Q After you were in the field and the two vehicles lined
up on your flank, what happened then?

A Then a third German armored vehicle comes up and pulls
between the two that was lined up on each of our flanks.

Q Then what happened?

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A One German soldier stands up in the tank, he takes his pistol and points it at the crowd and waves it around two or three times (indicating) and drops it to his side. Then he raises his pistol again and waves it around again two or more times and then some American prisoner who was laying in the field, I don't know who he was, hollered, "Stand fast!". The next time he pulls the pistol and takes deliberate aim and fires. I see a man center ways of the front flank go down.

Q What did you do then?

A After the first shot was fired, I broke ranks and run around to the rear of the column.

Q During that time did you hear any more shooting?

A Yes. I heard one more report from the pistol.

Q Then what did you do?

A I run 15 or 20 feet to my rear and hit the ground in about one inch of water where the snow melted.

Q Why did you hit the ground?

A Because the two machine guns or maybe more started firing on us.

Q How did you know that they were firing upon you?

A Because I could see the men falling and everybody hitting the ground trying to take cover, that was prisoner.

Q Were you hit?

A Yes, sir.

Q How many times?

A I was hit through the right arm, through the right ankle, and grazed across the hand and across the hip. My combat jacket had several holes in it where the bullets never touched me.

Q Where in your combat jacket?

A In the back.

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Q Can you tell the Court how many holes were in your combat jacket?

A It was either eight or ten which means four or five bullets passed through my combat jacket.

Q How long did the machine gun fire continue?

A Well, after everyone fell to the ground, they raked the ground over several times. How long it was I can't say because in a position like that minutes seems like hours. Then after, as the tanks passed on down the road, members of the armored outfit stood up in the tanks and took pop shots at us. Then some Germans come into the field, two or three or four, that I seen personally and they were shooting the wounded crying for help. I saw them shoot one wounded soldier hollering for help, saying that his legs were paralyzed and calling for help and the medics, I saw that. He was laying less than five feet from me. They shot him in the back of the head. Then after the Germans went back on the road everybody was really quiet in the field. I thought I was the only one alive. So, I planned to lay there and continue to play dead until it got dark and try to make my way into Malmedy. I can't remember how long we stayed in the field after they went up the road. Suddenly one American PW jumps up and says, "Let's go". So, it looked to be 15 or 20 gets up and makes a break for it. After we crossed the first field, being my right ankle was fractured my progress was slow and so I was on the tail end of it. After we got up over in the second field the Germans who was at the intersection seen us and opened up on us again with machine guns and small arms fire. Something told me not to stay with the crowd because I thought the Germans would concentrate most of their fire power on the PWs in a crowd, so I turned to my right to highway 32, crossed it and entered a woods on my right.

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Two more survivors also travelled with me. One was shot through the hip and the other was shot through the jaw and was bleeding plenty. After we entered the wood we must have went one mile or a mile and a half through the woods and lost all sense of direction. There in the woods we met a Belgium civilian. We asked him to show us the road to Malmedy, which he did. After he showed us the road to Malmedy, the guy who had his legs shot up and myself, we thought it was best to stay in the woods until it got dark because we was afraid if we went down the road we might run into a German patrol. But this one guy who was shot in the jaw, he was growing real weak from loss of blood and he said that he would have to have medical aid and that he would go on down the road and take a chance and maybe run into some Americans. So, he goes on down towards route 32 that goes to Malmedy and me and the other guy stays in the woods. He must have been gone maybe 15 or 20 minutes and we look down the trail in the woods and saw an American soldier come up the path with a machine pistol on his shoulder. When he got within talking distance he said, "Take it easy boys, I'll have you back to the aid station in just a few minutes." This one boy that was shot in the jaw had went down the road and run into an American Engineer outfit guarding a road block.

Q Mr. Dobyms, that same day did you make any statement concerning what had happened?

A Yes, I did.

Q When was that?

A To a Lt. Colonel who was commanding officer of the Engineer outfit and that was my first one.

(Dobyms-direct)

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Q When did you make a complete statement?

A To the Inspector General, First Army, 77th Evacuation Hospital in Verriers, Belgium.

Q With relation to medical treatment, when was this statement given?

A I just come out of the ether off the operating table.

Q During your testimony you referred continually to the troops that captured you as Germans. How did you know that they were Germans?

A Sir, I come to Normandy D-3. I worked with the Infantry and the armored spearhead. I have come in contact with Germans on the battle field, as well as treating them as casualties. I got to know a German soldier when I saw one.

Q Did you ever haul any wounded Germans in your ambulance?

A Yes. I have also given first aid and evacuated German wounded.

Q At the time that your ambulance was fired upon what arms, if any, did you and Private Scott have?

A Not any.

LT. COL. CRAWFORD: You may examine.

PRESIDENT: At this time, the Court will recess until 1035 hours.

(Whereupon the Court at 1005 hours recessed.)

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(Whereupon the Court reconvened at 1030 hours.)

PRESIDENT: Take seats.

PROSECUTION: May it please the Court, let the record show that all members of the Court, all members of the Prosecution, all members of the Defense, all the Defendants and the Reporter are present.

SAMUEL DOBYNS, an American Civilian, resumed the stand and testified further as follows:

CROSS EXAMINATION

QUESTIONS BY DEFENSE:(Lt WAHLER).

Q Mr Dobyns, what type of vehicles were guarding your flanks.

A What do you mean ?

Q I mean were they half-tracks or tanks ?

A That I cannot remember.

Q The vehicle you testified - that third vehicle that approached your positions as you said in the field, do you know what type of vehicle that was ?

A I was too scared and nervous at the time and I could not tell whether it was a tank or a half track or what. All I know is that it was a German armored vehicle.

Q How long did you remain standing in the field - in the pasture ?

A As I have said before, minutes seemed like hours when you are in a position like that: I was on the road, in the field again and I cannot remember how long I stood.

Q How soon after the one American prisoner of war gave the command "Stand Fast" did the initial firing commence ?

A The next time he raised his pistol and he aimed and fired.

Q Did that take a half a minute - can you state a space of time ?

(Dobyns-cross)

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A As I have said before, I cannot remember time.

Q How soon after the issuance of this command and the commencement of the initial firing, did you break ranks ?

A Just as soon as I seen him firing and I seen men in the front rank go down then I immediately broke ranks and ran into the field.

Q Was the command loud enough or audible enough so it could be heard by the soldier in this here tank ?

A Yes, I believe he could have heard it.

Q Do you know if any other American soldiers broke ranks with you at the same time ?

A As far as I could see none in the front ranks had broke, but when I got around to the rear the American soldiers had commenced dispersing.

Q How many would you say broke ranks ?

A By the time I got to the rear or before I actually got to the rear I had heard the 2nd report from the pistol then all from the rear column began to break ranks and disperse and hit the ground.

Q Do you have any idea as to the number; was it 10, 15 or 50. Do you have any idea as to the number that broke ranks ?

A No idea.

Q But there was a number of them that had broke ranks ?

A Yes, after we had been fired upon - after the second report we broke ranks.

Q Now when did the machine gun fire commence ?

A Immediately after the second report from the pistol.

Q That was after the American prisoners of war had started to break ranks, is that correct ?

A Before we were fired on the other American prisoners of war were standing in the field as far as I could see with their hands over their heads. No one broke ranks before we were fired on.

Q My question referred to the machine gun fire.

A As I have said before, I broke ranks after the first report

#50 of the pistol and ran to the rear.

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PRESIDENT: The Court requests that the witness answer the question of the Defense. If you don't know, say you don't know.

A I cannot remember

Q You stated that as you lay on the ground you noticed three or four German soldiers come into the field, that is correct is it?

A Yes sir.

Q Did you see any more than these three or four German soldiers in the field at any time while you lay there?

A No sir because I was playing dead and I could only see by peeping out of my eye.

Q When you saw these three or four German soldiers were they in the field at the same time or at different intervals of time?

A They were together and watched while one shot this wounded American.

Q Did you happen to have the opportunity to notice the type of uniform they had on?

A I noticed then, but I cannot remember now.

Q Would you happen to remember the color of the uniform?

A You are referring to the three or four who were in the field?

Q Yes?

A No sir, I cannot remember.

Q During the period of time that you first left your ambulance and to the time when you were fired upon, can you describe the amount of traffic that was proceeding from the Crossroads south towards Engelsdorf?

A That is on the road from Malmedy towards the Crossroads?

Q No! from the point marked Crossroads on the map, towards Engelsdorf?

A No sir, I cannot.

QUESTIONS BY DEFENSE: (Dr. LEHR)

Q Before you reached the Crossroads, did you notice any (Dobyns -cross)

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artillery fire ?

A Yes sir there was artillery fire coming from the right: on the high ground, that is.

Q And where did you see this fire hit ?

A In the vicinity of route 23.

Q Had you already reached the Crossroads when the firing was still going on there ?

A No! it had ceased before I got to the Crossroads.

Q When did the firing cease ?

A That I cannot remember.

Q When did the witness reach the Crossroads ?

A The tanks fired on the Crossroads - the firing was on the high ground to my right. The column I was on was on route 32. It took me about 15 minutes to go because the tank would go a little ways and then stop and then start again.

Q At what time did the witness arrive at the Crossroads ?

A That I cannot remember but it was early in the afternoon.

Q How would you describe the firing that you saw in which you participated ?

A How many actually fired ? to me and the fellows captured or on the convoy ?

Q The firing which according to what you said ceased before you arrived at the Crossroads ?

A The artillery firing ?

Q No !

PROSECUTION:(Lt Col CRAWFORD) Will the Counsel make the question more definite - the witness has indicated that he does not understand the question.

DEFENSE:(Dr LEER) Counsel wants to point out that his questions were asked in such a way that they had to be answered by either "Yes" or "No", but they were not answered that way. With the permission of the Court, I am going to repeat the questions.

(Dobyns-cross)

Q I ask the witness whether the firing was still going on when the witness arrived at the Crossroads and the witness answered that the firing had already ceased. I am asking now, how would you describe the firing going on on this Crossroads ?

A The artillery fire had ceased but they were still spraying the American convoys with artillery fire.

Q Does the witness know where the Machine gun fire was coming from ?

A Yes from the leading tank - about four tanks up from me.

Q In which direction did this tank drive ?

A Eight or ten American trucks turned left on the highway 23 going in the direction of Malmedy - the German armed vehicles went up the road, the American trucks scraped the ditch.

Q Can you remember what the officer looked like, the one whom you stated said he had saved your life ?

A Oh! he looked about 30 to 35 years old; he was not quite as heavy as me, but probably about as tall.

Q Did the German soldiers on the Crossroads change. I want to find out if they were always the same ones or whether some were going and some others were coming ?

A Do you mean whether the convoy was going in the same direction ?

Q You said first that German soldiers were standing on the Crossroads; now these are the German soldiers I am talking about; I want to know whether they were all the same ones or whether others came in ?

A I don't know - they were probably the same outfit.

Q How many of them were there as far as you can remember ?

A I cannot remember.

Q Approximately ?

A I still cannot remember .

Q How long did you run before the machine gun firing started ?

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A Approximately the next minute - I should have run about 100 yards from the Road.

Q Do you understand German ?

A No.

Q Did you hear when the German soldiers were talking between themselves on the Crossroads when you were in the field ?

A No.

Q Was it possible from where you were in the field that you could hear from their words what was being said on the Crossroads ?

A I was merely in the back part of the field - I could not hear what was going on.

Q Do you know the difference between SS soldiers and soldiers belonging to the regular Wehrmacht ?

A No I don't - in combat a German soldier is a German soldier.

PRESIDENT: I just want the witness to answer the question asked.

A(continuing) No sir I cannot tell the difference.

Q From what distance did the soldier direct his pistol towards you ?

A Right up on me.

Q What distance ?

A I would say about 3 feet.

Q Does the witness know the difference between members of the Air Force and members of the Army ?

A You mean by uniform ?

Q By uniform - as far as the uniform is concerned ?

A No sir I cannot. I have never come into contact with the German Air Force.

Q Would you recognize that officer whom you stated said he had saved your life ?

A I don't think so - I probably could tell if I seen him. I was scared to death at the time and very nervous.

(Dobyns -cross)

DR. LEER: If the Court is interested, I would request that the witness look over the accused and see whether or not he sees this officer amongst them or not.

PRESIDENT: That procedure is quite correct.

Q Please go along the rows where the accused are sitting and see whether you recognize this officer amongst them.

(Whereupon the witness did as directed.)

A No, sir, I cannot recognize him.

Q I have another question. Were all those people who were lying on the field when you ran away -- were they all dead?

A That I don't know.

Q What else can you say about those who were lying there when you ran away? Did they move, or did they scream or moan?

A After the Germans went from the field until the first break was made, as far as I could hear there was no sound in the field. I thought that everyone was dead but me until the first bunch got up and run.

Q The last question: The officer to whom you were talking -- did he speak English?

A No.

DR. LEER: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Lt. Col. Crawford):

Q Mr. Dobyns, after the first shot was fired, how far did you run before you hit the dirt?

A I imagine about 15 or 20 feet.

LT. COL. CRAWFORD: That is all. No further questions.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE (Lt. Wahler):

Q On your direct examination, did you not make the following statement: that you heard one shot, then ran 15 yards and hit the ground

into a puddle of water about an inch thick?

A I said that when I first seen the first man go down, I broke ranks and run to the rear. Immediately after the second report from the pistol, that is when the rear of the column begun to disperse, and I run 18 to 20 feet and then hit the ground into the water.

Q You are sure you didn't say 15 yards?

A I am quite sure I didn't say 15 yards.

LT. WAHLER: That is all.

DEFENSE: Dr. Wieland has, I think, one question.

QUESTIONS BY DR. WIELAND:

Q You said something about an order that was issued from the outside of the tanks to shoot?

A That I heard the order?

Q No. I want to know who was the one who gave this order.

A I don't know who give the order.

DEFENSE: Nothing further.

LT. COL. CRAWFORD: No further questions.

PRESIDENT: Any questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: The Prosecution calls Mr. Homer D. Ford.

HOMER D. FORD, called as a witness for the Prosecution, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q State your name, occupation and residence.

A My name is Mr. Homer D. Ford. My home is Leeton, Missouri.

Q And your occupation?

A I am now employed by the International Shoe Company at Windsor, Missouri.

Q Were you in the military service of the United States on the 17th of December, 1944?

A Yes, sir. I was a Private First Class in Company C of the 518th Military Police Battalion.

Q Where were you stationed on that date?

A I was in Malmedy, and I was brought later to the intersection of roads 23 and 32.

Q What direction from Malmedy is this road intersection you have referred to?

A It is approximately three and a half miles southeast of Malmedy.

Q With reference to Prosecution Exhibit No. 3, the map on your right -- will you step over to the map and indicate where you were at this crossroads?

A Yes, sir.

Q Will you indicate the name of the town or village on the map at this crossroads?

A I was stationed in Malmedy. I was brought out southeast on W32 down to Baugnez. I was stationed right here (indicating).

Q Very well. What were you doing at this intersection?

A My job was to direct the Seventh Armored Division south on 23 into St. Vith.

Q Did the Seventh Armored pass this intersection?

A Yes, sir. The Seventh Armored light tanks had just cleared the intersection, which was supposed to be the last of them.

Q What time of day are you referring to?

A This was between one thirty and two o'clock.

Q Did you see any other vehicles about this time?

A Yes sir. There was a column of vehicles, American, came up from the direction of Malmedy.

Q When they reached the crossroads, which direction did they turn?

A They turned south, also.

Q Do you know the name of the next village south on the highway that they took?

A I don't know the name of the town where they were going. I wasn't informed.

Q I don't believe you understood my question. Do you know the name of the next village south on the highway which they took? Step over to the map, Prosecution Exhibit No. 3, and take a look at it.

A They turned and came south down into Ligneuville.

Q After these vehicles turned south from the crossroads, did you observe anything happen?

A At that time I heard a blast and I looked around to my back, which was to the northeast. I saw the German tanks coming up, and I also saw an ambulance which was leaving on the right-hand side of the road, headed toward Malmédy.

Q What happened to this ambulance?

A I presume it was hit by the German artillery.

Q How were you able to distinguish this vehicle, that it was an ambulance?

A It had the Red Cross signs on the side and also on the top.

Q Did you observe anything else other than this Red Cross ambulance?

A No, sir, I didn't observe anything else.

Q Well, then, what did you do?

A As the Germans sprayed the intersection I was on, myself and about 15 other soldiers that were in the convoy took cover behind the rock house on the southwest side of the road.

Q Did you observe anything happen after you took cover behind the stone house?

A I could see the German tanks go on up the road, and later some of the tanks stopped in front of the house and on the intersection where I was at.

Q Did you see any American soldiers at the intersection?

A I saw only the Germans march the American prisoners back up the road and into the field.

Q What did you do after you observed this?

A At this time two German soldiers came and surrounded the house and pointed a burp gun at me and the other soldiers.

Q Then what happened?

A At this time I was taken prisoner with the other soldiers.

Q What did the Germans do with you and the other soldiers?

A I was taken to the east side of the house which I was behind. There they took our guns, and they took some valuables from the other soldiers.

Q What did they do with you then?

A Then they said, "You dirty SOB's. You will break the Siegfried Line!" At that time they marched myself and the other, I would say 10 to 15, soldiers into the field to the other American soldier prisoners.

Q This expression you just referred to. Was that in English or in German?

A That was in English.

Q When you reached the field, how many soldiers do you approximate were already in the field?

A I would say that there was approximately 150 to 200 soldiers there.

Q Do you recall how they were standing?

A They were standing in kind of an oblong company formation.

Q Did you observe how they held their arms?

A Yes, sir. They had their arms wholly up over their head.

Q Did you notice whether or not any of them carried arms?

A I saw no arms whatsoever on the American soldiers.

Q Do you know whether or not all of these soldiers were American?

A They all had on American uniforms.

Q Did you hear any conversation amongst the Germans while you were standing in the field?

A I do not understand German, but I could hear them talking, and it sounded as if they were having a good time.

Q Did you observe what the Germans were doing while you were standing in the field?

A I don't know what they were doing. It seems as though they were happy and rejoicing, and that's all I know.

Q How long did you stand in the field?

A I was only in the field a short time.

Q Do you remember what happened?

A Right after they marched me into the field, the two soldiers that were guarding myself and the other American soldiers went to a tank which was parked in the road. There was a German soldier who stuck his head up out of the tank. I presume that he gave the order to fire. At that time they started to machine-gun the American prisoners.

Q Did you notice whether or not any of the American prisoners tried to escape before the machine gun fire started?

A No, sir, I did not see no American soldier try to run.

Q What did the American soldiers do when the machine guns opened up?

A All the American soldiers hit the ground.

Q What did you do?

A I hit the ground also.

Q Do you remember what happened after you hit the ground?

A Right after I hit the ground I was hit in the arm by a bullet.

Q Do you recall anything else that happened?

A As I was laying there, the Germans came back into the field.

I presume they were German soldiers.

Q Did you see them, or did you hear them?

A I heard them.

Q Why didn't you see them?

A I had my head down in the mud.

Q What did you hear while you were there with your head in the mud?

A The German soldiers would walk around to the Americans, and they said, in English, "Is he breathing?" And if he was, I could hear, real close to me, the squash of the rifle butt against the American soldier's head.

Q Did you hear any shots?

A Also I could hear the weapons firing at American soldiers.

Q Now, while you were lying in the field, did you hear any vehicles pass down the highway?

A Yes, sir. As the German vehicles passed by, they would fire on the American soldiers in the field.

Q How do you know they fired on the Americans in the field?

A I could hear the American soldiers moan in pain and hear the bullets hit them.

R-52-1

A I could hear the American soldiers moan in pain and hear the bullets hit them.

Q How long did you remain in the field?

A I would say -- oh, about two hours.

Q Then what did you do?

A I heard somebody say in English: "...are you going to help us...", and I thought that the Americans were there, so I got up and ran.

Q Where did you run to?

A I ran across "32-North" and into the field and then west towards Malmedy.

Q Did you reach Malmedy?

A I ran for about two and a half miles, where I was picked up by an American Captain, and then I was taken to the 44th Evacuation Hospital.

Q Where was that located?

A In Malmedy.

Q Did you make any statement at any time, about this event, while you were in Malmedy?

A No, sir.

PROSECUTION: You may cross-examine.

CROSS EXAMINATION

QUESTIONS BY THE DEFENSE (Captain Narvid):

Q Can you estimate the length of time that you were in the field, from the time that you arrived there until the first shot?

A I would say from fifteen to twenty minutes.

Q Previously you testified that, at that time, the men were standing in an orderly manner, with their hands up, is

(Part -- Cross)

that correct?

R-52-2

A Yes, sir.

Q In what -- no, strike that. In what rank were you?

A I would say in about the fourth rank, over on the north side -- kind of an oblong --

Q Was it more or less in the center of the group?

A No, I wasn't in the center.

Q But it wasn't at an extreme end, was it?

A It was practically on the north end, yes, sir.

Q When you say "north end", will you tell us -- well, in relationship to the house, where were you?

A I was right to the east end of the house; approximately twenty feet to the south of the house.

Q From where you were standing, did you have a good view of the surroundings?

A Yes, sir.

Q Was there much traffic going on at that time, from the crossing to Engelsdorf -- that road?

A Most of the tanks pulled up the road and, to the best of my knowledge, they stopped there in the road for a while. I don't know where Engelsdorf is, but I think it was in the direction of Weismes.

Q When you say "most of the tanks", how many tanks do you estimate that there were at that time?

A Altogether, I would say that there were approximately 25 tanks.

Q At least 25 tanks. Were they standing or moving?

A Well, first, when I saw them, they were moving and then they stopped, a little later.

Q What type of tanks were they, could you describe them?

(Ford -- Cross)

R-52-3

A Well, I don't know one tank from another, but they were camouflaged with German camouflage. and they were also camouflaged with cedar limbs of trees.

Q Did you notice any half-tracks?

A No, sir. I can't say that I saw any half-tracks.

Q Now, shortly before you heard a pistol shot --

PROSECUTION: If the court please, this witness has never testified that he heard a pistol shot. The prosecution objects to that question.

LAW MEMBER: The objection is sustained.

DEFENSE: Yes, I recall -- strike that out --

Q Did you hear any pistol shots?

A Only when the Germans were in the field; only after the Americans hit the ground when they fired on them and then they came around and shot the prisoners in the head.

Q In other words, the first that you know of the shooting of prisoners was when the machine guns let loose?

A That's right, sir.

Q Did you notice from where the fire came?

A I was on the west side of the road and it came from east of me.

Q Can you estimate from how many vehicles the fire came? Was it one, or two -- ?

A- I can't say how many there were, but there were several.

Q Did you see the vehicles from which the firing came?

A Well, I saw this tank setting there, but I can't say that I saw the other tanks, because I hit the ground right

(Ford -- Cross).

R-52-4

after they started firing -- I didn't look.

Q Well, didn't you see any of the vehicles move closer to the group, prior to the shooting?

A They were all setting there in the road and the last I remember was when I hit the dirt -- when they started firing I didn't look any more.

Q Did you at any time hear the order: "...stand fast..?"

A I can't say that I did, no.

Q Now, you have stated that you noticed a man get up in the tank and that you presumed that he was a -- that he gave the order to shoot, is that correct?

A Yes, sir.

Q How far do you estimate that he was from where you were standing?

A I would say between twenty and twenty-five feet.

Q Did you hear him say anything?

A No, sir: there was so much noise -- the Germans were making so much noise and there was so much confusion and I couldn't hear much -- I just presumed that he said it.

Q Is he the only soldier that you saw standing in the tank?

A Yes, sir.

Q How much of his body did you see?

A Well, I only saw about half of him -- to right about here -- (the witness gestured with his hands, indicating his waist).

Q Could you identify him?

A No, sir.

Q Now, prior to the machine gunner, did you at any time notice any breaking of the ranks -- was there any movement of any of the men that were standing there?

(Ford _____ + Cross)

A No, sir. I didn't notice any.

R-52-5

DEFENSE (Captain Narvid): That's all.

DEFENSE (Colonel Everett): May it please the court, Dr. Lalling would like to ask a question of the witness.

PRESIDENT: Granted.

CROSS EXAMINATION (Continued)

QUESTIONS BY THE DEFENSE (Dr. Lalling):

Q You have referred to about 25 tanks which you said were first moving and then stopped, is that correct?

A Yes, sir.

Q Did you see these tanks move on from the crossroads?

A Yes, sir.

Q When did they move on?

A Well, I mean -- I didn't see them move on, but I heard them move on: I heard these tanks start on down the road while I was lying there in the field.

Q Was there a continuous movement there on the crossroads?

A While I was lying there in the field: yes.

Q And before?

A No, they were stopped.

Q Who told you to go into the field?

A There was two German soldiers who escorted me to the field.

Q Who told you to line up in the field?

A These two German soldiers pointed to me where they wanted me to stand.

(Ford -- Cross)

R-52-6

Q How many German soldiers do you think were concerned with the prisoners of war?

A I have no idea.

Q Well, approximately.

A I didn't count them; I don't know.

Q Did you see only those two that you mentioned?

A No, I saw several German soldiers.

Q Were they the same German soldiers who fired afterwards, or not?

A I presume that they were, but I don't know.

Q Did you recognize that voice which spoke English the whole time?

A I didn't recognize the voice, but I could tell that he was speaking English.

Q Was it always the same voice?

A I couldn't say that.

Q Where were the German guards, when this fire started -- I mean, the machine gun fire.

A Well, the German guards were standing on the west side of the tank.

Q Just one final question: when you approached the crossroads, didn't you say that the whole area was under fire?

A No, sir. I was on the crossroads for approximately twenty minutes before they started firing on us.

DEFENSE (Dr. Lalling): No further questions.

QUESTIONS BY THE DEFENSE (Captain Narvid):

Q During this time that you were standing there on

(Ford -- Cross)

R-52-7

the field, did you hear the noise of any artillery?

A Not while I was standing in the field, I didn't hear any artillery.

Q Did you hear the noise of any artillery, just as you got to the field?

A The only time I presumed that I heard artillery was when I was standing on the intersection and the Germans came from the east.

Q Did that fire come from the direction of Engelsdorf?

A I don't know where Engelsdorf is, but it came from the direction of Weismes.

DEFENSE (Captain Narvid): No further questions.

DEFENSE (Dr. Rau): I have one or two questions.

QUESTIONS BY THE DEFENSE (Dr. Rau):

Q What did you assume that the enemy position was, while you were standing there on the crossroads -- I mean, what did you assume that the enemy position was, as they were traveling along the road?

PROSECUTION: If the court please, I wish that the counsel would re-phrase his question --

Q Yes, as you were traveling along the road, were you counting on a German attack?

A I never was traveling; I was posted on Route 32; I was posted there at the crossroads.

Q Well, as you were standing there at the crossroads,

(Ford -- Cross)

R-52-8

did you count on a German attack?

A No.

Q How many American convoys passed the road intersection, as the Germans opened their attack?

A Well, as I later found out the 285th -- well, they were just coming from Malmedy, when I first saw them, and where they went I don't know.

Q No, I want to know how many convoys there were at that time --

LAW MEMBER: What is the relevancy of this line of questioning?

DEFENSE (Dr. Rau): It is supposed to lead to the question of whether there was great confusion at the crossroads, when the attack began.

LAW MEMBER: Well, what is the relevancy of that, with respect to the witness' testimony, as he has given it on direct examination?

DEFENSE (Dr. Rau): I would like to know how, in general, the American soldiers behaved at this time --

PROSECUTION: The prosecution objects to that.

LAW MEMBER: The objection is sustained.

Q Did all of the American soldiers surrender?

A Yes, sir.

DEFENSE (Dr. Rau): No further questions.

DEFENSE (Colonel Everett): The defense

(Ford -- Cross)

has no further questions at this time.

R-52-9

PROSECUTION: The prosecution has a few further questions.

RE-DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q Now, you have referred to artillery fire, was that American or German artillery fire?

A I presume that it was German, because it came from the direction of Weismes and that's the direction that the Germans came from.

Q In your cross-examination you mentioned the two German guards that stood at the west side of a tank, when the machine gun firing started; now, can you locate this tank with respect to the field, that is, was it on the north end or the south end, or what?

A Well, it was setting right there in the middle of the road, on the east side of the field, approximately lined up in the middle of all the American prisoners.

PROSECUTION: No further re-direct.

DEFENSE (Colonel Everett): There are no further questions and I might announce on behalf of the defense that the defense does not desire to recall Mr. Lary, Mr. Kingston, Mr. Daub, Mr. Ahrens, Mr. Dobyms or Mr. Ford.

PROSECUTION: If the court please, may these six American witnesses be excused permanently?

PRESIDENT: Does any member of the court have any questions of any of these witnesses at this time or

(Ford -- Re-Direct)

B-52-10

anticipate any necessity for recalling any of these witnesses?

(Whereupon, no member of the court indicating any questions of these witnesses, or any necessity for recalling them, the President made the following announcement:)

PRESIDENT: The witnesses may be permanently excused, and the present witness is excused. The court is adjourned to meet at 0830 tomorrow morning.

(Whereupon the court, at 1200 hours, adjourned to reconvene at the time indicated by the President.)

(Ferd -- Cross)

Die folgend.

Ich habe mich für einen zu feinen Punkt
nicht hingekümmert und nicht rezu-
genommen, sondern am gleichen
Abend zu meinem Gg. im blauen
feinen Mantel mich wiederholt
nach Poetschke zu ihm gekümmert
haben.

Diese Briefe habe ich mit einem
sehr feinen Briefpapier von Leipzig
oder Müppen eingeklebt und
nicht eingeklebt, sondern
eingeklebt. Am nächsten Tag
habe ich mit der Bedienung und
Geiligkeit das fidele besichtigt.

Witnessed:

Wm. R. Pearl
DWIGHT F. FAULTON
CAPT QMC
INVESTIGATOR, EXAMINER
WPA CRIMES BRANCH USEET

Wm. R. Pearl
46-D'Blint.

17. Aug. 1945

Subscribed and sworn to before me
at Schwabisch Hall, Germany this
seventeenth day of December 1945

William R. Pearl
1st Lt M.I.

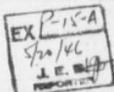
Investigator-Examiner.



000105

00 1 00

TRANSLATOR'S AFFIDAVIT



I, William R. PERL assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Friedrich Christ

taken on 17 December 1945 at Schwäbisch Hall, Germany.

before 1st Lt. WILLIAM R. PERL

consisting of two pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

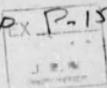
1. Native tongue is German.
2. I have spoken English for twenty years.
3. I studied English for five years in school in VIENNA, Austria.
4. I lived in England from 1930-31 and in 1938.
5. I lived in the United States from September of 1940 until I left the United States with the American Army in July of 1944.
6. From February 1943 to July 1944, I was an instructor in the IPW Section of the Military Intelligence Training Center, Camp Ritchie, Maryland, and after coming overseas I have continued to serve as an interrogator of prisoners and suspects, in a capacity which always involved translation from German to English and vice versa.

Sworn and subscribed to before me this 13 day of March 1946 at Schwäbisch Hall, Germany.

William R. Perl
WILLIAM R. PERL, O-555149
1st Lt. U.S. A.I.

Sophail Thumacher
War Crimes Branch, USFET

Capt CMR P-15A



000106

Handwritten notes: "0.1c WWA 24 C"

I am stating herewith the facts as given below:

On the afternoon of the day before the attack in the EIFFEL Mountains started - according to my knowledge it was the 15th of December 1944 - a meeting of the company commanders was held at the CP of the armored group.

On this occasion POETSCHKE stated that the impending battle would be the decisive battle. Amongst other things he said that we should behave towards the enemy in such a way that we create amongst them panic and terror and that the reputation for spreading panic and terror through our behavior should precede our troops so that the enemy should be frightened even to meet them. Amongst other things he also stated in connection with this that no prisoners should be taken.

On my own, I added nothing to his talk nor did I take anything away from it, but on the same evening I repeated to my company in the BLANKENHEIM Forest what POETSCHKE had told to us.

This deposition I made on my own without influence by either threats or promises and I wrote it down in my own handwriting. It consists of two pages.

I am fully aware of the importance and holiness of an oath.

CHRIST, Friedrich
SS Obersturmführer
17 December 1945

17 December 1945

Witnessed:
/s/ DWIGHT F. FANTON
DWIGHT F. FANTON
Capt QMC
Investigator-Examiner
War Crimes Branch, USFET

Subscribed and sworn to before me at Schwabisch Hall, Germany this seventeenth day of December 1945.

/s/ WILLIAM R. PERL
1st Lt M.I.
Investigator-Examiner

EX-P-15A
J. M. M.
Investigator

Im Kaufmann zu meinem frun-
digen Ansehen, betreffend
meine Aufträge im Kon-
trafaktoren Handel am Abend
gibt das Original in der
Folge begeben, geben ist nach
folgendem an:

Im gleichen Subjekt, in
dem Kontrakt sind die Au-
träge für, im Rahmen.
Zusammen, was Peiper zu-
sammenfasst.

Ich weiß mich nicht zu erinnern,
ob Peiper wusste das
Aufträge Poetschkes auszuführen
war, jedenfalls war ich nicht
dem Gedanken, dass Peiper von dem
Sachverhalte keine Kenntnisnahme
zu machen wissen.

Ich weiß mich nach zu
erinnern, dass ich nach dem
Aufträge Poetschkes mit dem
andern H. Auf., ich glaube es
war Lorenz, die Aufträge
Poetschkes beauftragt sind dass ich
nach diesem Subjekt mit dem

EX 16
100
J. J. J.
REPRODUCTION

000106

TRANSLATOR'S AFFIDAVIT

I, WILLIAM R. PERL assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

FRIEDRICH CHRIST

taken on 17 DECEMBER 1944 at Schwäbisch Hall, Germany,

before WILLIAM R. PERL

consisting of 2 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

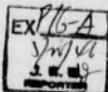
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4. I lived in England from 1930-31 and in 1938.
5. I lived in the United States from September of 1940 until I left the United States with the American Army in July of 1944.
6. From February 1943 to July 1944 I was an instructor in the IPW Section of the Military Intelligence Training Center, Camp Ritchie, Maryland, and after coming overseas I have continued to serve as an interrogator of prisoners and suspects, in a capacity which always involved translation from German to English and vice versa.

William R. Perl

WILLIAM R. PERL, O-555149
1st Lt. M.I.

Sworn and subscribed to before me this 13th day of March 1946
at Schwäbisch Hall, Germany.

Raphael Thumacher
War Crimes Branch, USFET
Capt CMP



Supplementary to the statement I made today concerning my speech in the BLANKENHEIM Forest the evening before the attack in the EIFEL started, I add the following:

In the same building in which FOETSCHKE gave us the talk, in the adjoining room was FELPER's Command Post.

I cannot recall whether HEIHER was present during FOETSCHKE's speech, but in any case, I was under the impression that FELPER knew about the order to take no prisoners of war.

I still remember that after FOETSCHKE's speech, I discussed FOETSCHKE's speech with another company commander, I believe it was KREISER and that after this conversation with this other company commander, I decided to give the same talk to my men.

I did not go to see FELPER, because I assumed that he knew about it and because no opposite directives of FELPER contradictory to FOETSCHKE's order existed. Neither did I ask FOETSCHKE why he gave the order that no prisoners should be taken, nor according to my knowledge, did anybody else ask.

I made this statement out of my own, uninfluenced by threats or promises and in my own handwriting. It consists of two pages.

I am aware of the importance and holiness of the oath.

(signed) CHRIST, Friedrich
SS Obersturmfuehrer
17 December 1945

Witnessed:
DWIGHT F. FANTON
Capt. QMC
Investigator-Examiner
War Crimes Branch, USFET

Subscribed and sworn to before me at SCHWABISCH HALL, Germany, this 17th day of December 1945.

WILLIAM R. PERL
1st Lt. M.I.
Investigator-Examiner



1

Während der Planspiele in Hef ^{PV} ^{Identifikation} ^{Baschfeld hat}
Ostobof. Peiper erklärt, daß wir im kommenden
Einsatz werden rücksichtslos vorgehen müssen.
Mein Erinnerung wurde bei den Planspielen noch
kein ausdrücklicher Befehl erlassen Terrormethoden
anzuwenden, oder Kriegsgefangene zu erschließen.
Nichtsdestoweniger war es mir bereits damals klar,
daß auf Grund von Äußerungen maßgebender
Offiziere (ich kann nicht mit Sicherheit sa-
gen, wer es war und wie die Äußerungen lau-
teten) folgende Politik verfolgt werden sollte:
Wenn nötig wird der Widerstand des Feindes auch
mit Brutalität gebrochen - nach dem Prinzip -
der Zweck heiligt die Mittel.

Am 15. XII. 44 wurde ich zu einer Kp. Führer-
Besprechung in ein Forsthaus im Blaukenheimer
Walde befohlen. Dieses Forsthaus war zugleich Abt.
und Rgt. Gef. Stand.

An die Tageszeit zu der ich in diesem Forsthaus
eintraf, weiß ich nicht mehr zu erinnern.
Ich weiß nur, daß es bei Tageslicht war.
In diesem Forsthaus fand eine Besprechung sämt-
licher Kp. Chefs des Panzer-Regimentes statt. Ich weiß
nicht, ob sämtliche Chefs anwesend waren. Doch er-
innere ich mich daran, daß es eine Besprechung

EX P-17
J. E. S.

alles Kp. Chfs. des Regiments war und daß unter anderen auch folgende ^{Offiziere} anwesend waren. Stabaf. Poetschke, Hstuf. Grubke, Hstuf. Klingelhöfer, Ostuf. Christ, Ostuf. Krenser, Hstuf. Fischer. Der Anwesenheit dieser Offiziere bei der Besprechung bin ich sicher. Ostuf. Peiper war während der Besprechung nur zeitweise anwesend. Zum besseren Verständnis meiner Aussage habe ich eine Skizze verfertigt - gekennzeichnet # I - welche hierzu beigefügt ist. B. S.

Ich betrat das Zimmer das auf der Skizze mit # 1 bezeichnet ist durch den mit # 3 bezeichneten Eingang.

Ich wartete im Zimmer # 1 auf einem in der Nähe des Kamins stehendem Stuhl sitzend ca. 20 Minuten. Während dieser Zeit war Stabaf. Poetschke bei Ostuf. Peiper in dem mit # 2 bezeichneten Zimmer. Während ich im Zimmer # 1 wartete, versammelten sich die Kp. Chfs. in diesem Räume - einige waren schon da als ich kam.

Außer den Offz., die später bei der Besprechung in Zimmer # 2 teilnahmen, waren in Zimmer # 1 auch einige andere anwesend. Unter diesen war Hstuf. Kraun, Ostuf. Rumpf und Ostuf. Sivers und ich glaube auch Hstuf. Rehagel und mehrere andere. Es war eine ganze Anzahl von Ordonauszugsda und zwar Peipers Verbindungs-

offiziere zu den ihm unterstellten Einheiten. Während meines Wartens in Zimmer #1 kam auch Ostufaf. Piiper in diesen Warteraum. Er blieb nur einige Sekunden und kehrte dann in sein Zimmer (Zimmer #2) zurück.

Nach ca 20 Minuten meines Wartens kam Stufaf Poetschke heraus und befahl, ^{B. F.} ~~den~~ #1 daß die Kp. Chefs des Panzerregiments in das andere Zimmer (#2) kommen sollten.

Wir traten ins Zimmer #2, wo Piiper, Grubbe und Poetschke und Ltuf Fischer um den Kartentisch #1 teil saßen, teil standen. Poetschke hatte nur die Tür geöffnet und war gleich wieder zurückgetreten.

Den Kartentisch habe ich in meiner Zeichnung mit #4 bezeichnet und die Stelle an der ich saß mit #5.

Ich glaube, daß Piiper die einleitenden Worte sprach, doch weiß ich nicht mehr, was er sagte. Der Redner in dieser Sitzung war Poetschke. Ostufaf. Piiper hat während der Sitzung den Raum mehrere Male verlassen. Auf wie lange, weiß ich nicht mehr. Ich glaube es war noch im kleineren Tisch im Zimmer #2 an dem sich Piiper zeitweilig aufhielt.

Poetschke hat ca. 20 Minuten lang gesprochen

EX P-17
J. 1. 1944

und während der nachfolgenden 5-10 Minuten sind dann Fragen gestellt und von ihm beantwortet worden. Ich habe keine Frage gestellt. Wer gefragt hat, weiß ich nicht mehr.

Im Zuge seiner Aussprache las uns Poetschke einen Regimentsbefehl vor in dem es unter anderem hieß, daß zur Bekämpfung des feindlichen Widerstandes auch Terrormethoden angewendet werden können. Außer dem Wortlaut dieses Befehls und die Details weiß ich mich nicht mehr zu erinnern.

Ich weiß, daß der vorgelesene Regimentsbefehl die Anwendung von Terrormethoden genehmigte. Ich weiß ferner, daß, als ich den Reg. Gefechtsstand verließ, ich unter dem Befehl stand, wo es die militärische Lage erfordert, keine Gefangenen zu machen. Ob sich dieses mein Bewußtsein aus dem Regimentsbefehl, oder den mündlichen Befehlen Poetschkes ergab, weiß ich nicht mehr.

Vom Forsthaus ging ich zu meiner Kompanie und vielleicht eine $\frac{3}{4}$ Stunde später rief ich meine Panzerkommandanten zusammen. Es ist möglich, daß ich bei dieser Gelegenheit zur ganzen Kompanie sprach, doch glaube ich, daß nur die 15 Panzerkommandanten, der Spieß, der 1. Schreiber,

5

der I-Staffelführer, Schirmmeister anwesend waren.

Meine Leute saßen im Halbkreis um mich herum und ein kleines Lagerfeuer war zwischen mir und ihnen. Es war noch nicht dunkel, aber dämmerte bereits stark.

Im Zuge dieser Befehlsausgabe und Belehrung machte ich darauf aufmerksam, daß es bei dieser Schlacht um Sein oder Nichtsein gehe, ferner, gemäß meiner eigenen Instruction, daß zur Brechung des feindlichen Widerstandes auch Terrormethoden angewendet werden können. Die Anwendung von Terrormethoden bezog ich meinem Befehle gemäß auch auf die Behandlung von Kriegsgefangenen, doch weiß ich mich an den Wortlaut nicht mehr zu erinnern. Sehr glaube, daß ich auch in diesem Zusammenhang sagte, daß wir so fahren und kämpfen sollen, daß der Feind in Angst und Schrecken gerät.

Meine Aussprache dauerte 15-20 Minuten und soweit ich mich erinnere, sind keine Fragen gestellt worden.

Ich frage noch nach, daß ich, ehe ich den Rgt. Gefechtsstand im Blaukenheimer Walde verließ, dort unterschrieb, von dem mir vorgelesenen Befehle Kenntnis zu haben.

EX P-17
J 3 3

6 Zum besseren Verständnis meiner Aussage meiner eigenen Belehrung für die Kompanie habe ich eine Skizze verfertigt. Ich habe diese Skizze mit II bezeichnet und lege sie dieser meiner Aussage bei. Auf dieser Skizze bedeutet: 1) Forsthaus, 2) Entfernung Forsthaus - Kompanie, etwa 300-400 m. 3) Weg durch den Blausenkeimer Hald, 4) Unterziehraum der Kompanie 5) Entfernung Straßentort der Befehlsausgabe ca 15-20 m. 6) Ort der Befehlsausgabe 7) Wahrscheinliche Himmelsrichtung.

Ich habe diese Angaben freiwillig, unbeeinflusst von Zwang, Drohungen, oder Versprechungen gemacht.

Ich glaube an Gott und bin mir der Bedeutung und Heiligkeit eines Eides bewußt. Ich schwöre bei Gott, daß diese Angaben die volle und reine Wahrheit und nichts als die Wahrheit enthalten und ich bin bereit diese Angaben jederszeit vor jedem Gericht zu wiederholen.

Sworn to and
subscribed before
me this 1st day of
March 1946 at
Edwärdshöf Hell, Ger.
Katholisch
Cath. CAP

Bernoni Junner

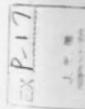
1. März 1946

Witnessed:
William R. Paul
1st Lt. M.I.



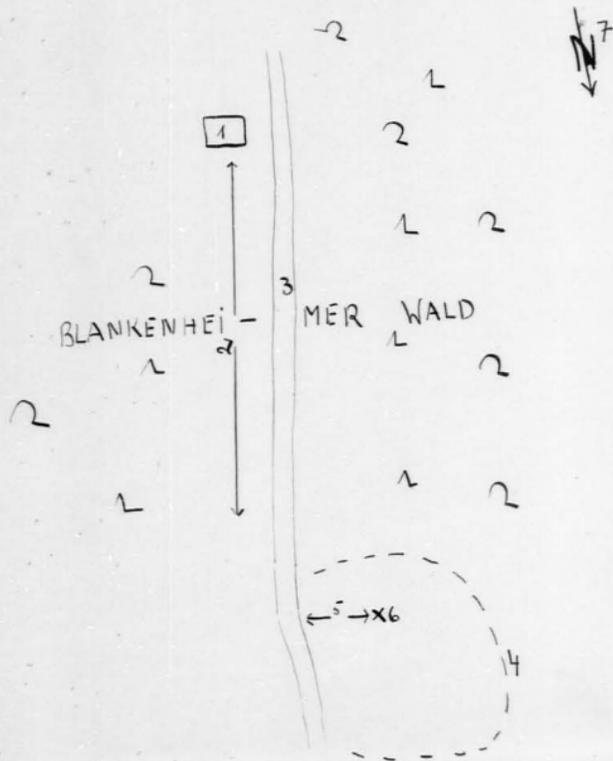
ZUPKER

Skizze des Ortes der Befehlsausgabe, wo
ich am 15.12.44 meine Kp. befehorte.



Erläuterungss:

- 1 - Forsthaus
- 2 - Entfernung Forsthaus -
Kompanie, etwa 300-400 m.
- 3 - Weg durch den Blausau-
heimer Wald
- 4 - Unterzahnraum der Komp.
- 5 - Entfernung Straße -
Ort der Befehlsausgabe ca 15-20 m
- 6 - Ort der Befehlsausgabe
- 7 - Etwaige Himmelsrichtung



Bensin Finster

1st March 1946

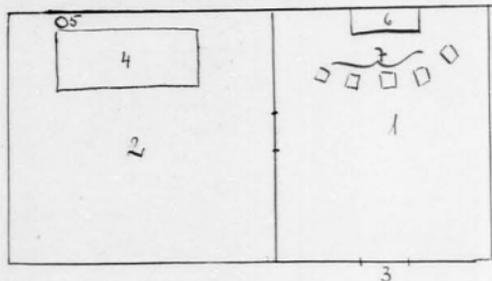
JUNKER

I

Skizze des Forsthauses, wo die

Kp. Führer am 15.12.44 zur Befehlsausgabe versam-
elt waren.

P. 17



Erläuterungen:

- 1- Vorraum
- 2- Kartenzimmer
- 3- Eingang
- 4- Kartentisch
- 5- Mein Platz bei der
Besprechung
- 6- Kamin
- 7- Stühle

Bernini Junger

1st March 1946

44

000116

TRANSLATOR'S AFFIDAVIT

RECEIVED
FBI
P17a
me

I, PAUL REITZER assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

BENONI JUNKER

taken on 1 March 1946 at Schwäbisch Hall, Germany.

before RAPHAEL SHUMACKER, Captain, CMP

consisting of 5 pages, into English, and 1 sketch

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is GERMAN.
2. I have spoken ENGLISH for 7 years.
3. I studied ENGLISH for 4 years at school in VIENNA, Austria.
4. I lived in ENGLAND from 1939-1940.
5. I lived in the UNITED STATES from 1940 until I left the UNITED STATES with the American Army in May 1944.
6. Since the 4th of February 1946 I served as interpreter with the War Crimes Branch in WISMAR, Germany.

7
EX
174

Paul Ritzer
PAUL REITZER

Sworn and subscribed to before me this 15th day of March 1946 at Schwäbisch Hall, Germany.

Raphael Shumacker
Raphael Shumacker
War Crimes Branch, USFET

Capl CMP PEX P-17A

45

000120

During the sandtable exercises in HOF BUSCHFELD, Obersturmbannfuhrer PEIPER explained that during the coming offensive we would have to go ahead recklessly. I remember that during the sandtable exercises, no special order was issued to use terror methods or to shoot prisoners of war. Nevertheless, even then it was clear to me that on the basis of remarks of important officers (I cannot say for sure who made these remarks and how these remarks were worded) the following policy should be adhered to:

"If necessary, the resistance of the enemy will be broken with brutality - after the principle - the end justifies the means."

On the 15th of December 1944 I had been ordered to a Company Commander's meeting in a forester's house in the BLANKENHEIMER Woods. This hunting lodge was both battalion and regimental CP.

I do not recall any more the hour of day I arrived in this hunting lodge. I only know that it was at daylight. In this forester's house a meeting of all Company Commanders of the Panzer Regiment took place. But I do remember that it was a meeting of all Company Commanders of the regiment and that among others, the following officers were present: Sturmbannfuhrer FOETSCHKE, Hauptsturmfuhrer GRUEHLE, Hauptsturmfuhrer KLINGELHOEFER, Obersturmfuhrer CHRIST, Obersturmfuhrer KREMER, Untersturmfuhrer FISCHER. I am certain about the presence of these officers at this meeting. Obersturmbannfuhrer PEIPER was only temporarily present during the meeting. To better understand my statement I have made a sketch, marked No. 1., which is attached hereto.

I entered the room, which I have marked No. 1 on the sketch, through the entrance marked No. 3. I waited for about 20 minutes in room No. 1, sitting on a chair standing close to the fireplace. During this time, Sturmbannfuhrer FOETSCHKE was with Obersturmbannfuhrer PEIPER in the room marked No. 2. While I was waiting in room No. 1 the Company Commanders gathered in this room - some of them were already there when I arrived. Besides the officers who later participated in the meeting in room No. 2, some others were also present in room No. 1. Among those were Untersturmfuhrer KRAMM, Obersturmfuhrer RUMFF, Obersturmfuhrer SIEMERS, and I believe also Untersturmfuhrer REHAEL and some others. There were quite a number of ordnance officers and PEIPER's Liaison officers of the units under him. During my stay in room No. 1, Obersturmbannfuhrer PEIPER also came into this waiting room. He stayed only a few seconds and then returned to his room (room No. 2).

I know the regimental order read to us approved of the use of terror methods. I know furthermore that when I left the regimental CP I was under orders that, where the military situation should require it, not to take prisoners. I no longer know whether this awareness originated from the regimental order or from FOETSCHKE's oral orders.

From the forester's house I went to my company and about three-quarters of an hour later I called my tank commanders together. It is possible that on this occasion I talked to the entire company, but I believe that only the 15 tank commanders, the 1st Sgt., the 1st Clerk, the Maintenance Section Leader and Transportation Sergeant were present.

000121

My men were sitting in a semi-circle around me and a small camp fire was burning between them and me. It was not yet dark, but there was already twilight. In the course of issuing the orders during the lecture I called to attention that this battle will mean do or die, furthermore, in accordance with my own instructions that to break the enemy's resistance, terror methods could also be used. I also applied the use of terror methods in accordance with my instructions for the treatment of prisoners of war, but I do not recall the wording any more. I believe, in this regard, I also brought out that we should go and fight so as to drive the enemy into fear and fright.

My address lasted about 15-20 minutes and as far as I can remember, no questions were asked.

I add that before I left the regimental CP in the BLANKENHEIMER Woods, I signed there that I had knowledge of the orders read to me.

To better understand my statement about the instructions I received for the company, I have made up a sketch. I have marked this sketch with II and attach it to my statement.

On this sketch, (1) means hunting lodge, 2) distance hunting lodge-company, about 300-400 M, 3) dirt road through BLANKENHEIMER Woods, 4) Company assembly area, 5) distance street to place of issuance of orders, about 15-20 M, 6) place of issuance of orders, 7) approximate direction of north.

I have made these statements voluntarily, uninfluenced by coercion, threats or promises.

I believe in God and I am aware of the meaning and sanctity of an oath. I swear to God that these statements contain the whole and pure truth, and nothing but the truth and I am prepared to repeat these statements before any court of justice at any time.

(signed) Benoni JUNKER
1 March 1946

Sworn to and subscribed before
me this 1st day of March 1946 at
Schwaebisch Hall, Ger.

(signed) RAPHAEL SHUMACKER
Capt CMP

Witnessed:

(signed) WILLIAM R. PERL
1st Lt. M.I.

EX-P-17A
J. E. G.
MAR 1946

000122

SKETCH No. I of Obersturmfuehrer BENONI JUNKER
SHOWING FORRESTER'S HOUSE

KEY

1. Foyer
2. Map room
3. Entrance
4. Map table
5. My position at the meeting
6. Fireplace
7. Chairs

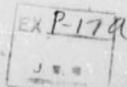
EX-17A
J. W. T.

000123

SKETCH No. II of Obersturmfuehrer BENONI JUNKER
SHOWING THE LOCALITY OF THE ISSUANCE OF THE ORDER

KEY

1. Forester's House
2. Distance forester's house- company about 300-400 m.
3. Dirt road through BLANKENHEIM woods.
4. Company assembly area
5. Distance street to place where orders were issued about 15-20 m
6. Place of issuance of order
7. Approximate direction of North



000124

UNIVERSITY
WEST
P 176
EX



I, BENONI JUNKER, being first duly sworn, make the following statement under oath:
Ich BENONI JUNKER, nachdem ich erst rechtmässig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERTURMBANNEFÜHRER PEIPER mentioned by me in my affidavit, dated 1 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen OBERTURMBANNEFÜHRER PEIPER von mir in meiner eidesstattlichen Aussage genannt, datiert 1. MARZ 1946.

Benoni Junker
First Name (Vorname) Last Name (Zaname)

OBERTURMFÜHRER
Rank (Dienstgrad)

6th Pz. G. 1st Pz. Regt. 4. SS A.H.
Organization during Elze Offensive
Einheit während des Elze-Einsatzes

Sworn to and subscribed before me this 9th day of April, 1946.

Daniel Schumacher
Officer administering oath

Capt. C.M.P.
Rank Arm or Service

EX P-17 B
J. E. S.

000125

100
917
XG



I, BENONI JUNKER, being first duly sworn, make the following statement under oath:
Ich BENONI JUNKER nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same HAUPTSTURMFÜHRER GRUHLE mentioned by me in my affidavit, dated 1 MAR 1946.

Die obigen zwei Photographien sind Photographien desselbigen HAUPTSTURMFÜHRER GRUHLE von mir in meiner eidesstattlichen Aussage genannt, datiert 1. MARZ 1946.

Benoni Junker
First Name (Vorname) Last Name (Zuname)

ÜBERSTURMFÜHRER
Rank (Dienstgrad)

6th P. Co. 1st Pz. Regt. G.S.A.H.
Organization during Eifel Offensive
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 3rd day of April, 1946.

Daphiel Thumacker
Officer administering oath

Capt GMP
Rank Arm or Service

EXP-17C
J.F.S.
RECORDS SECTION

000126

P 17 d
20



I, BENONI JUNKER, being first duly sworn, make the following statement under oath:
Ich BENONI JUNKER, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSTURMFÜHRER CHRIST mentioned by me in my affidavit, dated 1 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen OBERSTURMFÜHRER CHRIST von mir in meiner eidesstattlichen Aussage genannt, datiert 1. MÄRZ 1946.

Benoni Junker
First Name (Vorname) Last Name (Zuname)

OBERSTURMFÜHRER
Rank (Dienstgrad)

6th Pz G. 1st SS Pz Regt G. S.S. A.H.
Organization during Elfen Offensive
Einheit während des Elfen-Einsatzes

Sworn to and subscribed before me this 3rd day of April, 1946.

Rudolph Thumacker
Officer administering oath

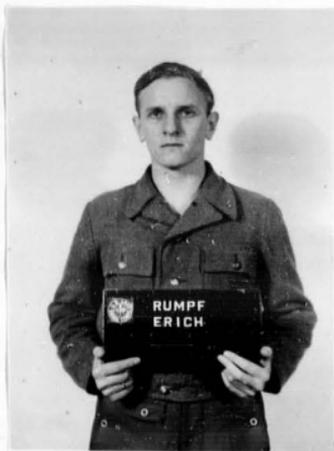
Capt. C.M.P.
Rank Arm or Service

P
EX
177

EX P-17 A
J. S. S.

000127

EX-P-17
J.F.S.
FEBRUARY 1946



I, BENONI JUNKER, being first duty
sworn, make the following statement under oath:
Ich BENONI JUNKER, nachdem ich erst recht-
mäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSTURMFÜHRER
RUMPF mentioned by me in my affidavit, dated 1 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen OBERSTURMFÜHRER
RUMPF von mir in meiner eidesstattlichen Aussage genannt,
datiert 1 MARZ 1946.

Benoni Junker
First Name (Vorname) Last Name (Zuname)

OBERSTURMFÜHRER
Rank (Dienstgrad)

6th P. Co. 1st SS P. Regt. 4. SS P. Div.
Organization during Eifel Offensive
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this
3rd day of April, 1946.

Daphael Thumacher
Officer administering oath

Daph CMP
Rank Arm or Service

EX-P-17
J.F.S.
FEBRUARY 1946

000128

EX 1785
J.E.E.
REPRODUCTION



I, BENONI JUNKER, being first duly sworn, make the following statement under oath:

Ich BENONI JUNKER nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same HAUPTSTURMFÜHRER KLINGELHOEFER mentioned by me in my affidavit, dated 1 MAR 1946.

Die obigen zwei Photographien sind Photographien desselbigen HAUPTSTURMFÜHRER KLINGELHOEFER von mir in meiner eidesstattlichen Aussage genannt, datiert 1. MÄRZ 1946.

Benoni Junker
First Name (Vorname) Last Name (Zuname)

OBERSÜHRNFÜHRER
Rank (Dienstgrad)

6th Co. 1st SS Pz. Regt. G. SS A.H.
Organization during Eifel Offensive
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 3rd day of April, 1946.

Joseph J. Schumacher
Officer administering oath

Capt. C.M.P.
Rank Arm or Service

EX P-177
J.E.E.
REPRODUCTION

000126

EX P-17
176



I, BENONI JUNKER, being first duty sworn, make the following statement under oath:
Ich BEVONI JUNKER nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSTURMFÜHRER SIEVERS mentioned by me in my affidavit, dated 1 MAR 1946.

Die obigen zwei Photographien sind Photographien desselbigen OBERSTURMFÜHRER SIEVERS von mir in meiner eidesstattlichen Aussage genannt, datiert 1. MARZ 1946.

Benoni Junker
First Name (Vorname) Last Name (Zuname)

OBERSTURMFÜHRER
Rank (Dienstgrad)

6th Pz C. 1st Inf. Div. 8th S.S.A.
Organization during Elbef Offensive
Einheit während des Elbef-Einsatzes

Sworn to, and subscribed before me this 3rd day of April, 1946.

Raphael Schmacker
Officer administering oath

Asst. C.M.P.
Rank Arm or Service

EX P-17
176

000130

Eidesstattliche Aussage des Oskar Klingelhöfer.

Ich, Oskar Klingelhöfer, nachdem ich erst rechtmäßig eingekerkert wurde, mache unter Eid die folgende Aussage:

Während der Eifel-Offensive im Dezember 1944 war ich Kompanie-Führer der 7. H-Pz. Kp., 1. H-Pz. Rgt., L.A.H. Mein Dienstgrad war Hauptsturmführer.

Am Nachmittage des 15. Dezember 1944 wurde ich zu einer Kompanie-Führer-Besprechung in einem Blockhaus nahe einem Forsthaus bei Blankenheim befohlen. Ich bin sicher, daß die folgenden Offiziere im Raum in diesem Blockhaus anwesend waren, wo mir Befehle bezüglich der kommenden Offensive erteilt wurden:

- 44-Obersturmbauführer Peiner, Joachim, - Kommandeur, 1. H-Pz. Rgt., L.A.H.
- 44-Hauptsturmführer Gräble, - Rgt. Adj., 1. H-Pz. Rgt., L.A.H.
- 44-Sturmbauführer Pötschke, Paul (ich bin über seinen Vornamen nicht sicher) Abt.-Kommandeur T. 44-Pz. Abt., 1. H-Pz. Rgt. L.A.H.
- 44-Obersturmführer Kremser - Kp.-Führer 1. H-Pz. Kp., I. H-Pz. Abt., 1. H-Pz. Rgt., L.A.H.
- 44-Obersturmführer Christ, - Kp.-Führer, 2. H-Pz. Kp., T. 44-Pz. Abt., 1. H-Pz. Rgt., L.A.H.
- 44-Obersturmführer Jänker, Benno - Kp.-Führer 6. H-Pz. Kp., T. 44-Pz. Abt., 1. H-Pz. Rgt., L.A.H.
- 44-Hauptsturmführer Klingelhöfer, Oskar - Kp.-Führer 7. H-Pz. Kp., T. 44-Pz. Abt., 1. H-Pz. Rgt., L.A.H.
- 44-Hauptsturmführer Otto, - Kp.-Führer Versorgungs Kp., T. 44-Pz. Abt., 1. H-Pz. Rgt., L.A.H.

P
EX
18

EX 18
18

Ich erinnere mich auch 44-Motorstärkenführer Fischer,
den Adj. der T. 44-Pz. Abt. gesehen zu haben, aber ich kann
nicht schwören, daß er zur Zeit, als der Befehl erteilt wurde,
im Zimmer war. Es ist in meiner Erinnerung, daß andere
Offiziere im Blockhaus anwesend waren und mögen mit-
nieder im Zimmer wo wir die Befehle erhielten oder im
angrenzenden Zimmer gewesen sein.

Als die Besprechung begann, entsinne ich mich bestimmt,
wie Oberstärkenführer Peiper zu Pötschke sagte, anzufügen
sollte ich nicht mitot stören zu lassen. Daraufhin gab uns
Pötschke den Befehl, zudem Oberstärkenführer Peiper
Zusatzbemerkungen machte.

Die Punkte des Befehls, wie ich sie in Erinnerung habe, waren die
Folgenden:

1. Feindlage
2. Eigene Lage
3. Eigene Absichten
4. Befehl für die gepaupertete Gruppe der 1. W-Pz. Div. L.P.H.
5. Motorstützung durch Art., Luftwaffe, V.i. und V.z.
6. Marschgliederung, Stützpunkte
7. Truppenverbandplatz
8. Vorbildungen durch Nachrichtsmittel und Leuchtzeichen
9. Ist der Führer der Abt. und der gep. Gruppe.

Zu Zusatz zum Obigen würde folgender Befehl von Pötschke in
Peiper's Anwesenheit erteilt:

EXP-18
1944

"Vor der eigentlichen Kampfsituation wird die Einheit „Seif“ des
 Überführungsleiters Skorzeng in amerikanischen Kampfformen
 und Fahrzeugen manövrieren, zum Nachrichtenmittel zu zer-
 stören, sind Panik und Schrecken zu verbreiten und zum Ge-
 fechtsstände auszuheben. Gefangene sind keine von dieser
 Einheit zu machen."

Ich kann nicht mit Bestimmtheit sagen, daß die obigen Worte
 gebraucht wurden, aber obiges ist der Wesentliche des Befehls.

Wir haben auch den folgenden Befehl, im vorstehenden Sinn
 folgenden Worten, erhalten:

"Vor uns vor voll Schrecken und Grauen sein. Wir
 wollen ^{uns} in diesem Kampf besonders an die Städte, welche durch
 Bombenangriffe unwehrt gelitten haben und großes Leid erfahren,
 Tokio sollen alle Straßen und menschlichen Gefühle über Bord
 geworfen werden. Keine Kriegsgefangene werden gemacht."

In Bezug auf Kriegsgefangene erinnere ich mich genau, daß
 Ripper selbst diese Bemerkung machte: "Situationen können er-
 wachsen, in denen keine Kriegsgefangene gemacht werden."

Es ist mir in Erinnerung, daß Hauptstabsführer Gräßler uns
 nochmals den ganzen Befehl vorles. Wir würden nicht die
 Scheinentscheidung dieses Befehls gemacht und jeder von uns durch
 Rückersicht auf ein Kampfbüch, indem wir im letzten, alten Befehl
 selbst erhalten zu haben und die Tatsache, daß der Gehalt geheim
 zu halten sei.

EX P-18

000135

Nachdem mir unsere Befehle erhalten sind die Bestätigung
unterzeichnet, würden wir entlassen, im den Befehl an
unsere Führer sind durch diese den Männern unserer
Kompanien mündlich weitergeleitet.

Es ist in meiner Erinnerung, das ich die Befehle, die
ich erhalten hatte, den Führern meiner Kompanie in meinem
Hörbereich mitteilen und ich erinnere mich auch daran,
das die Befehle geheim sind (Der Befehl an die Führer kann auch
in der Nähe des Forsthauses gegeben sein). Dieser Befehl wurde von
den Führern den Männern meiner Kompanie weitergegeben.

Ich habe eine Skizze, um die Szene der Sprengung im
Blockhaus zu erläutern, gemacht, welche ich in dieser Aussage
beibringen habe. Diese Skizze würde als Anlage 1 bezeichnet,
beigefügt sind ein Teil dieser Aussage gemacht.

Diese Aussage würde von mir freiwillig und aus freiem Willen
gemacht. Ich habe es in meiner eigenen Handschrift geschrieben.
Ich würde keine Gewalt, Einwirkung oder Bestrafung von Strafe
ertragen. Keine Versprechungen für Geld oder Familienmitglieder
von gerichtlicher Befolgung würden mir gemacht.

Ich schwöre, das die Tatsachen in dieser Aussage wahr sind
und ich bin bereit, sie unter Eid vor jedem Gericht zu
wiederholen.

Oskar Klingelmeier
18. März 1946

Sworn to and
subscribed before
me this 18th day of
March 1946 at Schwäbisch
Hall, Ger.

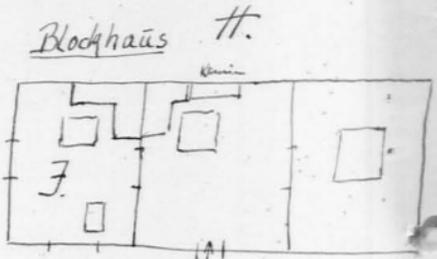
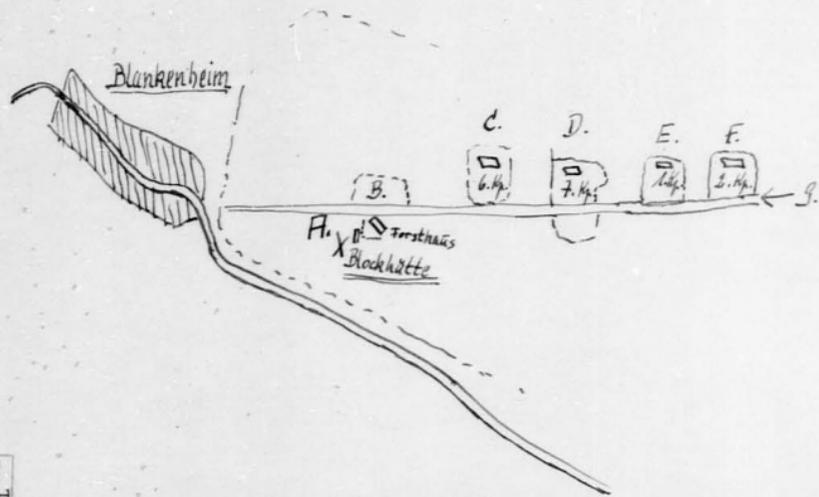
Rudolf Thumacher
Capt. CMIP

EX P-18

59



Anlage 1. Skizze des Blockhauses
in dem der Angriffsbefehl
gegeben wurde.



- A. = Forsthaus mit Blockhütte
- B. = Pz. z. Fahrzeuge des Stabes I./H.-Pz. Btl.
- C. = Pz. der 6. Kp.
- D. = " der 7. Kp.
- E. = " der 1. Kp.
- F. = " der 5. Kp.
- S. = sogenannte Kantenstreife
- H. = nach der Errichtung gezickelte Holzgliederung der Blockhütte.
- Z. = somit ist nicht errichtet, das Raum in dem der Befehl gegeben wurde.

EX P-18

ohne Maßstab

Doktor Schuppke's
18. März 1946



000135

TRANSLATOR'S AFFIDAVIT

I, PAUL REITER assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

OSKAR KLINGELHOEFER

taken on 18 March 1946 at Schwäbisch Hall, Germany.

before RAPHAEL SHUMACKER, CAPT, CMP

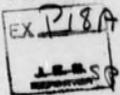
consisting of 4 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is GERMAN.
2. I have spoken ENGLISH for 7 years.
3. I studied ENGLISH for 4 years at school in VIENNA, Austria.
4. I lived in GERMANY from 1939-1940.
5. I lived in the UNITED STATES from 1940 until I left the UNITED STATES with the American Army in May 1944.
6. Since the 4th of February 1945 I served as interpreter with the War Crimes Branch in WEIMAR, Germany.

Paul Reiter
PAUL REITER

Sworn and subscribed to before me this 20th day of MARCH 1945
at Schwäbisch Hall, Germany.



Raphael Shumacker
War Crimes Branch, USFET
Capt CMP

000136

A F F I D A V I T

of

OSKAR KLINGELHOEFER

I Oskar KLINGELHOEFER, being first duly sworn, make the following statement under oath:

During the EIFFELoffensive in December 1944, I was Company Commander of the 7th SS Panzer Company, 1st SS Panzer Regiment, LAH. My rank was Hauptsturmfuehrer.

On the afternoon of 15 December 1944, I was ordered to a meeting of Company Commanders in a blockhouse next to a forester's house near BLANKENHEIM. I am positive that the following officers were present in the room in this blockhouse where we received orders pertaining to the coming offensive:

- SS Obersturmbannfuehrer PEIPER, Joachim - Commanding Officer, 1st SS Panzer Regiment. LAH
- SS Hauptsturmfuehrer GRUHLE - Regimental Adjutant, 1st SS Panzer Regiment, LAH.
- SS Sturmbannfuehrer FOETSCHKE, Paul (I am not positive about this first name) - Battalion Commander, 1st SS Panzer Battalion, 1st SS Panzer Regiment. LAH.
- SS Obersturmfuehrer KREIBER - Company Commander, 1st SS Panzer Company, 1st SS Panzer Battalion, 1st SS Panzer Regiment, LAH.
- SS Obersturmfuehrer CHRIST - Company Commander, 2nd SS Panzer Company, 1st SS Panzer Battalion, 1st SS Panzer Regiment, LAH.
- SS Obersturmfuehrer JUNKER, Benino - Company Commander, 6th Panzer Company, 1st SS Panzer Battalion, 1st SS Panzer Regiment LAH.
- SS Hauptsturmfuehrer KLINGELHOEFER, Oskar - Company Commander, 7th Panzer Company, 1st SS Panzer Battalion, 1st SS Panzer Regiment. LAH.
- SS Hauptsturmfuehrer OTTO - Company Commander, Service Company, 1st SS Panzer Battalion, 1st SS Panzer Regiment, LAH.

I also remember seeing SS Untersturmfuehrer FISCHER, the Adjutant of the 1st SS Panzer Battalion, but I cannot swear that he was in the room at the time the order was given. It is my recollection that other officers were present in the blockhouse and might have been either in the room where we received the orders or in the adjoining room.

When the meeting began, I remember distinctly that Obersturmbannfuehrer PEIPER told FOETSCHKE to start and not to be disturbed any longer. Thereupon, FOETSCHKE gave us the order and there were intermittent comments from Obersturmbannfuehrer PEIPER.

The outline of the order as I remember it, was as follows:



000137

1. Situation of the enemy.
2. Our own situation.
3. Own intentions.
4. Order for the armored group of the 1st SS Panzer Division, IAH.
5. Support by artillery, air force, V-1 and V-2.
6. Order of March - check points of advance.
7. Aid station.
8. Communications and pyrotechnics.
9. Location of the leader of the battalion and the armored group.

In addition to the above, the following order was given by POESCHKE in PEIPER'S presence:

"In front of the combat unit itself the unit "Greif" of Obersturmbannfuehrer SINDZENY in American uniforms and vehicles will march in order to destroy all communications and to spread panic and terror and to eliminate command posts. Prisoners are not to be taken by this unit."

I cannot say with certainty that the above words were used but the above is the substance of the order.

We also received this further order in substantially the following words:

"Ahead of us there shall be terror and horror. We should remember in this fight especially the cities which have suffered tremendously during the bombing attacks and have suffered great misery. Therefore, all scruples and humane feelings shall be thrown overboard. No prisoners of war will be taken."

With reference to prisoners of war, I remember distinctly that PEIPER himself made this comment: "Situations can arise in which no prisoners of war can be made."

It is my recollection that Hauptsturmfuehrer GRUHLE again read the order to us in its entirety. We were cautioned about the secrecy of this order and each of us present signed a piece of paper in which we acknowledged having received the order itself, and the fact that the contents were to be kept secret.

After having received our orders and signing the acknowledgement, we were dismissed in order to pass on the order orally to our platoon leaders and through them to the men of the companies. It is my recollection that I passed on the orders I had received to my platoon leaders in my company orderly room vehicle, and I also reminded them that the orders were secret (The order to the platoon leaders might have been issued in the vicinity of the forester's house.). This order was passed on to the men of my company by the platoon leaders.

I have prepared a sketch in order to clarify the scene of the meeting in the blockhouse I have described in this statement. This sketch is marked Exhibit*1*, is attached hereto and made a part of this statement.

This statement is given by me voluntarily and of my own free will. I have written it in my own handwriting. I have not been subjected to force, duress or threats of punishment. No promises of reward or immunity from prosecution have been made to me.

000138

I swear that the facts stated in this affidavit are true and I am prepared to repeat them under oath in any court of justice.

(signed) OSKAR KLINGELHOEFER
18 March 1946.

Sworn to and subscribed before
me this 18th day of March 1946 at
SCHWABISCH HALL, Ger.

RAPHAEL SHUMACKER
Capt. CMP.

EX P-18A
J. H. G.
MAY 1946

000130

TRANSLATION OF LEGEND ON EXHIBIT "1"

TO AFFIDAVIT OF

OSKAR KLINGELHOEFER

Dated 18 March 1946

- A Forester's house with hunting lodge
- B Pz and vehicles of the headquarters
1st SSFz Rgt 1
- C Pz of 6th Co
- D " " 7th Co
- E " " 1st Co
- F " " 2nd Co
- G So-called Roemer Street
- H Sketch of hunting lodge according to
my memory
- I Room in which the order was given, as far
as I can remember.

EX P-18A

000140



I, OSKAR KLINGELHOFFER, being first duly sworn, make the following statement under oath:

Ich Oskar Klingelhofer nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSTURMBANNFÜHRER JOACHIM PEIPER mentioned by me in my affidavit, dated 18 MARCH 1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmbannführer Joachim Peiper von mir in meiner eidesstattlichen Aussage genannt, datiert 18 März 1946.

Oskar Klingelhofer
First Name (Vorname) Last Name (Zuname)

Obersturmbannführer
Rank / (Dienstgrad)

7th Co. 1st SS P. Regt. LSSAH
Organization during Eifel Offensive
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 2nd day of April, 1946.

Daniel Thumack
Officer administering oath
Capt. EMP
Rank Arm or Service



P
EX
188

000141



I, OSKAR KLINGELHOEFER, being first duly sworn, make the following statement under oath:
 Ich Oskar Klingelhofer nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same HAUPTSTURMFUEHRER GRUHLE mentioned by me in my affidavit, dated 18 MARCH 1946.

Die obigen zwei Photographien sind Photographien desselbigen Hauptsturmführer Grühle von mir in meiner eidesstattlichen Aussage genannt, datiert 18. März 1946.

Oskar Klingelhofer
 First Name (Vorname) / Last Name (Zuname)

Hauptsturmführer
 Rank (Dienstgrad)

74 Co. 1st SS P. REGT. LSSAH
 Organization during Eifel Offensive
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 2nd day of April, 1946.

Daphne Thumacke
 Officer administering oath

Captain CMP
 Rank Arm or Service



F
EA
88

000142



I, OSKAR KLINGELHOEFER, being first duly sworn, make the following statement under oath:
 Ich Oska Klingelhoef, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSTURMFUEHRER CHRIST mentioned by me in my affidavit, dated 18 MARCH 1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmführer Christ von mir in meiner eidesstattlichen Aussage genannt, datiert 18. März 1946.

Oskar Klingelhoef
 First Name (Vorname) / Last Name (Zuname)

H-Hauptsturmführer
 Rank (Dienstgrad)

7th Co. 1st S.S.P. REGT. LSSAH
 Organization during Eifel Offensive
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 2nd day of April, 1946.

Raybail Schumacker
 Officer administering oath

Capt CMP
 Rank Arm or Service



000146



I, OSKAR KLINGELHOEFER, being first duly sworn, make the following statement under oath: Wohl nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

P
EX
18E

The above two photographs are photographs of the same OBERSTURMFUEHRER JUNKER mentioned by me in my affidavit, dated 18 MARCH 1946

Die obigen zwei Photographien sind Photographien desselbigen Obersturmfuehrer Junker von mir in meiner eidesstattlichen Aussage genannt, datiert 18. März 1946.

Oskar Klingelhoefer
First Name (Vorname) / Last Name (Zuname)

W-Obersturmfuehrer
Rank / (Dienstgrad)

74 C. 1st 44 P. REGT. LSSAH
Organization during Eifel Offensive
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 2nd day of April, 1946.

Raphael Thumacker
Officer administering oath

Capt. CMP
Rank Arm or Service

EX-18-E
J. E. B.
MAY 1946

Ich, Erich Münkener, mache folgende Aussage unter Eid, nachdem ich zuvor ordnungsgemäß eingeschworen wurde:

Während des Eifelinsatzes im Dez. 1944 war ich Führer des 2. Zuges, 7. Komp., Pz. Rgt 1 LSSAH.

Am Donnerstag des 16. Dez. 1944 war ich mit 41. Untersturmführer Rehagel Heinz in 55. Oberwachführer Hans Lipstrot zum Befehlsauftrag für den kommenden Einsatz zum Kompanie - Chef befohlen. Wir waren dazu gegenüber eines Forsthauses an der Vormarschstraße, in Höhe unserer Bereitstellungsraum, am Waldrand versammelt. 55. Hauptsturmführer Oskar Klingelhöfer erteilte an uns Zugführer folgenden Befehl, den ich eingetrenn wiedergebe:

Mit uns, der 1. Pz. Div. L. SS AH. sind noch mehrere Pz. in Inf. Div. auf breiter Front zum Angriff angetreten in tief in die feindl. Front vorzudringen in zum entscheidenden Schlag auszuführen. Dabei kommt die Infanterie im verstärktem Maße zum Einsatz.
 1. Zugführer Erich Münkener
 11. April 1946



Hier werden besonders meine Befehle ausführlich eintragen.

In diesem Zusammenhang enthält das Befehl sinngemäß folgende Anweisungen über die Behandlung von Kriegsgefangenen:

Kriegsgefangene werden den nachfolgenden Gruppen übergeben in von ihnen für die Gefangenen.

Nachfolgend enthält dieser Brief auch die weiteren Anweisungen, daß Situationen entstehen können, in denen unsere geg. Gruppe, infanteristisch schwach, ab und zu in die feindl. Front vorgestoßen, die Gefangenen nicht mehr für die gleichen kann. Ist eine Zurückführung nicht möglich, so werden die Gefangenen erschossen.

Die Männer sind darüber zu belehren, daß bei Gefangenennahme darüber keine Aussagen gemacht werden dürfen.

Sinngemäß übermittelte ich meinen Jäger-Kommandanten am 16. Sep. 44, im Anschluß an oben erwähnten Befehlsumfang diese Anweisungen.

Diese Anweisung besteht aus drei handgeschriebenen Seiten in einer Kiste.

2 -

Bil. Müller
11. April 1944

EX P-IT
Dca

P
EX
19

Ich vertraue bei Gott, dass die Angaben in
dieser Aussage wahr sind.

Ich habe diese Aussage, freiwillig
in aus reinem Willen, unbeeinflusst
von Zwang, Drohungen, Härten oder
Verwehungen abgelegt in. bin bereit
diese vor jedem gerichtlichen ~~Gericht~~ in
Lid zu wiederholen.

Erik Munkern

4-Untersuchungsleiter

11. April 1946

Sworn and subscribed to
before me this 11th day of
April 1946 at Schwabish
Hall Germany.

William R. Paul

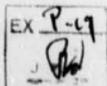
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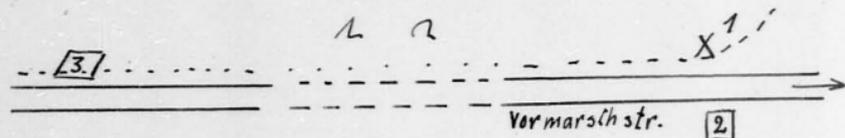
O-555147

Investigator-Examiner
W. C. B. Wolf

Witness
Harry W. Paul
Ind. Interpreter
W.C.B.

3-





- 1; Ort der Befehlsausgabe von SS-Hauptsturmführer
Oskar Klingelhöfer an seine Zugführer.
- 2; Forsthaus an der Vormarschstr., wie in der Aussage enthalten.
- 3; Ort der Befehlsübermittlung an meine Kommandanten

Heinz Künzler

11. April 1986



000146

TRANSLATOR'S AFFIDAVIT

I, PAUL REITZER assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Erich MUNKMER

taken on 11 April 1946 at Schwäbisch Hall, Germany,

before William R. Perl, 1st Lt. M.I.

consisting of 3 pages, into English.

+ 1 sketch

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I have spoken English for seven years.
3. I studied English for four years at school in Vienna, Austria.
4. I lived in England from 1939 to 1940.
5. I lived in the United States from 1940 until I left the United States with the American Army in May 1944.
6. Since the 4th of February 1946, I served as interpreter with the War Crimes Branch in Wiesbaden, Germany.

Paul Reitzer

PAUL REITZER

Sworn and subscribed to before me this 29th day of April 1946

at ~~Schwäbisch Hall~~ Warsaw, Germany.

R.S. Washau A.S.

Joseph Paul ...

War Crimes Branch, USFET

Capt. C.M.P.



P
EX
19A

000146

I, Erich MUNKEMER, being duly sworn make the following statement under oath:

During the EIFEL offensive in Dec 1944, I was leader of the 2nd platoon, 7th comp, 1st Pz Regt ISSAH.

On the morning of the 16th Dec 1944, I was ordered to report to the company commander together with SS Untersturmfuehrer REHAGEL Heinz, and SS Oberscharfuehrer Hans SIFROT, to receive the orders for the coming offensive. For this, we were assembled on the edge of the woods opposite a forester's house along the route of advance abreast with our assembly area. Hauptsturmfuehrer Oskar KLINGELHUEFFER issued to us platoon leaders the following order which I reproduce true to its meaning:

Together with our 1st Pz Div ISSAH, also other Pz and Inf Div. formed along a broad front for the attack, to push deep into the enemy lines, and to get ready for the decisive punch. Thereby the Luftwaffe will be committed on a reinforced scale. Luftwaffe and Army will successfully employ the latest in new weapons.

In this connection the order contained the following quotations as to its meaning concerning the treatment of prisoners of war: Prisoners of war will be turned over to the troops following and evacuated by them.

This paragraph also had in addition quotations at the end, that situations can arise where our armored group, weak from an infantry point of view, thrusts narrow and deep into the enemy front and can no longer evacuate the prisoners. An evacuation being impossible, then the prisoners will be shot.

The men are to be instructed that upon capture no statements are allowed to be made about that.

On the 16th Dec 44, upon receipt of the orders as mentioned above, I transmitted these quotations conforming to their meaning to my tank commanders.

This statement consists of 3 handwritten pages and one sketch.

I swear before God that the statements in this deposition are true.

I made this statement voluntarily and of my own will, uninfluenced by duress, threats, harsh treatment or promises and am prepared to repeat same under oath before any court.

(signed) Erich MUNKEMER
SS Untersturmfuehrer
11 April 1946.

Witness:
Harry W Thom
Inv.-Interpreter
WCB.

Sworn to and subscribed to before me this 11th day of April 1946, at Schwabisch Hall, Germany.
William R Perl,
1st Lt. M.I. O-555149
Investigator-Examiner
WCB, USFET .

EXP-1947
DMS

000150

TRANSLATION OF LEGEND TO SKETCH DRAWN BY

Erich MUENKEMER

Dated 11 April 1946

1. Place of issuance of order of SS Hauptsturmfuehrer Oskar KLINGELHOEFER to his platoon leaders.
2. Forester's house on the route of advance as given in the statement.
3. Place of transmittal of order to my commanders.

EX 7-114
[Signature]

000151



I, ERICH MÜNKEMER, being first duly sworn, make the following statement under oath:
 Ich ERICH MÜNKEMER, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same HAUPTSTURMFÜHRER
OSKAR KLINGELHOFER mentioned by me in my affidavit, dated 11 April 1946.

Die obigen zwei Photographien sind Photographien desselbigen Hauptsturmführer
Oskar Klingelhöfer von mir in meiner eidesstattlichen Aussage genannt,
 datiert 11. April 1946.

Erich Münkemer
 First Name (Vorname) Last Name (Zuname)

33-Untersturmführer
 Rank (Dienstgrad)

7. Kp., 1. SS-Pz. Regt. L. S.S.A.H.
 Organization during Eifel Offensive
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this
15 day of April, 1946.

EX 7-19-B

Raphael Thumader
 Officer administering oath

Capt. C19P
 Rank Arm or Service

000152



I, ERICH MÜNCKEMER, being first duty
 sworn, make the following statement under oath:
 Ich ERICH MÜNCKEMER nachdem ich erst rechtmäßig
 eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same UNTERSTURMFÜHRER
HEINZ REHAGEL mentioned by me in my affidavit, dated 11. APRIL 1946.

Die obigen zwei Photographien sind Photographien desselbigen Untersturmführer
Heinz Rehagel von mir in meiner eidesstattlichen Aussage genannt,
 datiert 11. April 1946.

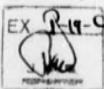
Erich Münckemer

First Name (Vorname) Last Name (Zuname)

St. Untersturmführer
 Rank (Dienstgrad)

7. Kp. 144. Pz. Regt. L. S. R. H.
 Organization during Eifel Offensive
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this
15th day of April, 1946.

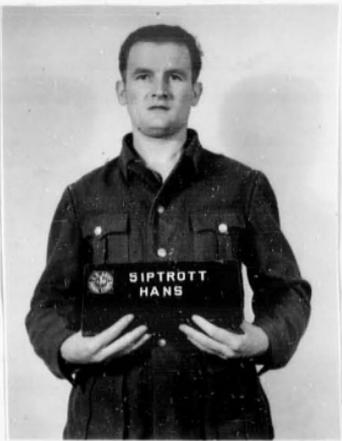


Josphall Thunacker
 Officer administering oath

Capt CMP
 Rank Arm or Service

P
EX
19C

000156



I, ERICH MÜNKEMER, being first duly sworn, make the following statement under oath: Ich Erich Münkemer nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

PEK 192

The above two photographs are photographs of the same ÜBERSCHARFÜHRER HANS Siptrott mentioned by me in my affidavit, dated 11 April 1946.

Die obigen zwei Photographien sind Photographien desselbigen Überscharführer Hans Siptrott von mir in meiner eidesstattlichen Aussage genannt, datiert 11. April 1946.

Erich Münkemer
First Name (Vorname) Last Name (Zuname)

SS-Untersturmführer
Rank (Dienstgrad)

7. Ap. 1. SS-Pz. Regt. L. SS A.H.
Organization during Elbel Offensive
Einheit während des Elbel-Einsatzes

Sworn to and subscribed before me this 15th day of April, 1946.

EX-17-P
[Signature]

Daghael Stumacher
Officer administering oath

Capt C.M.P.
Rank Arm or Service

1.

Ich habe am 15. Dezember 1944 zum
erstenmal erfahren, daß in dem Sammel
im Mittelbau Buchbesprechung Sitzplatz keine
Zufassung gemacht werden sollte.

Am diesem Tage war ich mehrere Male
im Hofraum beurlaubungsamt und die
Nutzung auf die ich mich beziehe, fand sub-
stantiell ausläßlich meine Dienstzeit dort
die Abrechnung der Dienstzeit aber ohne gegen
22⁰⁰ Uhr statt.

Zu dieser Zeit bestand ich im 1. Bld. Ges.
B. [Gefangenenamt des III (gp) Bld. (2. Pz. Zone Reg
L 47 AH] im Keller nördlich von Blanken-
heim. Ich habe zum besseren Verständnis
diese Aussage einer Rizzo beigefügt, wor-
auf ich mit I.) beziehe habe und diese
Aussage bilige.

Auf diese Rizzo I. enthält

- 1. fortgesetzt
- 2. Gärten
- 3. Zäune
- 4. Weg



Heinz Konrad Fr. G.
Präsident

Da diese Geschäfts fand zu der von
mit angegebenen Zeit nur vom beab-
sichtigten Kommandeur im beabsichtigten Sitzung
aller Kommandeure des 1. Btl. statt.

Bei dieser Sitzung waren ständig
anwesend: Hauptkommandeur Siefers,
das die Besatzung führt

Mitbestimmungsführer Major Litz
für die 9. Kz.

Obbestimmungsführer Hauptmann
für die 10. Kz.

Stabschef für die 11. Kz.

Hauptbestimmungsführer Major Litz für die 12. Kz.
sowie ein Mitbestimmungsführer, welcher zu dieser
Zeit das Kommando officie des 1. Btl. S war,
und an dessen Stelle ich mich kurzzeit
nicht erhebe. Da es nur kurze Zeit in
meiner Funktion war. Auf der Sitzung wurde
die Besatzung was ein Mitbestimmungsführer
führte - das 1. Btl. Adjutant - anwesend.

Während alle anderen auf ihren Plätzen
während der ganzen Sitzung verblieben

Heinz Kowatz

EXP-20
J. 1. 1.

ging ^{mit} zum flacke während der Sitzung
 oft für mich fort, da ich dem Gehör. Die-
 fensal Handbewegungen machte, wie das
 eine gewisse sehr schnelle; jedoch fort auf
 mich flacke während dieser Sitzung
 das Zimmer nicht verlassen.

Bei dieser Sitzung gab mir G. P. P.
 die Anzahl der Maßzahlen und - folgen
 bekannt. Er unterwies mich ferner
 davon, daß wir die sehr schillernde
 Großinsetz und flingergroßinsetz
 unterstützen würden.

Ferner informierte mich G. P. P. die-
 selbe über den Einsetz der in Amerika-
 nische Maschinen gebräuchlichen Größe
 Messung. Er zeigte mir ferner, daß
 im Rücken des Kindes die besten Augen
 unterstützen würden, die mich unterstützen
 würden.

Ferner erklärte G. P. P. die Anzahl,
 daß wir die unterstützenden Ringe nicht

Heinz Kombar

EXP-20
 J 20

4.

sind nicht anders gemacht, daß in diesem
Finsatz nicht eines Opaugenen machen
dürfen.

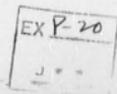
Da die gesamte Bestellung dieses
Befehls nicht auf mich selbst zu
rechnen. Ich weiß nicht, daß es die-
se Befehl - eines Opaugenen zu machen
- nicht.

Die Sitzung, die ich oben besprochen,
dauerte ca. eine Stunde.

Zur besseren Verständigung
dieser Sitzung sind die Ordnen der
des im Falle, falls ich ~~ich~~ eines
weiteren Risiko aufnehme, die ich
mit II. beziehe.

Die Risiko als ganze stellt
das einzige Ziel des Befehls
aufzugeben das.

1. ist das Ziel
2. eine Bank
3. eine andere Bank



Henry Lombard

5.

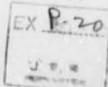
4. ist der Ofen
5. ein Ofen
6. freigelegte
7. Eingang

Ich selbst sah auf der mit
 No. 3. bezeichneten Bank und ich glaube,
 daß neben anderen auch O. Prof. Peritz
 auf der Bank saß. G. Prof. Diefenthal
 selbst sah auf dem mit No. 5. bezeich-
 neten Ofen. Aber die anderen
 Anwesenden sahen, wer ich mich
 meinte. Die freigelegte sah niemand.

Ich ging gleich nach der Sitzung,
 welche ich aber befristet, zu meiner
 Kollegin zurück. Wo ich mich vor-
 schlafen legte.

Zwischen 2⁰⁰ und 3⁰⁰ Uhr früh
 (Dienstag bereits am 16. Dez. 1944) lief
 ich die St. nach dem und zusammen
 in dem das fröh.

Heinz Konrad



Ich fühlte dann das das Bestimmen
 der Art. eine Aufgabe, in der ich
 darauf hinwirkte, daß die Aufklärung
 der Aufgabe des Königs beginnt. Ich
 forderte meine Männer auf, zurückzuf
 los zu kämpfen und sagte ihnen auch,
 daß keine Gefangenen gemacht wer
 den dürfen.

Gleichzeitig hielt ich ihnen mit,
 daß sie auf solche Gefangenen, welche
 den Befehl gebrochen, nicht hören
 dürfen. Der Grund für diese letztere
 Befehl, sagte ich ihnen nicht, es war
 jedoch davon begründet, daß ich ^{u. d.} ~~an-~~
 im Zuge des Vorgehens, die ich befehle,
 von dem Zeitpunkt an abhingen, in dem
 ich würde, daß die letzten Kräfte
 nicht nur mit dieser Befehl der
 Befehl zu erkennen geben war.
 Die Anweisung des Königs über

EX P-20
 J. E. M.

Heinz Wulfsberg

ezinyt. Jellef, fiele uf was minne
linter gefen. Dume G. Kuf Diefenfal
falle aus drücklich verbleib, das diese
Punkte nicht bekannt zu geben / i.

Mit solchen Worten uf den brief
verbleib, das keine Gefangenen ge-
macht werden dürfen, nicht uf nicht
nicht, uf nicht mit, das uf zu nicht
An.

Gingegen ist es mit nicht vermin-
det uf eine Ausbreitung verbleib zu geben
alle Zivilisten zu verhaften. Es ist
möglich, das uf Lage, notwendigen
Zivilisten nicht zu verhaften.

Das meine Aufträge werden
keine Fragen gestellt. Inzwischen wannige
Minuten nachstefen nicht An.

Es habe, um ^{die} eine meiner
besten Mitteilung ungewiss zu machen,
eine neue Kräfte des Ochsens besichtigen,

King Couard

EX. P. 20
199

8.

an welchem ich die Nebenpersonen
befehl ausgab.

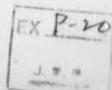
Diese Zeichnung habe ich mit III. be-
zichnet, und lege ich ebenfalls diese
Aussage bei. In ihr befindet:

1. rigurs Randzettel während meines
Auftrags und Befehlserteilung
2. fünf SPW des Kommandos
3. die zusammen mit Kommando
4. das Fotoalbum, welches ich in
Skizzen I und II dargestellt.

Ich habe diese Aussage aus rigur,
unbeeinflusst von Zwang, Drohungen
oder Bestrafungen gemacht und bin
bereit, sie jederzeit vor jedem Gericht
zu wiederholen.

Ich gläubte an Gott und bin nicht

Heinz Kubacki



9.

Das Bedenken und Gefühl, mich
 nicht zu weigern. Ich vertraue bei Gott,
 daß diese Übergabe - die auch meine
 Landgefehrten mit mir und die
 ebenfalls von mir nicht feindlich an-
 geforderten Gefährten betrifft - die
 Sache und meine Befehle und mich
 als die Befehle erfüllt.

WITNESS:

John P. ...
 Capt. EMP

Heinz Konrad

4 Obersturmführer

6. März 1946

Sworn to and subscribed before
 me this 6th of March 1946 at
 Schwäbisch-Hall, Germany.

William R. Paul

1st Lt. U.S.

O-555149

Investigator - Examiner

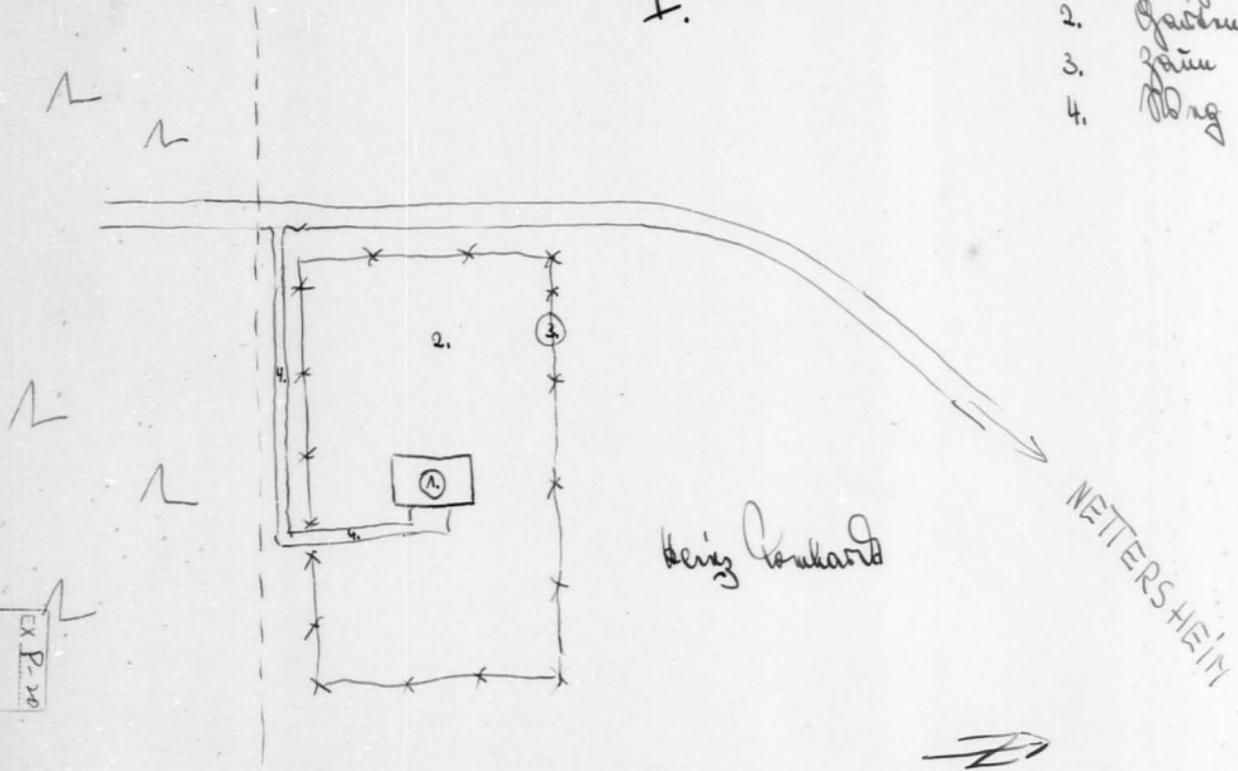
War Crimes Branch

U.S. Army

EX. P. 11
 J. S.

I.

- 1. Lauffeld
- 2. Gasse
- 3. Baum
- 4. Weg

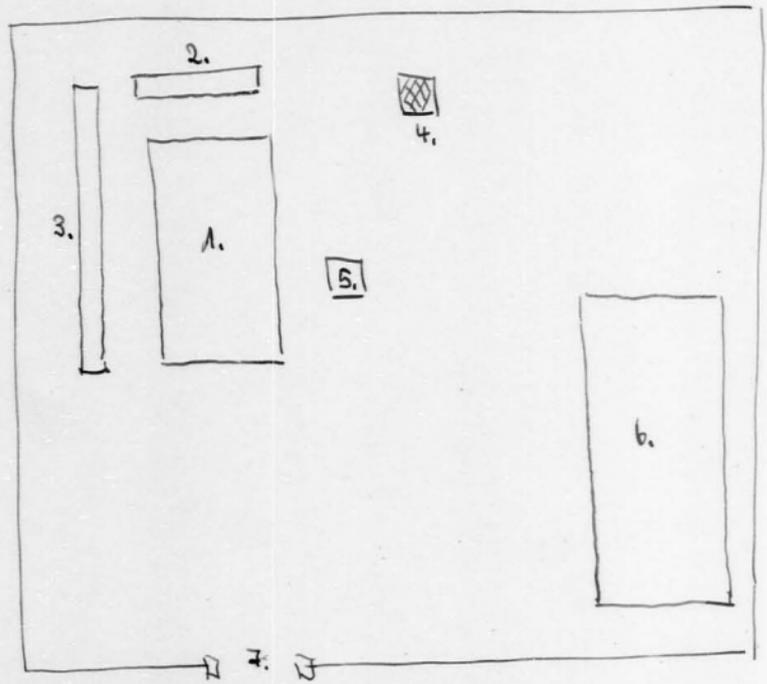


EX P-20
J. S.



10000000

II



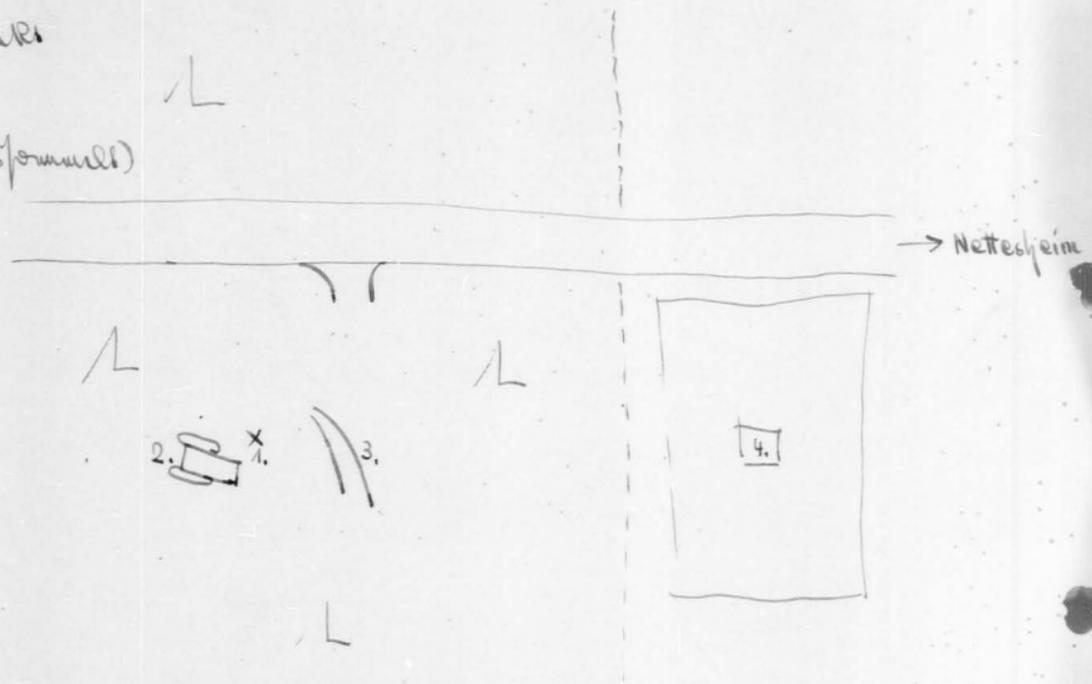
1. Tisch
2. Bank
3. Bank
4. Ofen
5. Schrank
6. Aufhängetisch
7. Eingang

Heinz Conhardt

EX P. 20
J. & S.
1917



- 90
1. rigurs Hauptpunkt
 2. fünfzangs
 3. Kongruenz (Anformuliert)
 4. Fußpunkt



III.

Heinz Coultard

EX P. 20
J. 19
1911/12

0001165

000166

TRANSLATOR'S AFFIDAVIT

I, George Miller assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

HEINZ TOMHARDT

taken on 6 March 1946 at Schwäbisch Hall, Germany.

before WILLIAM R. PERL, 1st Lt., M.I.

consisting of 9 pages, into English, and 3 sketches

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

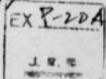
1. German is my native tongue.
2. I spent the first 20 years of my life in Germany and went to elementary and secondary school there.
3. I came to the United States in 1928.
4. I had 2 years of English in secondary school in Germany. My other knowledge of English has been derived from study by myself.
5. I've been married for the past six years to a British subject and speak English continually at home. My wife does not speak German.
6. I have been in the U. S. Army for the past 2-1/2 years, having been discharged in November 1945 and have been employed by the War Department as a German-English interpreter since January 1946.

George Miller
George Miller

Sworn and subscribed to before me this 20th day of March 1946
at Schwäbisch Hall, Germany.

Raphael Tomhardt
War Crimes Branch, USFET

Colt CMP



000167

On the 15th December 1944, I learned for the first time that during the immediately impending offensive, no prisoners should be taken.

On that day I was a number of times in our battalion command post and the meeting to which I am referring, and at which I was present, took place either at the beginning of darkness or else close to 2200 hours.

At that time our battalion command post (Command post of the III. (GP) battalion/2 Panzer Grenadier Regiment L.S.S.A.H.) was located in the woods north of BLANKENHEIM. For better understanding of this statement I have prepared a sketch which I have marked with I and attached hereto.

On this sketch marked I, the legend is :

1. Forester's lodge.
2. Garden
3. Fence
4. Path

In this forester's lodge at the abovementioned time a meeting took place of all company commanders, convened by the battalion commander.

At this meeting were present all the time:

- Hauptsturmfuehrer DIEFENTHAL who presided
- Untersturmfuehrer MAX LEIKE for the 9th Company
- Obersturmfuehrer GEORG PREUSS for the 10th company
- I, Myself for the 11th Company.

Hauptscharfuehrer JOCHEN THIELE for the 12th Company as well as an Untersturmfuehrer who at that time was the communications officer of the battalion, and whose name I don't recall at the present, as he was only a short time in our unit. Besides these mentioned persons also Untersturmfuehrer FLACKE, the battalion adjutant, was present. While all others during the whole meeting remained at their seats, FLACKE walked often to and fro during the meeting as he assisted Hauptsturmfuehrer DIEFENTHAL like handing him maps, or similar things; however Untersturmfuehrer FLACKE did not leave the room during the meeting.

At this meeting Hauptsturmfuehrer DIEFENTHAL acquainted us with the route of advance and march order. Furthermore he informed us that we were to be supported by heavy artillery barrages and large airplane commitments.

Furthermore Hauptsturmfuehrer DIEFENTHAL informed us about the SKORCZENY group, dressed in American uniforms. He related further that German agents were working in the rear of the enemy who would aid us.

Hauptsturmfuehrer DIEFENTHAL declared that we had to fight recklessly and declared further that we were not allowed to take any prisoners in this offensive.

I don't recall any more the exact wording of this order, I only know he issued this order not to take prisoners.

The meeting which I just described lasted about one hour.

For better understanding of this meeting and the location where it took place, I have prepared another sketch which I have marked II

92

EX 225
A 28
RECORDED

000168

The sketch as a whole represents the only room of the described forester's house:

1. Is the table
2. A bench
3. Another bench
4. The stove
5. Is a stool
6. Telephone table
7. Entrance

I, myself, sat at the bench indicated by No.3. and believe that amongst others also Obersturmfuehrer FREUSS sat at this bench. Hauptsturmfuehrer DIEFENTHAL himself sat at the stool indicated by No.5. I don't know any more where the others who were present sat. Nobody sat at the telephone table.

After the above-described meeting I went right back to my company, where I laid down for the time being to sleep.

Between 2 and 3 o'clock in the morning (then already December 16th 1944) I had the company awakened and assembled it around a fire.

Then I made a speech to the assembled company in which I pointed out that the decisive battle of the war was about to begin. I requested my men to fight ruthlessly and told them also that it was not permitted to take prisoners. At the same time I informed them not to shoot at such prisoners who waved their steel helmets. I didn't tell them the reason for this last order. It was based on the reason that I had been informed by Hauptsturmfuehrer DIEFENTHAL during the meeting which I described that SKORCZENY's men would make themselves known by waving their steel helmets. The participation of SKORCZENY's group I kept a secret from my men because Hauptsturmfuehrer DIEFENTHAL had expressly stated that this point was not to be published.

I don't know any more with what words I delivered the order that no prisoners of war were to be taken; I only know that I gave it.

On the other hand I don't recall any more to have issued an order to shoot all civilians. It is possible that I said to shoot suspicious civilians.

No questions were asked after my speech. We lined up within a few minutes thereafter.

Also to make my issuing of the order better understood, I have also prepared a sketch of the place at which I gave the above described order.

This drawing I have marked III, and attach it also to this statement. In it the legend is:

1. My location during my speech and issuing of the order
2. Radio S/W of the company
3. The assembled company
4. The forester's house pictured on sketches I and II

I have made this statement uninfluenced, without force, threats or promises and I am prepared to repeat it before any court of justice.

000166

I believe in God and I am aware of the importance and sanctity of the Oath. I swear before God that this statement consisting of nine handwritten pages and three drawings also prepared by me, is the whole and pure truth and consists of nothing but the truth.

Heinz TOMHARDT
SS Obersturmfuehrer
March 6th 1946.

Witness:
RAPHAEL SHUMACKER
Capt. CMP.

Sworn to and subscribed before me this
6th day of March 1946 at SCHWABISCH HALL
Germany.

WILLIAM R BERL
1st Lt. M.I. O-555149
Investigator-Examiner
War Crimes Branch, USFET.

000170

TRANSLATION OF SKETCH No. I DRAWN BY HEINZ TOMHARDT

ON 6 MARCH 1946.

* * *

LEGEND

1. Forester's House.

2. Garden.

3. Fence.

4. Path.

EXP-20A
JFM

000171

TRANSLATION OF SKETCH No. II DRAWN BY HEINZ TOMHARDT
ON 6 MARCH 1946.

* * *

LEGEND

1. TABLE
2. BENCH
3. BENCH
4. STOVE
5. STOOL

6. TELEPHONE TABLE

7. ENTRANCE

EX P-20 A

000172

TRANSLATION OF SKETCH No. III DRAWN BY HEINZ
TOMHARDT ON 6 MARCH 1946.

LEGEND

1. Point where I stood
2. Radio Panzer
3. Assembled Company
4. Forester's House.

EX. P-20A
J.E.S.

000173



I, Heinz TOMHARDT, being first duly sworn, make the following statement under oath:

Ich HEINZ TOMHARDT, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same HAUPTSTAMMFÜHRER DIEFENTHAL mentioned by me in my affidavit, dated 6 MARZ 1946.

Die obigen zwei Photograph'en sind Photographien desselbigen HAUPTSTURMFÜHRER DIEFENTHAL von mir in meiner eidesstattlichen Aussage genannt, datiert 6. MARZ 1946.

Heinz Tomhardt
First Name (Vorname) Last Name (Zuname)

Hauptsturmführer
Rank (Dienstgrad)

M.Gp./2. Pz. Gren. Regt LVAH
Organization during Elze Offensive
Einheit während des Elze-Einsatzes

Sworn to and subscribed before me this 2nd day of April, 1946.

Raphael Thumadlu
Officer administering oath

Capt. E.M.P.
Rdtk Arm or Service



000176

UNited STATES VS. VALENTIN BERSIN ET AL
CLASSIFICATION CANCELLED
(THE HAINES CASE)
authority of 1950.
PROSECUTION EXHIBITS P. 21 thru P. 27

3

000176

EX-21
5-7
J.E.B.

2/2

Ich habe den Auftrag erhalten, Ihnen folgende Angelegenheiten mitzuteilen:

Am 10. und am 16. Dezember 1944

sind die Angelegenheiten der Luftwaffe im Hinblick auf

die Angelegenheiten unserer Luftwaffe im Hinblick auf

Am 10. und am 17. Dezember 1944

sind die Angelegenheiten der Luftwaffe im Hinblick auf

die Angelegenheiten unserer Luftwaffe im Hinblick auf

EX-21
J.E.B.

000180

III

Ich spreche bei Gott die Sprache

und sage was ich in dem Gemut habe

vor mir Gott und er sieht zu Hingen

EXP-21
J.R. 5
J.R. 5
RECORDED

WITNESSED:

Raphael Thumacher
Capt. CMP

Jimmy Gindl

45- Jungferstrasse

4. April 1946

Sworn to and subscribed to
before me this 4th day of April 1946
at Schwabach-Hall, Germany

William R. Paul

W.C. 10-555649

Investigator - Examiner

W.C.B. Wolf

EXP-21
J.R. 5
RECORDED

000181

TRANSLATOR'S AFFIDAVIT

I, Walter A. Hart assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Heinz HENDEL

taken on 4 APRIL 1946 at Schwäbisch Hall, Germany,

before WILLIAM R. PEFL, 1st Lt. M.I.

consisting of 3 pages, into English.

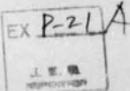
I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I studied English for seven years in school in Berlin, Germany.
3. I lived in England from 1935 to 1937 and in the United States from 1937 to 1944.
4. From March 1944 to November 1945, I served as an interpreter with the office of Military Government.
5. Since 3 December 1945 I have been assigned to the War Crimes Branch, U.S.F.E.T. as a civilian German-English interpreter.

Sworn and subscribed to before me this 23rd day of April 1946 at Schwäbisch Hall, Germany.

Walter A. Hart
WALTER A. HART

Raphael Thumacker
War Crimes Branch, USEFET
Capt. CMP



000182

I, Hauptscharfuehrer Heinz HENDEL being duly sworn, state the following:

In the night of the 15th to the 16th December 1944 I assembled my platoon after Oberstuf. Heinz TOMHARDT finished his speech, and delivered to them a short address.

At this I did not add anything of my own but merely repeated what Oberst. TOMHARDT had already said, namely that it was not allowed to take prisoners and that panic and fright was to be spread by the members of my platoon and that the 2nd platoon had to distinguish itself in the fighting as well as in the execution of the order in regard to prisoners of war.

In the night of the 16th to the 17th December 1944, our column had to stop. I know that our column had to come to a halt in the vicinity of a village, immediately before we expected enemy contact and that I dismounted to relieve myself. Also a number of other members of my platoon dismounted. At this occasion and because the contact with the enemy was imminent, I repeated the orders which I had already given before the takeoff from the forest near NEDDELSHEIM. I said "Boys, now we get at the enemy, don't forget you must fight ruthlessly. No prisoners will be taken. Everything that comes in front of our barrels will be mowed down. The second platoon has to distinguish itself".

Amongst those I thus spoke to were Strm STOCK, Strm KUMPF, Strm SONNEBAUM, my driver, Rottf Arvitt FREIMUTH, and Uscha, Oswald SIEGMUND. Uscha SIEGMUND didn't normally belong to my platoon but was attached and subordinated to me for the Eifel offensive. Actually Uscha SIEGMUND didn't belong to the combat unit and was only attached to me as punishment because he always dodged around in the rear.

I have made this statement voluntarily and out of my own will, uninfluenced by force, threats, or harsh treatment and uninfluenced by promises of any kind.

I swear before God that this statement is true and am prepared to repeat same before any court under oath.

Heinz HENDEL
SS Hauptscharfuehrer
4 April 1946.

Witnessed
RALPHAEEL SHUMACKER
Capt. CMP

Sworn to and subscribed to before me this 4th day of April 1946, at Schwabisch Hall, Germany,

WILLIAM R HERU
1st Lt. M.I. O-555149
Investigator - Examiner.
WCB. USFET

EX-12-A
JRS
5/20/46

000186

1.



Handwritten initials or numbers, possibly '2/100'.

1. Auf Jangpfasifow Jing Jundel, geb. am 22. 11. 1914, ist folgendes anzuzeigen:

1. Auf bin im Mai 1934 freiwillig in die Allgemeine SS eingetreten. Vom Jänner 1934 bis zum Jänner 1935 gehörte ich dem Sonderkommando Kaffen an und im Jänner 1935 wurde ich zu dem Totenkopfverbanden versetzt, dem ich bis zum Februar 1942 angehörte. Von 1935 bis 1940 war ich mit dem Totenkopfverband im Konzentrationslager Kaffen an der Ostsee. Während dieser Zeit war ich als Disziplinaroffizier und Disziplinaroffizier tätig. Ich war auch in der Zeit, die ich im Konzentrationslager war, als Häftling.

Auf den Jänner 1942 wurde ich zum Kaffen-SS versetzt, und zwar kam ich zum "L. SS. u. G."

Während der Kaffenzeit im Dezember 1944 und Januar 1945 gehörte ich der 11. Panzer (H.) (SS) grenadier Leibschon, 2. Panzerdivision, P-22 Regiment, L. SS. u. G. an, und zwar war ich



Zugführer 2. Zugel in der gesamten
Trommeln.

2. Zu der Nacht vom 15. zum 16. Dezember
1944 soll der Trommelführer der M. Trommel,
Obertrümpfer Fritz Langford, in einem Raum
in der Nähe von Kattorf eine Anweisung
an die Detachment M. Trommel. Zu dieser
Anweisung sagte Obertrümpfer Langford unter
andem aus, daß wir nicht alle Trommeln
müssen, und keine Trommel damit in Kattorf
verbleiben müssen, und daß keine Gefangenen
genommen werden sollen. Jeder sagt er aus, daß
wir, wenn wir hier die Trommel haben, Kayaf
nehmen sollen, und daß alle Trommeln sollen.
Kayaf ist ein Individuum und dem 35-jährigen und
bedeutet Kayaf, der dann bestatet, daß sichergestellt
und sich auch eingeschrieben werden.
Vergleiche nach dem Obertrümpfer Fritz Langford
seiner Anweisung beinhalten sollte, Detachment
in Nummer 2. Zug bei unserem Aufmarsch und
führt die Trommel zurück zum Zug, in der
Anweisung wird Kayaf bestatet beinhalten



SK 51-20

- Anzeigenform. Am 2ten Nocht mit
 meiner Kräfte weiß ich mich nicht
 zu kommen, aber dieses Unfall war,
 daß der 2. Zug besonders viel viel
 mußte, mit ich Kinderfalle für die, daß der
 2. Zug in seiner ersten Anzeigenform
 mich bei der Vorbereitung von Personen
 immer beim Punkt. Ich Kinderfalle mich, daß
 ich meine Pflicht für, Recht zu machen.
3. In der darauffolgenden Nacht, alle in der Nacht
 vom 16. zum 17. Dezember 1944, auf dem
 mit dem Land. Unmittelbar vor mir
 auf dem Land stehen die auf ich zu stehen
 vorarbeiten, ich gleich, es war in der
 von Solfern, von meiner Taten, und
 finden, an die ich mich nicht mehr
 zum Hohen, die meisten Leute
 zugeht ihnen zu dieser Zeit mit
 unter den die Notwendigkeit zu wissen
 die gleiche zu Hohen.

P. 2
5/5
J. 4

Kind of King factis and. All of last summer
Männern imgeben bei mirer P. P. H. Hand,
gab of them mit Kindpist auf die unmittel.
bar beschafende beziehung mit dem Kind
mirer männliche King aufwacht "Lebensung."
Thuf sagte: "Jungel, gaffe gufft van an dem Kind
dageffte mißt, the mißt mißpfelet fänyer,
Gefangene werden Armer gnanzt. Alcht, weil
Nif der fuppen Pafur gufft, sind imgelegt, dem
der 2. Zug miß of Anlegformen!"

Wahrer Lerne, zu Lerne of so pfanz, so man
them. Hart, them. Finny, them. Comman, mirer
Lafur Poffe Lerne mit sind Mfja. Alcht Lerne,
als sol man gufft.
Mfja. Lerne mit gufft mancherhande miß zu mirer
Zug, so was mit jed of für den fiffelinfat
Zug mit sind unterthelt. Mfja. Lerne mit gufft
eigentlich mißt in die fänyerinfat sind was
mit theofenfa mirer unterthelt unterthelt
mit zug mit, sind so fiff sind mirer

EX. P. 22

000187

EX P-2
J.R.C.

12/10
5/10

früherland fremdwörter

Auf Jahr 2 Zinsfahrungen, die auf mit A. B. bezogen,
 derobte Zinsfahrung A. zeigt den Wert eines 1. Auftrags,
 die ist unmittelbar ^{anfertigung} der den Auftrags wertung
 stellt, abstraktive (Lohn) fikt. die Ziffer
 bezeichnen: 1. Ringungsfakt, von Mittel fang zeigt,
 2. Leichte Klattung, 3. Spinaler Klattung, 4. S. P. W. S.
 und zeigt 5. Form 6. Mannet und zeigt
 Klippe B. zeigt die Klippe nach Sol fang mit der
 untere Solanus Hand, ab ist die zweite Auftrags
 an einen Mannet fikt. die Ziffer bezeichnen:
 1. Ringung nach Sol fang 2. Klippe, 3. S. P. W. S. 10.
 Langen, die ist mit Hand, 4. Mann S. P. W. S. S. P. W.
 von Klippe. Punkt 6. Mannet und zeigt.

Auf Jahr diese Klippe Klippe fiktiv
 sind mit eigenen Klippe gemacht,
 unbeeinflusst von Zinsang, der fahrung
 der fahrung sind unbeeinflusst von
 der fahrung irgend welche Art.

EX P-22
J.R.C.

000186

EX P-27
5/24/46
J.E.G.

My witness to you, that I have taken,
in my in this book page number 10,
and find, and in this book page
number find on page 10 in this book.

John J. ...

WITNESSED:
Daphne ...
Capt. CMP

35- ...
5. April 1946

Sworn to and subscribed to
before me this 5th of April 1946
at Schwalbach - Hall, Germany
William R. Paul
1st Lt. M.I.D-555149
Investigative - Examiner
War Crime Bureau
USAF.

EX P-27
J.E.G.

000786

A.

EX-2
J.E.B.
RESERVATION

Ed
EX 5/20



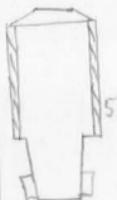
Living Journal

5. April 1946

EX P-22

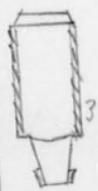
000190

EX P-12
5/2/46
J E K
LABORATORY



2

00
0006
00



Jimmy Guindal
5. April 1946

EX P-12

000191

EX 122-A
J. E. S.
1942-1945

I, Hauptscharfuhrer, Heinz HENDEL, being duly sworn, state the following.

1. In May 1934, I voluntarily joined the 'Allgemeine SS'. From the year 1934 until the year 1935 I belonged to the Special Command of SACHSEN, and in the year 1935, I was transferred to the "Totenkopfverbände" to which I belonged until February 1942. From 1935 until 1940 I was with the "Totenkopfverbände" in the concentration camp SACHSENHAUSEN and ORANIENBURG. My rank was Scharfuhrer, Scharfuhrer conforms to the American S/Sgt. The greatest part of the time I spent in the concentration camp as a guard.

In the year 1942 I was transferred to the Waffen SS, that is, I came to the ISSAH.

During the EIFEL offensive in December 1944 and January 1945 I belonged to the 11th company, IIRd (3.gep) Armored Battalion, 2nd Panzer Grenadier Regiment, "ISSAH", that is, I was platoon leader of the 2 Platoon in the company mentioned.

2. In the night of the 15th to the 16th December 1944, the company commander of the 11th company, Obersturmfuhrer Heinz TOMHARD, delivered a speech to the assembled 11th company in a forest in the vicinity of STETTERSHEIM. In this speech Obersturmfuhrer TOMHARD brought out among other things that we had to fight ruthlessly and that we had to spread among the enemy panic and fright and that no prisoners should be taken. Hereby he also said that we should make plenty of 'RABATZ' when driving through the villages and that we should shoot at everything. Rabatz is an expression of the SS lingo and means fun, which consists of destroying plenty and to bump off many people.

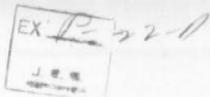
Immediately upon Obersturmfuhrer Heinz TOMHARD finishing his speech, I assembled my 2nd Platoon near our vehicles and I incited the men of my platoon to especially distinguish themselves in the execution of this order. I no longer know the wording of my speech, but its contents were that the 2nd Platoon must fight especially ruthlessly and I repeated hereby that the 2nd Platoon had to especially distinguish itself also in the spreading of fright and terror among the enemy. Also I repeated that it was our duty to make Rabatz.

3. In the following night, as well as in the night from the 16th to the 17th December 1944, we came closer towards the enemy. Just before we encountered the enemy or expected to encounter him - I believe it was in the vicinity of LOSHEIM - our column was required to stop for reasons I no longer recall; most of the men of my platoon dismounted at this time either to relieve themselves or to stretch their limbs. Hereby, I dismounted also. While I stood there near my SW, surrounded by my men, I gave them another short inflammatory indoctrination on account of the imminent contact with the enemy. I said "Boys, now we are closing on the enemy; do not forget you must fight ruthlessly. No prisoners will be taken. Everything which shows itself before our barrels will be bumped off, because the 2nd Platoon must distinguish itself". Among those to whom I spoke thus were: Strm STOCK, Strm KUMFF, Strm SOMBORN, my driver Rtf FREIMUTH and Oscha Oswald SIEGMUND, all of my platoon. Uscha SIEGMUND normally did not belong to my platoon. However, he was assigned under my command to me for the EIFEL offensive. Uscha SIEGMUND really did not belong to the combat unit and was only punitively put under my command and assigned to me because he always dodged around in the rear areas.

I prepared 2 sketches which I marked A and B. Sketch A shows the locality of my 1st speech which I delivered immediately following the speech of my Company Commander, Obersturmfuhrer TOMHARD. The numbers,

EX 122-A
J. E. S.
1942-1945

000192



indicate; 1. Direction arrow which indicates the direction of STETERSHEIM, 2. Wide wood path, 3. Narrow wood path, 4. SPW's of my platoon, 5. Fire, 6. men of my platoon. Sketch B shows the road to LOSHEIM on which stood our column when I delivered the 2nd speech to my men. The numbers indicate: 1. Direction to LOSHEIM, 2. Street, 3. SPW of the 10th company which stood in front of me, 4. My SPW, 5. SPW of Uscha PREUSS, 6. Men of my platoon.

I made this statement voluntarily and of my own will, uninfluenced by coercion, threats or harsh treatment and uninfluenced by promises of any kind.

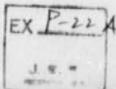
I swear before God that the statements which I made in this deposition are true, and I am prepared to repeat same under oath before any court.

(signed) Heinz HENDEL
SS Hauptscharfuehrer
5 April 1946.

Witnessed;
RAPHAEL SHUMACKER
Capt. CMP.

Sworn to and subscribed to before me this
fifth of April 1946 at Schwabisch Hall, Germany.

William R Perl
1st Lt. M.I. O- 555149
Investigator-Examiner
War Crimes Branch.
USFET



000196

EX-122-A
J.E.

EXTRACTS OF LEGENDS FROM STATEMENT OF

Heinz HENDEL

Dated 5 April 1946

* * * *

I prepared 2 sketches which I marked A and B. Sketch A shows the locality of my 1st speech which I delivered immediately following the speech of my Company Commander, Obersturmfuehrer TOMHARD. The numbers, indicate:

1. Direction arrow which indicates the direction of STETTERSHEIM.
2. Wide wood path.
3. Narrow wood path.
4. SPWs of my platoon.
5. Fire.
6. Men of my platoon.

Sketch B shows the road to LOSHEIM on which stood our column when I delivered the 2nd speech to my men. The numbers indicate:

1. Direction to LOSHEIM.
2. Street.
3. SPW of the 10th company which stood in front of me.
4. My SPW.
5. SPW of Uscha FREUES.
6. Men of my platoon.

Extracted from paragraph 8 pages 1 and 2.

* * * *

EX-122-A
J.E.

19

000194



I, HEINZ HENDEL, being first duly sworn, make the following statement under oath:
Ich HEINZ HENDEL nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Oberstuf
HEINZ TOMHARDT mentioned by me in my affidavit, dated 5 APRIL 1946.

Die obigen zwei Photographien sind Photographien desselbigen Oberstuf
HEINZ TOMHARDT von mir in meiner eidesstattlichen Aussage genannt, datiert 5. April 1946.

Heinz HenDEL
First Name (Vorname) Last Name (Zuname)

Hauptsturmführer
Rank (Dienstgrad)

St. Kp. 2. SS Div. Gren. Regit. L. 33 A. 11
Organization during Eifel Offensive
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this
15th day of April, 1946.

Douglas B. Schneider
Officer administering oath

Capt. CMP
Rank Arm or Service

EX 220
J. E. M.
RECORDED

000195

TRANSLATOR'S AFFIDAVIT

I, Walter A. Hart assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Heinz HENDEL

taken on 5 April 1946 at Schwäbisch Hall, Germany,

before WILLIAM R PERL, 1st Lt. M.I.

consisting of 6 pages, into English, and 2 sketches

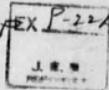
I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I studied English for seven years in school in Berlin, Germany.
3. I lived in England from 1935 to 1937 and in the United States from 1937 to 1944.
4. From March 1944 to November 1945, I served as an interpreter with the office of Military Government.
5. Since 3 December 1945 I have been assigned to the War Crimes Branch, U.S.F.E.T. as a civilian German-English interpreter.

Walter A. Hart
WALTER A. HART

Sworn and subscribed to before me this 23rd day of April 1946 at Schwäbisch Hall, Germany.

Raphael Thumacher
War Crimes Branch, USFET
Capt. C.M. AEX P-22A



J
E
22

000196



I, HEINZ HENDEL, being first duly sworn, make the following statement under oath:
Ich HEINZ HERBÄL, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Stern Stock mentioned by me in my affidavit, dated 5 April 1946.

Die obigen zwei Photographien sind Photographien desselbigen Stern Stock von mir in meiner eidesstattlichen Aussage genannt, datiert 5 April 1946.

Heinz Hendel
First Name (Vorname) Last Name (Zuname)

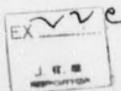
Häuptscharführer
Rank (Dienstgrad)

11. Kp. Nr. 7. Inf. 28. Regt. S. S. A. 11.
Organization during Eifel Offensive
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 15th day of April, 1946.

Daphail Schmader
Officer administering oath

Capt CMP
Rank Arm or Service



000197



I, HEINZ HENDEL, being first duly sworn, make the following statement under oath:
Ich HEINZ HENDEL, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Utscha Oswald mentioned by me in my affidavit, dated 5 APRIL 1946.

Die obigen zwei Photographien sind Photographien desselbigen Utscha Oswald von mir in meiner eidesstattlichen Aussage genannt, datiert 5 APRIL 1946.

Heinz Hendel
First Name (Vorname) Last Name (Zuname)

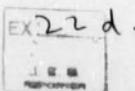
Hauptscharführer
Rank (Dienstgrad)

17. Kp. 2. SS Pz. Div. Rec. Co. 35. A. 11
Organization during Eifel Offensive
Einheit während der Eifel-Einsatzes

Sworn to and subscribed before me this
15th day of April, 1946.

Daphael Thumacker
Officer administering oath

Capt CMP
Rank Arm or Service



000200

Infants werden aufgezogen Luftaufnahmestütz
3 mit dem Einwilligung, wenn Zerstörung, Durchführung oder
Anfertigung mit Herbeiführung.

Erstellt von Dr. R.
München.

5 won't and subscribed to Jan 9. April 1946.
before me this 9th April 1946 at Schwabach Uell

William R. Beil

Not Nr 0555148

Investigator - Examinierung
W. C. B. Hofel.

EX P-23
JTB
1946/1/9

000201

TRANSLATOR'S AFFIDAVIT

I, Walter A. Hart assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Herbert STOCK

taken on 9 April 1946 at Schwäbisch Hall, Germany,

before WILLIAM R PERL, 1st Lt. M.I.

consisting of 3 pages, into English.

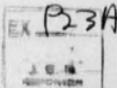
I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I studied English for seven years in school in Berlin, Germany.
3. I lived in England from 1935 to 1937 and in the United States from 1937 to 1944.
4. From March 1944 to November 1945, I served as an interpreter with the office of Military Government.
5. Since 3 December 1945 I have been assigned to the War Crimes Branch, U.S.F.E.T. as a civilian German-English interpreter.

Walter A Hart
WALTER A. HART

Sworn and subscribed to before me this 23rd day of April 1946
at Schwäbisch Hall, Germany.

Asphall Thumacker
War Crimes Branch, USFET
Capt. CMP



000202

I, Herbert SPOCK, SS Sturmmann, having been duly sworn, make this statement under oath as an addition to my statement dated the 15th of March 1946.:

In my statement of the 15th of March 1946, I described the speech which our company commander TOMMART delivered to us in the night of the 15th of December 1944. Immediately after the company commander's speech Hauptscharfuehrer Heinz HENDEL, platoon leader of the 2nd platoon, called his platoon together and delivered a short speech. Hauptscharfuehrer HENDEL spoke of the same things as our company commander. He spoke as follows:

"Men you all have heard the speech of the company commander. You are not allowed to forget what he told us. It is necessary that we fight ruthlessly in this offensive. All that comes before our barrels will be shot. Prisoners of war will be shot. In this offensive plenty of 'RABATZ' will be made, and all that shows itself in the streets and in the windows will be shot."

I know that the expression 'Rabatz' is used in the fight by us SS soldiers and means that everybody is free to have as much fun as he wants to in shooting at everything - at property, civilians and prisoners of war.

Between 3 and 3.30 hours the morning of the 17th December 1944 before our company came to LOSHEIM, Hauptscharf. HENDEL spoke again to the 2nd platoon. He spoke as follows:

"This morning we shall meet with the enemy. You know what I have told you before. You must advance ruthlessly, shoot prisoners of war the same way as you would shoot soldiers who fight against us. There will be plenty of 'Rabatz' for everybody."

Immediately after the speech of Hauptscharfuehrer HENDEL, our company came to LOSHEIM.

I make this statement consisting of 3 pages voluntarily, without force, menace, or promises of reward.

(signed) Herbert SPOCK
Sturmmann
9 April 1946

Sworn to and subscribed to before
me this 9th April 1946 at Scwabisch Hall,
Germany

William R. FERL
1st Lt. M.I. O-555149
Investigator-Examiner
W.C.B. USFAT

EX-P-23A
J.V.M.
APR 11 1946

000203



I, HERBERT STOCK, being first duly sworn, make the following statement under oath:
Ich HERBERT STOCK nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Haupt-Scharführer HEINZ HENDEL mentioned by me in my affidavit, dated 9 April 1946.

Die obigen zwei Photographien sind Photographien desselbigen Haupt-Scharführer HEINZ HENDEL von mir in meiner eidesstattlichen Aussage genannt, datiert

Gerd Ernst MURB.
First Name (Vorname) Last Name (Zuname)

STURMANN
Rank (Dienstgrad)

11Kp. 2. SS Pz. Gr. Rgt. L. SS. A.H.
Organization during Eifel Offensive
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this
15th day of April, 1946.

Joseph Jaumackler
Officer administering oath

Capl. C.M.P.
Rank Arm or Service

EX P23B
U.S. GOVERNMENT PRINTING OFFICE

Ich Regal Rodenburg Vorkauf. der 12 Kp 3 S. 2. Pg. 4.
 L. 44 A. H. Konfession ist Ordnung gemäß ein gegebenes
 wurde mir ist diese zu bekräftigung beigefügt zu
 meiner fidei publicen Erklärung vom 25. Feb. 1946:
 Am 15. Dez. 1944 unsere Kongress, unter Führung
 des Kongressrat Josef Hiale Gungl Pf. , war im
 Marktgraben - Saal in der Nähe von St. Michael
 Markt, um tags werden beginnt der Titel eingetrag.
 Am Abend dieser Tag, nach Dunkelheit, ist für mich
 mich der unsere Kongress wurde zu kommen gegeben
 zu einer Aufnahme des Kongressrat Gungl Pf. Hiale.
 Die Kongress ankommen sie sind Gungl Pf. Hiale Person
 oder Kongress neben einen Kongress sind mit
 Ihn waren Oberst. Heintz, Oberst. Pfalz, Oberst. Feldw. 3,
 zugehörig unsere Kongress.

Ich für mich Gungl Pf. Hiale Person zu mich ein
 verantwortlichen in folgenden Sinne: Mein die Opfer sind
 nicht beginnen die das jugendliche Teil der Deutschland
 aufgeben nicht. Wir müssen den Frieden vorziehen
 sind ihnen nicht zeigen. Wir werden ein alter
 44 größte Kongress. Ich geben mich können die besten
 Kampf Kongressrat ^{zu bekräftigen} ~~geben~~ oder ist mit gutem G. =



R. E. P. 24
 Jan. 1946

000206

TRANSLATOR'S AFFIDAVIT

I, JOSEPH KIRSCHBAUM assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

AXEL RODENBURG

taken on 26 February 1946 at Schwäbisch Hall, Germany,
before Raphael Schumacher, Captain CMP.

consisting of 2 pages, into English.

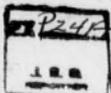
I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I learned English through study of the language for 2 years in High School, one year in college, and eight months of evening classes, all in VIENNA, Austria.
3. I have spoken English continuously since September 1939, when I came to the United States. In September of 1941 I joined the United States Army.
4. From February until the latter part of April 1943, I attended the IPW course at Camp Ritchie, Maryland, conducted by the Military Intelligence Training Center.
5. From June 1944 until September 1945, I served continuously as an IPW interrogator, in which capacity I was constantly required to translate German into English, and vice versa.
6. Since January 1946, I have been assigned to the War Crimes Branch, U.S.F.E.T. as a civilian German-English interpreter.

Joseph Kirschbaum

Sworn and subscribed to before me this 26 day of March 1946
at Schwäbisch Hall, Germany.

Raphael Schumacher
War Crimes Branch, USFET
Capt CMP



000207

I, Axel RODENBURG, Unterscharfuhrer in the 12th Company, 3rd Battalion, 2nd Pz Gr. LSS AH, having been duly sworn, make this additional statement supplementary to my affidavit of 25 February 1946.

On the 15th December 1944, our company under the command of CO Jochen THIELE Hauptcharfuhrer, was in the NEITZESHEIMER FOREST near the BLANKENHEIM Forest, on the day before the start of the EIFEL offensive. I remember that in the evening of this day after darkness our company was called together for a speech of the CO Hauptcharfuhrer THIELE. The company assembled and Hauptcharfuhrer THIELE stood next to a camp fire in front of the company and with him were Oberscharfuhrer VOIUF, Oberscharfuhrer PFALZER, Oberscharfuhrer FELDVOSS, platoon leaders of our company.

I remember Hauptcharfuhrer THIELE spoke to us substantially in the following manner: "Now the offensive will start, which is going to determine the final fate of Germany. We must destroy the enemy and not show any consideration. We will fight in the old SS spirit. I am not giving you any direct orders to shoot prisoners of war, but you are well trained SS soldiers, you know what you should do with prisoners without me telling you that."

I concluded from this speech that I could shoot as many prisoners of war as I wanted to, and that my superior officers would not punish me for that. That was the understanding of the other soldiers in my company to whom I talked later. However, who those soldiers were I cannot remember any more today.

I make this additional statement consisting of two pages voluntarily without coercion, threats or promises of reward.

(signed) AXEL RODENBURG
26 February 1946

Sworn to and subscribed before
me this 26th day of Feb. 1946 at
SCHWABISCH HALL, GER.

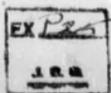
(signed) RAPHAEL SHUMACKER
Capt CMP

000206

26. Febr. 1946

Für die Separierte-Gruppe
unter dem Befehl des Oberstleutnants
Peiper bestand während des
Einsatzes der Befehl:
"Widerstand des Feindes ist
notfalls durch Terror zu
brechen."

Es bestand ferner der Befehl
dass es die Sachlage er-
fordert Kriegsgefangene zu
erschlagen. ^{der Separierten-Gruppe}
Bei den Planspielen oder den in-
mittelbar darauf anschließenden
Offiziers-Gesprächen in einem
Zutrittsort in der Nähe von Weilers-
wisch (Ende Nov. Anfang Dezember 1944)
hörte ich zum erstenmal eine
Anweisung die darauf lauten sollte:



P. E. 125
J.R.R.

11
 Diese Aufweisung lautete: „
 Auch ein schlechter Dief verpflichtet.
 Ich glaube ziemlich sicher das,
 diese Aufweisung von Oberstirnel...
 Pimper gemacht würde, kann
 aber nicht mit absoluter sicher-
 heit behaupten das es es war
 der diese Erklärung abgab.“

Bei einer späteren Gelegenheit,
 wurde mir ein geheimer
 Regimentsbefehl vorgelegt in dem
 es heißt, das wenn es die Sach-
 lage erfordert Kriegsgefangene
 nicht schießen sind und das der
 Widerstand des Feindes nötigen-
 falls durch Terror zu brechen
 ist.

Es. den
 An ~~dem~~ ^{den} genannten Wortlaut
 dieses Befehles kann ich mich
 nicht genau erinnern, aber der
 Sinn dieser Worte dieses Regiments-
 Befehles ist mir wie hier oben

000210

festgehalten genau erinnerlich.

Dieser Regimentsbefehl ^{müde} mir
entweder im Regimentsgefechts-
stand in Weiler mit vor gesetzt
oder aber in einem Jagd ~~ab~~ ^{ab}
oder Fortbau in Blumenhain
wilde.

In dem Tag vor meiner
Abreise von Satroy - ich
kann das Datum nicht genau
angeben - war ich einmal
beim Regimentsgefechtsstand in
Weiler mit. (Wir sind von Satroy
am 12 oder 13 Dezember 1944 ab-
gefahren) Anlässlich dieser beiden
Besuche würden mir Gefechtsbe-
fehle vor gesetzt sind ist sehr
etwas unterschrieben doch weiß
ich nicht mehr was ich Unter-
schrieb.

IV

Ich habe mich am 15. Dezember 1944 an einer Besprechung aller Kompaniechefs der I. Abteilung teilgenommen. Auf der diesem Kompaniechef war auch ich anwesend ^{mit} ich von Oberstleutnant Perjur der I. Abteilung zugeführt worden war. Auf Hauptstabschefin von der 501 Königsberger Abteilung war anwesend.

Es ist möglich das mir der oben beschriebene Geheimregimentsbefehl erst bei dieser Sitzung oder unmittelbar vor oder nachher vorgelesen wurde. Jedemfalls habe ich mit ihm Fortläufe etwas untersucht. Was ich da untersuchen werden habe weiß ich nicht mehr genau.

Jedemfalls weiß ich das ich diesen ^{FS} schriftlichen Regimentsbefehl niemals in meiner Kompanie vorgestellt werden mit zu lesen

V
 erhielt. Ob diese Befehl von
 Oberstleut. Pejter ^{persönlich} oder aber von
 Hauptstabschef Gröble unterschrieben
 war weiß ich nicht mehr, ich weiß
 nur das es ein Geheimere-
 gimentsbefehl war.

Über dies hat bei der Bespre-
 chung am 15. Dezember 1944
 mit der Stabschef Pejter münd-
 lich uns den Inhalt dieses
 Regimentsbefehles eingeschärft
 und dabei mit betont das
 der Feind unter Widerstand
 nötigenfalls mit Terror gebrochen
 werden muß.

Ich weiß nicht mehr ob mir
~~Stabschef~~ ^{F.S.} den Inhalt des beschrie-
 benen Geheimbefehles allen Männern
 der Kompanie bekannt geben
 sollte, oder aber ob es
 in dieser Masse Form -
 nur dem Zugführer bekannt
 gegeben werden sollte.

VI

Ich nehme das Letztere an
 dass ich habe ihnen nur meinen
 Zugsführern in dieser Form
 bekannt gegeben. Dies hat
 ich am ^{FS} selben Abend des
 15. Dezember 1944. Die Zugsführer
 denen ich diesen Befehl erteilt
 waren Oberst. Christof Kitz, Oberst
 Rudi Kämpfe und Oberstleutnant
 Max Buntner. Hierbei habe ich
 den Regimentsbefehl nicht vorge-
 lesen, denn das Schriftstück
 hatte ich nur mitgenommen und
 nicht ausgehändigt bekommen.

Ich sagte deswegen meinen
 Zugsführern das freundliche
 Widerstand nötigenfalls durch
 Terror zu brechen sei und
 wenn es der Sachlage erfordere
 Kriegsgefangene ^{zu} erschießen
 seien.

VII

Ich weiß mich nicht daran
 zu erinnern ^{FS} ~~steht~~ ^{FS} vor dem
 15. September 1944 einen Befehl
 in diesem Sinne erlassen
 zu haben. Ich ~~ste~~ ^{FS} weiß mich
 nicht nicht zu erinnern jemals
 zu meiner Kompanie dazwischen
 über diesen Einsatz irgend
 etwas gesprochen zu haben.

Ich habe zur besseren Orientierung
 meiner Aussage drei Skizzen
 eigenhändig verfertigt und
 lege ^{sie} dieser meiner Aussage
 bei. Die mit **1** bezeichnete
 Skizze zeigt in der linken
 Hälfte das Flank in dem sich
 der Regimentsegelestand
 befand. Auf der rechten
 Hälfte ^{der Skizze} ist ~~mit~~ ^{FS} der Regiment-
 segelestand selbst dargestellt.
 Nr. 1 bedeutet hierbei das
 Zimmer des Kommandeurs

X
 sind dem Kommando Ansp.

Ich habe meine Aussagen
 freiwillig und aus eigenem
 Willen gemacht. Bei keinem
 der Verbore würde mir
 Zwang auferlegt noch
 würden mir Versprechungen
 gemacht. Ich glaube an
 Gott und bin mir der
 Serlichkeit und der Bedeut-
 ung eines Eides bewußt.
 Ich schwöre bei Gott das
 meine Aussagen (die
 vom 25. Februar 1946 und die
 vom heutigen Datum)
 der volle und reine Wahrheit
 sind und nicht als die
 Wahrheit enthalten sind
 ich bin jeder Zeit bereit

000216

XI

diese Mitteilung vor jedem
Gericht in Wiederholung

Franz Siever

27 Februar 1946

WITNESS:

Raymond Thumacher
Capt CMF

Sworn to and
subscribed before
me this 27th day of
February 1946 at
Schwabisch Hall, Germany.

William R. Paul
1st Lt MIO-552149
Investigator Eisenhower
War Crimes Board
Hofet.



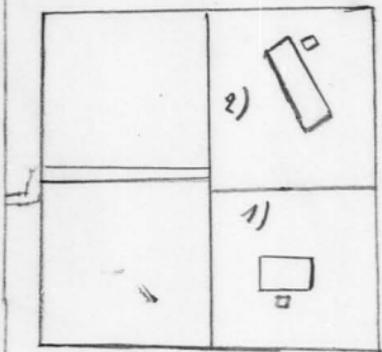
Weilerswist

← Gefechtsstand

Euskirthen



Gefechtsstand in Weilerswist



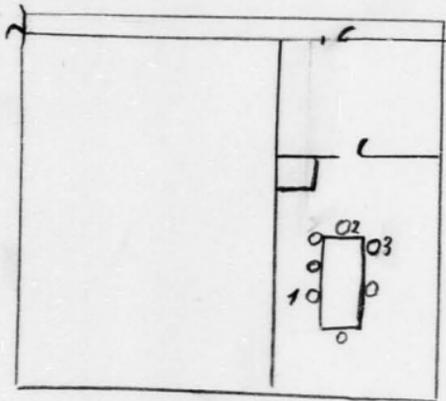
Nr 1) Zimmer
Oberstüml. Peiper

Nr 2) Zimmer
des Adjutanten

Franz Seem

000220

II



1
 2
 2
 2
 2
 2
 2
 2

Ein TA
 W. den m. 2. f.

Forsthaus

- Nr 1 Stauf. Pütschke
- " 2 Haupt. Möbius
- " 3 Ostuf. Sievers

1
 2 1
 2 2
 2 2
 2 2
 2

Kranz Lorenz

000225

TRANSLATOR'S AFFIDAVIT

I, GEORGE MILLER assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

FRANZ SIEVERS

taken on 27 February 1946 at Schwäbisch Hall, Germany,

before WILLIAM R. PERL, Captain, CMP

consisting of 11 pages, into English, and 3 sketches

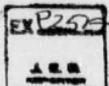
I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. German is my native tongue.
2. I spent the first twenty years of my life in Germany and went to elementary and secondary school there.
3. I came to the United States in 1928.
4. I had two years of English in secondary school in Germany. My other knowledge of English has been derived from study by myself.
5. I have been married for the past six years to a British subject and speak English continually at home. My wife does not speak German.
6. I have been in the U. S. Army for the past 2-1/2 years, having been discharged in November 1945 and have been employed by the War Department as a German-English interpreter since January 1946.

George Miller
GEORGE MILLER

Sworn and subscribed to before me this 19th day of March 1946 at Schwäbisch Hall, Germany.

W. R. Perl
War Crimes Branch, USFET
Capt CMP



EX 25A

000223

For the Armored Group, under the Command of Obersturmfuehrer REIPER existed, during the ELFEL offensive, the order:

"The resistance of the enemy is, if necessary, to be broken through terror."

Furthermore existed the order, if the situation requires it, to shoot prisoners of war.

At the sand table exercises of the Armored Groups, or immediately thereafter following officers' meetings, at an estate near WEILERSNIST (at the end of November - beginning December 1944) I heard for the first time an expression which had reference to that.

This announced policy said, "Also a bad reputation has its commitments."

I believe pretty well that this expression was made by Obersturmbannfuehrer REIPER, but I can't insist with absolute certainty if it was he who came forth with this statement.

At a later occasion, a secret regimental order was shown to me in which it said, that if the situation requires it, prisoners of war are to be shot and that the resistance of the enemy, if necessary, is to be broken by terror.

I can't remember the exact wording of this order, but the sense of the words of this regimental order is clear in my memory, as it is stated in the above.

This regimental order was presented to me, either at the regimental CP in WEILERSNIST, or in a small hunting castle or hunting lodge in the forest near BLANKENHEIM.

During the days prior to my departure from SATZVEY- I can't state the exact day - I was twice at the regimental CP in WEILERSNIST (we left SATZVEY on the 12th or 13th of December 1944.)

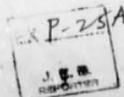
At the occasion of these two visits, secret orders were shown to me and I signed something, but I don't know any more what I signed.

I also, on December 15, 1944 took part at a meeting of all company commanders of the 1st section. Besides these company commanders also I was present because I was assigned by Obersturmbannfuehrer REIPER to the 1st section. Also Hauptsturmfuehrer MOEBIUS of the 501 KOENIGSTIGER Detachment was present.

It is possible that the above-described secret regimental order was presented to me only at this meeting or immediately before or after. Anyway I also signed something at the hunting lodge. I don't know any more exactly what I signed there. Anyhow, I know that this written regimental order was never sent to my company but I got only to read it. I don't know any more if this order was signed personally by Obersturmbannfuehrer REIPER or by Hauptsturmfuehrer GRUELE; I only know that it was a secret regimental order.

Sturmbannfuehrer FORTSCHEE gave all this and more at the meeting on December 15th 1944, indoctrinated us orally with the contents of this regimental order, and at the same time he also emphasized that the enemy resistance, if necessary, had to be broken by terror.

I don't know any more if we were to publish the contents of the



described secret order to all men of the company, or if the platoon leaders, were only to be acquainted with this hideous measure. I assumed the latter and published it in this form to my platoon leaders only. I did that on the evening of December 15th 1944.

The platoon leaders who I gave these orders were, Untersturmfuehrer AUGUST T SEITZ, Untersturmfuehrer RUDI KÄMPFE, and Oberscharfuehrer MAX BEUTNER. At that time I did not read the regimental order to them because the document was only read to me- it was not given to me, therefore I said to my platoon leaders that the enemy resistance had to be broken, if necessary, by terror, and if the situation requires it, to shoot prisoners of war.

I don't recall to have issued an order like that, before the 15th December 1944. I also don't recall to have ever said anything about this offensive directly to my company.

For more precise explanation of my statement, I myself have prepared three sketches and attach them to my statement.

The sketch marked I shows at the left part, the house in which our regimental C.P. was located. The regimental C.P. itself is shown on the right part of the sketch No. I. No. 1 indicates the room of the commanding officer (Obersturmbannfuehrer PEIPER), No.2. is the room of the Adjutant, Hauptst. GRÜBLE, in whose connection concerning secret order, I had signed something.

Sketch No. II shows the hunting lodge in the woods near BLANKENHEIM, in which I also signed something in connection with the secret order. I did that in the room to the right rear. It was in this room where POETSCHKE had impressed us, a lso orally, of the contents of the written regimental order which I described above.

On sketch II, I have also shown the seating arrangement. No. 1 is Stbf POETSCHKE, No.2. Hauptstf. MOEBIUS, No.3. Obstf. SIEVERS (I myself).

There were also 2 or 3 more officers present but I don't know for certain who they were, with the exception of Ustf. KRAMM whose presence at this meeting, I recollect precisely.

Sketch No. III represents the place where I issued to my platoon leaders the described order on December 15th 1944.

On this sketch No.1. indicates the place where the order was given and the space for the vehicles of the 1st and 2nd platoons, No.2 the vehicles of the third platoon and the service company.

I have made my statement voluntarily and out of my own will. At none of the interrogations have I been subjected to force, nor were promises made to me.

I believe in God and I am aware of the importance and sanctity of an oath.

I swear before God that my statements (those of February 25th 1946 and the one of this date) are the whole and pure truth and contain nothing but the truth and I am prepared to repeat this statement, at any time, before any court.

(signed) Franz SIEVERS
27 of February 1946.

Witness:
RAPHAEL SHUMACKER
Capt CMP

Sworn to and subscribed before me this 2/7th day of February 1946 at SCHWABISCH HALL, Germany.

WILLIAM R. PE RL
1st Lt. M.I. C-555149
Investigator-Examiner, War Crimes Branch USFEB

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000225

TRANSLATION OF LEGEND ON EXHIBIT "I"

TO AFFIDAVIT OF

FRANZ SIEVERS

Dated 27 February 1946

C. P. in WEILLERSWIST

- No. 1) Room of Obersturmbannfuehrer PEIPER
 - No. 2) Room of the adjutant
-

TRANSLATION OF LEGEND ON EXHIBIT "II"

TO AFFIDAVIT OF

FRANZ SIEVERS

Dated 27 February 1946

Forester's House

- No. 1 Sturmfaehrer POETSCHKE
 - No. 2 Hauptsturmfuehrer MOEBINS
 - No. 3 Obersturmfuehrer SIEVERS
-

TRANSLATION OF LEGEND ON EXHIBIT "III"

TO AFFIDAVIT OF

FRANZ SIEVERS

Dated 27 February 1946

BLANKENHEIM

- 1) X Publishing of the speech to the platoon leaders and area of the vehicles of the 1st and 2nd platoon.
- 2) Vehicles of the 3rd platoon and service company.

000226



I, FRANZ SIEVERS, being first duly sworn, make the following statement under oath: Ich Franz Sievers, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERTURMANNFÜHRER PEIPER mentioned by me in my affidavit, dated 27 FEBRUARY 1946.

Die obigen zwei Photographien sind Photographien desselbigen Oberturmmanführer Peiper von mir in meiner eidesstattlichen Aussage genannt, dater: 27 Februar 1946.

Franz Sievers
First Name (Vorname) Last Name (Zuname)

11 Oberturmmanführer
Rank (Dienstgrad)

3rd Pz Bn LSSAH
Organization during Eifel Offensive
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 2nd day of April, 1946.

Raphael Thumaiden
Office administering oath
Capt CMP
Rank Arm or Service



Zf. 44. Hubert Götter, wurde folgende
Anfrage unter Gud, nachdem er vorher vor-
wiegend gewöhnlich war.

Während der Zeit der Aufnahme von Gud
sind mehrere Götter, besonders mit 44-Kz AA1
auf dem 2/AR1 in den Kz 44-Kz Gll. 1. Klaus
mehrere Götter von der 44. Gruppe unter Führung
der 44. Oberstufe. Zwischen 44-Kz und
Kz 44 ist der vorgeschriebene Zeitpunkt für
jeden, um mit der 44. Gruppe zu sein in
besonderen Fällen zum Beispiel für
in Götter zu sein.

Am 12. 12. 44 erhielt er alle Gud. Das
ist die Entscheidung in Götter den Gud
zu Götter zu Feldbesuchen, um Gud
alle Abt. 44-Kz AA1, wurde zu übernehmen.

Am 13. 12. Abends fand er Gud in Räum EUS-
KIRCHEN an. Zf meldete auf dem Gud
Gd. 44. Oberstufe Kz 44, Zumeist hat er Gud
die Abt. nicht übernehmen zu müssen, weil er
den Gud persönlich Gud. Dieser Götter

wollte die die Lede stellte die Aufforderung
am 14. 12. treffen

Auf meine Tiselt im Raum EUSKIRCHEN traf
ich den H. Räte WEISER Adj. des Oberstgruppen-
führer Jakob Lt. 44 KADUG. Mir unterhalten
mit über den bevorstehenden Geschäft. Welche
sagte mir, dass er mit dem Oberstgruppen-
als nächster Dienstgrad unter General bei
meiner Rede die Forderung am 12. 12. zugehen
wünsche wäre. Er sprach sich bescheiden von
dem persönlichen Leben der Forderung & sagte
dass alles aus Deutschland weg zu National
in jedem das zu Verfügung hat & für die Auf-
forderung Kampf kompetent worden ist. Diese
letzte Verkaufsanweisung sollte in einem Zeit-
druck in wenigen Wochen die aufstrebende
Hande der Körper haben führen in den Geist
die Körper bedürfen. Auch hängt ganz stark
die Formung der muskulösen Körper von der
beruhen in dem Zeitbestimmung Zeit für mich
zumeist die Aufzucht der Antaresgen
die Forderung ^{Welt} kann Freude haben auf

Am 15. 12 um 10⁰⁰ Uhr ist zu einer Kommandant
 Vernehmung zum I/44 Kommando befohlen, an der
 Punkte des Ute, Kyst Ute u Ute de beiden (funden
 Gruppen Aufnahmen. Außerdem wurde der 44- Kom-
 mandant Vernehmung vorpflichtet.

Überhaupt der Vernehmung 44- Gruppen fofa
 Punkt Kyst über den beauftragten Zustand
 wobei die verurteilten Punkte die Kommandanten
 beauftragt werden u von zum Künftigen Leben
 Kauft eingefordert werden.

Am 15. 12 um 14⁰⁰ Uhr ist zu der Ute Vernehmung
 der 44- Gruppe unter Führung von 44- Oberführer.
 Kyst befohlen. Überhaupt wurde als verurteilt.
 Punkte für auf der „Griff Aufnahmen“ Kyst-
 Kauft durchgeführt.

Am 15. 12. um 23⁰⁰ fallt of auf dem Alt.
opf Hand der 44-K A061 eine Tps-Finanz beauftragung
des vormaligen Gruppenab. ORT: Rieps Bff. GLAADT

Teilnehmer

- Adjutant 44- Unterschl. Krieger
- Kps Ff. 1. Kps 44- U'Krit
- Kps Ff. 2. Kps 44- Oberstuf. COBLENZ
- Kps Ff. 3. Kps 44- Oberstuf. LEIDREITER
- Kps Ff. 4. Kps 44- Oberstuf. WAGNER
- Kps Ff. 5. Kps 44- Oberstuf. REUSS
- Kps Ff. 6. Kps 44- Oberstuf.
- Stk. Ff. 2./AR 1 Oberstuf.
- Kps Ff. Rieps Bff. 44- Oberstuf. GOLTZ.

Zusatz der Beauftragung

1. Übernahme der Alt.
2. Aufgabe der vormal. Takt. des Befehls in der
Anleitung der Krieger.
3. Finanzierung der Gruppe in der Anweisung planm.
4. Verantwortliche Führung der Alt.
5. Bekanntgabe des unterkommand. "Griff."
6. Mündl. Mündl. Erklärung der von der
Gruppe untergeordneten Befehls von der
44-K A066 über Befehle im Kampf an
Angehörigen: Letzte Konstantierung
zum vormaligen Kampf, ohne vormaligen
Anweisung, Kampf nach dem vormaligen

EX 2-26
1 1 1
RECHENBERG

8 6 7 3

es geht über Frankreich, durch ein Meer unter
dem Bombenterror hindurch, um die
Erfindung der feinen Zweidimensionalen. Wenn
es die nicht rechnerisch erschwert und allzeit
Konsequenzen in befindlich zu erwartenden Gegen
zu erwarten

Quelle,
44-1000

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. ...
9. ...
10. ...

000233

TRANSLATOR'S AFFIDAVIT

I, George Miller assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

KNITTEL

taken on _____ at Schwäbisch Hall, Germany,

before _____

consisting of 6 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. German is my native tongue.
2. I spent the first twenty years of my life in Germany and went to elementary and secondary school there.
3. I came to the United States in 1928.
4. I had two years of English in secondary school in Germany. My other knowledge of English has been derived from study by myself.
5. I have been married for the past six years to a British subject and speak English continually at home. My wife does not speak German.
6. I have been in the United States Army for the past 2-1/2 years, having been discharged in November 1945 and have been employed by the War Department as a German-English interpreter since January 1946.

P
EX
26A

George Miller

April 1946

Sworn and subscribed to before me this 24th day of _____ at Schwäbisch Hall, Germany.

Raphael Schumacher
War Crimes Branch, USFET
Capt. C.M.P.

EX *P. 26A*
J. C. S.
REGISTRATION

58

000237

I, SS Stubaf. Gustav KNITTEL, after being duly sworn, make the following statement under oath:

During the EIFEL offensive, I was commander of a fast group consisting of the SS Pz. A.A., 1st SS Panzer recon. Battalion, strengthened by the 2./A.R.1., 2nd Btry, 1st Arty. Regt., A.R. 1 and 1. Pi. Co., SS Pi. Bn., 1. My fast group was under SS Oberstubaf. Joachim WEIß, who commanded the armored group until I held the time ripe to part from the Armored group to capture a MEUSE bridge south of MERE, with a quick thrust.

As commander of the replacement regiment of the Leibstandarte in AUBRECKE on the 12.12.44 I received the division order for the immediate transfer to the field division there to take over again my old unit SS Pz. A.A. 1. (SS tank first Reconnaissance battalion.TN) There I arrived in the area of EUSKIRCHEN in the evening of 13.12. I reported to the Division commander, SS Oberfuehrer MOHNKE. At first I begged him not to have to take over the battalion because I wanted to grant this campaign to the new younger commanders. The division commander wanted to arrive at a decision on the 14.12

During a ride in the area of EUSKIRCHEN I met SS Stubaf. WEIß, Adjutant of the Oberstgruppenfuehrer DIETRICH, Commander of the Pz. A.O.K. 6 (6th Army Command). We discussed the coming offensive. WEIß told me that on the 12.12 he was present at a speech of the Fuehrer with the Oberstgruppenf. as the only ranking below a General. He spoke very impressed about the personal experience of the Fuehrer's speech. He said that everything what Germany has still at its disposal of material and good divisions was here concentrated for the decisive battle. This last exertion of force was supposed to create the decisive turning point of the war in a few weeks by a lightning thrust and should mean the end of the war. The main tactical objective should be to separate the American armies from the British and their smashing. Our first objective would be the supply base ANTWERP. Until the turn of the year no foreign soldier was supposed to stand any more on German soil. Everything was to be permitted that would help you to advance. The Fuehrer covers you. Think of the German fatherland which suffers under the enemy bomb terror, and be ruthless towards the enemy civilian population. When a military necessity is at hand allied prisoners of war should be shot. Concludingly he said that in case the offensive should not reach the great staked goal, then anyway the MEUSE line should be won.

On the 14.12 at 1400 I had to report to SS Oberfuehrer MOHNKE, who ordered me to take over again the SS Pz. A.A.1. Simultaneously there as first commander I was let in on the secret of the plan of attack of the offensive. The conference was mainly of tactical contents which culminated therewith, that it should be a beautiful commission for me.

After that I got myself the orders and maps on hand from the I a, SS Stubaf., SIEMSEN. Among these must also have been the written order of the Pz. A.O.K. 6 (Tank Army Command 6) signed by Oberstgruppenf. DIETRICH which was transmitted by the division and which concerned itself with the conduct towards the civilian population and the shooting of allied prisoners of war.

On the 15.12 at 1000, I was ordered to a conference of the commanders, to the first I/SS Panzer Korps at which all division commanders, regimental commanders and the commanders of the two fast groups took part. Besides SS Sturmabfuhrer SKORZENY was introduced.



000235

Hereby the Korps commander, SS Gruppenfuhrer FRIESS spoke in short about the coming offensive whereby the substantial points of the army order were covered and ruthless combat tactics were requested of us.

On the 15.12 at 1400 I was ordered to the commander's conference of the armored group under the leadership of SS Oberstuf. PALFER. As substantial point for me the "Operation Greiff" was hereby discussed.

On the 15.12 at 2900 I conducted a company commanders' conference of the fast groups at the battalion C.P. of the Pz. A.A. 1.

Location: Near railroad station GAAADT

Participants:

Adjutant	SS Unterstuf.	STIEWE
Comp. commander	1st Comp. SS	Ustuf
" "	2nd Comp. SS	Oberstuf. COELENZ
" "	3rd Comp. SS	" LEIDREITER
" "	4th Comp. SS	" WAGNER
" "	5th Comp. SS	" REUSS
" "	Pz. Pi. Comp.	"
Battery	2./A.R.1.	"
Comp	Headq. Comp. SS	GOLTZ

Contents of the Conference

1. Taking over of the battalion.
2. Issuance of the written tactical divisional order and the distribution of the maps.
3. Marking of position and the plan of attack.
4. Presumable commitment of the battalion
5. Publishing of the operation "Greiff."
6. Oral transmittal of the order transmitted by the division from the SS A.O.K. 6. about conduct in battle in extracts. Last exertion a force for final battle, beautiful far staked task, fighting requiring greatest harshness. The going isthrough enemy territory, think of your relatives suffering under the bomb terror in the treatment of the enemy civilian population. If the military necessity requires it, in especially compelling situations, allied prisoners of war are to be shot.

KNI-TEL
SS Stufab.

EXP-266
A 88
REPRODUCTION

000236

~~SECRET~~



#1

View looking south from road intersection. Field on right behind house.

P
EX
P-1

EXHIBIT 1-1-1

R.A.T. Richard A. Taylor 1



#2

View looking east from intersection up road to Weismes.

P
EX
92-2

EXHIBIT 1-P-2

Richard Taylor 2

EXHIBIT P

DECLASSIFICATION CANCELLED
by the AG under E.O. 11652
1/19/01
U.S. F. E. I.
JUN 27 1966

~~SECRET~~

61

000237

~~SECRET~~

P
EX
7-3

#3

View from Weismes road.
St. Vith road in back-
ground. Field at right
side of picture. House
#9 on left.



EXHIBIT 9-P-3

R. A. Taylor 3

P
EX
9-P-4

#4

View looking NE from St.
Vith road. Road to
Weismes in background.

DECLASSIFICATION CANCELLED
Authority: 50 CFR 101.118, F.E.P.
11c 48 0005 GSI-ALSO 27 June 1946
~~SECRET~~
Jan



EXHIBIT 9-P-4

R. A. Taylor 4

Exhibit P 62

000236

~~SECRET~~



#5

View looking west from intersection. House #7 on right, House #8 in background.

EXHIBIT 9-P-5 R.A.F. 5



#6

View from intersection towards Germont. House #7 on left.

EXHIBIT 9-P-6 R.A.F. 6

Exhibit P

CLASSIFICATION CANCELLED
by [unclear] Lt. Hd. U.S.F.E.F.
Date 27 June 1948

~~SECRET~~

63

000236

~~SECRET~~

#7

View looking north from
intersection up road to
Almont. House #5 on
right.



EXHIBIT 9-F-7 R.A.F. 7

#8

Henri LeJoly, Belgian, a
witness to the incident.



EXHIBIT 9-F-8 R.A.F. 8

CLASSIFICATION CANCELLED
by authority of the Director, F.B.I.
File AG 000.5 GHI-AC 27 Jan 1946

Kur

Exhibit P 64

000240

~~SECRET~~



EXHIBIT 9-P-9

O.A.T. 9

#9

View of field before re-
moval of snow from bodies.



EXHIBIT 9-P-10

O.A.T. 10

#10

Bodies being uncovered.

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by the ~~SECRET~~ U.S. FBI
file # 100-3-101-AGQ, 27 June 1948

Jim

000241

SECRET

#11

Bodies being uncovered.



EXHIBIT 9-P-11 R.A.T. 11

#12

Some bodies uncovered,
being tagged for identification.



EXHIBIT 9-P-12 R.A.T. 12

Exhibit P 66

CLASSIFICATION CANCELLED
Authority of the Ho. Sec. of State
File No. 000.5 GBI-AGO 27 June 1946

200

000242

~~SECRET~~



EXHIBIT 9-P-13 R.A.T. 13

#13

View of field with bodies uncovered.



EXHIBIT 9-P-14 R.A.T. 14

#14

View of field with bodies uncovered.

CLASSIFICATION CANCELLED
by authority of Hq. U.S. Federal Bureau of Investigation
AG 000.5 GB1-AGO, 27 June 1964

~~SECRET~~

Exhibit P 67

000243

~~SECRET~~

#15

View of field with bodies uncovered.



EXHIBIT 9-P-15 R.A.F. 15

#16

View of field with bodies uncovered.



EXHIBIT 9-P-16 R.A.F. 16

CLASSIFICATION CANCELLED
by authority of Lt. Col. U.S.A.F.T.
TAG 0603 GBI-AGO, 27 June 1946

~~SECRET~~

Exhibit P

68

000244

~~SECRET~~



EXHIBIT 9-P-17 R.A.F. 17

#17

View of field with bodies uncovered.



EXHIBIT 9-P-18 R.A.F. 18

#18

View of field with bodies uncovered.

CLASSIFICATION CANCELLED
by authority of the Director
file AG 0005 GBI/AGO, 27 June 1943

~~SECRET~~

Imm

Exhibit P 69

000245

~~SECRET~~

#19

Body of Cpl Indelicato as found in field.



EXHIBIT 7-3 P-19 R.A.F. 19

#20

Body of Cpl Indelicato as found in field.



EXHIBIT 7-1-20 R.A.F. 20

CLASSIFICATION CANCELLED
authority H.S.F.E.T.
AG 000.5 GBI-AG O. 27 June 1946

Exhibit P 70

000246

~~SECRET~~



EXHIBIT 9-P-21 R.A.F. 21

#21

Body of PFC Clymire as found in field.

P
EX
9-P-21



EXHIBIT 7-P-22 R.A.F. 22

#22

Body of T/5 Jordan as found in field.

P
EX
9-P-22

CLASSIFICATION CANCELLED
by authority of Lt. Hd. U.S.I.
The AGO on 1-AGO 27 300

~~SECRET~~
Jan

Exhibit P 71

000247

SECRET

#23

Body of Capt Mills as found in field.



EXHIBIT 1-P-23

P.A.T. 23

#24

Body of T/4 Herchelroth as found in field.



EXHIBIT 1-P-24

P.A.T. 24 ✓

CLASSIFICATION CANCELLED
by authority of the Hon. U.S. SECRETARY OF ARMY
G.O. 000.5 GBR-AGD, 27 June 1946

SECRET

Jim

Exhibit P 72

000246

SECRET



#25

Body of PFC Desch as found in field.

EXHIBIT 9-P-25 R.A.T. 25



#26

Body of PFC Fleck as found in field.

EXHIBIT 9-P-26 R.A.T. 26

Exhibit P 73

CLASSIFICATION CANCELLED
 Authority: 1.1c, U.S.F.E.I.
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#27

Body of PFC Cohen as
found in field.



EXHIBIT 9-P-27

R.A.F. 27

#28

Body of Pvt Pittman as
found in field.



EXHIBIT 9-P-28

R.A.F. 28

CLASSIFICATION CANCELLED
by authority of the AG 000000
file AG 000000
SECRET
June 1946

Exhibit P 74

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#29

Body of PFC Wald, as found in field.

EXHIBIT 9-P-29

P.A.F. 29



#30

Body of PFC Wald in field, rearranged to show head wound.

EXHIBIT 9-P-30

P.A.F. 30

Exhibit P 75

CLASSIFICATION CANCELLED
by authority of the Hon. U.S. Sec. of State
file # G.O.P. 100-100, 27 June 1975

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#31

Body of T/4 Sheets as found in field.



EXHIBIT 9-P-31

A.A.T. 31

#32

Body of T/3 McGee as found in field.



EXHIBIT 9-P-32

A.A.T. 32

CLASSIFICATION CANCELLED
Authority of the War Relocation Authority
Executive Order 12958, 62 Stat. 194

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Exhibit P 76

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#33

Body of Pvt Carr as
found in field.

EXHIBIT 1-P-33 R.A.T. 33



#34

Body of PFC Klukavy as
found in field, west of
House #6.

CLASSIFICATION CANCELLED

by authority of the Hon. U.S. J.E.T.
file AG 00075 GM AG 27 June 1946

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Scan

Exhibit P 77

EXHIBIT 9-P-34 R.A.T. 34

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#35

Body of 1st Lt. Reardon
as found in field.

EXHIBIT 9-P-35 P.A.F. 35



#36

Body of T/Sgt Davidson
as found in field.

EXHIBIT 9-P-36 P.A.F. 36

Exhibit P 78

CLASSIFICATION CANCELLED
by Authority of 11, USC, 1152, E.O. 11652
file #AG 000.5 GR. AS 1246

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EXHIBIT 9-P-37 P.O.F. 37

#37

Body of Cpl Fitt as found in field.



EXHIBIT 9-P-38 P.O.F. 38

#38

Body of T/5 McKinney as found near House #7, on road.

CLASSIFICATION CANCELLED
by authority of the AGCS on 27 June 1946

Exhibit P

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#39

Body of Col Rullman as found east of House #6, near road.



EXHIBIT 9-P-39 R.A.T. 39

#40

Body of 2nd Lt James as found in field.



EXHIBIT 9-P-40 R.A.T. 40

CLASSIFICATION CANCELLED
by Authority of Lt. Hq. U.S.F.E.I.
File # 10005 FBI-ACD, 27 June 1946

Exhibit P 80

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EXHIBIT 9-P-41 R.A.F. 41

#41

Body of Pvt Phillips as found alongside St. Vith road approximately 1/3 mile south of intersection.



EXHIBIT 9-P-42 R.A.F. 42

#42

Body of PFC Hall as found alongside road near House #7.

CLASSIFICATION CANCELLED
by authority of [unclear]
File # [unclear] 811 MAR 27 1952

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Jan

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Exhibit P

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#43

Body of Cpl Indelicato,
showing eyes innucleated.



EXHIBIT 9-F-43 R.A.T. 43

#44

Body of 1st Lt Genthner
showing GSW right temporal
region.



EXHIBIT 9-F-44 R.A.T. 44

CLASSIFICATION CANCELLED

by authority of Director, U.S. J. E. O.
file # 000.5 (R) - AGO, 27 June 1946

Exhibit P 82

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#45

Body of PFC Collier showing GSW in left parietal occipital region.



EXHIBIT 7-P-46 R.A.F. 46

#46

Body of T/5 Burkett showing GSW in back of head.



EXHIBIT 7-P-46 R.A.F. 46

CLASSIFICATION CANCELLED
by authority of 11 USC 1882
AG 0005 GBT-AGO, 27 June 1946
Jim

Exhibit P 83

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#47

Body of T/5 Burkett showing wound in right ear, exit point of bullet.



EXHIBIT 9-F-47

R.A.T. 77

#48

Body of Cpl Miller, showing GSW in back of head.



EXHIBIT 9-F-48

R.A.T. 48

CLASSIFICATION CANCELLED

by authority of the Hqs of S.F.E.T.
No. AG 5002 G.M. AGO 27 June 1946

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Exhibit P 84

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EXHIBIT 7-P-49 R.A.T. 49

#49

Body of Col Miller, showing wound of exit in right forehead.



EXHIBIT 7-P-50 R.A.T. 50

#50

Body of Col Stevens, showing bandaged arm.

CLASSIFICATION CANCELLED
by authority of Lt. Harold L. ...
JAN 16 1960, FBI-AGO, 27 MAR 1960

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Exhibit P 85

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#51

Body of PFC Klukavy, showing partial immolation of eyes.



EXHIBIT 9-F-51 R.A.T. 51

#52

Body of PFC Frey, showing direction of course of bullet.



EXHIBIT 9-F-52 R.A.T. 52

CLASSIFICATION CANCELLED
by authority of Air Force Regulation 1
110, AGO 000, GSA, AGO 27 June 1948

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Exhibit P 86

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EXHIBIT 9-P-53 R.A.T. 53

#53

Body of Pvt Piasecky,
showing direction of
course of bullet.



EXHIBIT 9-P-54 R.A.T. 54 ✓

#54

Body of PFC Paden, show-
ing GSW in right forehead
with powder-marks.

CLASSIFICATION CANCELLED
by authority of [unclear] [unclear] [unclear]
file # G 000.5 GBI-AGO, 27 June 1946
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#55

Body of PFC Paden showing
point of exit of
bullet.



EXHIBIT 9-P-55 R.A.T. 53

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CLASSIFICATION CANCELLED
By authority of 11 USC 1605 E
file ATG 030.5 GIB-ROG, 27 June 1996

Exhibit P 88

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:AUTH: CG 1st US Army:
:INIT:
:DATE: 27 Jan. 1945:

HEADQUARTERS
FIRST UNITED STATES ARMY
Office of the Inspector General
Command Headquarters
APO 230

Information to Establish
Prima Facie Case Required by SHAEF
Court of Inquiry

Reference Number of
Originating Office:
IG-101

27 January 1945

TO: Commanding General, Twelfth Army Group, APO 655.

FROM: Commanding General, First U. S. Army, APO 230.

Date and Time: 27 January 1945.

Own File Ref: IG-101

1. Nature of violations:

Massacre of approximately 120 American prisoners of war with small arms and machine gun fire after they had been searched and disarmed, and were then assembled in a field with their hands up in the air. Later, wounded American PW's and those who showed signs of life were killed by pistol or rifle bullets fired at close range, or by crushing in the skull with a rifle butt or other heavy object. In several cases, there was maltreatment of a dead body in that both eyes of an American PW were gouged out, probably while he was still alive.

2. Place, date, time:

In a field southwest of and in the vicinity west of crossroads at K-814019, at the village of Baugnez, Belgium, approximately 2 1/2 miles southeast of Malmedy, Belgium, at approximately 1400 hours, 17 December 1944.

3. Brief resume of incident (See Exhibit A for sketch map):

a. At about 1400 hours, 17 December 1944, Battery B, 285th Field Artillery Observation Battalion, was traveling in a convoy going south on the highway between Malmedy and St. Vith, Belgium. As the last vehicles in the convoy were clearing the crossroads at Baugnez (coordinate K-814019) and while most of the vehicles were on the straight stretch of road (Highway N-23) going south from this crossroads toward St. Vith, the entire column was suddenly fired upon by machine gun and artillery fire from the direction of the road (Highway N-32) going to Weismes and from a wooded area

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south of that road. The column of American vehicles halted and most of the officers and enlisted men jumped into a ditch along the west side of Highway N-23. A few of the soldiers, including Cpl. George E. Graeff, Cpl. Robert B. Conrad, T/5 Eugene H. Garrett, Pfc Donald L. Bower, T/5 Warren R. Schmitt, and T/4 Robert P. Mearig, ran across a field toward the west and hid in the woods, tall grass, brush, or ditches a short distance west of Highway N-23, and subsequently escaped without being captured. A few other soldiers who were near the crossroads when the firing started, including T/5 John A. O'Connell, T/4 Selmer H. Leu, T/5 Harold N. Billow, all of Battery B, 285th FA Observation Battalion, Pfc James M. McKinney, 575th Ambulance Company, and Pfc Homer D. Ford of the 518th MP Battalion, who was directing traffic at the road junction, ran behind a brick house standing on the southwest corner of the road intersection and hid in a barn or shed.

b. The machine gun and artillery fire on the column of American vehicles continued for about ten to fifteen minutes and then two German tanks and some half-track vehicles came down the road from the direction of Weismes. Upon reaching the intersection, these vehicles turned south on the road toward St. Vith. The tanks directed machine gun fire into the ditch along the side of the road in which the American soldiers were crouching, and upon seeing this, the other American soldiers dropped their weapons and raised their arms over their heads. The surrendering American soldiers were then required to march back to the road intersection, and while doing this and as they passed by some of the German vehicles then on Highway N-23, German soldiers on these vehicles took from the American prisoners of war such items as wrist watches, rings, and gloves. The American soldiers were then assembled on the St. Vith road in front of a house standing on the southwest corner of the intersection. Other German soldiers who had arrived at the road intersection in tanks and half-track vehicles, further searched some of the captured Americans at this place and also took valuables from them.

c. American PW's from units other than Battery B, 285th FA Observation Battalion, were also placed in this assemblage. Some of these American soldiers from other units had been previously captured by the German tank column, or by individual German reconnaissance vehicles, and they had been forced to travel with the German column, or individual vehicles, to this road intersection. Among these were two officers and nine enlisted men of the Reconnaissance Company, 32nd Armored Regiment, who, while traveling south in four 1/4-ton trucks, were captured when they met the German column approximately one and one-half miles north of St. Vith. They were then forced to ride in their own 1/4-ton trucks in the German column, estimated to have been approximately two miles long, along a route on side roads toward the north and east of the Malmedy-St. Vith highway. Prior to the capture of these eleven officers and enlisted men, at least one unidentified American soldier was already a prisoner of war in the German column. Earlier that day, S/Sgt Herman Johnson, Company M, 23d Infantry, 2nd Division, was also captured by a German tank, and after being questioned he was forced to ride in an armored car with the Germans for approximately three hours, while they engaged in reconnaissance and cutting communication lines. This armored car joined the other German vehicles at the Baugez road intersection and S/Sgt Johnson was made to join the other American PW's.

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d. One officer and five or six enlisted men of the 575th and 546th Ambulance Companies, who had been riding in ambulances and in a 1/4-ton truck from Malmedy toward Weismes, were also fired upon by the German column when the vehicles approached or had passed the crossroads at Baugnez. Some of these individuals were then also captured and placed in the assemblage of the American PW's on the road. Likewise, two trucks of the 86th Engineer Battalion (HP) upon approaching the road intersection from the direction of Malmedy behind the vehicles in the column of Battery B, 285th PA Observation Battalion, were halted and at least one of the Engineer soldiers was taken prisoner. One unidentified Lieutenant Colonel in an American Officer's uniform, apparently taken prisoner at about this same time, was also seen at this crossroads. However, he was placed in a 1/4-ton truck, under guard, and was driven down the road toward St. Vith. The evidence indicates that this officer had a head wound as his face was bandaged. Likewise, in another 1/4-ton truck, several American soldiers with markings on their helmets "MCP" were taken away from the scene, under guard, toward St. Vith.

e. The American PW's who were assembled on the road near the intersection were then directed to go into a field south of the house (House No. 6) on the southwest corner of the intersection and west of the road going toward St. Vith. Medical aid men wearing the Red Cross brassards on their sleeves, wanted to give first aid treatment to the American wounded, but this they were denied by the Germans. At about this same time, a German light tank or half-track attempted to maneuver itself into position on the road so that its cannon would be directed at the group of American PW's gathered in the field approximately twenty to twenty-five yards from the road. This, however, was stopped by a German officer, apparently because the maneuvering of the vehicle into position on the road interfered with the traffic of other German vehicles. Shortly after this, other German tanks and half-tracks came around the corner and proceeded along the road toward St. Vith. Some of these stopped when they came opposite the field in which the unarmed American PW's were standing in a group, with their hands up in the air or clasped behind their heads. A German soldier, believed to be an officer or a noncommissioned officer, in one of these vehicles which stopped, raised up and pointed a pistol and took deliberate aim and fired into the group of American PW's. One of the American soldiers fell. This was repeated a second time and another American soldier in the group fell to the ground. At about this time, machine guns on two of the vehicles on the road started to fire into the group of American PW's in the field. All, or most of the American soldiers dropped to the ground and stayed there while the firing continued for two or three minutes. Most of the individuals in the field were hit by this machine gun fire. The German vehicles on the road then moved on toward the south and were followed by more vehicles which also came from the direction of Weismes and as these latter vehicles came opposite the field in which the American soldiers were lying, they also fired with small arms from the moving vehicles at the prostrate bodies in the field.

f. Movements of German vehicles along the road occurred intermittently for approximately an hour and a-half. Shortly after the initial firing upon the American PW's in the field, a few of the American soldiers attempted to run away from the scene, but they were fired upon and they did not go very far before they were hit and/or had to stop running. There is no evidence that any of these escaped or are now living. Later, evidently during periods when there was no movement of vehicles

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on the road, some of the other American PW's got up and ran away from the scene, but they were fired upon with machine gun and small arms fire from the road intersection, where one tank and some German soldiers were on guard. After running a short distance and after being fired upon again, some of these soldiers again dropped to the ground and played dead. Some German soldiers, evidently from the group of those who were on guard at the road intersection, then walked among the group of American PW's who were still in the original position in the field, and also among those who had run away for a short distance, and shot with pistol or rifle fire, or clubbed with a rifle butt or other heavy object, any of the individual American soldiers who still showed any sign of life. In some instances, the American PW evidently was shot at close range squarely between the eyes, in the temple, or the back of the head; in other instances, the German soldier would back off or fire at the prostrate American soldier from greater distances, varying from one or two yards to possibly ten or more yards. In a few of the latter cases, the German soldier's aim apparently was bad and the American soldiers so fired upon, including T/5 Kenneth E. Kingston and Pvt. John R. Kailer, both of Battery B, 285th FA Observation Battalion, later escaped.

g. Approximately one and a-half to two hours after the first firing upon the American PW's in the field took place, and after no more vehicular traffic had been heard on the road for several minutes, one of the American soldiers, Pvt. William F. Reea, Battery B, 285th FA Observation Battalion, who was among the soldiers lying in the field said, "Now is our chance to make a break for it." Approximately 20 or 25 of the American soldiers then jumped up and ran toward the west and northwest, some entering and hiding in nearby houses, sheds, and hedgerows. When they ran, they were again fired upon by the guards and by the tank at the road intersection. Some of the individuals in the group kept on going and managed to escape to our own lines. The Germans set fire to a shed into which some of the escaping American PW's had run and from the evidence obtained, there is no indication that any of these Americans survived. The burning of the shed also set fire to the house standing on the southwest corner of the road intersection.

h. The atrocities committed against the American PW's by the German troops were partially witnessed by some of the civilians living in the vicinity of the road junction. One man, Henri Lejoly, age 45, and a woman, Frau Adele Bodarwe, age about 55 (a widow stated to have three sons in the German Army), were at the road intersection and witnessed the American soldiers being assembled and searched on the road, prior to their being taken to the field. They also later saw the initial machine gun firing from the German vehicles on the St. Vith road into the group of American PW's gathered in the field. When this happened, Frau Bodarwe was stated to have remarked, "Oh, my God," in French and she then went inside her house (House No. 6). Mr. Lejoly stated that he returned to his home (House No. 5) where he stayed for about half an hour, at which time he went outside again. As he came to the south side of his house, a German soldier in a tank, which was on the Weismes road near the intersection, fired several shots from a pistol at him. Mr. Lejoly ran back into the house and the tank then fired a machine gun and one shot from a cannon into the house. He again went outside, with his hands up in the air, and talked with the German noncommissioned officer in charge of the tank, protesting the action being taken against a disinterested or innocent civilian. This noncommissioned officer then gave Mr. Lejoly a

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slip of paper on which he had written his name and field post office address, "SS Unteroffizier R. Brisemeister, Feldposten 48935," (See Exhibit I) for use in obtaining reparations from the German government on the damage done to the house. This is the only positive direct evidence that could be obtained in this investigation regarding the identification of any German soldiers who were actually present or took part in the atrocity. Mr. Lejoly denied seeing any of the subsequent atrocities following the initial machine gun fire into the field where the American PW's were assembled. He has not seen Frau Bodarwe since he left her on that occasion and she could not be located during this investigation.

1. Another Henri Lejoly, age 50, living in House No. 7, while looking out of an upstairs window also saw the American PW's being assembled in the field. The manner in which it was being done by the German soldiers made him suspect that they were going to shoot the Americans. Not wanting to be a witness to such an act, he left the window, but he heard the machine gun firing immediately afterwards. After going downstairs, he looked out through the door and saw several American soldiers run by his house in a northwesterly direction. He heard more firing and saw the American soldiers drop. He stayed in the house the rest of the day and did not witness anything else. The following morning, 18 December 1944, he found two wounded American soldiers in a shed by his house. They stayed there for several days, during which time German soldiers, usually in pairs, came by daily and saw the two wounded Americans. The pairs of German soldiers were stated to have been different ones each day, but there always was "one bad one" and "one good one." The bad one wanted to kill the two Americans but the good one always objected to it. The testimony of Private Angelo Accetti, a wounded German PW, who was located at the 189th Station Hospital, APO 562, on 17 January 1945, indicates that he was one of the German soldiers who saw these wounded men. (See Exhibit O, pages 58 to 71.) It was not practicable during this investigation to attempt identification of Accetti by Mr. Lejoly, or by other members of his household. One of the American soldiers, believed to be S/Sgt John D. Osborne, 37022567, Battery B, 285th FA Observation Battalion, died after two or three days, and he was removed from the shed and placed outside on the ground by Mr. Lejoly. The identification or disposition of the other American soldier could not be determined, however, the evidence indicates that he may have been evacuated by the Germans.

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4. Victims:

Name	Rank	Army No.	Unit	Living (L) or Dead (D)	*Exact Location
a. Lary, Virgil P.	1st Lt	0-1181338	Btry B, 285th FA Obsn Bn	(L)	(a)
b. Ahrens, Kenneth F.	Sgt	33409504	" " " " " "	(L)	(a)
c. Appaman, Charles F.	T/5	33414790	" " " " " "	(L)	(b)
d. Daub, Carl R.	T/5	33497047	" " " " " "	(L)	(a)
e. Day, Donald W.	Pvt	32946519	" " " " " "	(L)	(a)
f. Flechsig, T. G.	Cpl	32767808	" " " " " "	(L)	(a)
g. Fox, George L.	Cpl	33538615	" " " " " "	(L)	(a)
h. Garrett, Eugene H.	T/5	38470528	" " " " " "	(L)	(a)
i. Garstka, Paul	T/5	13054091	" " " " " "	(L)	(b)
j. Hardiman, A. J., Jr.	Pfc	33521808	" " " " " "	(L)	(a)
k. Kailer, John R.	Pvt	35524593	" " " " " "	(L)	(a)
l. Kingston, Kenneth E.	T/5	33487619	" " " " " "	(L)	(b)
m. Mettera, James P.	Pvt	33497213	" " " " " "	(L)	(b)
n. Moucheron, Carl W.	T/5	33414866	" " " " " "	(L)	(a)
o. O'Connell, John A.	T/5	37507120	" " " " " "	(L)	(a)
p. Paluch, Theodore J.	T/5	33576613	" " " " " "	(L)	(b)
q. Piscatelli, Peter C.	Pfc	42032302	" " " " " "	(L)	(a)
r. Reem, William F.	Pvt	33497195	" " " " " "	(L)	(b)
s. Sciranko, Michael T.	T/5	33569766	" " " " " "	(L)	(b)
t. Smith, Robert L.	Pvt	33414867	" " " " " "	(L)	(a)
u. Summers, William E.	T/5	35762440	" " " " " "	(L)	(b)
v. Valenzi, Albert M.	T/5	33414773	" " " " " "	(L)	(a)
w. Werth, Bobby L.	Pvt	38539588	" " " " " "	(L)	(a)
x. Anderson, Roy B.	Pvt	35493327	575th Ambulance Co	(L)	(a)
y. Dobyns, Samuel	Pvt	2923940	" " " " " "	(L)	(a)
z. Donitrovich, Stephen J.	Pfc	33688126	" " " " " "	(L)	(a)
aa. McKinney, James M.	Pfc	35371492	" " " " " "	(L)	(a)
ab. Bojarski, Edward	Cpl	36212852	Recon Co, 32nd Armd Regt	(L)	(b)
ac. Ford, Homer D.	Pfc	37374095	Co. C, 518th MP Bn	(L)	(b)
ad. Johnson, Herman	S/Sgt	6271937	Co. M, 23d Inf, 2nd Div	(L)	(a)
ae. Munsinger, John S.	2nd Lt	0-1184554	Btry B, 285th FA Obsn Bn	(D)	(c)
af. Reardon, Perry L.	2nd Lt	0-1184931	" " " " " "	(D)	(c)
ag. Bloom, Donald L.	Pvt	33569720	" " " " " "	(D)	(c)
ah. Elouch, Carl H.	T/5	33497061	" " " " " "	(D)	(c)
ai. Breon, Charles R.	T/5	33568030	" " " " " "	(D)	(c)
aj. Brozowski, Joseph A.	Cpl	33460580	" " " " " "	(D)	(c)
ak. Burkett, Samuel P.	T/5	33569673	" " " " " "	(D)	(c)
al. Carr, Paul R.	T/5	33549192	" " " " " "	(D)	(c)
am. Carson, Homer S.	Pfc	33569714	" " " " " "	(D)	(c)
an. Coates, James H.	Pvt	33519636	" " " " " "	(D)	(c)
ao. Cobbler, John H.	Pvt	33530464	" " " " " "	(D)	(c)
ap. Cohen, Robert	Pfc	33477788	" " " " " "	(D)	(c)
aq. Collier, John D.	T/5	33522138	" " " " " "	(D)	(c)
ar. Davidson, Paul G.	T/Sgt	33419745	" " " " " "	(D)	(c)
as. Desch, Howard C.	Pfc	33487538	" " " " " "	(D)	(c)
at. Dunbar, William J.	Pvt	35056576	" " " " " "	(D)	(c)

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4. Victims: (Cont'd)

Name	Rank	Army No.	Unit	Living (L) or Dead (D)	*Exact Location
au. Fitt, Carl E.	Cpl	33577679	Btry B, 285th FA Obsn En	(D)	(c)
av. Flack, Donald J.	Pfc	33569746	" " " " " "	(D)	(c)
aw. Franz, Walter A.	Sgt	35212249	" " " " " "	(D)	(c)
ax. Frey, Carl B.	Pfc	33497298	" " " " " "	(D)	(c)
ay. Geisler, Donald E.	S/Sgt	33569696	" " " " " "	(D)	(c)
az. Haines, Charles F.	T/5	33497239	" " " " " "	(D)	(c)
ba. Hallman, Samuel A.	Pvt	33538625	" " " " " "	(D)	(c)
bb. Hall, Charles E.	Pfc	33549251	" " " " " "	(D)	(c)
bc. Herchelroth, Sylvester	T/4	33497232	" " " " " "	(D)	(c)
bd. Jordan, Oscar R.	T/4	33569686	" " " " " "	(D)	(c)
be. Kinsman, Alfred W.	Sgt	31015229	" " " " " "	(D)	(c)
bf. Laufer, Howard W.	T/5	33414793	" " " " " "	(D)	(c)
bg. Lengyel, A., Jr.,	T/5	35231283	" " " " " "	(D)	(c)
bh. Leu, Selmer H.	T/4	36291027	" " " " " "	(D)	(c)
bi. Luers, James E.	T/5	33034725	" " " " " "	(D)	(c)
bj. Martin, Lawrence	Cpl	33530508	" " " " " "	(D)	(c)
bk. McKinney, Robert	T/5	33522305	" " " " " "	(D)	(c)
bl. Miller, Halsey J.	Sgt	32561864	" " " " " "	(D)	(c)
bm. O'Grady, David T.	Cpl	31304038	" " " " " "	(D)	(c)
bn. Osborne, John D.	S/Sgt	37022567	" " " " " "	(D)	(c)
bo. Phillips, Peter R.	Pvt	13186081	" " " " " "	(D)	(c)
bp. Piasecki, Stanley F.	Pvt	35893689	" " " " " "	(D)	(c)
bq. Pittman, Gilbert R.	Pvt	35650418	" " " " " "	(D)	(c)
br. Rosenfeld, George R.	T/5	12103408	" " " " " "	(D)	(c)
bs. Rullman, Carl H.	Cpl	33409511	" " " " " "	(D)	(c)
bt. Saylor, Oscar	Pvt	6666317	" " " " " "	(D)	(c)
bu. Schwitzgold, Max	T/5	32954422	" " " " " "	(D)	(c)
bv. Sheetz, Irvin M.	T/4	33497089	" " " " " "	(D)	(c)
bw. Shingler, John H.	T/5	33570509	" " " " " "	(D)	(c)
bx. Snyder, Robert J.	Sgt	33421105	" " " " " "	(D)	(c)
by. Steffy, George H.	T/4	33497306	" " " " " "	(D)	(c)
bz. Stevens, Carl M.	Pfc	31096239	" " " " " "	(D)	(c)
ca. Swartz, Luke S.	T/5	33497309	" " " " " "	(D)	(c)
cb. Walker, Richard B.	Pfc	33530488	" " " " " "	(D)	(c)
cc. Watt, Thomas F.	T/4	37337935	" " " " " "	(D)	(c)
cd. Wiles, Yester H.	T/5	33530531	" " " " " "	(D)	(c)
ce. Oliver, Thomas W.	Pfc	33521852	" " " " " "	(D)	(c)
cf. Indelicato, Ralph J.	Cpl	17133271	Med Det, 285th FA Obsn En	(D)	(c)
cg. Mills, Roger L.	Capt	0-391465	Hq Btry, 285th FA Obsn En	(D)	(c)
ch. McGovern, William T.	T/Sgt	33419739	" " " " " "	(D)	(c)
ci. Wald, Elmer W.	Pfc	20326296	Med Det, 200th FA En	(D)	(c)
cj. James, Lloyd A.	2nd Lt	0-1018164	Recon Co, 32nd Armd Regt	(D)	(c)
ck. Klukavy, John	Pfc	36860531	" " " " " "	(D)	(c)
cl. McDermott, Thomas E.	1st Lt	0-1018686	" " " " " "	(D)	(c)
cm. McGee, James G.	T/3	13077568	" " " " " "	(D)	(c)
cn. Gentner, Carl R.	1st Lt	0-1544092	575th Ambulance Co	(D)	(c)
co. Paden, Paul L.	Pfc	35417847	" " " " " "	(D)	(c)
cp. Scott, Wayne L.	Pvt	35271800	" " " " " "	(D)	(c)

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~~SECRET~~4. Victims: (Cont'd)

Name	Rank	Army		Living (L) or Dead (D)		#Exact Location
		No.	Unit			
cq. Wusterbarth, Dayton E.	T/5	36258533	546th Ambulance Co.	(D)	(c)	
cr. Clymire, John J.	Pfc	16011838	86th Engr Bn (HP)	(D)	(c)	
cs. Lindt, Benjamin	Sgt	38009681	Det A, 200th FA Bn, V Corps MGP Force Bn	(D)	(c)	
ct. Heitmann, Raymond A.	T/5	37403877	197th AAA AW Bn	(D)	(c)	
cu. Cash, Cecil J.	T/4	37403963	" " "	(D)	(c)	
cv. Johnson, Delbert J.	Pvt	39288520	(see footnote)	(D)	(c)	
cw. Mullen, Keston E.	Pvt	38465574	(see footnote)	(D)	(c)	
cX. Burney, L. M.		38450179	575th Amb. Co.	(D)	(c)	

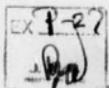
Due to the snow in the area at the present time and the dispersion of some of the bodies, it is not believed that all victims of the atrocity have been found. The following are believed to be additional victims, as the evidence establishes that they were present at the scene of the atrocity, or in the vicinity thereof:

cy. Goffmann, Solomon S.	2nd Lt	0-1185180	Btry B, 285th FA Obsn Bn (Unknown)	(d)
cz. Bacon, Thomas J.	T/5	12103194	" " " " " " " "	(d)
da. Clark, Frederick	Pfc	33419825	" " " " " " " "	(d)
db. Davis, Warren	Pfc	33530537	" " " " " " " "	(d)
dc. Jones, Wilson M., Jr.	T/5	33481389	" " " " " " " "	(d)
dd. Law, Ralph W.	Pfc	33530450	" " " " " " " "	(d)
de. Lester, Raymond E.	Cpl	33530458	" " " " " " " "	(d)
df. Lucas, Alan M.	T/4	33549382	" " " " " " " "	(d)
dg. Moore, William H.	Cpl	33414853	" " " " " " " "	(d)
dh. Murray, David M.	Pfc	32746671	" " " " " " " "	(d)
di. Perkowski, Walter J.	Pvt	35069577	" " " " " " " "	(d)
dj. Rupp, John M., Jr.	T/4	33498007	" " " " " " " "	(d)
dk. Skoda, Michael J.	T/5	33414691	" " " " " " " "	(d)
dl. Stabulis, Alphonso J.	Sgt	33460568	" " " " " " " "	(d)
dm. Thomas, Elwood E.	Pvt	33497256	" " " " " " " "	(d)
dn. Vario, Louis A.	Pvt	33229042	" " " " " " " "	(d)
do. Anderson, Vernon	Sgt	33264487	Recon Co., 32nd Armd Regt	(d)
dp. Barron, William E.	Pvt	34724789	" " " " " " " "	(d)
dq. Cummings, J. I.	Cpl	18217485	" " " " " " " "	(d)
dr. McKinney, Vestal	Pvt	34608640	86th Engr Bn (HP)	(d)

(Footnote: Effort was made to determine unit designations through Machine Records Units but no information was available on these individuals: cv and cw, Johnson and Mullen.)

- *(a) Hospitalized and evacuated - now in medical channels.
 (b) Returned to unit.
 (c) Buried in U. S. cemetery at K-705352 (Henri Chapelle).
 (d) Location unknown.

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SECRET5. Witnesses: (Cont'd)

Name	Address or Unit	Evacuation Address or Particulars	Age	Occupation	Sworn Statement at Exhibit
- aj. Valenzi, Albert M.	Btry E, 285th FA Obsn Bn	Med.Channels		Soldier	B,p 112
- ak. Werth, Bobby	" " " " " "	" " " "	19	"	B,p 13-16
al. Lejoly, Henri	Baugnez, Belgium	Malmedy, Belg	45	"	K
am. Lejoly, Henri	" "	" "	50	"	L
an. Lejoly, Johanna	" "	" "	50	Housewife	M
ao. Lejoly, Madeleine	" "	" "	20	"	N
ap. Bodarwe, Adele	" "	Unknown	55	Housewife	See footnot

(Footnote: This witness, ap. Bodarwe, Adele, has not been seen by any of the other civilians living in the vicinity of Baugnez since the date of the atrocity, and she could not be located for questioning by the investigating officer. Hearsay evidence indicates that she may have gone to Faymonville. See Exhibit L.)

6. Circumstantial Evidence, etc:

- Medical or pathological statements: (See Exhibits F, G, and H.)
- Photographs: (See Exhibit P.)
- Fingerprints: (None obtained.)
- Documents, list of (None)
- Material exhibits: (None)
- Technical tests: (None)

7. Perpetrators:

- Names of units or persons believed to be responsible:

(1) Intelligence data and interrogation of captured German PW's shows that the German column which arrived at the Baugnez road intersection at approximately 1400 hours, 17 December 1944, was a Combat Team (Kampfgruppe Peiper) of the 1st SS Panzer Division composed of:

1st Bn, 1st SS Panzer Regt, LAH
 6 - 8 King Tigers of the 501st Tank Bn
 3d Bn, 2nd SS Pz. Grenadier Regt (also possibly 2nd Bn)
 9th Company, 1st SS Pz. Regt, LAH (Engineer Co.)
 6th Company, 1st SS Engr. Bn.
 5th Battery, 1st SS Arty Regt (6 - 105mm Hows, SP)
 Elements of Parachute Inf. Regt. ZBV, including 12th Company
 Penal Platoon attached to Engineers

The mission of this combat team was to capture Liege, Belgium, but it was stopped by the Allies at LaGleize on 19-23 December 1944, and sustained heavy losses. The evidence indicates that the spearhead of this column probably consisted of all or part

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of the 1st Bn, 1st SS Panzer Regiment LAH, consisting of 1 and 2 Companies (Panther) and 6 and 7 Companies (Mark IV). Each company had 17 tanks and 90-100 men (17 - 24 years old). The following units were probably also with the spearhead:

- 1st Platoon, 9th Company (Engineer) with attached personnel from a Penal or Disciplinary Unit
- 3d Platoon, 12th Company, Para Regt ZEV
- 3d Platoon, 9th Company (Engineer)
- King Tiger Tanks of the 501st Tank Bn.

(2) Personalities (of units believed involved in the atrocity)

Peiper	O/Sturmbannfuhrer	CO	Combat Team (also CO 1st SS Pz Regt)
Potschke	Sturmbannfuhrer	CO	1st Bn, 1st SS Pz Regt
Kremsler	O/Sturmfuhrer	CO	1st Co.
Christ	O/Sturmfuhrer	CO	2nd Co.
Kaufmann	U/Sturmfuhrer	Pl Ldr	2nd Co., 1 Pl.
Knappich, Hans	Hauptschaffuhrer	Pl Ldr	2nd Co., 2 Pl.
Koch, Hans	U/Sturmfuhrer	Pl Ldr	2nd Co., 3 Pl.
Junkers	O/Sturmfuhrer	CO	6th Co.
Sieg	O/Sturmfuhrer		6th Co.
Klingelhofer	H/Sturmfuhrer	CO	7th Co.
Rumpf	O/Sturmfuhrer	CO	9th Co.
Hering	U/Sturmfuhrer	Pl Ldr	9th Co., 1 pl.
Suss	Sturmann		9th Co., 1 Pl.
Lenk	U/Schaffuhrer	Pl Ldr	9th Co., 2 Pl.
Kuehn	U/Sturmfuhrer	Pl Ldr	9th Co., 2 Pl.
Wedeleit	Scharrfuhrer		In Penal Unit with 1 pl, 9 Co.
Haas	Unterscharfuhrer		" " " " " "
Fersin	Unterscharfuhrer		" " " " " "
Lier	Unterscharfuhrer		9th Co., 1 Pl.
Held	Unterscharfuhrer		9th Co., 1 Pl.
Elser	O/Sturmfuhrer	CO	12th Co., Para Regt ZEV
Luck	U/Sturmfuhrer	Pl Ldr	2nd Pl, 12th Co, Para Regt ZEV
Schultz	Scharrfuhrer		1st Pl, 9th Co.
Sandig	O/Sturmbannfuhrer	CO	2nd SS Pz Gren Regt
Schnelle	H/Sturmfuhrer	CO	2nd Bn, 2nd SS Pz Gren Regt
Urban	U/ "		Bn. Adj.
Schrenk	H/ "	CO	5th Co.
Uder	O/ "	CO	6th Co.
Kuhagen	U/ "	Pl Ldr	1st Pl, 6th Co (PW)
Leopold	H/ "	CO	7th Co.
Keil	O/ "	CO	8th Co.
Diefenthal	H/ "	CO	3d Bn, 2nd SS Pz Gren Regt
Kohler	O/ "	CO	9th Co (wounded)
Leyke	U/ "	CO	9th Co (succeeded Kohler)
Preuss	O/ "	CO	10th Co.
Aschendorff	U/ "	Pl Ldr	4th Pl, 10th Co
Thomhardt	O/ "	CO	11th Co (wounded)
Kinderman	U/ "	CO	11th Co (wounded)
Tillis	H/ "	CO	12th Co.
Ludicke	O/ "	CO	Supply Co, 3d Bn
Dittman	U/Arat		3d Bn
Butscheck	O/Sturmfuhrer		4th Pl, 12th Co, Para Regt LAH

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En Surgeon
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 by authority of G. H. Q. P. F.
 HQ AC 0085 G81-AGO, 27 June 1946

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Testimony of the German PW's shows that orders to shoot American PW's were given by U/Sturmfuhrer Hering and Untersharrfuhrer Persin (or Persil) both of or with the 9th Company (Engineers).

b. (1) Witnesses description of type of enemy units, details of clothing and equipment:

(a) Type of enemy unit: Combat team, mainly composed of SS troops wearing the SS insignia on coat lapels. Also some parachutists, wearing wing insignias on breast pockets.

(b) Details of clothing: A variety of uniforms were observed by the witnesses. The crews of the armored vehicles wore black uniforms with leather jackets over them. Other German soldiers wore camouflage suits over the normal uniforms, described as being dark green, light green, grey or black uniforms. Shoulder tabs on the uniforms were of different colors - yellow, light blue, and black. Headgear also varied, with some German soldiers wearing steel helmets, tank helmets, peaked caps (like hunting caps), or caps similar to the U. S. service cap. The description of the SS insignia on coat lapels also varied from silver lightning streaks on a very dark background to black streaks of lightning on a light grey or a red background. The German soldiers who later killed the wounded American PW's lying in the field with pistol and rifle fire at close range, wore black uniforms with boots and black peaked caps. One German officer wore a dark cap with a skull insignia on the front center. One German soldier also wore a blue polka dot scarf.

(2) Only one Feldpost number was obtained through interrogation of local inhabitants: Feldposten 48935 (See Exhibit I).

(3) Description of vehicles: Tanks - Tiger, Panther, and Mark IV, or light tanks. The Tiger tanks were equipped with flash hiders on the guns. One tank, described as a long one and equipped with an 88mm gun had a marking on it "D-4U" (See Exhibit B, Q 722 -723). Another large tank had a number, either 831 or 631, on it (See Exhibit B, page 233). Another tank had 639 marked on it in large numbers (See Exhibit B, Q. 2152). No identifications on any other vehicles were obtained. The descriptions indicate that there were a considerable number of half-track vehicles in the column. The evidence further shows that there were approximately 90 to 100 track vehicles in the column.

(4) No information was obtained from Allied Unit War Diaries.

(5) See Exhibit O for interrogation reports of enemy prisoners of war captured in the area.

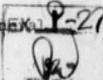
8. Name and unit of officer who will be responsible for assisting Supreme Headquarters, Allied Expeditionary Force Court of Inquiry, in its investigation of the incident and location at which court will report:

Lt. Col. Alvin B. Welsh, IGD, Assistant Inspector General, Headquarters First U. S. Army.

Alvin B. Welsh
ALVIN B. WELSH,
Lt. Col., I.G.D.,

Assistant Army Inspector General

100
CLASSIFICATION CANCELLED
by authority of Lt. Hq. U.S.F.E.
file AGO 005 GR 2 AGO 27 June 1952
~~SECRET~~



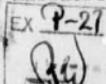
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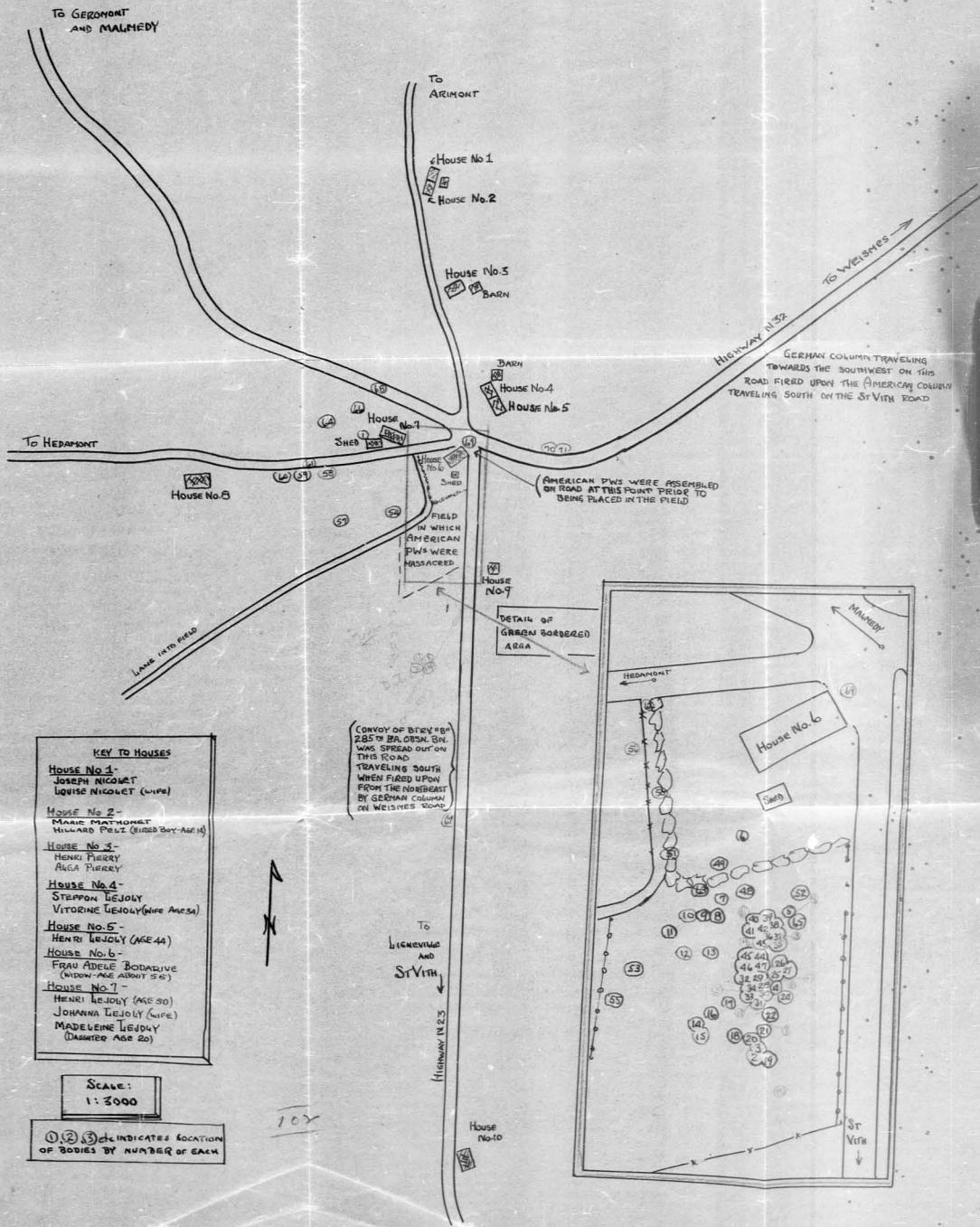
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LIST OF EXHIBITS

- EXHIBIT A ... Overlay of crossroads southeast of Malmedy, and aerial photograph of same area. (Vicinity of Baugnez, Belgium.)
- EXHIBIT B ... Testimony and statements of 37 American soldiers.
- EXHIBIT C ... Sworn statement of Pvt James P. Matters, 33497213, Btry B, 285th FA Obsn Bn, given to CIC Det #8.
- EXHIBIT D ... Sworn statement of T/5 Warren R. Schmitt, 37210448, Btry B, 285th FA Obsn Bn, given to CIC Det #8.
- EXHIBIT E ... Sworn statement of T/5 Theodore J. Paluch, 33576613, Btry B, 285th FA Obsn Bn, given to CIC Det #8.
- EXHIBIT F ... Sworn statement of Capt Joseph A. Kircz, O-5101599, MC, 44th Evac Hosp, covering identification, personal effects, description of clothing, and medical diagnosis of victims examined.
- EXHIBIT G ... Sworn statement of Capt John H. Snyder, O-1694275, MC, 44th Evac Hosp, covering identification, personal effects, description of clothing, and medical diagnosis of victims examined.
- EXHIBIT H ... Sworn statement of Major Giacinto C. Morrone, O-269079, MC, 44th Evac Hosp, covering identification, personal effects, description of clothing, and medical diagnosis of victims examined.
- EXHIBIT I ... Slip of paper given to Henri Lejoly with name of German officer.
- EXHIBIT J ... Identification list of bodies of American soldiers found in vicinity of Baugnez, Belgium on 15-16 January 1945.
- EXHIBIT K ... Statement of Belgian civilian Henri Lejoly (age 45).
- EXHIBIT L ... Statement of Belgian civilian Henri Lejoly (age 50).
- EXHIBIT M ... Statement of Belgian civilian Johanna Lejoly.
- EXHIBIT N ... Statement of Belgian civilian Madeleine Lejoly.
- EXHIBIT O ... Testimony of German prisoners of war.
- EXHIBIT P ... Photographs of bodies of victims and scene of massacre.

CLASSIFICATION CANCELLED
BY authority of 128 I.B.T.
~~SECRET~~





KEY TO HOUSES

House No. 1 -
JOSEPH NICOMET
LOUISE NICOMET (WIFE)

House No. 2 -
MARIE MATHOMET
WILFRIED PLETT (BORN BOY-AGE 14)

House No. 3 -
HENRI PIERRY
ALCEA PIERRY

House No. 4 -
STEPHON LEJOLY
VICTORINE LEJOLY (WIFE AGE 54)

House No. 5 -
HENRI LEJOLY (AGE 44)

House No. 6 -
FRAN ADELE BODALIVE
(WIFE-AGE ABOUT 56)

House No. 7 -
HENRI LEJOLY (AGE 50)
JOHANNA LEJOLY (WIFE)
MADELINE LEJOLY
(DAMSEL AGE 20)

SCALE:
1:3000

① ② ③ etc INDICATES LOCATION OF BODIES BY NUMBER OF EACH

CONVOY OF BREVIER 285TH BA, OBSA. BN. WAS SPREAD OUT ON THIS ROAD TRAVELING SOUTH WHEN FIRED UPON FROM THE NORTHEAST BY GERMAN COLUMN ON WERSCHIES ROAD

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000276

SECRET

(US 30/5198) 24 DEC 44(F/24)/67T/RGP 1015A



CLASSIFICATION CANCELLED
by authority of the R.M. 115 P.F.T.
file AC 0000 GBL AGC June 1944
San

EX 103
[Signature]

EXHIBIT A 103

000280

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Tag No. Shown In Photographs	Identification of Body	Rank	Serial No.	Unit
44-B. . . .	Stevens, Carl M.	Cpl	31096239	Btry B, 285th FA Obsn Bn
45.	Carr, Paul R.	Pvt	33549192	" " " " " "
46.	Luers, James E.	T/5	33034725	" " " " " "
47.	Watt, Thomas F.	T/4	37337935	" " " " " "
48.	Wusterbarth, Dayton E.	T/5	36258533	546th Amb. Co.
49.	Brozowski, Joseph A.	Pvt	33460580	" " " " " "
50.	Klukavy, John	Pfc	36860531	Recon Co, 32nd Armd Regt
51.	(See footnote)			
52.	Reardon, Perry L.	1st Lt	0-1184931	Btry B, 285th FA Obsn Bn
53.	Davidson, Paul G.	T/Sgt	33419745	" " " " " "
54.	Fitt, Carl B.	Cpl	33577679	" " " " " "
55.	Leu, Selmer H.	T/4	36291027	" " " " " "
56.	Kinsman, Alfred W.	Sgt	31015229	" " " " " "
57.	Breon, Charles R.	T/5	33568030	" " " " " "
58.	Hallman, Samuel H.	Pvt	33538625	" " " " " "
59.	Frey, Carl B.	Pfc	33497298	" " " " " "
60.	(See footnote)			
61.	McKinney, Robert L.	T/5	33522305	" " " " " "
62.	Rullman, Carl H.	Cpl	33409511	" " " " " "
63.	Iames, Lloyd A.	2nd Lt	0-1018164	Recon Co, 32nd Armd Regt
64.	Piasecki, Stanley F.	Pvt	35893689	Btry B, 285th FA Obsn Bn
65.	(See footnote)			
66.	Mullen, Keston E.	Pvt	38465574	" " " " " "
67.	Phillips, Peter R.	Pvt	13186081	Btry B, 285th FA Obsn Bn
68.	Paden, Paul L.	Pfc	35417847	575th Amb. Co.
69.	Hall, Charles E.	Pfc	33549251	Btry B, 285th FA Obsn Bn
70.	Heitmann, Raymond A.	T/5	37403877	197th AAA AW Bn
71.	Cash, C. J.	T/4	37403963	" " " " " "

FOOTNOTE: Tags on the following bodies became detached before they could be identified:

A.	Munzinger, John S.	1st Lt	0-1184554	Btry B, 285th FA Obsn Bn
	Bloom, Donald L.	Pvt	33569720	" " " " " "
	Carson, Homer S.	Pfc	33569714	" " " " " "
C.	Coates, James H.	Pvt	33519636	" " " " " "
	Johnson, Delbert J.	Pvt	39288520	" " " " " "
	Laufer, Howard W.	T/5	33414793	Btry B, 285th FA Obsn Bn
	O'Grady, David T.	Cpl	31304038	" " " " " "

~~SECRET~~
 AUTHORITY: U.S. F. E. T.
 AG 000.5, GDS ACRO 27 June 1946

EX P-21


EXHIBIT J

105



2182060

EXHIBIT - 9P 14-B

R.A.T. 14-B

69

ETO HQ 45 11947 17 D
CREDIT - U.S. ARMY SIGNAL CORPS
PHOTOC - 165

CERTIFYING AS BEING PASSED BY
OFFICE CHIEF PRESS CENSOR
HEADQUARTERS, G-2/J-1
ARMY PICTORIAL SERVICE.

BY *Price*

ETO HQ 45 MASTER CAPTION

ATROCITIES COMMITTED BY GERMAN
TROOPS IN THE VICINITY OF FIVE
POINTS, NEAR MALMEDY, BELGIUM,
ON OR ABOUT 17 DECEMBER, 1944.
PHOTOGRAPHS MADE AFTER RECAP-
TURE OF GROUND AND EXHUMATION
OF BODIES. (10)

EX-100

EX P2800
JCS







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EXHIBIT 9-P-19-A

R.A.T. 19a

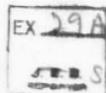
ETO HQ 45 11955 DEC 44
CREDIT - U.S. ARMY SIGNAL CORPS
PHOTO# - 165

CERTIFYING AS BEING PASSED BY
OFFICE CHIEF PRESS CENSOR
HEADQUARTERS ETOUSA
ARMY PICTORIAL SERVICE

BY *Page*

ETO HQ 45 MASTER CARTON

ATROCITIES COMMITTED BY GERMAN
TROOPS IN THE VICINITY OF FIVE
POINTS, NEAR VALMEY, BELGIUM,
ON OR ABOUT 17 DECEMBER, 1944.
PHOTOGRAPHS MADE AFTER RECAP-
TURE OF GROUND AND EXHUMATION
OF BODIES. (10)



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ETO HQ 45 11942 17 DEC 44
CREDIT - U.S. ARMY SIGNAL CORPS
PHOTOG - 165

~~CONFIDENTIAL~~
WILL BE RECLASSIFIED BY CENSOR

EXHIBIT - 9P 22-D

R.O.F. 22-D

ETO HQ 45 MASTER CAPTION

ATROCITIES COMMITTED BY GERMAN
TROOPS IN THE VICINITY OF FIVE
POINTS NEAR MALMEDY, BELGIUM,
ON OR ABOUT 17 DECEMBER, 1944,
PHOTOGRAPHS MADE AFTER RECAPTURE
OF GROUND AND
EXHUMATION OF BODIES. (10)

EX 300P
1000 Sp





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EXHIBIT 9-P-75
R.A.T. 75

ETC HQ 45 21 17 DEC 44
CREDIT - ARMY SIGNAL CORPS
PHOTO - 165

~~CONFIDENTIAL~~
UNTIL RE-CLASSIFIED BY CERJGR

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ETC HQ 45 MASTER CAPTION

ATROCITIES COMMITTED BY GERMAN
TROOPS IN THE VICINITY OF FIVE
POINTS, NEAR WILHELM, BELGIUM, ON
OR ABOUT 17 DECEMBER, 1944.
PHOTOGRAPHS MADE AFTER RECAPTURE
OF GROUND AND EXHUMATION OF BODIES.
(10)

EX 30A 24
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EXHIBIT 9-P-22-A

R.A.F. 22-A

ETO HG 45 16 JAN
CREDIT... U.S. ARMY SIGNAL CORPS
PHOTO... 165

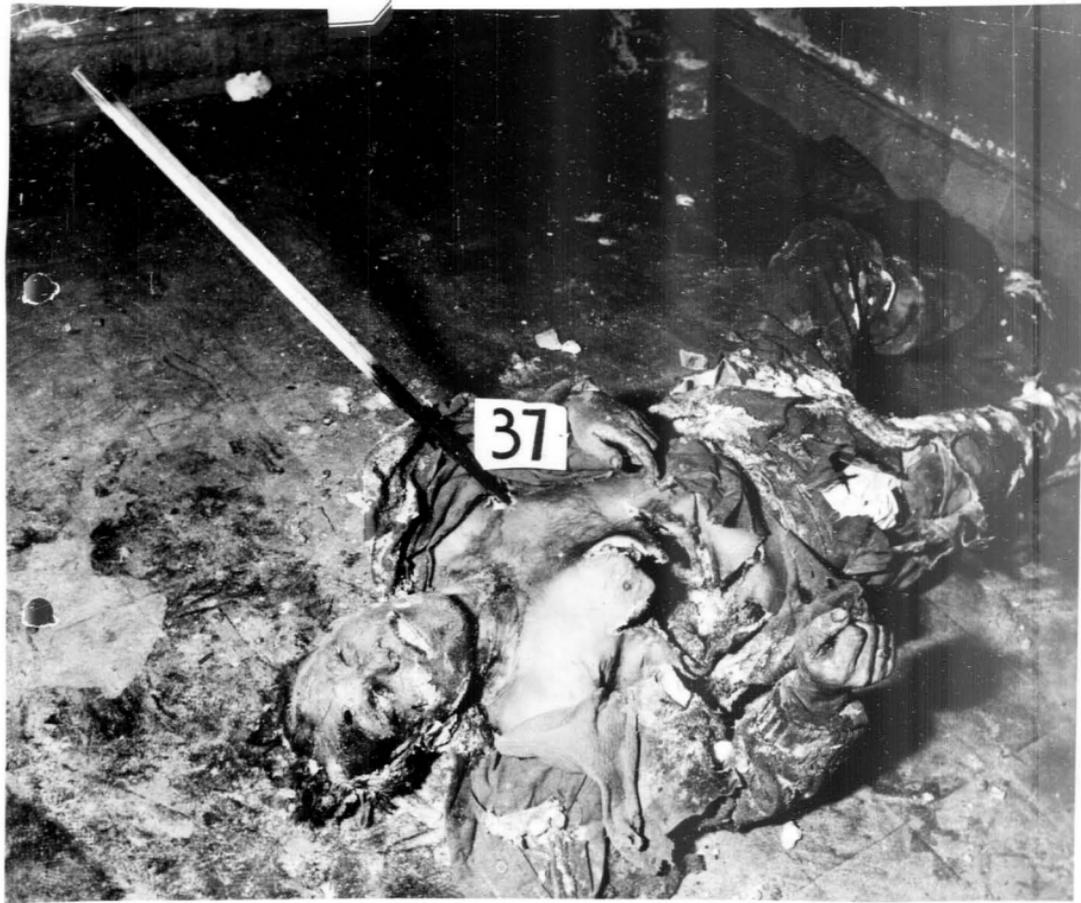
CERTIFYING AS BEING PASSED BY
OFFICE CHIEF PRESS CENSOR
HEADQUARTERS ETOUSA
ARMY PICTORIAL SERVICE.

BY *PS*

ETO HG 45 MASTER CAPTION
ATROCITIES COMMITTED BY GERMAN
TROOPS IN THE VICINITY OF FIVE
POINTS, NEAR MALMEDY, BELGIUM, ON
OR ABOUT 17 DECEMBER, 1944
PHOTOGRAPHS MADE AFTER RECAPTURE OF
GROUND AND EXHUMATION OF BODIES

EX 30B 2d
SP

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EXHIBIT 9-P. 78

R.A.T. 78

45 11922 17 DEC 44
- U.S. ARMY SIGNAL CORPS
PHOTO - 165

~~CONFIDENTIAL~~
UNTIL RE-CLASSIFIED BY CREMA

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ETO Hq 45 MASTER CAPTION

ATROCITIES COMMITTED BY GERMAN
TROOPS IN THE VICINITY OF FIVE
POINTS, NEAR WALLEMY, BELGIUM, ON
OR ABOUT 17 DECEMBER, 1944.
PHOTOGRAPHS MADE AFTER RECAPTURE
OF GROUND AND EXHUMATION OF BODIES.
(10)

EX 31 92
1945





EXHIBIT 9-P-31-A

R.A.F. 31a

HQ 45 11999 16 JAN
DIT... US ARMY SIGNAL CORPS
PHOTOG... T/4 R A TAYLOR

~~CONFIDENTIAL~~
UNTIL RECLASSIFIED BY CNSM

ETO HQ 45 MASTER CAPTION
ATROCITIES COMMITTED BY GERMAN
TROOPS IN THE VICINITY OF FIVE
POINTS, NEAR HALVEDY, BELGIUM, ON
OR ABOUT 17 DECEMBER, 1944
PHOTOGRAPHS MADE AFTER RECAPTURE OF
GROUND AND EXHUMATION OF BODIES

EX 329d
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SERIES

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EXHIBIT 9-P-62

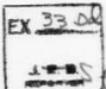
R.A.F. 62

HG 45 11989 17 DEC 44
IT... US ARMY SIGNAL CORPS
PROFEG... TAYLOR-165

BODY ON STRETCHER (F)

CERTIFYING AS BEING PASSED BY
OFFICE CHIEF PRESS CENSOR
HEADQUARTERS ETOUSA
ARMY PICTORIAL SERVICE.

ETO HG 45 MASTER CAPTION
ATROCITIES COMMITTED BY GERMAN
TROOPS IN THE VICINITY OF FIVE
POINTS, NEAR WALLEDY, BELGIUM, ON
OR ABOUT 17 DECEMBER, 1944
PHOTOGRAPHS MADE AFTER RECAPTURE OF
GROUND AND EXHUMATION OF BODIES.



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EX
31

EXHIBIT 9-P-17-A

P.A.T. 17-a

Q 45 11885 17 DEC 44
T - U.S. ARMY SIGNAL CORPS
PHOTOG - 166

PROPERTY OF THE
OFFICE OF THE CHIEF SIGNAL OFFICER
HEADQUARTERS, ETOUSA
ARMY PROLOGUE SERVICE.

Pace
EX 34

ETG HQ 45 MASTER CAPTION

ATROCITIES COMMITTED BY GERMAN
TROOPS IN THE VICINITY OF FIVE
POINTS, NEAR MALMEDY, BELGIUM,
ON OR ABOUT 17 DECEMBER, 1944.
PHOTOGRAPHS MADE AFTER RECAP-
TURE OF GROUND AND EXHUMATION
OF BODIES. (10)

EX 34 *SR*
SR





EXHIBIT 9P 45-B
R.A.F. 45-B

ETO HG 45 MASTER CAPTION

ATROCITIES COMMITTED BY GERMAN
TROOPS IN THE VICINITY OF FIVE
POINTS, NEAR MALMEDY, BELGIUM,
ON OR ABOUT 17 DECEMBER, 1944.
PHOTOGRAPHS MADE AFTER RECAPTURE OF
GROUND AND EXHUMATION OF BODIES.

ETO HG 45 11986 17 DEC 44
CREDIT... U S ARMY SIGNAL CORPS
PHOTO... TAYLOR-185

~~LEFT SIDE OF THE HEAD.~~

UNTI RE-KLASSIFIED BY GEMSA

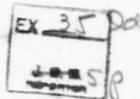




EXHIBIT 9-P-45-A

R.A.F. 45A

ETO HG 45 11985 17 DEC 44
CREDIT... US ARMY SIGNAL CORPS
PHOTOG... TAYLOR-185

RIGHT SIDE OF BACK OF THE HEAD. (F)

~~CONFIDENTIAL~~

UNTIL RECLASSIFIED BY CLASH

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EX 35A
↓
SEP

ETO HG 45 MASTER CAPTION
ATROCITIES COMMITTED BY GERMAN
TROOPS IN THE VICINITY OF FIVE
POINTS, NEAR VALVEDY, BELGIUM, ON
OR ABOUT 17 DECEMBER, 1944
PHOTOGRAPHS MADE AFTER RECAPTURE OF
GROUND AND EXHUMATION OF BODIES.

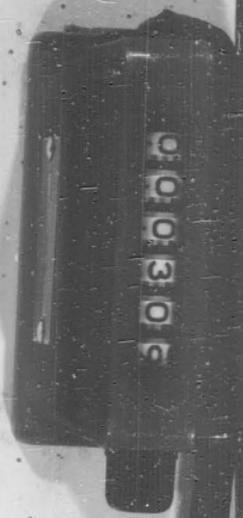




EXHIBIT 9-P-27-A

P.A.F. 27a

ETO HQ 45 12007 16 JAN
CREDIT - U.S. ARMY SIGNAL CORPS
PHOTOG - 165

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UNTIL RE-CLASSIFIED BY CENSOR

J

ETO HQ 45 MASTER CAPTION

ATROCITIES COMMITTED BY GERMAN
TROOPS IN THE VICINITY OF FIVE
POINTS, NEAR MALMEDY, BELGIUM,
ON OR ABOUT 17 DECEMBER, 1944.
PHOTOGRAPHS MADE AFTER RECAPTURE
OF GROUND AND THE EXHUMATION OF
BODIES. (10)

EX 36 22
JAN 16 1945
SP



