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Legal Form No. 8

MILITARY GOVERNMENT COURT

CASE RECORD.

MALMEDY

VOLUME IX - Pages 1783 - 2018 Incl.

Case No. 6-24

Prosecutor LT COL BURTON F ELLIS

*~~Summary~~
*~~Intermediate~~ Military Court.
*General

Defence Counsel COL WILLIS M EVERETT JR.

Interpreter

Place DACHAU, GERMANY

Reporter

Date 0830 hours 20 JUNE 1946
TO 1200 hours 22 JUNE 1946 Incl.

Members of Court:

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

Accused VALENTIN BERSIN, ET AL

Address Sex Age

	First Charge	Second Charge
Pleas VALENTIN BERSIN, ET AL	Not Guilty	
Findings Vol 9		
Previous Convictions		

CLASSIFICATION CANCELLED
By authority of JAG to
ltd 4 Aug 1950.

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

WB

Charge Sheet and Record of Testimony are annexed hereto.

(Signature of member of court.)

REVIEW

Action of Reviewing Authority

(Signature of reviewing authority)

*Strike out words not applicable.

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RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus VALENTIN BERSIN, ET AL

By

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 16 MAY 1946

VOLUME IX - PAGES 1783 - 2018, INCL.

20 JUNE 1946 - 0830 hours TO 22 JUNE 1946 - 1200 hours

TESTIMONY

WITNESSES:	Direct	Cross	Redirect	Recross	Court
ZIEMSSEN, DIETRICH (Cont'd)	1783	1789	1813		1813
McGOWN, Lt Col HAROLD D	1815	1845	1852		1853
LEHMANN, RUDOLPH	1853	1863			
MEYER, HUBERT	1868	1874	1876		
KUHLMANN, HERBERT	1877	1882			
PEIPER, JOACHIM	1885	1967			

EXHIBITS

Number	Description	Marked	Offered
D-2	Historical Division Report	1843	1844

CAMP DACHAU, GERMANY

20 June 1946

MORNING SESSION

(Whereupon the Court reconvened at 0830 hours.)

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

PROSECUTION: If the Court please, let the record show that all members of the court, all members of the Prosecution, with the exception of Lt. Col. Crawford who is absent on business of the Prosecution, and Capt. Byrnes, who has been excused by order of the Commanding General, all members of the Defense, all the defendants, and the reporter are present.

DEFENSE COUNSEL: The Defense recalls Dietrich Ziemssen. You are reminded you are still under oath.

(Whereupon the witness, Dietrich ZIEMSSEN resumed the stand.)

PROSECUTION: If the Court please, I don't believe the statement, "the witness is reminded he is still under oath", was translated, was it?

DEFENSE COUNSEL: Yes.

PRESIDENT: That statement should always be made by the Prosecution.

DIRECT EXAMINATION, continued

QUESTIONS BY DEFENSE COUNSEL (Dr. RAU):

Q Are there documents about the fact that troops were instructed about treatment of prisoners of war, according to regulations of the Geneva Convention?

A It was ordered that every time when a soldier was instructed as to the treatment of prisoners of war for the first time this was shown in his personal—in his file.

Q Did the division also receive orders as to the treatment of the civilian population?

A No orders were issued concerning the treatment of the civilian population. But it said in the operational order that armed resistence was to be expected from the civilian population in Belgium.

Q What instructions were given for this purpose?

A There were no specific instructions.

Q Was said anything about how this resistence of the civilian population was to be broken?

A Without any reference to the civilian population, it was ordered that every opponent who would present himself was to be attacked and the resistence was to be broken.

Q Was this order also read to the troops?

A In the Divisional order, which was issued by the 1st SS Panzer Regiment and published to its units it said, after the enemy units were listed, armed resistence of the civilian population is to be expected.

DR. RAU: I ask to repeat the question, since obviously a mistake in the translation occurred. Repeat your answer, please.

A In the Divisional order it said, besides enemy units, the American units which were listed in this order--it said that you have to count on armed resistence of the civilian population.

Q Did the Division issue any order with reference to the evacuation of prisoners of war?

A In the same order it said the prisoners of war are to be taken back on empty convoys to the supply stations.

Q Anything else?

A No; nothing else.

Q How long have you been with the Division at that time?

A I wasin that division until the 21st of December, in the evening; then I was wounded.

Q Was the accused Dietrich with the division at that time?

Q General Dietrich was at the C.P. of the Division on the 15th of December in the afternoon for a short while?

Q What did he do there?

A He asked how far the division was in the preparations, asked if the communication with the home units in the assembly area--asked if there was a communication with their own units in the assembly area.

Q Did they give any orders or instructions with reference to the treatment of prisoners of war or of the civilian population?

A No.

Q How many prisoners did the division take during the time you were there?

A During the time from the 16th to the 22nd of December, the division took more than a thousand prisoners of war.

Q What happened to those prisoners of war, if you know?

A I, myself, saw in the time from the 16th to the 21st of December about eight hundred prisoners of war on their way--correction, on my way from Stadtkyll to Engelsdorf. Those prisoners of war were taken back partly on foot, partly on convoys. Twice I personally ordered the establishment of a collecting point. That was in Amel and in the forest near Kaiserbaracke.

Q Did you tell us all that you personally saw? Did you tell everything that you saw, personally?

A At the time I also found out where those prisoners came from. Part of them were taken by the combat group "Hansen" and part of them were taken by the combat group "Peiper".

Q Have you been interrogated by Prosecution counsel during the last time?

A I was interrogated nine times by an interrogation officer of the Prosecution.

Q What did he tell you with reference to how many prisoners were taken by the division?

A I was told that 1-0 of the division of Obersturmfuehrer Walther had stated that he only saw two prisoners of war whom he personally interrogated.

Q Were you told that this Obersturmfuehrer Walther was in Dachau?

A Yes.

Did you see him in Dachau?

A No.

Q Did you volunteer for being a witness?

A Towards the end of April I made a written application to be used as a witness and on the basis of this application I became a witness, so the Prosecution used me--on the basis of this application the Prosecution called me for interrogation.

Q As a front line soldier, did you make any observation as to descriptions of incidents on the front line?

A I am sorry, I do not understand.

Q As a front line soldier, did you have any experience in reference to incidents which are connected with the combat on the front lines?

A Yes.

LAW MEMBER: Well, now, what time and what place? I mean as far as counsel is concerned, what time and what place in connection with this Eifel offensive?

Q In connection with the Eifel offensive, and the offensive in the Ardennes?

A I found out that all the reports referring to incidents on the front line, or combat reports, were very unreliable, especially during the last time of the war. And therefore I only believed in what I myself saw.

Q At that time when you were wounded, where did you go?

A 22nd of December I came to the aid station of the Division in Montenau.

Q At that time were you confronted with wounded American soldiers?

CAPT. SHUMACKER: I object to the question as leading.

PRESIDENT: Objection sustained.

Q The soldiers who were--the soldiers who were at this aid station, of which nationality were they?

A They were soldiers of the 6th Panzer Army. Furthermore, wounded captured American soldiers and some civilians who had been wounded through artillery fire in that vicinity. I saw in this place more than 20 wounded American soldiers.

Q Didn't you also state that you saw prisoners of war at all?

A Yes. I altogether saw--no, I mean in this place more than 20 wounded soldiers.

LAW MEMBER: Counsel will please wait until the question has been translated. This is the last time I can tell counsel that.

DEFENSE COUNSEL (Mr. Walters): I think that should be translated. I don't think Dr. Rau understood.

LAW MEMBER: Yes, he waved his head. He understood it all right.

Q There were only wounded prisoners of war?

A Yes, wounded prisoners of war were taken there in our own ambulances and were treated there according to the turn they had arrived, together with our own wounded soldiers.

Q Were there also civilians?

A Yes. There were some civilians, but very few, since there was come artillery fire in the vicinity and the civilians had been brought from the village in the vicinity.

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MR. WALTERS: May it please the Court, my attention has been called to the fact that it was "American artillery fire" and that was not translated that way.

INTERPRETER CHLOSTA: American artillery fire.

QUESTIONS BY DEFENSE COUNSEL (DR. RAU):

Q Did you receive the book by Michael Prawdin, "Tschingis-Chan and his Legacy"?

A Yes, I received a book about Tschingis-Chan by Prawdin.

Q When did you receive this book?

A I can't remember the exact time. I believe it was in 1936.

Q Who sent you this book?

A This book was sent to us by the office of the Reichsfuhrer-SS.

Q What do you mean by "us"?

A This book was sent to officers.

Q What was the purpose of this?

A This book shows the character of Tschingis-Chan and his means of power and the possibility that Asia can be organized for combat against Europe.

Q Did it say anything in this book of Tschingis- Chan about the fighting attitude and the fighting morals of the SS on the occasion of the offensive in the Eifel and in the Ardennes Offensive?

LAW MEMBER: That question is decidedly out of order. It has no place in this trial at all. It is most obvious and will not be tolerated by the Court again.

DR. RAU: I am of the same opinion but the matter was brought up by the Prosecution. I am finished.

PRESIDENT: Any other questions by the Defense?

DEFENSE COUNSEL: You may cross examine.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q How old are you, Ziemssen?

A 34 years old.

Q When did you join the Nazi Party?

A 1935.

Q In other words, you did not join the Party until after you got into the SS?

A I joined the Waffen SS in 1934 and I joined the Pary in 1935.

Q There was no Waffen SS in 1934, was there?

A The name was commonly used at that time but there were some units that later on were transferred to the Waffen SS.

Q As a matter of fact, there was no Waffen SS in 1934, was there? Was there any organization in Germany known as the Waffen SS in 1934?

A No, the designation at that time did not exist.

Q As a matter of fact, the organization that you belonged to was a police force, a security force for the Nazi Party, was it not?

A I never received any police training.

Q Will you answer the question, please?

A Yes.

Q Will you please read the question, Miss Reporter?

(Whereupon the question was read by the reporter as follows:

Tk #210
SR-6/20-3

"As a matter of fact, the organization that you belonged to was a police force, a security force for the Nazi Party, was it not?")

A It was not a police organization but it was a unit about the use of which nothing was said at that time.

Q Do you mean that the purpose for which this organization was used was secret?

A No.

Q Do you mean the use to which the organization was put was not generally known?

A It was not generally known because the units at that time were very small and only very few people knew about our existence at all.

Q Is it any secret now?

A No.

Q What were they used for?

A They were trained in order to be put into action in case of a war.

Q That was in 1934?

A We received our training in 1934 in the same manner as the units of the army.

Q You had been in the Waffen SS ever since?

A For one year I was detailed to the Reichsfuhrung SS. The other time I always was with the unit command.

Q You mean Himmler's headquarters. That is what you are talking about, is it not?

A No, I was not in Himmler's headquarters but in an office which belonged to the Reichsfuhrung.

Q That was the central headquarters of the SS?

A That was the main office for race and settlement affairs, one out of several main offices.

(Ziemssen-Cross)

Tk #210
SR-6/20-4

Q You say you went to the LSSAH in September 1934, is that correct?

A Yes.

Q From 1940 to 1943 you were with the Viking Division?

A Yes, I was with the Viking Division.

Q Participated with the Viking Division in the campaigns in Poland and Russia? Strike that — Campaign in Russia, not Poland?

A Yes, I participated in the campaign in Russia with the Viking Division.

Q That was likewise an SS Division?

A Yes, that was also a division of the Waffen SS.

Q With that division, were you charged with the responsibility of plans and training?

A I was regimental adjutant and battalion commander with the Viking Division. At that time I had nothing to do with the plans of the division.

Q Are you familiar with the thousands of prisoners of war and the thousands of civilians that were murdered by the Viking Division?

A No, I don't know anything about that.

Q Do you deny it?

A The Viking Division did not murder thousands of prisoners and civilians.

Q Only hundreds, was it?

MR. STRONG: Objection, if it pleases the Court. This question seems to have no bearing on the issues that were brought out on direct examination.

PRESIDENT: The objection is sustained.

(Ziemssen-Cross)

Tk #210
SR-6/20-5

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q You say that the LSSAH, prior to the Eifel Offensive, conducted a training program relative to the treatment of prisoners of war?

A In the beginning of the time of training of the division in Westfalia, elementary orders and instructions were issued with reference to the training; and in this order it also said that the troops were to be instructed about their attitude during the war and regulations according to the law in war.

Q In other words, there is no question but what all the troops in your division of the LSSAH had full and ample instructions on provisions of the Geneva Convention as apply to prisoners of war?

A In order to be sure that every man was instructed, it was ordered that. Strike that. It was expressly ordered at that time because many young men came into the division and that they would receive those instructions.

Q You still have not answered my question. Are you sure that every man in your division received instructions relative to the treatment of prisoners of war as provided by the Geneva Convention?

A I cannot say that for every single man in my division.

Q Did you not say on direct examination that you not only conducted this training program but you checked to see if the instructions had been carried out?

A Among other things, I was ordered by the commander of the division to supervise the performance of the orders with reference to the training.

Q Well, you checked them to see if they were carried out, did you not?

(Ziemssen-Cross)

Tk #210
SR-6/20-6

A (Speaking in German Language) - -

Q (Interrupting) Can you not answer that question Yes or No?

A Yes.

Q Thank you. What was the result of your check?

A As the result of my check I found out that the men in the units were instructed and trained according to the regulations which the units had received.

Q That is, all units in your division?

A All my units in the division.

Q That includes these men sitting over here in the prisoners' dock from the 1st Panzer Regiment?

A The training was especially correct in the 1st Panzer Regiment.

Q You at that time were G-3 in the division?

A Yes.

Q Of course, you were thoroughly familiar with the provisions of the Geneva Convention as apply to prisoners of war?

A I know the regulations.

Q How does it read?

A The prisoner is to be treated decently. He is only obliged to give his name, rank and serial number in case of his capture. Then he is to be removed from the fighting area. He has a claim on regular maintenance, if it is necessary, also medical treatment. His private belongings are to be left on him.

Q Is he supposed to carry ammunition, for example, from an ammunition dump to a tank or artillery base for the enemy while combat is going on or whether combat is going on or not?

Tk #210
SR-6/20-7

A As soon as possible he is to be removed from the fighting area.

Q I did not ask you that, did I? I asked you if a prisoner of war was supposed to carry ammunition from a supply dump to a tank or artillery base during combat?

A Nothing is said about that in the regulation.

Q You mean there is nothing in the regulation that prisoners of war cannot be used for duties connected with combat with the enemy?

A Yes, it says there that the prisoners of war are not to be used in combat.

Q Do you think carrying ammunition to an artillery base is a combat operation?

A It is a support of the combat.

Q Well, would you say that that is permitted under the Geneva Convention?

A No, it is not permitted.

Q What about prisoners carrying the wounded of the capturing force under artillery fire? Do you think that is permitted under the Geneva Convention?

A No, it is not permitted.

Q Do you think forcing prisoners of war to dig slit trenches or foxholes for the capturing force is permitted under the Geneva Convention?

A No, that is not permitted either.

Q Were your officers, especially in the 1st SS Panzer Regiment, well trained in the regulations of the Geneva Convention?

A They were instructed about the Geneva Convention.

Q Were they well trained?

(Ziemssen-Cross)

Tk #210
SR-6/20-8

A I already said before that the 1st Panzer Regiment was trained especially correct and especially well.

Q Did you say that they were well trained, the officers in the 1st Panzer Regiment?

A Yes, they were well trained.

Q Part of Skorzeny's group was committed with your division, was it not?

A Yes.

Q They were likewise well trained in the principles and provisions of the Geneva Convention, were they not?

MR. STRONG: Objection. There has been nothing about the training of troops of Skorzeny brought out in direct examination from this witness. This witness testified about the 1st Panzer Division and not about any other units.

CAPTAIN SHUMACKER: I would like to be heard on this question, if the Court please. This witness has testified that part of Skorzeny's groups was committed with the division. Furthermore, to test this witness' credibility, I have a right, I believe, to go into this matter.

MR. STRONG: May I say something further? This witness has testified that the group Skorzeny was attached to the 1st Panzer Division immediately prior to the offensive. The training courses about which this witness speaks have been held for quite some time before. Therefore, there is no time for correlation between the training courses given to the ordinary members of the Leibstandarte and anything which might have happened to the Group Skorzeny.

CAPTAIN SHUMACKER: The question was — I asked this witness if he knew whether Skorzeny's troops had been trained.

Tk #210
SR-6/20-9

PRESIDENT: The objection is overruled.

LAW MEMBER: That question should be answered Yes or no.

CAPTAIN SHUMACKER: Does the witness recall the question?

THE WITNESS: No.

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

(Whereupon the question was read by the reporter as follows:

"They were likewise well trained in the principles and provisions of the Geneva Convention, were they not?")

THE WITNESS: On the 15th of December 1944 I met the gentlemen of the group of Skorzeny for the first time.

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q In other words, you do not know whether they were trained or not in these matters, is that correct?

A No, I don't know that.

Q On direct examination you related a conference that took place between the accused Peiper and yourself in which the question was discussed as to who in the Panzer Regiment would be in charge of guarding and evacuating prisoners of war.

A There was an exercise which was conducted by Colonel Peiper for the officers of his regiment.

MR. STRONG: Correction. May it please the Court, the words "sand table conference" would be better.

THE WITNESS: (Continuing) At this sand table exercise it was demanded that a Panzer Unit had to advance very fast and that the vehicles had to remain together.

Ta-211
6/20/46
sh-1
9:30

Q I just asked you if you testified on that subject on direct examination?

A Yes.

Q And you also testified on direct examination that the conclusion or the decision reached was that the guarding and evacuation of prisoners of war taken by such a unit as Peiper's would be handled by the crews of the knocked out tanks?

A I stated, when the matter of guarding prisoners of war was brought up, Col. Peiper recommended that in the first place personnel of knocked out tanks had to take over the guarding of the prisoners of war. That doesn't include the evacuation.

Q In other words, the crews of the knocked out tanks were just to stay at the place where the prisoners were taken and guard them there, is that right? Can't you answer that yes or no?

A Yes.

Q Thank you. So there is quite a different operation between the taking or capturing of prisoners of war and evacuating them, is there not?

A The evacuation had to be done by other people.

Q Well, I say it is a different operation altogether?

A Yes, there is a difference.

Q So the taking of prisoners and the evacuating of prisoners to a collection point are two different and separate things?

A Yes.

Q In the Divisional operational order you say that the task of evacuating prisoners of war was to be taken over by the Panzer Grenadier Unit and the Reconnaisance Units? Is that what you testified to on direct examination?

A That is not correct, like this.

Q What did you testify to?

(Ziemssen - Cross)

Ta-211
sh-2

A It is a duty of the Panzer Grenadiers to take over the prisoners who had been taken by the Panzer Units and the Reconnaisance Units.

Q That order went to Peiper?

A Yes.

Q On what date did you go along the route of march from Stadtkyll to Engelsdorf?

A I left the area of Schmidtheim, on the 16th in the evening and arrived in Engelsdorf on the 19th, in the afternoon.

Q Will you state your route of march by names of towns?

A Yes. Command Post of the Division on the 16th, in the South of Schmidtheim. I went to the positions on the west wall on the 16th, on the way from Stadtkyll to Losheim, on the 16th, at night, in the Command Post of the Division in Hallschlag. On the 17th I remained at Hallschlag. Several times I went on the road from Hallschlag to Losheim. During the night from the 17th to the 18th I was on the road from Hallschlag to Losheim. On the morning of the 18th I went across Losheim -- the Losheim ditch, in southwestern direction, and in one locality there I met Oberfuehrer Mohnke again who had gone ahead; I guess the name of the place was Manderfeld; on the 18th at noon to Honsfeld; on the 18th I put the blocking in Honsfeld aside. During the night from the 18th to the 19th I was in the Command Post of the Division to the South of Honsfeld. In the morning of the 19th, from Honsfeld through the forest in a Southwestern direction to Amel; from Amel on the road to Engelsdorf, and there I arrived in the afternoon of the 19th.

Q Did you go through Buellingen?

A No.

Q Did you pass the Cross-roads about three kilometers North of Engelsdorf?

A No, I was not North from Engelsdorf.

(Ziemssen - Cross)

Q Was the Division C.P. in Engelsdorf when you got this order to investigate the murder of American prisoners of war that allegedly took place South of Malmedy?

A I don't understand the question as to the report.

Q I will rephrase the question. Perhaps it wasn't clear. Was the C.P. of the 1st SS Panzer Division located in the town of Engelsdorf when you received an order to investigate an alleged murder of American prisoners of war?

A I did not receive such an order.

Q Did you ever hear of such an order?

A No.

Q When was the first time you heard anything about prisoners of war allegedly being killed by units under your Division?

A In August 1945, from the "Stars and Stripes".

Q That is the first time you heard anything about it?

A Yes.

Q You never heard about it over the radio or from any other source?

A No.

Q And your Division made no investigation and made no report to the 1st Corps about any prisoners of war being murdered during this offensive, did it?

DEFENSE (MR. STRONG): Objection. This witness has testified that he was wounded on December 21, 1944.

PROSECUTION (CAPT. SHUMACKER): We object to counsel's - through the argument - telling this witness what to say. Just let him answer the question, whether he knows it or not.

LAW MEMBER: This witness may know.

PROSECUTION (CAPT. SHUMACKER): Now, will you please read the question (to the reporter)?

(Ziemssen - Cross)

Ta-211
sh-4

(Whereupon the reporter read the last question by the Prosecution.)

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER):

A I cannot say this, since I was away from the Division for a rather long period of time.

Q You were in Engelsdorf on the 19th, were you not?

A I arrived in Engelsdorf in the afternoon of the 19th.

Q How long did you stay there?

A Until I was wounded on the 21st.

Q You were with the Headquarters there then until the 21st of December, is that right?

A Yes, with the exception of the afternoon of the 20th. In the afternoon of the 20th I was in Recht.

Q You didn't go to Wanne, did you?

A No, I was not in Wanne.

Q And what time were you wounded on the 21st?

A In the evening of the 21st.

Q So you were with the C.P. of your Division until the evening of the 21st, is that right?

A Yes.

Q How long were you incapacitated as a result of your wound?

A Until the middle of February.

Q And then you returned to your Division?

A Then the Division was transferred to Hungary.

Q I asked you if you returned to your Division?

A Yes.

Q When you returned to your Division, did you resume your former duties as G-3, or in German 1-A?

A Yes.

Q And after you returned you heard nothing about this alleged

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murder of American prisoners of war committed by units under your Division during this offensive?

A No, I did not hear anything about it.

Q Ziemssen, do you suffer with intermittent attacks of amnesia?

DEFENSE (DR. WIELAND): I object to that question. A similar question was refused already some time ago.

PROSECUTION (CAPT. SHUMACKER): I will make it very competent and very relevant in about the next question, if the Court please.

PRESIDENT: Objection overruled.

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER):

Q And what was your answer?

A If I understand correctly, I was asked whether or not I was suffering from amnesia.

Q No, not if you are suffering, but if you do suffer from intermittent attacks of it? I will rephrase the question so there won't be any doubt as to the witness understanding what I mean.

As a result of the wounds you received, or any other cause that you know of, are there occasions when your memory completely fails you?

A No.

Q About three weeks ago you were interrogated every day, were you not, by Mr. Thon sitting here, as to the contents of the operational order and the order of the day you received from the Army prior to this offensive, is that correct?

A Yes.

Q And you told Mr.Thon every day for days -- five days in a row - that you could not remember the contents of either one of those orders, did you not?

(Ziemssen - Cross)

Ta-211
sh-6

A This representation is not correct.

Q Did you tell him what the contents of those orders were? Can't you answer that?

A I repeatedly told the contents of the order of the day of the Army, and I also gave the contents of this order in the presence of Lt. Col. Ellis.

PROSECUTION (CAPT. SHUMACKER): Just a minute...it doesn't seem to me that all that answer was translated.

DEFENSE: May it please the Court, let the witness answer the question.

PROSECUTION (CAPTI SHUMACKER): I am just anxious, Col. Everett, that that is answered and gets into the record. They say that the entire answer was translated, so I apologize.

A ....on Friday the 10th.

DEFENSE (MR. STRONG: I believe the last answer of the witness has not been completely translated.

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER):

Q So you say that the first day you were talked to you told the contents of the Army order of the day and the operational order to Mr. Thon?

A No, I did not say that.

Q On which of the interrogations did you tell him the contents of the operational order and the order of the day?

A I was interrogated nine days, partly all day long, and in the course of these nine days, and I gave Mr.Thon the contents of the order of the day of the Army, how I could remember and how I stated it to this Court repeatedly.

Q Did you tell him the contents of this Army order of the day the first day he interrogated you? Can't you answer that yes or no?

A I already gave him part of the order of the day of the Army

Ta-211
sh-7

on the first day of the interrogation.

Q Didn't you say that you heard about this case and volunteered as a witness?

A I said to Mr. Thon that I was here as a witness, after I had read in the newspaper that this trial was to be started.

Q That was before you came to Dachau. Were you here when you read about it in the paper? Can't you answer that yes or no?

PRESIDENT: Just a minute. The interpreter will direct the witness to answer "yes" or "no" to direct questions.

(Whereupon the interpreter did as directed.)

A Yes. I read the newspaper here in Dachau.

PROSECUTION (CAPT. SHUMACKER): If the Court please, I have so many matters to take up...

PRESIDENT: The Court will recess until 1030 hours.

(Whereupon at 1000 hours the Court recessed.)

(Ziemmsen - Cross)

#212
C-20-1

(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 Prosecution with the exception of Lieutenant Colonel Crawford, absent on business of the Prosecution and Captain Byrne excused by verbal order of the Commanding General, all the members of the Defense with the exception of Mr. Strong, Dr. Pfister and Dr. Leiling, absent on business of the Defense, all the defendants and the reporter are present.

DEFENSE: The Defense recalls Lieutenant Colonel Dietrich Ziemssen.

DIETRICH ZIEMSSEN, a witness for the Defense resumed the stand and testified as follows:

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

CAPTAIN SHUMACKER: The witness is reminded that he is still under oath.

WITNESS: Yes.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (Capt Shumacker)(Cont'd):

Q Is it true or not Ziemssen that when you were first interrogated here at Dachau by Mr. Thon, you told him you needed time to remember the contents of the Army order of the day issued for this offensive?

A Yes.

Q So you were unable to remember the contents of the order the first time you were interrogated?

A I could not state it without my further thinking upon the first question.

Q Prior to your being interrogated, had you not sent a note to someone volunterring as a witness in this case?

A Yes.

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Q To volunteer as a witness in this case you of course had to know the issues at stake, did you not?

A Yes.

Q When you volunteered as a witness what did you plan to testify to?

A I wanted to appear as a witness to the facts, as it appeared to me that the incidents as they were described in the paper were not properly described.

Q Were you present at the crossroads south of Engelsdorf between 1:00 and 2:00 o'clock the afternoon of 17 December 1944?

A No.

Q Do you know of your own knowledge what happened there?

A No.

Q Were you present in Engelsdorf on the afternoon of 17 December?

A No.

Q Do you know of your own knowledge what happened there?

A No.

Q Were you in the town of Wanne Belgium on the 20th of December 1944?

A No.

Q Were you ever in Petit Thier during this offensive?

A No.

Q Were you ever in Lutre Vois in the vicinity of Bastogne during this offensive?

A No.

Q When you volunteered as a witness, you didn't plan to testify as to any facts that took place at these places I have mentioned, did you?

A I cannot testify to anything that happened in those towns.

Q So the only thing left for you to testify to was about orders that had been issued, is that not correct?

A Yes.

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Q And despite that fact, when you were first interrogated by Mr. Thon, then you couldn't remember the contents of the order?

A Yes.

Q And to help you refresh your recollection, Mr. Thon and later Lieutenant Colonel Ellis brought you the statements written in German by some of the accused, Peiper, Gruhle, Kraemer and others.

A Yes.

Q But never during the course of the interrogation by Mr. Thon or Lieutenant Colonel Ellis were you able to give the contents of this Army order of the day as you have given it to the Court from the witness stand?

A Yes, I was able to do that.

Q On which interrogation did you do it?

A I remember quite precisely, Friday the 10th. I stated the contents of the order that day in the presence of Lieutenant Colonel Ellis and was interrupted while doing so.

Q That was which interrogation? In other words, how many times and how many days were you interrogated when you gave the information?

A That was the sixth day.

Q The sixth day. Who had you talked to in the meantime if anyone other than Mr. Thon and Lieutenant Colonel Ellis who might have aided you in refreshing your memory?

A I talked to one German officer whose name I also gave to Mr. Thon, but who was not informed of these matters.

Q When did you talk to Maier?

A I talked to Maier when we met while being called for interrogation by the Defense.

Q How many German officers by the name of Maier do you know?

A Very many.

Q How did you know which one I was talking about when I asked the last question?

A Because the Maier we are talking about is the one about which Mr. Thon told me he had now found the G-3 of the Hitler Youth Division

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one Lieutenant Colonel Maier.

Q Is that the one you are talking about?

A Yes.

Q Now you say after you went from Hallschlag to Engelsdorf you saw approximately eight hundred prisoners of war?

A Yes.

Q What percentage of those did you see between Hallschlag and Honsfeld?

A Could I cite the individual cases?

Q I just want an approximate percentage. Did you see half of them between Hallschlag and Honsfeld or did you see most of them between Honsfeld and Engelsdorf?

A About two-thirds of them were east or rather south of Honsfeld.

Q Do you mean between Honsfeld and Engelsdorf?

A That is between Honsfeld and Hallschlag.

Q Two-thirds between Hallschlag and Honsfeld and one-third between Honsfeld and Engelsdorf?

A Approximately like that.

Q You stopped and talked to these prisoners, did you?

A I talked briefly to the troops which took the prisoners back or were guarding them.

Q From what units were these troops?

A Most of them probably were from the American 99th Infantry Division.

Q I am talking about the men who were guarding them.

A They were members of the regiment 1, division Liebstandarte and others.

Q What others?

A In one case I remember two men who were with an SPW from the SPW group attached to the panzer unit.

Q So you remember two panzer grenadiers in other words, and all the others you remember were from the 1st panzer regiment?

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A No, not that way, no. There were some in the grenadier regiment 1, and in one instance I particularly remember there were two of them from the grenadier regiment 2.

Q Now, panzer grenadier regiment 1 did not travel the route from Honsfeld to Buellingen to the crossroads to Engelsdorf, did it?

A Grenadier regiment 1 took the route by way of Ameln.

Q Again I repeat my question. It did not travel the route from Honsfeld to Buellingen to the crossroads to Engelsdorf, did it?

A No.

Q The first panzer grenadier regiment of which you were speaking was not attached to or connected with the combat group Peiper, was it?

A No.

Q Now, other than these men from the 1st panzer grenadier regiment, the guards you saw were from the 1st panzer regiment and two men from an SPW from the 2nd panzer grenadier regiment?

A Not all the others were from the 1st panzer regiment. Near the Kaiser barracks I know there were members of the panzer regiment.

Q In other words, you did see them, panzer troops, presumably crews from knocked out tanks evacuating prisoners of war, is that correct?

A These were not members of any knocked out tanks, but rather these men were members of a service unit which had taken over the prisoners.

Q What panzer grenadier unit was attached to Peiper's combat group?

A The third battalion, second regiment.

Q Did you not testify on direct examination that the operational order of the division provided that the evacuation of prisoners of war would be taken care of by the grenadier troops attached to Peiper's combat group?

A No, not that way.

Q Do you mean to say that you did not testify that prisoners captured by the tank units and the reconnaisance battalion would be evacuated by grenadier troops?

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A I said that it was the job of the grenadier units to take — that is, grenadier units following the tank units to take over the prisoners from the tank units in reconnaisance. This was not to mean these had to be those grenadiers attached to the combat group.

Q What grenadier troops on and after 17 December 1944 ever caught up with Peiper's combat group?

A Other than the third battalion of the 2nd panzer grenadier regiment that was attached to it?

Q On the night from the 18th, 19th to the 20th December, the second battalion of the 2nd regiment was sent to the area of LaGleize by way of a foot march. Were you there?

A No.

Q Do you know if they ever got there?

A Yes.

Q How do you know?

A By radio reports.

Q You were in Engelsdorf at that time?

A Yes.

Q Your radio was in contact with Peiper's combat group in La Gleize?

A Yes.

Q And with corps headquarters?

A Yes.

Q What other communication did you have with corps? Did you have messenger service - did you have messengers riding vehicles or motorcycles between your division headquarters and your headquarters?

A Yes.

Q On the 20th and 21st December 1944, there was no breakdown in communications either by messenger or radio between division and corps, was there?

A No.

Q You say when you saw some of these prisoners returning to the rear, you established a prisoner of war collecting point?

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A Yes.

Q Did you testify on direct examination that a collecting point was already established in the operational order?

A The operational order stated that prisoners of war collecting stations would be established next to the fuel dumps.

Q Now, this book called 'Tschings-Chan and his Legacy,' you say you received in 1936, you say that the tenor of the book and the purpose of the book was to inform the reader how Asia could be organized for combat against Europe, is that correct?

A Not that way. When I said that when this book was handed to us, it was handed to us with the purpose of explaining to us what Asia would be capable of doing.

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Q It was not otherwise an orientation as to the new method of warfare that could be used by the Germans ?

A No, it was not that way.

Q Did you read the book ?

A I read the book by Prawdin about Tschingis-Chan called "A storm from Asia".

Q I hand you a book - is that the one you are referring to ?

A The type was different but it is the same author - it is about Tschingis-Chan but it is different - it is all mentioned here. That is a summary and is probably different from the one I received.

Q This is an abbreviation of the book you read, or an abridged edition, you might call it ?

A According to what I can see by it - No! it is an extension of it.

Q A supplement you mean ?

A I cannot say that.

Q Have you ever read this book ?

A I read a book about Tschingis -Chan " A Storm from Asia.

Q Don't you know as a matter of fact, that the book that you read and the one that I have shown to you was literature that was practically required reading for every SS officer ?

A No.

Q Don't you know as a matter of fact that the distribution of this volume was so large - one being supposed to be available for every platoon of the SS ?

A No.

Q Ziemssen, you fail to see any parallel whatsoever between the method of warfare employed by the SS and those used by Tschingis-Chan as related in the book you read ?

DEFENSE:(Mr STRONG) I object to this question as it now calls for conclusion of the witness.

PRESIDENT: Objection sustained.

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Q Ziemssen, where is Mohnke, your Divisional Commander ?

A I don't know. I was told by the Prosecution that he was located here.

Q Who told you he was located here ?

A Mr Thon told me that he had picked up Oberfuehrer Mohnke from his private apartment in Lubeck.

Q You don't see him sitting there in the prisoners' dock do you ?

A I don't see him.

Q One other question, you were asked on direct examination this question in substance "Did the army order of the day issued prior to the Eifel offensive contain any statement about a wave of terror and fright that should precede the troops and that all resistance should be broken by terror ?

A Yes

Q And you answered the question in the negative ?

A Yes

Q You yourself prepared the divisional order that was transmitted to the 1st SS Panzer Regiment ?

A Yes.

Q You know, of course, that if you answered that question in the affirmative, that it might be incriminating insofar as you are concerned personally ?

DEFENSE: I object to that type of question may it please the court.

PROSECUTION: (Capt SHUMACKER). If the court please, I think that question is perfectly competent to attack the credibility of this witness. One of the main basis of judging the credibility of a witness is first, his opportunity for knowing the facts and second, his interest or lack of interest about the matters about which he testified. I think this question if the witness answered would certainly show his interest or lack of interest in the issues at stake.

DEFENSE: May it please the Court: This witness is a

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prisoner of war of the American Government and he is entitled to treatment under the Geneva Convention and is not to be intimidated by the Prosecution in this case. He is not charged with any crime or is he connected with any crime whatsoever.

PRESIDENT: Objection over-ruled.

A I was told several times during the interrogation by the Prosecution that I could choose between being a prosecution witness or being made an accused myself that is why I am informed in this matter.

PROSECUTION:(Capt.SHUMACKER) It is not responsive to the question but I have nothing further.

REDIRECT EXAMINATION

QUESTIONS BY THE DEFENSE:(Dr RAU)

Q For purposes of clarification, will you repeat whether you changed anything in the army order of the day ?

A No.

Q How did you happen to get wounded in Engelsdorf on the 21st December ?

A Artillery fire was put on Engelsdorf on the request of the G-2.

Q Was there artillery fire in this offensive on the previous days too ?

A No, that started on 19 December.

Q When were the air attacks made on this area ?

A Air attacks were made continuously in that vicinity.

Q I want to repeat another question, among the guards, did you also see some men from the combat group "Peiper" ?

A Yes.

EXAMINATION BY THE COURT:

QUESTIONS BY LAW MEMBER:

Q You just testified that the artillery fire was placed on

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Engelsdorf at the request of the G- 2 ?

A Yes

Q What G-2 ?

A The G-2 of the 30th United States Infantry Division.

Q How do you know that ?

A It so happened that I had the opportunity of talking to a Mr Ullmann last September who was working in the G-2 at that time and he told me about what happened.

Q Were you present at the Divisional Command post on 15th December when Dietrich visited you Division ?

A Yes

Q Were you present when his conversation took place with your Divisional commander ?

A No; Not all the time , but part of the time.

Q Were you present at the Korps Commanders' meeting when the Korps Commander issued instructions to the Divisional Commander ?

A Yes I was at the Korps C.P. on 15th December.

Q Is that the meeting when Skorczeny was present ?

A Yes, that is the one.

Q Did you hear the entire conversation which took place ?

A Yes, I was present throughout .

Q Who else was present at that meeting ?

A The Divisional Commanders of the 1st Korps partly, together with their G-3 were present.

Q Was Peiper present at the Korps meeting ?

A Yes, Peiper was also present at the meeting.

Q Was Knittel present ?

A I do think so but I'm not sure.

Q Did you see any dead American soldiers between 17th and 21st December 1944 ?

A Yes.

Q Where ?

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A In the vicinity of the American positions across the road from our west wall positions.

Q Will you go to the map and point it out ?

A Yes. Our home positions were approximately here and on my way to Honsfeld I crossed the Rail Road tracks about here (indicating) and in the vicinity of Losheim and Lanzerath past the former American position, and that is where I saw the American soldiers who had been killed in action.

Q Did you see any in Honsfeld ?

A No, not in Honsfeld . I only saw knocked out vehicles there.

Q When you saw these dead American soldiers in the vicinity of Losheim and Lanzerath were they in groups or spread over the ground?

A No, those were individually right next to their positions.

Q Where else did you see dead American troops between Losheim and Engelsdorf ?

A No

Q Did you see any in Engelsdorf itself ?

A No.

PRESIDENT: Anything further ?

PROSECUTION: No further questions

DEFENSE: Nothing Further.

PRESIDENT: There appear to be no further questions.The witness is excused.

(Whereupon the witnesswas excused and withdrew).

DEFENSE: The Defense calls as its next witness Lt Col McGown. Lt Col Dwinell will conduct direct examination on behalf of the Defense. This witness has been flown from the United states and it is requested that he be excused permanently after completion of Direct and Cross examination.

Lt Col HAROLD D McGOWN a witness for the Defense was duly

(McGown-direct)

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SWORN and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE: (Lt Col LWINELL)

Q What is your name ?

A Harold D McGown.

Q Are you an officer in the Army of the United States ?

A I am.

Q What is your rank ?

A Lt Colonel.

Q Are you commissioned in the regular army ?

A I am, Yes.

Q How long have you been an officer in the regular army ?

A Since July 1st 1940.

Q What is your present assignment of duty ?

A At the present time I am an instructor in the Infantry School at Fort Benning, Georgia but I am, however, under orders at the present for a change of station to the Armored School at Fort Knox.

Q Do your orders give you an assignment of duty at Fort Knox ?

A Yes. that is correct. I report there when I finish at this trial.

Q Did you ever have combat experience in world war number 2?

A I did. I fought in the European Theater, in all five campaigns from Normandy through Central Europe.

Q Were you in command of a unit at this time ?

A Yes, I was Regimental Operations Officer of the 119th Infantry Regiment up until November 1944 and after that I commanded the 2nd Battalion of the same Regiment until the end of the war.

Q Did you participate with your unit in the battle of the Bulge ?

A I did, Yes.

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Q In referring to the Battle of the Bulge, was that also known as the Ardennes offensive ?

A It was.

Q Was it also known as the Runstedt offensive ?

A It was.

Q When were you first engaged in combat in the Battle of the Bulge ?

A December 18th 1944.

Q Where ?

A Approximately three miles east of Warbemont and Lorce-Cherbon, Belgium.

Q Will you please take a look at that map (indicating Prosecution's Exhibit 3) and say whether those towns or villages you have just mentioned are shown thereon ?

A No those places are not on the map.

Q Where in reference to the terrain shown on the map are those towns or villages located ?

A Well - Werbemont is about here (Indicating a point west of the map - Prosecution's Exhibit 3 about 5 kilometers west), and Lorce-cherbon is approximately here (Indicating a place just off the map-Prosecution's Exhibit 3 to the west).

Q And was this on the 18th December 1944

A It was.

(McGown -direct)

Q What happened then?

A I was operating under orders to move down the road to the east to contact the armored spearhead which had been unhalted up until this time, and halt it. My regiment, minus my battalion, was operating on the same mission on the LaGleize-Stoumont road to the north. Approximately at dark I ran head on onto an armored column, enemy. We were lucky enough to surprise them and destroyed the four leading halftracks and 15 Germans riding them. I held my position west of the small stream at Lorce-Ohervon on orders from higher headquarters. The armored column turned around to my front and I could hear the heavier vehicles, the tanks, withdrawing to the east.

Q Were you relieved from this position by any other unit of the American forces?

A I was relieved on the afternoon of the 19th with the 82nd airborne division.

Q On the 18th of December, 1944, did your unit capture any soldiers? German soldiers?

A One of the 15 germans we knocked out of the four half-tracks was badly wounded. He was brought to my C.P. and questioned there.

Q What happened then?

A Just before he died he gave his identification as the 1st SS Division.

Q Did he tell you what unit of the 1st SS Division he was from?

A He did not.

Q Did he tell you what battalion or regiment he was from?

A He did not.

Q Were you able to determine what unit of the SS Division the half-tracks were from that were knocked out?

A Not then. I was able to determine later.

Q What unit were they from?

A They were from the spearhead of the 1st SS Division operating under Lt. Col. Peiper.

Q After you were relieved by the 82nd Airborne, what happened then?

A I can show you better from the map. The night of the 19th I spent back off the map in an assembly area in reserve, back up in this location.

DEFENSE COUNSEL: (Lt. Col. Dwinnel) Let the record show that the witness is pointing to a place off the map in the northwest corner thereof. The map, Prosecutions Exhibit P-3.

A I was brought down to Tagnon and placed in assembly area there on the 20th and placed under regimental control.

Q Then what happened?

A On the morning of the 21st I received orders to attack and cut off the German force at Stoumont from LaGleize. The first battalion in my regiment was attacking Stoumont astride this road, moving in an easterly direction. Attacking Stoumont, moving in an easterly direction along this line.

DEFENSE COUNSEL: (Lt. Col. Dwinnel) Let the record show that the witness is pointing to a road leading into Stoumont from the northwest, Prosecution's map Exhibit P-3.

A I moved with my battalion across country through this very steep, rugged terain and cut half way in between the two towns of LaGleize and Stoumont. I was working with the leading elements and supervised the beginning of a road block consisting of blasted trees and mines at approximately that location.

LT. COL. DWINNEL: Let the record show that the witness is pointing to a point on a road about three-quarters of the distance from Stoumont to LaGleize on the map, Prosecution's Exhibit P-3.

A I was moving away from my front lines somewhere in this

area right here, when I was captured by the superior German forces.

DEFENSE COUNSEL (Lt. Col. Dwinnel): Let the record show that the witness pointed to a location in the woods north of the Stoumont LaGleize road, Prosecution's Map Exhibit P-3.

A I had my operations sergeant and radio operator with me at the time.

Q What was the date you were captured?

A It was on the 21st of December, 1944.

Q Was it in the morning or the afternoon?

A In the afternoon. In the middle of the afternoon.

Q Who captured you?

A The men of the 1st SS Division.

Q Do you know how many men captured you?

A There were some men who did not show themselves from my rear, who fired over my head, when we moved away from the men in our front. One non-comm. and three men came up and disarmed us.

Q Did you at any time find out just what unit of the SS Division these men belonged to?

A I did not. Except that I later found out they operated under Col. Peipor's command.

Q After you were captured, what happened?

A I was taken immediately down to a small house in this vicinity in here.

Q Was that house on a road?

A It was just off the secondary road, here.

LT. COL. DWINNEL: Let the record show that the witness pointed to a secondary read south of the Stoumont-LaGleize road and at a point about half way between Stoumont and LaGleize, on Prosecution's map, Exhibit P-3. Then what happened?

A I was taken into a room where a German lieutenant-colonel, whose name I later learned was Peiper, asked me some questions.

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LT. COL. DWINNEL: Let the record show that the witness pointed to a secondary road south of the Stoumont-LaGleize road and at a point about half way between Stoumont and LaGleize, on Prosecution's map, Exhibit P-3. Then what happened?

A I was taken into a room where a German lieutenant-colonel, whose name I later learned was Peiper, asked me some questions.

Q Is the Peiper you have just referred to an accused in this case?

A He is.

Q Would you be able to recognize him again?

A I would.

Q Will you take a look at the prisoners in the dock and see if he is among those present?

A I cannot see them too well. (Witness moves nearer the defendants). Yes, I see him.

Q What number is hea wearing?

A No. 42.

Q Did you have any conversation with Col. Peiper at that time?

A He obtained from me my name and rank, and no other information was exchanged on either side at the time.

Q Then what happened?

A I was then taken with the two men with whom I had been captured from this small house by way of the secondary road into the town of LaGleize. I was then placed in a small cellar with four other American officers of my own regiment.

Q When you entered LaGleize was it from the north, south, east, or west?

A It was from the south. This road dips toward the river and turns back straight north to pass by this large church.

DEFENSE COUNSEL (Lt. Col. Dwinnel): Let the record indicate that the witness pointed to a road at the south of LaGleize and to a church near the road. To a symbol indicating a church near the road., at the time he referred to entering the village of LaGleize. Prosecution's map Exhibit P-3.

Q When you say you were taken to LaGleize, what day and what time?

A The time was 1600 on the 21st of December, 1944.

Q Did you have a watch on at that time?

A I did.

Q At any time during the 21st of December 1944 did you see any American prisoners of war mistreated by any members of Peiper's unit?

A I did not.

Q At any time during the 21st of December were there any other prisoners of war in that vicinity but yourself?

A My operations sergeant, and radio operator, were with me when I was captured. They were separated from me when we arrived at LaGleize and I saw the four other American officers, whose names were Lt. Cunningham, Lt. Yeomans, Lt. Henley and one other officer whose name I cannot remember. I am sorry, Lt. Cunningham was Higginbottom; I continually get it mixed up.

Q On the 21st of December at LaGleize with the exception of those four other officers, the sergeant and the radio operator, did you see any other American prisoner of war?

A Later on that evening, I was shown into a large cellar where approximately 135 prisoners of war were being held.

Q Were these prisoners you have just mentioned prisoners of Peiper's unit?

A They were.

Q At that time did you have any conversation with these Americans?

A Yes. I stayed in the cellar for several hours. Since I was senior P.W. I took charge of them and organized them into a unit. I appointed a first sergeant and platoon sergeant and got a fair means of distribution of food and water settled upon by both the German captors, chief of which was a warrant officer, as well as fairness among the P.W.s themselves.

Q In your conversation with these Americans did you learn what unit they were from?

A I did. I questioned specifically, to bring my own knowledge upward, of them when they had been captured and where they were from.

Q What did you learn?

A The bulk of the prisoners, over one hundred, were from our 3rd battalion, which had been over-run on the 19th in Stoumont. There was several from our 1st battalion, who had been captured on the 20th. Lt. Yeomans was from the 3rd battalion group; Lts. Higgenbottom and Henley from the 1st Battalion; myself, my operations sergeant and radio operator, were, luckily, the only ones from my unit. There were some men from the 3rd Armored Division who were operating in this area. There were--

LT. COL. DWINNEL: Let the record show that the witness pointed to an area off the colored portion of the map and on the north part of the map, Prosecution's Exhibit P-3.

A There were also a few men from an artillery observation battalion, which number I cannot remember, that had been captured prior to the 3rd Battalion's men entering LaGleize as prisoners of war.

Q Do you know how these American prisoners of war were treated.

A That question was uppermost in my mind as soon as I began to talk with them. I specifically asked for any incidents which had occurred. I received quite a few answers. When I boiled these down the most serious were "Not good enough food since they had been captured and thefts of watches and rings."

Q Did you learn of any infractions of the Geneva rules?

A I believe the two that I have mentioned already are infractions of the Geneva rules, but inasmuch as we are guilty of the same I found no--

PROSECUTION: If the court please, I object to that part of the answer.

A I found no serious infractions.

PROSECUTION: I move to strike that part of the answer and the Court be instructed to disregard it, referring to treatment by Americans.

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PRESIDENT: The objection is sustained and that portion of the witness' statement as regards the action of Americans will be stricken from the record and disregarded by the Court.

Q Did you learn of any infractions of the Geneva rules?

A No serious infractions.

Q Will you describe this cellar in which the prisoners of war--American prisoners of war were at that time?

A This cellar was very large, well constructed, and relatively new. It was the finest cellar Isaw in LaGleize and I visited five cellars in all.

Q Besides the 135 prisoners of war about which you have just testified, and the officers who were also prisoners of war, did you see any other prisoners on that day?

A I did not.

Q Did you have any conversations with the American prisoners of war on that subject?

A Yes. I asked if there were any more and the answer was that they were all they knew of.

Q On that trip, and if you will indicate it, please, on the map, from Stoumont to LaGleize, did you see any prisoner of war mistreated or shot?

A (Witness indicates on the map). I did not.

Q On the road just before entering LaGleize did you pass a large church at the entrance to the town? And will you indicate that on the map? If you did.

A I did. This large church at the south end of the town on the right side of the road.

DEFENSE COUNSEL (Lt. Col. Dwinnel): Let the record show that the witness pointed to the symbol indicating a church at the south end of the town, just southwest of a road. Did you see any dead American soldiers at that place?

A I did not.

Q Did you see any American--any dead American troops in LaGleize on that day?

A I did not.

Q Do you remember approximately the time of day you passed by that church?

A Approximately 1400.

Q You spoke about being in a large cellar in LaGleize. Were you kept there all day?

A No, I was removed from that cellar that evening and taken back to the small cellar where the four other officers were.

Q At any time during the 21st of December did you see Col. Peiper again?

A Yes. Late that night I was called from this small cellar to a cellar immediately across the street from the big church.

Q Was that the night of the 21-22 December?

A It was.

Q And what happened when you were taken to that place?

A Col. Peiper questioned me for Tactical information and when I gave none, sent me away.

Q Were you then taken to another cellar?

A I was.

Q What happened there.

A A German 2nd Lt. and several N.C.O's further questioned me for tactical information.

Q Did you give them any tactical information?

A I did not.

Q And then what happened?

A At my refusal to talk, they appeared to lose interest in the proceedings and finally started a conversation among themselves.

Q Then what happened?

A I was taken back to Col. Peiper's C.P.

Q Did you and Col. Peiper have any conversations at that time?

A We talked until five o'clock the next morning.

Q Will you state what the conversation was about?

A The conversation covered general subjects, politics, why Germany was fighting the war, and so forth. He also covered somewhat the big picture behind Rundstedt's counter offensive which was very interesting to me.

Q Do you speak German?

A I do not.

Q In what language did you converse with Col. Peiper?

A In English.

Q Was there anything else said?

A Yes. I specifically requested Col. Peiper to give his own attention to taking good care of the large number of American prisoners he had under his control.

Q What did he say about that?

A He said that he would do so.

Q Did this conversation last until the early hours of the morning?

A I was taken out of the cellar where Col. Peiper was at five A.M. the 22nd of December.

Q After the conversation had terminated, what did you do next?

A I was taken by my guard back to the small cellar where the four other American officers were.

Q Did anything unusual happen while you were in the cellar to which you said you had just been taken?

A Yes. The artillery started to increase terrifically during the day. The cellar in which we were was a three-quarters cellar; that is, approximately a quarter to a third was above ground. A 105 shell made a direct hit on the wall two feet to my left and killed the German sitting beside me. The five guards had all come down into

the small cellar with the officer prisoners. A few minutes later another shell landed in the same hole, or just outside of the same hole, and filled the room with shrapnel. Lt. Henley of the 1st Battalion B-Company was killed instantly. Another German was mortally wounded; he died in about thirty minutes; and another German wounded. We remained in the cellar until late afternoon when parties of American enlisted men acting as litter bearers came in and removed the dead and wounded from the cellar. We were removed at this time and placed in the large cellar with the rest of the American prisoners of war in LaGleize.

Q When you were put in the large cellar, what did you learn with respect to the prisoners of war who were there at that time?

A Their condition was unchanged.

LT. COL. DWINNEL: I have several more questions.

LAW MEMBER: You mean this is a good place for you to break?

LT. COL. DWINNEL: Yes, sir; this is a good place for me to break, now.

PRESIDENT: The court will recess until 1330 hours.

(Whereupon the Court reconvened at 1200 hours.)

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AFTERNOON SESSION

(Whereupon Court reconvened at 1330 hours.)

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 Lieutenant Colonel Crawford, who is absent on business of the Prosecution, and Captain Byrne, who has been excused upon verbal orders of the Commanding General, all members of the Defense, all the defendants and the reporter are present.

DEFENSE COUNSEL: The Defense recalls Lieutenant Colonel Hal D. McCown.

LIEUTENANT COLONEL HAL D. McCOWN, a witness called by the Defense, having been previously sworn, resumed the stand and testified further as follows:

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

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

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Colonel McCown, you have just testified that on the 22nd of December you were again placed in a large cellar in LaGleize. Then what happened?

A On the 22nd in the afternoon I stayed in a large cellar until darkness, some time after dark, and was once more taken to Colonel Peiper's CP, which was a small house down in the center of LaGleize.

Q Will you describe that house?

Tk #215-SR
6-212

A Well, it was nothing outstanding, just a small cottage.

Q Did you have any conversation with Colonel Peiper on the night of the 22nd-23rd of December?

A I did. I talked again with Colonel Peiper from that time until some time between midnight and the following morning. It was before daylight when I left the CP.

Q Will you state the substance of the conversation you had with Colonel Peiper during that night?

A The substance of the conversation was the same as the night before, on general subjects centering mainly on politics.

Q Was there any tactical information exchanged?

A There was none.

Q Did you discuss anything about prisoners of war?

A Yes, early in the conversation. Colonel Peiper brought to my attention an incident which had occurred that day. At this time he stated that during an American armored infantry attack coming from the east, supported by smoke and artillery, that the American troops had approached among the first buildings on the eastern side of LaGleize, actually at the southeastern road since the road was the axis of the attack. He said that at this time several American PW's who had been employed in work details in LaGleize had attempted to escape by running. He said that in the confusion, to which he himself was a spectator and could testify to the same, that approximately 9 -- and to the best of my ability I say 9 -- it won't vary far from that number -- 9 PW's were killed. I cannot swear as to the exact number

Tk #215-SR
6/20-3

as it escapes my memory, but the number was approximately that. Colonel Peiper stated also that he was sorry it had occurred and for me to announce to the remaining PW's in the town to not attempt to run in the future or they would be shot, he did not want any future, he stated.

Q You said he asked you to make an announcement to the American prisoners of war. Did you do that?

A I did.

Q At the time you made that announcement did you have any conversation with the American prisoners of war?

A Yes. To the best of my memory, there were three or four work details, each of approximately one squad size, working during the day of the 22nd. I specifically questioned these men on this circumstance. I was unable to get a definite story of what had happened but the information I received gave me no cause to fear foul play so I let the matter drop.

Q Referring again to the conversation with Colonel Peiper on the night of the 22nd-23rd December, when did those conversations terminate?

A They terminated before daylight -- I am not sure of the time. Movement in the town was excellent during daylight because artillery and mortar observations made movement practically impossible.

Q Was there artillery fire during the night?

A The artillery fire during the night was exceedingly heavy at times and intermittent at others. It never let up for any period.

Q During the time you were in LaGleize did you see any American prisoners of war killed by artillery fire?

A One 2nd Lieutenant was killed in the cellar with me -- a small cellar. I did not see any others killed.

Tk #215-SR
6/20-4

Q What happened in the morning of the 23rd of December after your conversation with Colonel Peiper had terminated?

A I was taken back to the large cellar with a large group of FW's.

Q Did you remain there all that day?

A I remained there all that day except for one brief instance where I was again taken to Colonel Peiper's CP.

Q During the night of the 22nd-23rd of December and during your conversation with Colonel Peiper, was the subject of wounded soldiers discussed?

A It was. Colonel Peiper had decided to consolidate all of his wounded which had heretofore been spread out throughout the cellars throughout the town as well as a few American wounded.

INTERPRETER CHLOSTA: Will you read the question, please?

(Whereupon the question was read by the reporter.)

QUESTIONS BY DEFENSE COUNSEL (LIEUTENANT COLONEL DWINELL):

Q Was there anything else discussed concerning wounded soldiers?

A Yes, Colonel Peiper said that he was planning to move them into the large church which I indicated at the board, the large church at the southern end of the town. He was very much interested in knowing my opinion as to whether the American artillerymen did fire on the church. I was able to give him no satisfaction that they would not and told him that any concentration placed on the town would probably strike the church as well. However, he latertold me he had consolidated

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all wounded in the church and had suffered some further woundings of his casualties and a few deaths among both nationalities from both artillery and pieces of roof falling as the result of artillery.

Q What did you do during the day of the 23rd of December 1944?

A I remained in a large cellar with the PW's, except as I said before, except for the brief instance I was taken again to Colonel Peiper's CP.

Q Can you tell the Court about the treatment during the 23rd of December 1944, of the 135 prisoners of war that you have previously referred to?

A The organization of the prisoners of war in the large cellar was now very good. I had been with them long enough and made considerable pep talks to them to have their feelings rather high. They knew they would be released shortly since the German situation was bad.

Q Did they make any report to you of any violation of the Geneva rules?

A No, they did not.

Q During the time you were in LaGleize, do you know of any instance of failure to provide food and water for the prisoners of war?

A No, there was a large spring quite near the large cellar, to which the warrant officer in charge of prisoners of war permitted a water detail to go as often as was needed. There was a detail of approximately four cooks selected from the PW's who actually were cooks who cooked in kitchen space provided for, all the potatoes that was needed for the entire group. The food was not delectable but it was adequate.

Tk #215-SR
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Q You have referred to two men who were captured with you, the operations sergeant and the radio operator. Will you tell the Court about their treatment at the time you were in LaGleize?

A Both of these men served with me, the operations sergeant up until the time he was wounded at the crossing of the Rhine at Waisel, and they both conversed with me frequently about this. There was no mistreatment of them.

Q Did anything happen on the evening of the 23rd of December in LaGleize?

A It was in the afternoon when I was called to Colonel Peiper's CP, where he protested to me the fact that the Americans were using a heavy caliber direct fire weapon to fire on the houses in LaGleize and knock out his tanks. It was his belief that the direct fire weapon had been placed on the chateau at Stoumont which I have mentioned -- on the ledge of it -- which had been used as a hospital by Colonel Peiper. He said he would not have his gunners fire on the direct fire weapon because he could not be sure that his wounded and the American wounded had been removed from the chateau. I told him that it was the American evacuation plan to evacuate casualties when they were overrun and that he could be reasonably sure there were no casualties in the castle.

Q Did anything else happen that day?

A I was again taken to Colonel Peiper's CP shortly after dark the night of the 23rd-24th.

Q What happened then?

A When I entered the CP I saw Captain Chrisenger, Company Commander of Company A 803rd Tank Destroyer. I knew

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him well inasmuch as his company was in direct support of our regiment. He had just been captured a short while before I saw him. Colonel Peiper then told me that he had received orders to withdraw east to the nearest German forces. He then very carefully outlined to me a plan of exchange, which was as follows: Colonel Peiper was to turn over or turn loose the approximately 150 PW's which he now had under his control, wounded and whole, with the exception of myself, in exchange for which the American High Commander would have after overrunning the German wounded in LaGleize plus the German wounded already overrun in the chateau in Stoumont which was the other of the two hospitals of Colonel Peiper, plus a German medical officer and some German aid man he was to leave with the wounded in the church, these wounded and German medical personnel to be returned under a white flag to the 1st SS Division, wherever that may be, at the conclusion of which I would be returned to the American lines. The TD Captain, Captain Chrisenger would be my messenger to get this to my higher commander. I told Colonel Peiper after he had finished that I had no authority whatsoever to deal with him and that there was little liklihood of the exchange being agreed to by the higher American commander inasmuch as he, Colonel Peiper, was not in a good bargaining position. He admitted that he said that he would like to go ahead and put the plan through in the hopes that the higher commander might accede.

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sh-1
2-2:30

Q Was the agreement made?

A The agreement was carried as far as I have just discussed. I told Capt. Chrisenger exactly who to contact, my Regimental Commander Col. Southerland, as soon as American troops entered LaGleize.

Q Were the American prisoners of war released by Col. Peiper as a result of this arrangement?

A They were. I contacted, after I returned to my Regiment, Capt. Chrisenger, Lt. Yeomans, Lt. Higgenbottom,and my Operations Sergeant and radio operator, and the terms had been carried out on Col. Peiper's side.

Q You say that the American prisoners of war were released as a result of the arrangement. About how many prisoners were affected by that?

A All of the unharmed prisoners of war in the large cellar, plus some wounded in the church. Col. Southerland told me a hundred and fifty.

Q When you speak about the exchange of prisoners and wounded, what about the wounded in the chateau in Stoumont?

A Upon later talking with staff officers of my regiment, I found that approximately fifteen American wounded and a larger number of German wounded was overrun in the chateau at Stoumont. There were also some unharmed American medical men in these named.

Q Was this exchange agreement reduced to writing?

A It was.

DEFENSE (MR. STRONG): May we have the reporter repeat the question, the translation was not correct.

PRESIDENT: Repeat the question, please.

(Whereupon the last question by Lt. Col. Dwinell was read by the reporter.)

A It was.

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sh-2

QUESTIONS BY DEFENSE (LT. COL. DWINELL):

Q Did you sign it and did Col. Peiper sign it?

A We did.

Q And how many copies of the agreement was made?

A One.

Q Do you know what became of the written agreement?

A It passed through Col. Southerland's hands - as my conversation revealed - he passed it on to the Division. The information reached General Hobbs, my Chief Commander. I do not know what became of the actual paper.

Q Referring to the town of LaGleize, you mentioned the church. Was there more than one church in the town of LaGleize on that date?

A In my movement around LaGleize I only saw one church, and as far as I am concerned there is only one church at LaGleize.

Q After the agreement for the exchange of prisoners and wounded was made, what did you do next?

A Capt. Chrisenger and I then moved over to the side of the cellar, and were observers for the remainder of our stay in the cellar while preparations was made by Col. Peiper for evacuation of the town.

Q Was that on the night of the 23-24th of December 1944?

A It was.

Q What happened next?

A Shortly after midnight, Capt. Chrisenger was taken out by his guard, Col. Peiper's staff and Col. Peiper and myself moved out to the Southwest edge of LaGleize. We then started on foot with Col. Peiper's troops and single columns behind us on foot marched out of the town.

Q Where did you go then?

A We moved approximately due South and crossed the L'Amleve River on a small highway bridge.

Q Will you indicate that on the map, please?

(Whereupon the witness left the stand and went up to the map.)

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sh-3

A We moved out of town approximately in this direction (indicating), crossed the river directly underneath this railroad bridge on a small highway bridge.

DEFENSE (LT. COL. DWINELL): Let the record indicate that the witness has pointed to a spot about two kilometers directly Southwest of the town of LaGleize, at a railroad on Prosecution's map, P-3.

A We then moved further South, climbing high up on this steep bridge -- this is exceedingly rugged terrain. We were approximately in here (indicating), and I would estimate two hours after we started moving I could observe vehicles exploding back in the LaGleize valley, and in a short time the entire valley was filled with burning vehicles and exploding ammunition. I presumed that to be the work of a demolition party left behind by Col. Peiper. The party I was with, followed by the single-column men, moved down through these woods, at approximately daylight arrived at this road (indicating).

DEFENSE (LT. COL. DWINELL): Let the record show that the witness has indicated a movement South, and is now pointing at a road just Northwest of the town of Brume.

QUESTIONS BY DEFENSE (LT. COL. DWINELL):

Q What date are you referring to?

A This is the 24th of December 1944.

Q Will you continue?

A The column moved down into the town, where it broke ranks and everyone that I could see got something hot to drink and a bit of food from one of the houses there.

Q Are you referring to the town of Brume?

A I am. After, in the morning, an hour or at most an hour and a half in this town, the column again moved North and back into these woods.

(McGown -Direct)

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DEFENSE (LT. COL. DWINELL): Let the record indicate that the witness is pointing to the woods just North of the town of Brume.

A The remainder of the twenty-four daylight was spent moving as follows, through these woods: We crossed the road here (indicating), by nightfall the column had closed up to this point here.

DEFENSE (LT. COL. DWINELL): Let the record indicate that the witness pointed out the point on the road approximately two kilometers Southwest of Brume.

A There were approximately eight hundred men in Peiper's column, both by his own admission and my own estimation. Immediately at dark, Col. Peiper started the -- to the point which only consisted of 20 to 30 men in front of where we were -- the crossing towards the road. The point ran into an American sentry and the leading man was shot, as I saw him shortly afterwards limping. The column coiled back up the hill and moved down to the Southwest, a distance of at least one half mile, possibly more, and again tried to cross the road.

Q Are you referring to the road leading into Trois Pont from the Southwest?

A I am referring to the main road between Trois Pont and Basse Badeux. The column crossed the road undetected, although several American vehicles chopped the column while it was crossing. Due to the abrupt changes in directions and my own physical condition, I was unable to keep abreast of my own location from that time on. I can remember wading at least two good sized streams, so estimate I was to the East of both of these streams.

Q Are you referring to the streams running North and South, and South of Trois Pont?

(McGown - Direct)

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sh-5

A I am. Shortly before midnight, Col. Peiper and most of the members of his staff disappeared from the column.

(At this point the witness returned to the stand.)

I could not ascertain where he had gone. The young Captain who operated near me continuously exhorted the men to greater movement, and the column moved without a break. I cannot be exact as to the time, but approximately 0300 or 0400 contact was made with American forces.

Q On what date?

A On Christmas of 1944.

Q During any of this time that -- during any of this march that you have just described with Peiper's unit, were there any American prisoners of war with you?

A I was the only one.

Q You spoke about Peiper's staff being with him. Can you tell us the names of the officers of Peiper's regiment that were with you at that time?

A I cannot recall all of them but can remember a Lt. Col. von Westerhausen, a Diefenthal, an enlisted man named Froelich, a medical Captain named Neumaier, and an officer named Poetschke.

Q Do you remember Froelich's first name?

A Paul.

Q Do you know what Froelich's duties were with the unit?

A He was a sort of runner or body guard to Col. Peiper, and during the foot march guarded me for the bulk of the time.

Q Were you ever mistreated in any way by Froelich?

A On the contrary, Froelich gave me several cigarettes.

Q What happened next?

A Contact was made with American units at approximately 0300 or 0400. Light small arms fire fell upon the Germans around where I was standing. My guards and myself hit the ground. A little later

this fire was increased and sixty millimeter mortar fire landed quite close to us. I lay still for a few minutes and then looked about me for my guards. I could not see anyone in sight. I started walking at right angle to the direction from which the American fire had come. I walked approximately two hundred yards and then turned toward the direction from which the fire had come. I ran into an American Outpost of the 82nd Airborne Division within a hundred yards.

Q Did you ever see Col. Peiper after that?

A Not until I returned to this theater for this trial.

Q Going back to the 18th of December 1944, do you know whether on that day American troops of your Division were in the town of LaGleize?

A They were not. American troops did not enter LaGleize until Christmas Day, 1944.

Q Do you know whether any troops of your Division were in Cheneux on that day?

A They were not. The operation overlay at the end of the 18th showed our 3rd Battalion five hundred yards East of Stoumont and with nothing further East and nothing South of the river.

Q Did you then rejoin your Regiment?

A I rejoined my Regiment on the 26th of December. I stayed at the Division C.P. the day and the night of the 25th.

Q What did you do after that?

A I then assumed command of my Battalion and continued fighting until the end of the war.

Q After you rejoined your Regiment, were you interrogated by anyone concerning a report of the Malmedy Cross-roads incident?

A Yes, there were two separate investigations, one of which came from Supreme Headquarters. The Supreme Headquarters' investigation was the most thorough and contained pictures of German troops

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sh-7

mounted in armored vehicles with which they sought to tie in any connection between the men who had captured me and the pictures which I understood was taken in the vicinity of Malmedy Cross-Roads. I was unable to find any connection, and my testimony in these investigations amounted to little.

Q Let me ask you again. While you were a prisoner of war with Col. Peiper, did you see any mistreatment of prisoners of war at any time?

A I saw no serious mistreatment of prisoners of war.

Q After you rejoined your Regiment subsequent to the 25th of December 1944, did you have any conversations with anyone in your Regiment concerning prisoners of war?

PROSECUTION: If the Court please, I request that the Defense tie this in a little bit more closely. There is no doubt many conversations were taking place. Let's limit it to the case we are trying here today.

DEFENSE (LT. COL. DWINELL): The witness testified that he rejoined his Battalion, and his Battalion had previously been engaged at LaGleize. I believe that the connection was made by reason of the fact that his own men were involved in the occupation of the town.

PRESIDENT: That connection was not established in your question, however.

QUESTIONS BY DEFENSE (LT. COL. DWINELL):

Q After you rejoined your Regiment, subsequent to the 25th of December, did you confer or have conversations with any of the members of your outfit that had been in the town of LaGleize?

PROSECUTION: I still think he should fix the date that these troops were in LaGleize that he is talking about, if the Court please.

DEFENSE (LT. COL. DWINELL): I will rephrase the question.

(McGown- Direct)

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Q After you rejoined your regiment subsequent to the 25th December 1944, did you confer or have any conversation with any of the members of your unit who had been in La Gleize subsequent to the 18th December 1944 ?

A I conferred with Captain Chrisenger, Ly Yeoman and Lt Higginbottom, my operations Sergeant and the Radio Operator and with several other Enlisted Men who I cannot name at the present time because it was a very serious matter to me as to whether or not they had been set free unharmed.

Q And what did they tell you ?

A They told me that during the night of 24th to 25th December the Germans had left them but that they had stayed in the cellar until the Americans came into the town, to escape the Anti-Aircraft barrage which the Americans put on the town regardless of the opposition.

Q During the time that you were a prisoner of war of Colonel Peiper's outfit, did you see any Belgian civilians ?

A I saw one woman Belgian civilian in La Gleize and a few in Brum.

Q Do you know anything about other treatment by Peiper's Regiment ?

A I can only say that I saw no mistreatment of those I saw.

Q Referring to the conversations you had with Peiper while you were in La Gleize during the time he conversed with you will you describe his manner ?

A Colonel Peiper's manner towards me was respectful and he spoke with what I believed was sincerity.

Q After you rejoined your regiment subsequent to the 25th December 1944, did you make a report to any American authorities concerning what happened while you were with Colonel Peiper's unit ?

A At the request of the Divisional G-2, Colonel Hall, I gave his stenographer a dictated report of the highlights of what went on during my incarceration. I dictated this report at about 1300 hours on

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20. S.2

X'mas day. It was the same day I left the German unit.

DEFENSE:(Lt Col DWINELL). I hand the reporter a document and request that it be marked Defense Exhibit D-2 for identification. (Whereupon the document was marked by reporter)

DEFENSE:(Lt Col DWINELL). The Defense offers in evidence a certified copy of a reproduced document titled Hq. United States Forces, European Theater, APO # 757, Historical Division. dated 22nd May 1946 with covering letter attached thereto, Hq. 3rd United States Army, Office of the Assistant Chief of Staff G-2 ,APO 403, dated 23rd May 1946 addressed to Colonel Willis M. Everett, Chief Defense Counsel, Malmedy Trial, from C. P. Bixel, Colonel, Assistant Chief of Staff, G-2, and request that it be receivedin evidence and marked Defense Exhibit D-2: attached to the Record and made a part thereof.

PROSECUTION: If it please the court, I want to inquire from the Defense if this attachment is a record made by this witness.

DEFENSE(Lt Col DWINELL). This is offered as an official document - acertified true copy of an official document and the letter attached thereto connects the document with the witness.

PROSECUTION: The matters in this document, can this be testified to by this witness ?

DEFENSE:(Lt Col DWINELL). I don't know whether they can be testified to or not.

PROSECUTION: I want to know if the material for this document was furnished by this witness.

DEFENSE:(Lt Col DWINELL) I don't know that . I would have to ask him that question.

PROSECUTION. If this document was prepared by information furnished by this witness then we object to the admission of this on the grounds that it is not the best evidence available because the witness himself is here to testify.

LAW MEMBER: Documents such as this, which being an official document will be admitted in evidence and the court will place such value upon it as it deems fit.

(McGown-direct)

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PRESIDENT: The document is admitted in evidence and will be marked Defense Exhibit D-2.

(Whereupon the document referred to, having been previously marked was received in evidence as Defense Exhibit D-2: is attached hereto and made a part of the record.)

DEFENSE: (Lt Col DWINELL). The Defense requests permission to have Defense Exhibit D-2 read to the Court in the German language the translation of which I obtained ahead of time to aid the court.

LAW MEMBER: It is nothing more or less than a written representation of the testimony already given by this witness is it ?

DEFENSE: (Lt Col DWINELL) It is a little more than that. There a re additional things.

LAW MEMBER: If the witness is here to testify he should testify rather than use that document. This is needless repetition. I cannot see any reason to read it into the record if it is merely repetition of what the witness said. If the Defense insists upon reading it , the court will ,of course grant your wish.

DEFENSE: (Lt Col DWINELL) I don't insist on it being read at this time.

LAW MEMBER: Does the prosecution object to anything contained in this document ?

PROSECUTION: May it please the court we have not had the opportunity of reading it. The Defense told me it was a report which was prepared by this witness. My only objection is that it is not the best evidence.

DEFENSE: (Lt Col DWINELL). I believe this is a transcript of the information that the witness gave after he left Colonel Peiper's outfit - his name is mentioned inside and signed by the Colonel mentioned.

PROSECUTION. As I said before my only objection is that it is not the best evidence because the witness who made and stated the facts is present in court. If that was not the case, then it is clearly admissible.

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20. S. 4

QUESTIONS BY DEFENSE:(Lt Col DWINELL).

Q Referring to the time when you were in La Gleize,you stated that there were some other American Lieutenants who were prisoners of war, isn't that so ?

A Yes there were.

Q Did they ever tell you at that time when and where they were captured ?

A Yes we compared notes upon getting together for the first time: Lt Yeoman and the unidentified Lieutenant whose name I cannot remember were captured early on the morning of the 19th in Stoumont. Lt Higginbottom and Lt Henley, who as I have said before, was killed, was captured on the 20th in a chateau which is another chateau from the one I have previously mentioned on the other side of Stoumont to the west. This was a large building. It was not a true Belgian type chateau but it was a very large building.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q What was your regiment during this period of time we have been talking about, 18 th December 1944 up to the 25th December 1944 ?

A The 119th Infantry.

Q Now on what day were you captured ?

A I was captured early in the afternoon of 21st and left the Germans on 25th.

Q You are pretty certain about that ?

A Those times are approximate - I mean the date.

Q If you knew that Peiper made a sworn statement to the effect that you were captured on the 20th, would that change your answer any ?

A It would not.

Q After you were captured I believe you testified that you were taken to the C.P. between La Gleize and Stoumont ?

A I did

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20. S. 5

Q Was that Colonel Peiper's C.P.

A He was there and it is my impression that that was his forward C.P.

Q Were you ever taken while you were a prisoner, to the C.P. in Stoumont ?

A That place which I have just mentioned is the only house to which I was taken in Stoumont.

Q That really is not in Stoumont is it ?

A It is quite a distance from the built up area of Stoumont but it is within sight of it.

Q You have testified that you have traveled - moved around I would say considerably in La Gleize throughout the period of your captivity ?

A I did.

Q Were you escorted when you were moving from one basement to another ?

A Generally two guards moved with me sometimes only one.

Q But you were always under guard ?

A , I was.

Q How many different cellars did you see American Prisoners of war in ?

A In two - the small one in which were the four officers, and myself, and the larger one for the men.

Q Did you visit all the cellars in La Gleize?

A I did not.

Q During your travels in La Gleize, did you notice the school-house ?

A I do not remember a school-house in La Gleize.

Q But you were by the church were you not ?

A I passed near the church several times.

Q If you will recall, directly opposite the front of the church there is a school - a large building with a monument - can you remember that ?

(McGown -cross)

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20. S. 6.

A I can dimly remember something about the monument - but I cannot remember the schoolhouse.

Q Do you remember a building there at all ?

A Yes.

Q Did you go behind that building ?

A I did not.

Q Did you go into that gulley which is down in behind that building ?

A I did not I stayed only on the main street.

Q How many prisoners did you say you saw when youfirst came into La Gleize ?

A Four officers and I had a count taken of the men and we got 134 one time and 135 the next time and I think one of them must have moved during the head count- so I would say approximately 135.

Q Did that number increase from the time youcame to La Gleize until you left Colonel Peiper on the retreat ?

A On the 23rd the last daylight we spent in the town there were some additiona.

Q About how many would you say ?

A Not over 12:I r emember 7 or something like that. They were captured from the attack which I mentioned and some were killed: They were from the 3rd Armored Division. In addition Captain Chrisenger was captured by himself while on reconnaissance.

Q You mentioned that some prisoners of war were killed, this 6 or 7, were any others killed ?

A They were the only ones I learned about from prisoners -from other prisoners of war or from Colonel Peiper.

Q What I am trying to find out is - you stated Lt Henley was killed, and there were 138 by head count with the four officers and you say there were 12 captured - giving you 150 and another 9 or 10 killed would make it about 140 when you left, is that correct ?

(McGown-cross)

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20. S. 7.

A Yes. Colonel Peiper made a statement he had 150 and included prisoners - American prisoners who were wounded, but I never counted those.

Q Did he ever indicate to you how many wounded there were?

A He did not but there were 15 according to Colonel Southerland in the Stoumont chateau. He did not say the number in the church at La Gleize.

Q Did you think there were as many as 50 American wounded in the church at La Gleize ?

A I have no idea as to the exact number, but I think that would be high.

PRESIDENT: The Court will recess until 1530 hours

(Whereupon the court recessed at 1500 hours.)

(McGown-cross)

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(Whereupon the Court reconvened at 1530 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: If the Court please, all the members of the Court are present, all the Prosecution with the exception of Lieutenant Colonel Crawford and Captain Shumacker, absent on business of the Prosecution and Captain Byrne excused by verbal order of the Commanding General, all the members of the Defense with the exception of Dr. Hertkorn absenton business of the Defense, all the defendants and the reporter are present.

DEFENSE: The Defense recalls Lieutenant Colonel Hal D. McCown.

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

Lieutenant Colonel HAL D. McCOWN, a witness for the Defense resumed the stand and testified as follows:

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

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (cont'd):

Q Colonel McCown, do you know of any other prisoners of war being killed at LaGleize other than Lieutenant Henley and the nine or ten you referred to being killed during the attack?

A I do not.

Q Colonel, I believe you testified on direct examination that the only infractions of Geneva Convention rules were taking of watches and rings and food, is that correct?

A That is not correct.

Q Will you tell me what is correct, then?

A That was a reply given me the first time I interrogated the 135th group prisoners of war.

Q Were there other infractions?

A Are you asking a direct question?

Q I am asking you to your own knowledge did anybody tell you about any other infractions of Geneva Convention rules?

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A I made the statement there were no serious infractions of the Geneva Convention under direct testimony.

Q There were no serious infractions, then?

A That is true. By serious infractions, I mean those which I and other American commanders were not equally guilty during the war.

PROSECUTION: If the Court please, I ask that the answer be stricken from the record.

LAW MEMBER: The Court will take notice of it. It is not responsive.

PRESIDENT: The last statement of the witness will be stricken from the record and the Court will take no notice of same.

Q How many times did you visit Colonel Peiper's command post in LaGleize?

A I visited a place where Colonel Peiper was, to the best of my memory, five times. His fully equipped command post, only twice.

Q How many times did you visit with Colonel Peiper from command post, or cellar or house while you were at LaGleize?

A Four times in LaGleize.

Q You mentioned, I believe that you made two reports, two statements prior to today of your experiences while you were captured, is that correct?

A I believe I said those were investigations, concerning the Malmedy incident which occurred shortly after my return to American control.

Q Did you ever make any sworn statements about your experiences in LaGleize?

A I did.

Q When was that?

A That was in the summer of 1945 immediately before my division moved back to the zone of interior.

Q Who took this statement?

A I cannot say who -- the what you might call Prosecutor was the Defense Counsel, was Lieutenant Hayden of the 30th Infantry Division.

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Q Was the Prosecutor, so-called Prosecutor from your Division, your regiment?

A He was not. He was from higher headquarters and I am not sure which one.

Q Was this statement sworn to?

A It was.

Q Would you recognize it if you see it?

A I would.

Q Is this your signature?

A This is it and Lieutenant Hayden was the Prosecutor in that. I don't know the other officer in that.

Q Colonel, I will ask you if youwere asked this question and if you replied in that manner about the sworn statement you testified about: 'Will you relate what happened in respect to your capture by the enemy, where it happened and when, and any unusual circumstances that occurred?' And your answer: 'I was captured on the 22nd in the vicinity of Stoumont, Belgium. I was taken to La Gleize, Belgium, headquarters of the 1st SS Regiment, commanded by Lieutenant Colonel Peiper, Joachim whom I met immediately.'

PRESIDENT: Will you please face the Court in making your reply.

A That is correct with the exception of the 22nd. That is definitely an erroneous date and I misread the typewritten copy when I signed that. The 21st is well implanted in my memory and I never said the 22nd to my memory.

Q I will ask you whether this question was asked and whether this answer was given. From the statement: Question: 'What then occurred?' Answer: 'During my stay in thehands of the enemy, nothing in violation of the Geneva rules came to my knowledge or attention with the following exceptions: Details of 6 to 10 American enlisted men were used daily by the Germans for the following purposes: Burying both German and American dead; moving 88 mm. ammunition from one tank to another; acting as hospital orderlies for German and American wounded. I personally saw these men leave the shelter of a cellar to go on these duties and return later in the day. Several of them told me personally what they had been

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doing. In the town of LaGleize at this time there was being placed heavy American artillery fire. I was informed by one American enlisted man, name unknown to me now, that one of his buddies had been killed by American artillery doing this work.'

A That's correct.

Q Is your answer correct in this instance?

A That's right. It was.

Q Is the answer still correct?

A It is.

Q I will ask you if this question was asked and you made this reply: Question 'Having heard of these violations, did you have an opportunity to protest them?' Answer: 'I protested that and several other minor violations which I mentioned. The minor violations were corrected, mainly.' Was this question asked you and who made that reply?

A I did.

Q Is your reply true?

A Yes.

Q I will ask you the next question. 'Do you know of these violations occurring after your protest?' Answer: 'The protest was made to the German warrant officer in charge of all prisoners by me personally. The details were not stopped. I spoke to Colonel Peiper concerning this later the first time I saw him, which was just before he evacuated the town of LaGleize in an attempt to escape and there were no details after that, since all American soldiers imprisoned there were turned loose by Peiper at that time with the exception of myself.'

A Yes, that is correct. The question was asked and the answer was given as stated.

PROSECUTION: No further cross examination.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (Lt Colonel Dwinell):

Q Colonel Mc Cown, I believe you said on cross examination that

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you didn't visit all the cellars in the town of LaGleize during the time you were there in December 1945. I believe you answered no.

A That's correct.

Q How many cellars did you visit?

A To the best of my knowledge I visited five in all in LaGleize.

Q Do you recall the size of the town as it existed in the month of December 1944 while you were there?

A It was a small village, between twenty-five to forty houses I would estimate. The majority of them were of very poor construction and had no cellars.

Q Did it have more than one main road?

A There was only one main road going through town.

LT. COLONEL DWINELL: No further questions.

PROSECUTION: No recross.

EXAMINATION BY COURT

QUESTIONS BY LAW MEMBER:

Q Did you ask to be moved to the rear of the area of battle?

A I did not, sir.

Q Do you know why you were not moved, you and the other prisoners?

A I do, sir. On the 21st when I was ordered to attack I knew Colonel Peiper's force was completely cut off from all help.

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

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

DEFENSE: It is stipulated by and between the Prosecution and Defense that Lieutenant Colonel McCown is excused permanently from appearance in this Court. The Defense calls as its next witness Colonel Rudolph Lehmann. Mr. Strong on behalf of the Defense will conduct the direct examination. The Defense does not contemplate recalling this witness.

RUDOLPH LEHMANN, a witness for the Defense was sworn and testified through an interpreter as follows:

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

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DIRECT EXAMINATION

QUESTIONS BY DEFENSE (Mr Strong):

Q Will you give us your full name, please?

A Rudolph Lehmann.

Q What is your rank in the German Army?

A Standartfuehrer.

Q Do you still hold that rank?

A Yes.

Q Are you presently a prisoner of war?

A Yes.

Q Where are you held in custody?

A In the bunker in Dachau.

Q Will you tell us when you joined the Party.

A 1937.

Q Were you ever a member of the general SS?

A No.

Q Will you please tell us when you joined the Waffen SS?

A 1933.

Q Was the Waffen SS at this time called Waffen SS or did it have any other name?

A The Waffen SS at that time was called 'Derfugurgstrutte.'

Q What were the duties of the Waffen SS at that time?

A It was at that time trained exactly like the Army and by the Army.

Q What was your job during the so-called 'Eifel Offensive' in December 1944 and January 1945?

A I was chief of general staff of the First SS Panzer Corps.

Q Who was your commanding general?

A SS Gruppenfuehrer Priess.

Q Do you remember to have received as chief of staff an order of the day from General Dietrich?

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A Yes.

Q Did you receive any additional orders of the day at around the same time?

A Yes.

Q From whom?

A From Rundstedt and Model.

Q Will you tellus very briefly the contents of General Dietrich's order?

A The main substance of th order was the following: That the workers on the home front had given us the weapons through hard work which we were now to use for the decisive turn of the war. Furthermore, it said in there that the air corps and the V-weapons would support this battle. That was the main part.

Q Colonel Lehmann, I read to you now from a statement signed by General Dietrich and dated 22 March 1946, which is Prosecution's Exhibit "P-6":

Q Col. Lehmann, I read to you now from a statement signed by Gen. Dietrich and dated 22 March 1946, which was Prosecution's Exhibit B-6. In this statement he says: "In the order which I issued for the 6th Panzer Army for the Eifel offensive I ordered that our troops have to be preceded by a wave of terror and fright and that no human inhibitions should be shown." Were these remarks contained in the order of the day?

A No.

Q Are you positive about it?

A Yes.

Q Did you read the Order of the Day?

A Yes.

Q Do you remember receiving an order from the accused Gen. Kraemer which was received shortly prior to the offensive, about prisoners of war?

A Yes.

Q Will you please tell us some details about this order.

A I remember very well that during the preparation for this offensive I went to the Army Staff one day and there talked to Gen. Kraemer about the problem of prisoners of war, and particularly about the difficulties of traffic regulations in case large numbers of prisoners would be taken. And in this connection the order of the Army was made up that the prisoners were to be collected at the munition and fuel dumps and from there were to be taken back by empty convoys.

Q You remember to have seen this order yourself?

A Yes.

Q By whom was it signed?

A I don't quite know whether it was in the operational order with these details. If it was in the operational order it was signed by General Dietrich. If it was in the special instructions for supply, it was signed by General Kraemer.

Q But you remember distinctly to have read such an order?

A Yes.

Q And what did you do after you received this order from the army, as far as your divisions were concerned?

A I talked about this matter with the quartermaster chief of the first corps and he worked out this point in the paragraph of prisoners of war. This order then went out to the divisions, signed by me.

Q Was this order an independent order or did it form part of his operational order which went to the Divisions?

A The special instructions for supply are a part of the operational order.

Q Was this order also sent to the Liebstandarte?

A Yes.

Q Were you present at the conference held at the Command Post of Gen. Priess on 15 December 1944?

A Yes.

Q Who else was present?

A The 1-A of the Corps, the Divisional Commanders, the then Lt. Col. Skorzeny, Col. Peiper and Lt. Col. Kuhlmann.

Q Do you remember whether Gen. Priess at that time made a speech?

A Yes.

Q What did he say?

A He again pointed toward the importance of the operation and explained those matters which, because of the secrecy of the matter, were not contained in the operational order; that is, the tasks of the neighbors.

Q What do you mean by the tasks of the neighbors?

A The tasks of the divisions and corps to the right and left.

Q Did General Priess read to the people who were present at that time the order of the day of General Dietrich?

A It is possible.

Q Do you remember, by any chance, how the order of the day of General Dietrich was signed?

A I don't understand the question.

Q Do you remember how the order of the day by Gen. Dietrich was signed? Did he use his full name or only the name "Dietrich" or how did he sign it?

A It could be "Dietrich" and it could be "Sepp Dietrich", I don't remember.

Q Now coming back to the speech which Gen. Priess made at the conference on the 15th of December, 1944, did he mention in this speech prisoners of war or civilians?

A No.

Q Are you positive about it?

A Yes.

Q Did he say anything about any unusual methods of war to be used?

A No.

Q Did he say no prisoners of war should be taken?

A No.

Do you remember whether General Priess stayed during the entire length of the conference or not?

A He left shortly before it was over.

Q Who presided then?

A I.

Q Do you remember an order which came down from the army surgeon of the army and had to do with the treatment of wounded?

A Certainly there was something about that in the supply orderof the army.

Q What wassaid in it?

A I remember something in connection with the difficulties of routes and the coldness which was expected and about the few medical vehicles that were available for the evacuation.

Q Did it say how American wounded prisoners should be treated?

A No.

Q You remember an order issued by General Kraemer in the early part of December about the treatment of prisoners of war?

A Yes.

Q What was said in this order?

A As a whole, I got the same thing which I mentioned before. I do not remember further details.

Q What do you know about an investigation which was ordered on the army in connection with the alleged killing of prisoners of war on or about 17 December, 1944?

A A letter addressed directly to the division arrived from the army, but I either submitted it to Gen. Priess or I might have just told him the contents, in which it was ordered an investigation of killing of prisoners of war.

Q Did you forward this order to the divisions?

A Yes.

Q And did the divisions send their replies to you or directly to the army?

A I only know that a trace letter arrived from army about this reply. However, the Liebstandarte fromthe 25th or 26th December wasn't subordinate to the corps any more and I do not know anything about the reply.

Q Do you remember, Col. Lehmann, in any order from Army which contained provisions, regularions, what the forward units, spearhead, should do with prisoners of war?

A What are provisions and what are forward units?

Q By forward units I mean spearheads.

A I remember that under paragraph "Plan of Battle," the following was contained: That the armored spearheads were supposed to turn over the prisoners to the grenadier units following.

Q Was this provision part of the operational order or the supply order?

A I know that it was put in the operational order by corps and it could not have been in the operational--in the supply order of the army under any circumstances.

Q Have you, yourself, seen any American prisoners of war in the period between 17 December, 1944, and the early part of January 1945?

A Yes.

Q Will you please tell us when and where?

A That was on the day when corps headquarters C.P. was moved from Eppenbach to Born. It was on a forest road on which I was, which at that time was a supply road of the corps.

Q Do you remember the approximate day?

A The 19th or 20th of December.

Q You remember where you saw them?

A It is not on the map. I went down that way. (Indicating). There, approximately, is Eppenbach, if I remember correctly.

LT. COL. DWINNEL: Let the record show that the witness indicates a place beyond the colored portion of the map, south of Honsfeld, approximately five kilometers south of Honsfeld.

A It wasn't there; I am just trying to remember where it was. From here (indicating) I went south and toward the west and southwest, respectively, there is a large forest through which this road runs.

Q Was it between Honsfeld and Eppenbach?

A If I have a map, I could tell you exactly.

Q Let the record show that the witness indicates a place beyond the colored part of the map, about ten kilometers south of Honsfeld. How many prisoners were there?

A Pretty hard to tell you the number. At any rate, there were so many that it was possible for them to stop traffic for a good while.

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Q Do you know by which division these prisoners had been taken?

A Who took them, that I don't know, but they were guarded by the Pioneer--members of the Pioneer batalion of the Liebstandarte.

Q Did you ever see any other American prisoners?

A Once again when I passed a cross roads. It was called Kings Barracks, or something like that.

Q Did you ever see any prisoners in a hospital?

A I did not see them, but I received a report about them. And there is a doctor here who can give you the names.

Q What is the name of the doctor?

A I don't know his name, but Obersturmfuehrer Stolz knows him.

Q And Obersturmfuehrer is in Dachau, too?

A Yes. He is the quartermaster chief of the 1st corps.

Q Now, Col. Lehmann, I show you a book here which is called: Ghengis Khan and his Policies. You know this book?

A Yes, I know it.

Q Did you own it?

A Yes.

Q Would you tell us for what purpose you received this book and from whom?

A As a young officer I received it when we had to make a report every four weeks. And for that occasion this book was sent to us as a source.

Q Was this book given to you to show you methods which the SS should follow in fighting?

A No.

Q Was this book required reading for every SS officer?

A No. So far as I know, only those that graduated from the SS officers' candidate school received it. In order to make these reports.

Q You remember, Col. Lehmann, a sand table conference which took place at the headquarters of Hitler Youth Division some time before 15 December 1944?

A I remember one sand table exercise.

Q Do you remember that anything was said at that sand table conference about prisoners of war?

A We talked a great deal about artillery. I now remember one tank officer asking the question what should happen to prisoners of war in case they were taken, in case of a successful breakthrough of the spearhead Panzer Units?

Q And what did Gen. Priess say?

A That they were to be sent back along the route of the advance read, just like we did in Russia.

Q By whom should they be evacuated?

A By the people that took them.

LT. COL. DWINNEL: Your witness.

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CROSS EXAMINATION

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q You say that the book "Tschingis-Chan" was only issued to the officer candidates of the SS, those who graduated as officer candidates?

A It was like this: After one had gone through the officers' candidate school and had already become an officer, we had to write these examinations.

Q Did those who went through that school receive this book? That is what I asked you.

A Yes.

Q How many thousands went through that school to the best of your estimate?

A If I remember correctly we had to write this examination in 1937.

Q Did you understand the question? I want to know how many officers graduated from that school as SS officers, either before or during the war, World War Number 2?

A I can't even tell you approximately.

Q Would you say 50,000?

A No, less.

Q 25,000?

A As I said, it is hard for for me to give you a number.

Q Would you say many thousands?

A I can't give you a number.

Q Would you say less than a hundred?

A No, of course not.

Q Was it issued to you just as a piece of interesting

literature?

A No, it was given to me to write an examination about it, just like my other comrades.

Q So it did discuss a very definite method of warfare, did it not?

A There is a fighting method in the book. However, the examination which we had to write was about other themes.

Q Were you instructed to disregard the method of warfare propounded in that volume?

A No, but the themes of the examination were such that we had to disregard them.

Q Of course, you totally disregarded them in the conduct of the war?

MR. STRONG: Objection. This does not seem to be proper cross examination.

CAPTAIN SHUMACKER: If the Court please, I do not know what is improper about it. It is the Prosecution's theory and we think it is supported by proof that the warfare propounded in that volume was followed in this campaign.

PRESIDENT: The objection is sustained.

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q Were you present at Heppenbach, where the CP of your corps was located, where colored American prisoners of war were shot there during this offensive?

MR. STRONG: Objection. This witness is here as a witness, as a prisoner of war, and not as a war criminal, and as far as I know, not even the accused here are charged with any killings done in Heppenbach. We see no possible connection between this question and the purpose for which

this witness has been called by the Defense.

CAPTAIN SHUMACKER: If I recall correctly, if the Court please, this witness testified about seeing some live prisoners of war in that vicinity. I do not know why his knowledge should be withheld from this Court if he knows about it.

MR. STRONG: There is no proof before this Court that any prisoners of war have been killed in Heppenbach.

CAPTAIN SHUMACKER: I am not charging this witness with killing anybody, if it please the Court.

PRESIDENT: Objection overruled.

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

(Whereupon the question was read by the reporter as follows:

"Were you present at Heppenbach, where the CP of your corps was located, where colored American prisoners of war were shot there during this offensive?")

THE WITNESS: No.

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q Did you see colored troops in the vicinity of Heppenbach?

A No.

Q When were you there?

A I told you before it must have been on the 19th or 20th, I don't know.

Q On what date did this order from Army reach you, addressed to divisions requiring this investigation?

A When I submitted it to General Priess, that was on the first or second night at the CP in Born, that is, either

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the 20th or 21st.

Q Did Corps then have to transmit the letter to Division?

A Yes.

Q Was that done immediately?

A Yes.

Q By messenger?

A By a messenger, just like the other regular mail.

Q Handled as a routine matter?

A No, such as an operative matter. The usual mail goes by messenger while the tactical orders go by an officer and are sent immediately.

Q You said, did you not, that this order of the day that you recall so well was signed either by Dietrich or by Sepp Dietrich, is that correct?

A Yes.

Q Sometimes he would sign his name "Dietrich" and sometimes "Sepp Dietrich", is that correct?

A Mostly "Dietrich."

Q How many times did you ever see it signed "Sepp Dietrich"?

A I really saw it quite often but mostly in private or semi-official matters.

Q But quite often you did see his signature as "Sepp Dietrich", is that right?

A Yes.

Q You say in private matters. Is Sepp Dietrich, one of the accused, a personal friend of yours?

A Yes, Colonel Peiper.

(Lehmann-Cross)

Q You mean, and so was Peiper?

A I understood the question to be if one of the accused was my friend.

Q Colonel Peiper is your friend?

A Yes.

Q How long have you known him?

A Since 1934.

Q How long have you known the accused Dietrich?

A I have known him since 1933 but I do not think he knew me then.

Q How long have you known the accused Priess?

A 1938 or 1939.

Q How long have you known the accused Kraemer?

A Since 1944.

Q You only have known Kraemer since he became Dietrich's Chief of Staff, is that correct?

A Yes.

CAPTAIN SHUMACKER: No further cross.

DEFENSE COUNSEL: Nothing further from the Defense.

PRESIDENT: Any questions by the Court?

LAW MEMBER: Referring to the meeting at your Corps Headquarters when Skorzeny was present on the 15th of December, was Knittel also present?

THE WITNESS: That is possible.

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

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

DEFENSE COUNSEL: The Defense calls as its next

witness, Lieutenant Colonel Hubert Meyer. Mr. Strong, on behalf of the Defense, will conduct the direct examination. The Defense does not contemplate recalling this witness.

HUBERT MEYER, a witness called by the Defense, having been first duly sworn, took the stand and testified through an interpreter as follows:

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

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (MR. STRONG):

Q Lieutenant Colonel Meyer, will you give us your full name?

A Hubert Ferdinand Albert Meyer.

Q What is your military rank?

A Obersturmbannfuehrer.

Q Are you a prisoner of war?

A Yes.

Q Where are you presently held in custody?

A In Dachau.

Q What was your position during the Eifel Offensive in December 1944 and January 1945?

A I was first general staff officer of the 12th SS Panzer Division with the Hitler Youth.

Q Were you a member of the General SS?

A Yes.

Q Since when?

A Since 1933.

Q Were you a member of the Waffen SS?

A Yes.

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Q Since when?

A Since 1934.

Q What was the name of the Waffen SS in 1934?

A Available Troops.

Q Were you ever a member of the Party?

A No.

Q Do you remember, Lieutenant Colonel Meyer, the order of the day by General Dietrich which was signed prior to the so-called Eifel Offensive?

A Yes.

Q When and where did you receive it?

A I received it on the 14th of December.

Q Where?

A On the divisional CP while we were on the move. I don't remember the name.

Q Did you read it?

A Yes.

Q How long was the order of the day?

A 8 to 10 typewritten lines.

Q How was this order signed?

A "Dietrich."

Q Did you receive any other orders of the day at the same time?

A Yes.

Q From whom?

A One from General Field Marshal Von Rundstedt and the other from General Field Marshal Model.

Q Will you very briefly tell us what was in the order of the day from General Dietrich?

A It was as follows: "Soldiers of the 6th SS Panzer Army, we are standing at the start of an offensive of decisive decision of war. The attack will be supported by a numerous use of "V"-weapons and once again the strong formation of the Air Corps. I expect everyone to do his best. Heil to the Fuehrer and signature."

Q Do you remember whether General Dietrich's first name was used as part of the signature?

A No, I do not remember, but it is possible.

Q I read to you now part of a statement signed by General Dietrich on the 22nd of March 1946 in which he says as follows; this statement being Prosecution's Exhibit P-6.

> "In the order which I issued for the 6th Panzer Army for the Eifel Offensive, I ordered that our troops have to be preceded by a wave of terror and fright and that no humane inhibitions should be shown."

Were these remarks contained in the order?

A No, they were not in the order.

Q Are you positive about it?

A Yes, I am sure.

Q Would you remember them if they would have been contained in the order?

A That type of speech in an order of the day is so unusual that I certainly would have remembered it.

Q Was there any difference in the order of General Dietrich and the orders of VonRundstedt and Model?

A The tone of General Dietrich's order of the day was the mildest while those from General VonRundstedt and Model were much more severe.

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Q Do you remember whether you have received an operational order from either Army or Corps?

A Yes.

Q From whom, from Army or Corps?

A We received the order from Corps.

Q By whom was it signed?

A Gruppenfuehrer Priess.

Q Did this order say anything about prisoners of war?

A It was written in there that the prisoners of war were to be taken over by the Panzer Grenadiers from the advance troops and the Panzer troops.

Q Did it say anything about prisoner of war collecting points?

A In the special instructions for supply it was written that the PW collecting points were to be erected near the fuel dumps of the Corps.

Q Are you now talking about the operation order or the supply order?

A That was in the supply order.

Q By whom was the order signed?

A Gruppenfuehrer Priess, if I remember right.

Q Did you on the basis of this Corps Order issue any orders to your regiments?

A Yes, the divisional order was cut based on the order from Corps.

Q What did you tell your regiments in connection with prisoners of war?

A The same thing that was contained in the order from

Corps.

Q Do you remember anything about civilians appearing either in the operational order or the supply order?

A In the operational order about the position of the enemy it said that armed resistance of civilians was to be expected.

Q Did the order contain any provisions of what should be done if such civilian resistance would be encountered?

A No, there was nothing in it about that.

Q Do you remember any orders by General Kraemer about the treatment of prisoners of war which you received some time prior to the offensive?

A Shortly before the operational order was issued for the offensive, about the 7th of December we received an order in which it said that prisoners of war would be treated well and that they were to be evacuated to the rear by those units that took them as far as possible. They were not to be forced to say any more than their name, rank and unit. The interrogation itself was to take place with the 1-C of Division.

Q By whom was it signed?

A Gruppenfuehrer Kraemer.

Q And what did you do after receipt of this order?

A I held a conference with the Commander of the adjutants of the regiments and the independent battalions; and in this conference the contents of this order was made known.

Q I understand there might have been a mistake in translation. Will you kindly tell us once more who was present at this conference?

A During this conference the adjutants of the regiments and of the independent battalions were present.

Q Do you remember a sand table conference which took

place sometime prior to the offensive at your headquarters?

A On the 9th of December a sand table exercise was carried out at the CP of our Corps.

Q Was General Priess present?

A Yes.

Q Do you remember that any remarks were made about prisoners of war and their treatment?

A Yes.

Q What was that?

A An officer of the Panzer Regiment asked what they were supposed to do with prisoners of war. Thereupon, Gruppenfuehrer Priess answered, "Let them run back to the rear." Whereupon the officer asking the questions said, "You can't do that the same way as with the Russians. These will run back." Thereupon Gruppenfuehrer Priess said, "Then the Grenadiers have to take them over from the Panzer troops."

Q I will ask you one more question, Lieutenant Colonel Meyer. Do you know a book "Tschingis-Chan and his Heritage?"

A Yes.

Q Did you ever read it?

A Yes, but it was another edition, it was in two parts.

Q When and from whom and for what purpose did you receive it?

A I can't remember exactly at what time but we received the book from the Reichsfuhrung.

Q For what purpose did you receive it?

A This book was supposed to tell us about the storm from Asia, as was the sub-title of the book.

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Q Would you say that this book has an anti-Communistic tendency?

A No, anti-Asiatic, perhaps.

Q Were you ever requested to use the fighting methods described in this book and to follow them?

A No, no one ever said anything about that.

MR. STRONG: No further questions.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (MR. ELOWITZ):

Q Colonel Meyer, did you ever see this man before (indicating Mr. Thon)?

A Yes.

Q Did he ever interview you?

A Four times.

Q Did you ever state to him that you don't remember a thing about the order of the day that came down from Army Headquarters before the offensive?

A No, I did not say that.

Q Did you tell him the same thing you testified to here this afternoon?

A During my first I said the same thing with the exception of the sentence about the stronger application of the Air Corps and "V"-weapons. During my second interrogation I added this sentence too.

Q Who was the Division Commander of Hitler Jugend?

A The commander of the division?

Q Yes.

A Brigadefuehrer Kraas.

Q Did you ever hear him make a statement like this:

(Meyer-Cross)

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"This coming offensive is of great importance and can be decisive for the fate of the German people. In this offensive, I do not want to see any prisoners of war."

A Where was this remark supposed to have been made and when?

Q Do you ever remember hearing him make such a remark?

A No, he didn't say that and I consider it impossible.

Q Did you accompany Division Commander Kraas on all his visits to the regiments?

A No, I was not always present.

Q Were you present when he visited the 3rd Company of the 1st Battalion of the 12th Panzer Regiment in December 1944 at the time he made that statement?

MR. STRONG: I object to this question because I do not believe it to be proper cross examination. This witness has been asked on direct about Dietrich's order of the day and the sand table exercise of General Priess and I do not believe that any orders issued by General Kraas are in issue here.

MR. ELOWITZ: May it please the Court, the witness has testified about orders that were received by the Hitler Jugend Division and I am laying a predicate that will lay a foundation.

PRESIDENT: Objection overruled.

QUESTIONS BY PROSECUTION (MR. ELOWITZ):

Q Do you remember the question?

A Yes.

Q Will you answer it?

A On which day was this speech supposed to have been made?

Q Immediately prior to the offensive while that

company was stationed in Himmelsdorf in the vicinity of Stuess?

A No, I know nothing of such a conference.

MR. ELOWITZ: That is all.

MR. STRONG: One more question.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (MR. STRONG):

Q By whom were you interrogated first, by a representative of Prosecution or by a representative of Defense?

A By a representative of Prosecution.

MR. STRONG: No further questions.

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

Court will adjourn until 0830 hours tomorrow morning.

(Whereupon at 1700 hours the Court adjourned until 0830 hours Friday morning 21 June 1946.)

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Camp Dachau

21 June 1946

(Whereupon Court reconvented at 0830 hours.)

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 Lieutenant Colonel Crawford, who is absent on business of the Prosecution and Captain Byrne, who has been excused by verbal orders of the Commanding General, all the members of the Defense Counsel, all the defendants and the reporter are present.

DEFENSE COUNSEL: Defense calls as its first witness Lieutenant Colonel Herbert Kuhlmann. Mr. Strong, on behalf of the Defense will conduct the direct examination and the Defense does not contemplate recalling this witness.

HERBERT KUHLMANN, a witness called by the Defense, after having been first duly sworn, took the stand and testified through an interpreter as follows:

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

DIRECT EXAMINATION

QUESTIONS BY MR. STRONG:

Q What is your full name?

A Herbert Kuhlmann.

Q What is your military rank?

A Lieutenant Colonel.

Q Are you presently a prisoner of war?

A I am a prisoner of war.

Q Where are you being held in custody?

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A In the bunker in Dachau.

Q Were you ever a member of the Party?

A Yes.

Q When did you join the Party?

A In August 1933.

Q When did you join the Waffen SS?

A 1934.

Q What was the name of the Waffen SS at that time?

A SS Troops at Disposal.

Q Were you ever a member of the General SS?

A Yes.

Q Since when?

A Since 1933.

Q What was your status and duties during the so-called Eifel Offensive during the months of December 1944 and January 1945?

A I was regimental commander of Panzer Regiment Number 12.

Q To which division did this regiment belong?

A To the Division Hitler Youth.

Q Who was the commanding general of this division?

A General Priess.

Q I am afraid the witness misunderstood the question. Will you kindly repeat it, please?

A The Divisional Commander was Kraas, Oberfuehrer Kraas.

Q Who was the commanding general of your Corps?

A General Priess.

Q Who was the commanding general of the Army?

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A General Dietrich.

Q Do you remember to have received the order of the day from General Dietrich immediately prior to the so-called Eifel Offensive?

A Yes.

Q Have you seen this order with your own eyes?

A Yes.

Q How was the order signed?

A I remember that it was signed either "Dietrich or "Sepp Dietrich."

Q Will you tell us very briefly the general contents of this order?

A The substance of it was as follows: "Soldiers of the 6th Army, we are confronted with a decisive offensive. We shall break through up to the Maas River. The attack will be supported by an increased committment and for the first time by strong air force units. Everybody will do his duty. Heil to the Fuehrer. Signature."

Q Lieutenant Colonel Kuhlmann, I read to you now from a statement signed by General Dietrich dated 22 March which is Prosecution's Exhibit P-6. In this statement General Dietrich says as follows:

> "In the order which I issued for the 6th Panzer Army for the Eifel Offensive I ordered that our troops have to be preceded by a wave of terror and fright and that no humane inhibitions should be shown."

Were these remarks contained in General Dietrich's order?

A Not in the order that I saw.

Q Are you positive about it?

A Yes, I am positive.

Q You just spoke of an order which you saw, Lieutenant

Colonel Kuhlmann?

A That is the order of the day of General Dietrich.

Q Did any second order of the day from General Dietrich exist?

A No, not in my place.

Q Do you remember approximately how long this order of the day was, which you just talked about?

A About ten lines.

Q Did you attend on December 15, 1944, a conference at the headquarters?

A No, at the Division but not at the Corps.

Q Was General Priess present?

A Yes.

Q Can you tell us some of the other people who were present at that time?

A The Chief of Corps Staff Colonel Lehmann, the G-3 of the Corps Mars, then the officer of the advance elements and Skorzeny with some gentleman of the Group Greif.

Q Was Colonel Peiper present?

A Yes, he was present.

Q Did General Priess make a speech?

A Yes, a very short one.

Q Do you remember what he said?

A In general he again explained the attack order of the two divisions and told briefly about the group of Greif and gave some instructions and answered some questions as to the supply of the troops. That is what I remember.

Q Did he say anything about prisoners of war or the treatment of enemy civilians?

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A At this conference nothing was talked about that.

Q Did he say anything about any unusual methods of war that you should carry out?

A No.

Q You are positive about it?

A Yes.

Q Did General Priess stay on the entire length of the conference or did he leave earlier?

A General Priess left earlier.

Q Do you remember to have received any 1-A or 1-B orders from your division in connection with prisoners of war?

A The 1-A order came together with the 1-B order and in the 1-B order it said something about prisoners of war.

Q What was said there?

A It was ordered there that prisoners of war were to be taken to the ammunition and fuel dumps of the Corps.

Q Did your regiment make any prisoners in this campaign?

A About 60 to 70 prisoners near Buetgenbach.

Q What happened to them?

A Those people were evacuated by Grenadiers to the 1-C of the Division.

Q Lieutenant Colonel Kuhlmann, do you know the word "rabatz", r-a-b-a-t-z?

A Yes, I know it.

Q What does that mean?

A "Rabatz" was an inspiration which was a commonly used proverb in our place.

Q Does it mean to have fun by killing people?

A Never.

MR. ELOWITZ: Just a moment, if the Court please. We object to that question and ask that the answer be stricken from the record. It is obviously a leading question. Counsel for the Defense is defining the word "rabatz."

MR. STRONG: The Prosecution brought out that the word "rabatz" has this meaning.

LAW MEMBER: The question is leading, it is obviously leading. There is no question about it. The objection is sustained. There is no objection to eliciting that information from the witness but in a different manner. You know that too.

MR. STRONG: No further questions by the Defense.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (MR. ELOWITZ):

Q Kuhlmann, did Division Commander Kraas pay a visit to your regiment prior to the Eifel Offensive?

A I remember one visit because shortly prior to this visit he came to see us but I don't know any more which company he visited.

Q Do you know if he made an informal address to the company?

A I don't know anything about it and I was not present either.

Q Were you in Lignueville any time in December?

A Lignueville?

Q Englesdorf?

A I don't remember.

Q Were you in Stoumont?

A Stoumont? I don't think so.

Q Were you in LaGleize?

A I don't know that either.

Q You are not familiar with any of the incidents that transpired in those places in the month of December, are you?

A No, I am not familiar with them.

Q Did you participate in the German offensive in Russia in 1942?

MR. STRONG: Objection. I see no possible connection between this question and the line of direct examination which has been opened up in connection with this witness.

MR. ELOWITZ: May it please the Court, my next question will explain the purpose of this one. It is merely to test the credibility of this witness.

PRESIDENT: For that reason the question will be permitted.

THE WITNESS: Yes, I was in Russia in 1942.

MR. ELOWITZ: Can you give me the contents of the order of the day which was issued by the Higher Headquarters prior to the offensive?

THE WITNESS: No, I cannot.

MR. ELOWITZ: That is all.

DEFENSE COUNSEL: May it please the Court, I request that it be stricken from the record, both questions and answers.

PRESIDENT: Both questions and answers will be stricken from the record.

Any further questions by the Defense?

DEFENSE COUNSEL: No, sir.

PRESIDENT: Any questions by the Court? Apparently

none, the witness is excused.

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

DEFENSE COUNSEL: At this time the Defense, having finished the subject of Orders at Bad Neuheim, Dietrich's Command Post, and Schmidtheim, we will now proceed to Blankenheim Forest on the 14th, 15th and 16th of December 1944.

The Defense now calls as its next witness the accused, former Colonel Joachim Peiper. Lieutenant Colonel Dwinell will conduct the direct examination on behalf of the Defense and the Defense contemplates recalling this witness.

JOACHIM PEIPER, one of the accused, called as a witness in his own behalf, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Lt. Col. Dwinnel):

Q What is yourname?

A Joachim Peiper.

Q How old are you?

A Thirty-one years.

Q Are you married or single.

A I am married.

Q Have you any dependents?

A I have three children.

Q Will you tell the court briefly your military career?

A In 1934 I joined the Waffen SS. After I had graduated from the war school, I became an officer. As such, I came to the Liebstandarte Adolf Hitler and I belonged to the Leibstandarte until the end of the war. I hold all the positions, beginning with platoon leader and regimental commander. My last position was commander of the SS Panzer regiment No. 1.

Q Were you engaged in combat in World War II?

A Yes, I participated in all the campaigns.

Q Were you a member, or are you a member of the Nazi party?

A No.

Q You have given three statements, written statements, to the Prosecution in this case which have been admitted in evidence as Prosecution's Exhibits P-7, P-11, and P-125, which are dated the 21t, 28th and 28th of March,respectively. Prior to making these statements, how many times were you interrogated?

A In the beginning of September 1945 I was interrogated about six times in Freising. In the beginning of November I was interrogated in Zuffenhausen and then in Schwaibisch Hall. Immediately prior to the writing of the statements I was interrogated before every statement was reduced to writing.

Q When you were in Zuffenhausen, how were you treated?

A In Zuffenhausen I was arrested for five weeks in a cellar which was nearly completely dark and there were no facilities through which the light could enter the room and in the course of four weeks I could wash myself only once and furthermore I didn't have any physical exercise. Any physical movement.

Q You say you were interrogated at Zuffenhausen. By whom?

A In Zuffenhausen I was interrogated by a 1st Lt. of the prosecution.

Q Do you remember his name?

A At that time I didn't know his name. I found out only later that he was the 1st. Lt.Perl.

Q Is he the Lt. Perl that has previously testified in this case?

A Yes.

Q At those interrogations, what did Lt. Perl say to you, and what did you say to him?

A At that time, immediately after the interrogation was over I took some notes which now give me the possibility to give you the interrogation almost word for word and I ask the court to be allowed to use those notes.

PRESIDENT: Permission is granted.

A "1st Lt. Perl told me the following: "It is your personal misfortune that amongst the prisoners who had been shot there are the sons of two very important Americans. If this would not be so the whole story would not be brought to the attention of the public in such a manner. But the fathers, a senator and a business man, told about that to the open and enraged them and the people demands yourhead, since they knew your name. You must not overlook the influence of the press or that the President would not be able to save you, because the will of the people has quite a different power in our place than in Germany. If you admit everything you can save

your soldiers from great misery. I must admit that you are very popular amongst your men and that they like you very well, with the exception of some personal enemies, who, of course, has everyone; but we shall settle this matter in a very simple way and we shall call only those witnesses which are competent to us. By the way, I would like to tell you something. I would like to speak openly to you in confidence. You, as an extraordinary soldier. You went through something which is called in our place a military record. That is over--

DEFENSE COUNSEL Mr. Strong) (Correction) You have an extraordinary soldier's record behind you, an outstanding military record .

A "That is over now. Your life is completely ruined today and there is no sense in it any more. The entire SS will be--in a few days the entire SS will be sentenced in Nuremburg as a criminal organization. Among us, I can tell you that you, as a high ranking officer of this organization, will never see your freedom again. As long as men like you are alive there cannot be any talk about peace treaties--about signing the peace treaties between--

DEFENSE COUNSEL (Mr. Strong): Correction. Peace negotiations.

A "between America and Germany. Thereupon I answered 1st Lt. Perl that it was said of course it was clear to me that I would take all of the entire responsibility for my men, and that I would sign everything what he wanted me to do if he could assure me that my men would be set free. That all of my men would be set free. That was the end of this conversation.

Q When were you moved to Schwaibisch Hall?

A I came to Schwaibisch Hall on the third of December, 1944.

Q What happened to you at Schwaibisch Hall from the month of December 1945 to the end of March 1946?

A In the beginning of January I was called by an American Major of the prosecution in order to rearrange my first statement, and he gave me the order to make up a defense statement. Thereupon

I asked him whether I was already accused, because he was talking of a defense statement. He gave me the answer: "No, but presumably the Prosecution will charge you with having given the order on the cross roads, and that is the reason why I should like to ask you to put into this defense statement everything which can defend you in any way." This defense statement was written by me and then it was—and then I gave it—no, then the Prosecutor came to get it.

Q The statement that you are now referring to is that an additional statement to the ones that have been received in evidence in this case?

A Yes.

Q Referring to the written statement of the 21st of March, 1946, Prosecution's Exhibit P-11, prior thereto were you confronted with any persons who are accused in this case or who were witnesses in this case?

A Yes.

Q Who were they?

A That was my former adjutant, Captain Gruhle, Capt. Klingelhoefer, 1st Lt. Rumpf, and 2nd Lt. Kramm.

Q When you were confronted by these people, what conversation took place?

A 1st Lt. Perl asked those officers if they believed that he did know everything, and all of the gentlemen answered in the affirmative. 1st Lt. Rumpf even said they did know more than we did. Subsequently I was told by 1st Lt. Perl: "At first we believed that you were the man of the cross roads but now we found out that you didn't have to do anything with that and suddenly you became a very harmless case for us. The man whom we want now are not you but General Dietrich." Thereupon I was told that at the beginning of the offensive in the Ardennes a fundamental order was issued by the army wherein it was ordered that prisoners of war were not to be taken, that they were to be shot in cases of military necessity; and

that, furthermore, the order was issued that our offensive had to be—that during our offensive our troops had to be preceded by a wave of fright and terror and that in recollection of the bombing terror in the home—at home, we should forget all humane inhibitions. From the beginning on I said that it was completely wrong. Thereupon, the previously mentioned gentlemen were called in again and were asked as to those points shortly—briefly—and all of them admitted that such an order had existed. Then they were taken out again.

Q Referring to the written statement in evidence, dated the 26th of March, Prosecution's Exhibit P-125--

A May I draw your attention to the fact that I was not through yet with the statement of the 21st of March.

Q Will you continue?

A Thereupon part of the statement of Gen. Dietrich was read to me wherein Gen. Dietrich admitted the words previously mentioned. I did not read it myself but I saw the scripture and signature. And I was also told that my divisional commander had already admitted it and also my commanding General, and the Chief of Army staff, and that I was the single one who did not want to admit it. In subsequence to that my adjutant confirmed this in all points, told many details, and furthermorehe said that our clerk, through the hands of which this order had come, had stated the same and since I was of the opinion that obviously the facts had occurred that way I did it against better knowledge, I said to Lt. Perl—I allowed myself to be dictated what my adjutant had told about this incident himself. Thereupon I didn't have a chance to read through this statement because 1st Lt. Perl was in a big hurryand went around me in circles and constantly—went around me in circles with his coat and hat on and assured me that I would get a chance on the next day. Thereupon I signed it but—thereupon I was stupid enough to sign it without having read through it. On the next day 1st Lt. Perl came into my cellar once more to get an interpreter and this statement—since I had made a lot of mistakes in the hurry I did the writing. There-

upon I asked him to be allowed to reread the statement and I was told "you will have a chance for that later". During the following days I asked for the same favor about three times and after about four days I was told, "Unfortunately, the original is not at hand any more; we sent it away to have some photostatic copies made, but you can read it in English." Thereupon I read it in English and told 1st. Lt. Perl that I did not agree to the contents in any manner and that, furthermore, I was of the opinion that there were several mistakes in the translation. 1st Lt. Perl told me that he had to conduct so many interrogations that he couldnot remember any details and that I wouldhave an opportunity before the court to see my own original.

Q Referring to the written statement in evidence dated the 26th of March, Prosecution's Exhibit P-125, prior thereto were you confronted with any persons who are accused in this case, or who were witnesses in this case?

A Yes.

Q When?

A I think it was on the same day. This statement was reduced to writing in two parts and it is possible that I was confronted with some people one or two days later.

Q Who were those people?

A That was my adjutant again, then 2nd Lt. Hennecke, 2nd Lt. Reiser and Sgt. Hillig.

Q At the time you were confronted by these people, what conversation took place?

A At first I was confronted with Hennecke and Reiser. Hennecke gave me the impression to be down with his nerves—to be completely down with his nerves and he told me that he was before a court already for 14 days and that, because I gave him orders in La Gleize to shoot prisoners. I was lightly astonished about what Hennecke told me in this connection and what was confirmed by 1st Lt. Perl, and he had this impression, to be in an insanatory.

DEFENSE COUNSEL (Mr. Strong): Insane asylum.

A At this opportunity I was told by 1st Lt. Perl that he had given the orders in LaGleize to have in one case 180 prisoners of war shot, but since I was positive about the fact that there were only 150 prisoners in LaGleixe and those 150 prisonershad been turned over to the Americans again I could not find out if I tried—I could not find from where those 180 prisoners shouldhave come. Thereupon I was told, "We know that you, personally, did the shooting in many places, and that in many other places you gave the order." Thereupon I was not able to say anything. When Sgt. Hillig was introduced to me then he was asked, "Did you shoot American prisoners of war on the 19th of December in Stoumont?" And his answer was: "Yes." The next question was: "Who gave the order?" And he replied: "Col. Peiper." And he was taken out again. Then my adjutant was called in. He was asked the same questions, and he gave the same answers. I would like to say the following at this point: The only thing in which we believed at this exact time was comradeship which had been made very firm through blood in the front lines. At that time I did not know that in Schwaibisch Hall, I believe list was mentioned here—

DEFENSE COUNSEL (Mr. Strong): Correction. Trickery.

A I did not know yet that in Schwaibisch Hall trickery was used. Therefore I had to believe that this last column in which I believed, namely, comradeship, had broken down too. And when my own adjutant made those statements against me I was disgusted, and I told 1st. Lt. Perl he shall dictate to me whatever he wants to, I will sign everything. Furthermore, it was self-evident to me that at that time it was my duty to protect as many decent people as possible and furthermore I judged the situation in a way but I said to myself either, according to the hints of 1st Lt. Perl which he made in Zuffenhausen, I will be finished in the frame of a general—

DEFENSE COUNSEL (Mr. Strong): Reprisal action.

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

DEFENSE COUNSEL (Mr. Strong) I presume the witness meant to say

"I will be finished through a general reprisal action".

PROSECUTION: I object to anything that counsel says the witness presumed. The witness is right here.

LAW MEMBER: Ask him the question. I think we will get it much better if the witness gives it.

Q Col Peiper, will you go back, referring to Lt. Perl's hint at Zuffenhausen, and continue from that point again?

A The 1st Lt. Perl told me in Zuffenhausen in a very clear manner, for which I am indebted to him, that I had to stick out my neck, so and so. And for this reason I was of the opinion during all the interrogations in Zuffenhausen, there are two possibilities: Either I will be finished in the frame--I will be finished off, off in the frame of a general reprisal action, and then it doesn't matter at all what was dictated to me; or I will be put before the court of justice which had been mentioned repeatedly and then they will find out that there was no reason for the charges against me.

DEFENSE COUNSE: (Mr. Strong) Correction. No basis.

A Thereupon I made two statements.

Q Referring to the written statement by you offered into evidence as Prosecution Exhibit "P-7", dated 28 March, prior thereto were you confronted with any people who were witnesses in this case?

A No.

Q Will you describe to the court the treatment that you were accorded, during the period of time that you were at Schwabisch Hall?

A In Schwabisch Hall I was locked up in a punishment cell for six days — this was the type of cell which had been referred to by my comrades as a "death cell". For a half year, I did not have any physical movement at all and the day before I left Schwabisch Hall I was beaten.

Q By whom?

A I could not find out by whom, since I had a hood over my head, but I presume that the people who did the beating were Poles.

Q Were you beaten more than once?

A No, only on this one occasion.

Q Was your written statement of the 21st of March, Prosecution Exhibit "P-11" received into evidence in this case true in all respects?

A No.

Q In that written statement, and I read from it, you said: "...I can remember in this material, among other things, was an order of the 6th SS Panzer Army, with the content that, considering the desperate situation of the German people, a wave of terror and fright should preceded our troops...also this order pointed out that the German soldier should remember in this offensive the innumerable victims of the bombing terror; furthermore, it was stated in this order that the enemy resistance had to be broken by terror; also, I am nearly certain that in this order it was expressly stated that prisoners of war should be shot, where the local conditions of combat should require it. This order was incorporated into the Regimental order, which was drawn by my Adjutant Gruhle, on the material handed to us". Now, in what respect is that statement not true?

A In every respect.

Q Further, in your statement of the 21st of March, and I read, you said: "...close to 1600 hours the Commander's meeting took place at which the following persons participated: myself, Sturmbannfeuhrer Poetschke, Sturmbannfeuhrer Josef Diefenthal, Sturmbannfeuhrer Gustav Knittel, although he arrived a little late, Obersturmbannfeuhrer Hardeck, Doctor Sickel, Hauptsturmfeuhrer Otto and, I believe, the Major who commanded the Anti-aircraft Battalion which was attached to me at that time; in addition, Gruhle was at least temporarily present. At this meeting, I did not mention anything about prisoners of war being shot when the local conditions of combat should require it, because those present were all experienced officers to whom this was obvious". In what respect is that statement not true?

A At that time, it was not quite clear to me about the logical course of time --

DEFENSE (Mr. Strong): I suggest "chronological sequence of events" as the proper phrase for translation.

PROSECUTION: Is that correct, interpreter?

INTERPRETER: Yes, sir, that would be more accurate.

PROSECUTION: All right, we will accept that interpretation.

A (cont'd.) -- and, in consequence of that, I intended to have two conferences, one on the 15th and one on the16th, but in consequence of that I made only one conference. Furthermore, the persons whom I mentioned as being present at that time are not quite correct. The last sentence, which refers to the experience of my officers, was stated by me in another connection, and the meaning that it has here was only put in by First Lieutenant Perl.

Q Now, further in your statement of the 21st of March, Prosecution Exhibit "P-11", you said: "...It is possible, although I don't know for certain, that the paragraph of the Regimental Order which dealt with prisoners of war and which was taken from the Army order, without receiving any additions, was not sent to the Battalions in writing, but for reasons of security was only looked at in the Regiment and remained there, to avoid having this order fall into enemy hands". Now, in what respect is that statement not true?

A I don't remember those details at all, since my interests at that time were quite different: what was written

down in this statement were the words of my Adjutant, which he told me, when I was confronted with him. Furthermore, I can't recall having said this at all.

Q Further, in your statement of the 21st of March, Prosecution Exhibit "P-11", and I read, you said: "...I know, however, that the order to use brutality was not given by Sepp Dietrich out of his own initiative, but that he only acted along the lines which the Feuhrer had expressly laid down". Now, in what respect is that statement not true?

A I knew that a conference with the Feuhrer had taken place in Bad Nauheim and I knew that General Dietrich would pass along to the other units, the individual units, the policy which the Feuhrer laid down at that conference, and this policy was put into an Order of the Day, as a result of that conference. I'm not certain that such an order really existed, but, if it did, the mental creator of this Order of the Day must have been the Feuhrer. This sentence, therefore, is a combination on my part.

LAW MEMBER: There seems to be some doubt about that word.

PROSECUTION: The prosecution believes that the word "conclusion" would be a more accurate translation.

DEFENSE (Mr. Strong): The defense will agree to that word as an accurate translation: "conclusion".

LAW MEMBER: Reporter, let the record show that correction.

Q Your conclusion, in your statement of the 21st of

March, and I read, is the following: "...When I was received by the Division Commander, he told me that he was present at the meeting with the Feuhrer and that, on the order of the Feuhrer, the offensive had to be fought with special brutality. Whether on this occasion the Division Commander used the word "brutality", or something similar, I don't know any longer, but at least that was the sense of it. The Division Commander also said that the Feuhrer had said that the offensive had to be fought without humane inhibitions and that one should remember the victims of the bombing terror; he said that the Feuhrer had spoken for three full hours and that he had expressed the fullest confidence for victory. The Division Commander told me that after this address only Field Marshall Model gave a "Seig Heil" and that otherwise no one spoke. Further, on the morning of the 15th of December, I was at the CP of the 1st SS Panzer Corps, where the Commanding General Preiss, spoke in front of all of the Regimental Commanders. At this meeting, about thirty commanders of various units participated". In what respect is that statement not true?

A With reference to the discussion that I had with my Division Commander, I stated to First Lieutenant Perl that my Divisional Commander was very enthusiastic about the speech of the Feuhrer and that it was the demand of the hour, to go through the coming offensive without sparing ourselves --

PROSECUTION: If the court please, the prosecution would like to make a correction in the translation --

DEFENSE (Mr. Strong): I believe that "ruthless harshness" would be a correct translation.

PROSECUTION: Yes, the prosecution would accept that as an accurate translation.

LAW MEMBER: The record will reflect that correction in the translation.

A -- and this sentence referred to us; First Lieutenant Perl wanted very much to have the word "brutality" put into the statement and, at the end, I thought that it was beyond my dignity to bargain for words and I allowed the statement to be dictated to me. As to the humane feelings which would not be shown during this offensive, this sentence was taken from the statement of my Commanding General Dietrich. With reference to the speech that General Preiss made at his CP, I told First Lieutenant Perl that, according to my recollection, General Preiss read an appeal --

DEFENSE (Mr. Strong): I suggest the word "proclamation".

PROSECUTION: That is satisfactory.

A -- since with this proclamation he could only mean the Order of the Day of General Dietrich, and I was acquainted with the content of this Order of the Day of General Dietrich by the witnesses with whom I was confronted at that time. First Lieutenant Perl said to me at this time: "...It is quite clear that if you read this order you must have used the word 'brutality' and the words: '...avoiding of humane inhibitions...', and the words: "...wave of terror..!". I could not myself at this time understand Lieutenant Perl's logic, but I nevertheless allowed this statement to be dictated to me.

Q Were these written statements of the 8th, 21st and 28th of March dictated to you?

A Yes.

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Q By whom?

A By Lieutenant Perl.

Q Is the statement of the 28th of March true in all respects?

A Yes.

Q Is the statement of the 26th of March, Prosecution Exhibit 125, true in all respects?

A No.

Q You said, and I read, in that statement of the 26th of March, Prosecution Exhibit 125: "...Furthermore it was reported to me from some party that there were continuous difficulties with the prisoners, who were either disobedient or did not execute orders which they received from the German side; of which kind these orders were, I do not remember any more, but in any case important questions must have been touched off by their refusal to obey the orders, otherwise it would not have been reported to me". In what respects is that statement not true?

A First, Lieutenant Perl told me that Major Diefenthal had shot several prisoners who had refused to work; this fact was completely unknown to me. I knew that he had had continuous difficulties with these prisoners, on the basis of local circumstances and the combat situation, but, since Diefenthal, in this case, was supposed to have shot them, it was quite clear to me at that time that I had to protect my former Commander, so I told First Lieutenant Perl that I would have given him the authority to do so, but I don't really know of any incident of that nature.

PRESIDENT: The court will recess until 1030.

(Whereupon the court, at 1030, reconvened.)

(Whereupon the court reconvened at 1030 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: If it please the court, let the record show that all members of the court, all members of the prosecution with the exception of Colonel Crawford, who is absent on business for the prosecution, and Captain Byrne, who has been excused upon verbal orders of the Commanding General, all members of the defense with the exception of Dr. Hertkorn, who is absent on business for the defense, all of the defendants, and the reporter are present.

DEFENSE COUNSEL: The defense recalls the accused, former Colonel Joachim Peiper.

PRESIDENT: Have you been sworn?

REPORTER: No, sir.

(Whereupon Dorothy H. Cornett, American Civilian, was sworn as court reporter.)

JOACHIM PEIPER, one of the accused, resumed the stand and testified further through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Lt. Col. Dwinell):

Q You said in your statement of the 26th of March, Prosecution's Exhibit P-125:

> "When Dr. Sickel, the Regimental Surgeon, saw that an interrogation was futile, he said: 'This is of no use any more! Help arrives too late here.' Thereupon I asked Dr. Sickel: 'What shall we do with the man?' 'Shall he go up to the Aid Station?' Dr. Sickel replied: 'I think the best is that we give him the mercy shot. Anyway, he won't make it any more. It is unnecessary tormenting.' I replied: 'All right, take the poor devil away!' I then had not given any further orders, but had left the rest up to Sturmbannfeuhrer Dr. Sickel. It was clear to me that the prisoner would be shot. I have been asked if I remember if Dr. Sickel said to the soldier who had brought the prisoner: 'Outside with the swine -- bump him off!' Such a statement was not uttered in my presence. Dr. Sickel and I acted obviously out of pity for the prisoner and such an utterance would not have fit into the atmosphere. I admit to have given Dr. Sickel, on the basis of his medical opinion, the authorization to cause the shooting of the prisoner. In which manner and with which words then

> Dr. Sickel, on the basis of this authorization, had him shot, I do not know. He left the room immediately with the prisoner and his guard."

In what respect is that statement not true?

A On the 26th, 1st Lt. Perl told me that on my C.P. a prisoner was shot, that he knew very well that I did not give the order to do that, that Dr. Sickel had already made a confession, in which he admits having given the order.himself. Furthermore, this was confirmed by Non-Commissioned Officer Wichmann, who had shot the prisoner. I, however, had been present when Sickel gave the order. I, thereupon, asked Lt. Perl if Dr. Sickel had been charged with other things or if this was the only thing. He replied: "No, this is the only case." I said: "Very well then, I'll say that I gave him the order for that and I'll carry the full responsibility." From this position of mine this testimony came to be.

Q Did you, in fact, give that order?

A No.

Q You said in a written statement on the 26th of March, Prosecution's Exhibit-125, that:

> "I further have been questioned if at Stoumont, on the 19th of December, 1944, I caused an American prisoner of war to be shot by giving an order to Unterscharfeuhrer Hans Hillig, Funktruppfeuhrer (leader of the Radio Detachment) at Headquarters of the 1st SS Panzer Regiment. In spite of my greatest efforts, I could not remember such an execution. After confrontation with Hauptsturmfeuhrer Hans Gruhle, Regimental Adjutant, and Unterscharfeuhrer Hans Hillig, I am remembering that I caused an American prisoner of war to be shot there, but to my own mind I do not recollect the details."

In what respect is that statement not true?

A Lt. Perl asked me if on the 19th in Stoumont I had talked to an American prisoner. I said: "Yes, I can remember faintly." In my opinion it was not a medic, it was a Sergeant, a "Buck" Sergeant. We also know the name and then the name was mentioned to me and I, because this man refused to make

statements, gave the order to Non-Commissioned Officer Hillig to have the man shot. Thereupon, Hillig, as I testified to before, was confronted with me and also my adjutant and because of reasons which I have mentioned before, I made the statement.

Q Did you ever hear Dr. Sickel say at any time: "Outside with the swine -- bump him off!"?

A No, this statement was never made in my presence.

Q Did you ever cause an American prisoner of war to be shot at Stoumont on the 19th of December?

A No.

Q Where were you on the 14th of December, 1944?

A I arrived on the 14th of December 1944 in the Blankenheim Forest with my regiment, which was the assembly area prepared for my regiment for the Ardennes Offensive.

Q Now, before we proceed, going back to the beginning of your direct testimony, you told the court your military career; is there anything else you wish to say?

A I was detailed as adjutant in the Waffen SS in 1938 to the Reichsfeuhrer. In this capacity I was in his company for three years without interruption and I was responsible for all matters which concerned the Waffen SS which at that time was still known as "Verfuegungstruppe", or available troops. During the campaigns that happened in the mean time I was again with my troops.

Q What were your duties as adjutant to Himmler?

A As I already mentioned, I was responsible for all matters concerning the available troops and Waffen SS, that means mainly, personal political problems, training problems and organizational problems. Furthermore, I might call my position at that time as a personal servant with society connections.

DR. LEILING: I think the translation should be: "As personal servant having the manners of a gentleman."

LAW MEMBER: The Colonel understands. Is that acceptable?

THE WITNESS: Yes.

LAW MEMBER: Is that acceptable to the prosecution?

PROSECUTION: Quite acceptable.

QUESTIONS BY DEFENSE COUNSEL (Lt. Col. Dwinell, continuing):

Q You say that on the 14th of December 1944 you were at the Command Post?

A Yes.

Q Did you go to the Division Command Post on orders?

A Yes.

Q What did you do?

A The conference at the Divisional C.P. was, if I remember correctly, set at 11 o'clock. Because of the fact that I was notified too late and because of traffic jams, I arrived late. My Divisional Commander had all commanders assembled there and had told them the plan of attack for a couple of days ahead. I myself could not participate in these talks and subsequently was told about it by my Divisional Commander and the 1 A, Lt. Col. Simpson.

Q Who was your Divisional Commander at that time?

A At that time Oberfeuhrer Mohnke.

Q What happened at the Division Command Post?

A My Divisional Commander again emphasized to me the prime importance of my task, again told me about the necessity of a very rapid break-through, the necessity that every man was to commit himself relentlessly and that we should ignore all threats to our flanks fundamentally. Furthermore, he quoted several sentences from the conference with the Feuhrer in Bad Nauheim, in which again he expressed the special confidence which the Feuhrer had put in the Leibstandarte. After that the 1 A talked to me about the attack by means of a map and then

gave me the entire orders which were meant for myself and my regiment.

Q Did he explain to you what he meant by fighting fanatically?

A He did not especially explain that but what the expression meant was no concern for ones person and material and unconditional preparedness.

Q So you understood the word "fanatically" to be applicable to the sacrifices and the treatment of your own troops themselves, among themselves?

A Yes, only.

Q What did you do next? Before I ask that -- I withdraw that question. Who was present at the Division Command Post during those conferences?

A Besides the Commander, which I mentioned, and the 1 A, there were the Regimental Commander and the Commanders of the independent Battalions. Furthermore, several Commanders of subordinate Units that were attached, whose names I do not remember.

Q After the conferences had been concluded at the Division where did you go next?

A I went back to my C.P. and arrived there at about 1400 hours and I ordered my adjutant to set a conference of Commanders for 1600 hours.

Q Where did you say your regimental C.P. was located?

A My Regimental C.P., at that time, was in a house in the forest of Blankenheim, and in the same house there was the C.P. of the Commander of my First Battalion, Major Poetschke, and the C.P. of the Light Anti-Aircraft Battalion 68, Major Wolf.

Q Did you have a conference with all your Commanders?

A Yes, at about 1600 hours the Commanders came to me.

Q And what date was that?

A That was on the 14th of December.

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Q Who was present?

A Besides myself the following were present: The Commanders of my First and Second Battalions, Major Poetschke and Lt. Col. Von Westerhagen; the Commander of the Third Battalion of the Second Panzer Regiment, which was attached to my Panzer Grenadier Regiment, Captain Diefenthal; the Commander of the Second Artillery Battalion of our Artillery Regiment, Captain Schlett, who was also subordinate to me; and the Commander of the Anti-Aircraft Battalion, which I mentioned, Major Wolf, who was also subordinate to me; and for at least some time, my Adjutant was present, and my Signal Officer, Lt. Krause. If any other officers were there I can't tell with any certainty.

Q Did you give any instructions to these officers at that conference?

A At the beginning I held a short speech.

Q Did you give any other instructions?

A And then, by means of a Divisional order of attack, read to the officers those points that were of interest to them.

Subsequently, I had a conference about purely tactical matters in which I explained that we had to make an attack in a terrain unsuitable for tanks, that the only chance of success depended upon speed, surprise, and relentless commitment of person and material and I explained the basic thought -- to form a point which consisted of the First Panzer Battalion, the Third Panzer Grenadier Battalion, Panzer Anti-Aircraft and Panzer Engineers, should be composed in such a manner that it should be suitable because of its speed, armor, and fire power, to solve all coming problems. This group should without regard advance, should not pay any attention to unimportant enemy goals nor booty nor prisoners of war, and the task of this group should be finished then if only one Panzer Model 4 were to reach the Maas without any inside.

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That was clear to me and I carried it through and I explained it that because of the very difficult terrain and because of the regrouping of the enemy this group should be entirely rubbed out and that it would then depend that the Kings Tiger Battalion would be sent behind in a closed, orderly march in order to, after the First Battalion were rubbed out, take over the heavy fighting itself. And that was according to my judgment the area of the Slopes of the Ardennes into the area of the Maas. That is, in other words, that the First Battalion received a very desparate task, which I explained very clearly to the officers.

The orders to the Officers of the point were given with the same meaning and they were told: "You will go ahead with high speed on the road indicated. Your task will be fulfilled after you have blown up. The one that will take over command after you is the car behind you."

In this connection I ordered that if shooting had to be done it would have to be done while going, that the point was not to stop anywhere. I ordered that no booty was to be taken anywhere, that no enemy vehicles confiscated were to be examined, and again pointed toward the fact that ammunition should be used sparsely because of the supply situation. That my order was an order of desparation became evident, that I started off with only one tankful for my tank, that I could not figure on reinforcement and had to depend to supplement my vehicle by enemy fuel. Through my experience, however, I knew that that generally is not possible. Furthermore, it was clear to me that our supply lines would be so heavily loaded we could not figure on any supplies getting through.

The decisive part of the point was, therefore, the march order. In view of the bad and narrow roads it was impossible to change the order of march later on and, therefore,

this composition had to be thought of and figured out very carefully. Therefore, it took me about two hours to talk with my Commanders about this order of march. The entire band of march which was under me was about 25 kilometers long. Because of the fact that the broadcast was very limited, due to the bad terrain, I had to choose a place for myself almost in the center if I wanted to have an essential point of inference. Therefore, I divided the marching column in several independent sections and for each individual one I made the Commander responsible. Major Poetschke became the Officer in Charge of the point who, for this purpose, had a fighting group subordinate to him, consisting of his Battalion, the Third Panzer Grenadier Battalion, the Ninth Panzer Engineer Company, and the Regimental Anti-Aircraft Company.

Q At the beginning of that conference, I believe you said you read the order of the attack. Whose order was that?

A It was the order of attack of Division.

Q Was there anything said in that order about prisoners of war?

A It said in one paragraph that it was not the job of the armored spearhead to worry about prisoners of war that were expected. However, this was the job of the Infantry following. Furthermore, it said that PW collecting points were to be set up at the ammunition and fuel dumps.

Q Was there anything in the order about civilians?

A If I remember correctly, only an explanation that in the terrain which we were to conquer, the appearance of the population inimical to us was expected. Armed civilians were to be treated as partisans and all resistance that were to appear was to be broken without regard.

Q What did you do and where were you on the 15th of December 1944?

A I was ordered to the Corps CP.

Q Did you go to the Corps CP?

A Yes.

Q What happened there?

A The Divisional Commanders were present there, as well as the 1-A's, if I remember correctly, the regimental commanders of Divisions, furthermore, the then Lieutenant Colonel Skorzeny, accompanied by some gentleman. The commander in charge, General Priess, made a speech based upon the Fuehrer conference in Bad Nauheim and read an order of the

day.

Q What did that order of the day say?

A I personally cannot remember any details. It was a patriotic appeal for the hearts of German men.

Q Did it say anything about prisoners of war?

A No.

Q Did it say anything about civilians?

A No.

Q You say that Skorzeny was present. During the conference at Corps, was the Operation Greif discussed?

A Yes.

Q What was said about that?

A Skorzeny introduced the officers accompanying him, the first time talked about the Greif job and explained it in about the following sense: That his task was a task especially organized or requested by the Fuehrer and had the goal to precede us with a wave of panic and confusion in order to confuse the enemy retreat which was expected and to speed this retreat. For this purpose all members of this group were to wear American uniforms. One of those combat groups was to be used with the 1st Division under command of Lieutenant Colonel Hardick and this combat group was to be incorporated with my unit first inorder after I broke through the enemy front line past my point and to carry out its special job. I was told then that I could take Hardick with me to my CP in order to talk about the expected incorporation. The Commanding General thereupon left the conference, turned over the supervision to his Chief of Staff Lehmann and he then talked for a long time in great detail about the chronological sequence of the attack in our area.

Q Who was Colonel Sandig, if you know?

A Lieutenant Colonel Sandig was at that time the commander of the 2nd Panzer Grenadier Regiment.

Q Was he present at that conference?

A Yes.

Q Did you talk to him?

A Yes.

Q What was said?

A The Panzer Grenadier Regiment Sandig was to follow my armored group closely and I therefore told him in detail that it was very important that I not get separated from my column since the danger of my point being surrounded was always present and I told him that the vehicles, the prisoners and the booty which I would leave behind should not be reported by him as his own successes since it was generally such that we carried out armored break-throughs, could not worry about booty and those vehicles which were essential to us were taken over by the Infantry that followed. Furthermore, it was naturally so that those prisoners which we sent back in the evening reported as our success were again reported as being taken by the Infantry and therefore, the numbers of PW's was very exaggerated. In this case it was such that during the offensive that the 12th Grenadier Division commanded by General Engle reported all the success which I had and the airplanes, for instance, which I had destroyed completely at the airport of Buellingen. He reported as captured two days later.

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Q After that conference at the Corps was concluded, where did yougo next?

A I returned to my C.P. with Lt. Col. Hardick.

Q Did you have another conference with your commanders on that day?

A Yes.

Q Who was present?

A At this meeting those commanders were present which I already mentioned in the conference of the 14th, and the Commander of the Reconnaisance Battalion, Knittel, who was also interested in it, since in the first place he wasn't quite clear about the Operation Greif and since the corporation into my columns also concerned him.

Q At that conference was anything said about prisoners of war?

A No.

Q Now, have you heard the officers of your spearhead, who are accused in this case, give evidence to the effect that you said prisoners of war will not be taken?

A May I interrupt you? If I remember your previous question correctly, do you mean that I said anything about prisoners of war?

Q I meant did anybody say anything about prisoners of war?

A The problem of prisoners of war started by Hardick, is as follows: Hardick was to be committed with his combat group before me. It was, therefore, possible that he take prisoners that I would later on meet, and since it was our habit to let the prisoners of war stand on the side of the road unguarded, the danger existed that if I were to approach I would consider them an able enemy and my point might shoot — might open fire on them. I therefore asked

Hardick what do you do with prisoners and Hardick thereupon told me we were to operate exactly like the British Commandos -- if we are caught, we will be finished; we don't give any mercy either.

Q Did you say anything at the conference about prisoners of war?

A No.

Q Now, have you ever heard the officers of your spearhead, in this case, give evidence that prisoners of war will not be taken?

A Yes.

Q Is that true?

A No.

Q Was it the assigned duty or task of your spearhead to take prisoners?

A No.

Q Who was charged with that responsibility in the offensive?

A The Infantry that followed, in this case the 2nd Panzer Grenadier Regiment.

Q And who was the Commanding Officer of that Regiment?

A Lt. Col. Sandig.

Q Now, you say that Major Poetschke had the same C.P. -- had his C.P. in the same building as yours? Is that correct?

A Yes.

Q After your Regimental meeting on the evening of the 15th of December, do you know whether Poetschke had a meeting of his Company Commanders?

A Yes.

Q Were you present?

A I was present part of the time, because we had to use the same room.

Q Now, referring once more to your Regimental conference on

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the 15th of December, what were the last instructions that you gave your Battalion Commanders at the conclusion of the meeting?

A I let my officers go with the reminder that a written Regimental Order was to come out. I told them that, at the same time, that the "H" hour of the attack might be postponed, since I knew from the Division that because of our insufficient preparations, Army would try to get a postponement.

Q What time, on the 15th of December, did that Regimental meeting come to a conclusion?

A I can't say for sure.

Q Was it in the morning or in the afternoon?

A I estimate at twenty or twenty-one hundred hours.

Q In the evening?

A Yes.

Q At that time had the Regimental Order you have referred to been written?

A No, at the time when Poetschke held his conference, I prepared the Regimental Order with my adjutant. That is, we mostly used the Divisional Order as a foundation, inasfar as it concerned the order of march and the task to be done, and furthermore, this order contained a very detailed description of the entire order of march of my combat group. The order, in its original form, was finished at about 10:00 o'clock and was then written by the Regimental clerks and should have been finished shortly after midnight.

Q Is that midnight the 15th-16th December?

A Yes.

Q Did the order contain any reference to the treatment of prisoners of war?

A No, the order contained only pure tactical matters.

Q Did it say anything about a "wave of terror"?

A No.

(Peiper - Direct)

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Q Now, have you heard the statement - the written statement of the accused Fischer, dated the 31st of March, Prosecution's Exhibit P-13, which was read into evidence in this case and is on page 174 of the record -- have you heard that statement read into evidence?

A Yes.

Q I will read from that statement:

"On December 15, 1944, in a forester's house in Blankenheim a written regimental order was handed to me by Hstuf. Hans Gruhle, Adjutant of the SS Panzer Regiment I, "LSSAH".

"In this regimental order handed to me by Hstuf. Hans Gruhle amongst other things it read that a wave of fear and terror was to precede our troops and that the resistance of the enemy was to be broken by terror.

"Furthermore it said in this regimental order that where the military situation should absolutely necessitate it, to shoot prisoners of war. After receiving the regimental order, without adding anything I had this order copied anew, and changed the heading hereby from:

SS Pz Rgt. I. "LSSAH"

to I./(mixed) SS Pz Rgt I, "LSSAH".

"On the same day also, on the 15th of December 1944, a conference took place in the same forester's house at which Stubaf Poetschke Commander of the I./(mixed) SS Pz Rgt I, "LSSAH", also issued the same order to the company commanders. I also took part at this conference but I was not continuously in the room. However, at the time Stubaf Poetschke spoke about that we should not take any prisoners where the military situation absolutely required it, Poetschke also declared hereby that this order was a secret order.

"In my capacity as Adjutant of the I./(mixed) SS Pz Rgt I, 'LSSAH' immediately..."

Incidentally, I think that word "mixed" means - referring to the Battalion.

"immediately after this conference, I had requested the officers who belonged to our battalion to sign the order which was retyped from regimental order to battalion order described above."

Now, what Regimental order was Fischer referring to in that statement?

(Peiper - Direct)

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(Whereupon the statement read by Lt. Col. Dwinell, Prosecution's Exhibit No. 13, was read by the interpreter in German.)

QUESTIONS BY DEFENSE (LT. COL. DWINELL:

Q What Regimental order was Fischer referring to?

PROSECUTION: If the Court please, we object to that question because it calls for a conclusion of this witness.

PRESIDENT: Objection overruled.

A At this time there was no Regimental order. At this time we had three orders; first, the Divisional order of attack; second, the supply order of Division which was attached to the first; and third, an order of the day, which, however, I cannot tell you any more as to whether it was from Army or from Army Group. I cannot even tell you with certainty if I received this order of the day with the other papers on the 14th, or if it was brought to my C.P. in the course of the 14th by a Liaison Officer.

Q Have you heard the witness Kramm testify in this case?

A Yes.

Q Did you hear him testify that he was present at the Regimental meeting referred to?

A Yes.

Q What assignment of duty did Kramm have?

A Kramm was the Liaison Officer of the 1st Battalion.

Q Who was Poetschke's adjutant?

A The adjutant was Lt. Fischer.

Q Is that the Fischer who is an accused in this case?

A Yes.

Q And what relation to Fischer did Kramm have?

A Kramm was the assistant or the aide of Fischer. One might say that he was a messenger with the rank of an officer who was used for important messages.

Q Do you know of your own knowledge whether Kramm ever had an opportunity to see the Regimental Order on the 15th of December?

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A He could not have had that opportunity, because at that time the Regimental Order did not exist.

Q Now, prior to the 14th of December 1944, were your officers required to attend sand table conferences?

A Yes.

Q When and where did these sand table exercises take place?

A The sand table exercises were made up by the 1st Battalion on the farmhouse Buschfeld, near Freisheim.

Q Who was present at these sand table exercises?

A The Commander of the 1st Battalion, Major Poetschke, ordered those that were to attend. Those were in the first place all officers of his Battalion, and according to what type of exercise was carried out at this sand table, the Panzer Commanders were asked to attend. As guests, the following were invited, officers of units with which one would normally cooperate and work with during battle; that means anti-aircraft, artillery, artillery and engineers, and part of the time the signal corps.

Q Were you ever present at any of those exercises?

A Yes.

Q Did you ever conduct them and manage them yourself?

A If I remember correctly, I, myself once managed and led one of those exercises during that time.

Q Now, at the time of these sand table exercises, did any of your officers, including yourself, know about the coming Eifel Offensive?

A No, we knew nothing about it. At this time we all figured on a breakthrough of the American forces in the vicinity of Duerren. Therefore, we had received a task by the Division to try out a Panzer flank break-through, which might be used to stop this American break-through. This theme was talked about in the terrain.

(Peiper - Direct)

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Q Was Kramm present at any of the sand table exercises?

A Yes.

Q Was the accused Rumpf ever at the Regimental Command Post on the 15th of December 1944?

A That, of course, is possible, but I can't tell you.

Q Have you heard the accused Rumpf give evidence in this case, by way of a written statement dated the 22nd of March 1946?

A Yes.

Q I am referring to Prosecution's Exhibit No. 55, which is in the record on page 732. Do you remember this statement by Rumpf:

> "The first formal issuance of orders in regard to use of terror methods happened on the 12th or 13th December, 1944, at the Regimental Command Post in Weilerwist. At that time I was ordered to the command post. There I was met by an Ordnance officer whose name I do not remember any more. The Ordnance officer presented to me a secret regimental order which I read through in his presence."

Did that happen?

(Whereupon the statement read above was translated by the interpreter.)

A That is impossible.

Q Why is it impossible?

A At that time, including my own person, no one knew about the coming offensive, in my regiment.

Q When did the spearhead under your command actually begin its march in the Eifel Offensive?

A The setup of my combat groups started on the 16th, about 6:00 o'clock in the morning to 12:00 o'clock noon. I fell out with my group at about 1600 hours.

Q What conditions did you encounter at the beginning of the march?

A By the bad road conditions and the immense number of

vehicles that was compressed in this area, together with the group of Skorzeny, which apparently had not had very much training, the traffic on the road proved to be of chaotic extent. For one walking on foot, it was almost impossible to walk through the road in the so-called "No One's Land", between the German and the American positions. There was a bridge which had been previously blown up. Because of the road jams, the engineers who were supposed to repair this bridge could not get through. And furthermore, especially at this time, the entire artillery of the 12th Volks-Grenadier Division had to change positions to the front. Since the artillery of this Division was horse-drawn, there was a terrible heap of Kings Tiger tanks on the road and four-legged mules. I, myself, and my Commanders were standing on this road to regulate traffic, and since the bridge was not completed on time I had to have a detour built, by reason of which I could only start off with being twelve hours late.

Q Describe the uniforms of the men of your spearhead?

A The Panzer crews mostly wore black leather clothes. The Grenadiers under me as well as the engineers wore field-gray uniforms, partly camouflaged; the anti-aircraft artillery subordinate to me wore blue-gray air corps uniforms. The uniform of the artillery was the same as that of the infantry.

Q What type of uniform was that?

A That was the same uniform I mentioned for the Grenadiers, field-gray.

PRESIDENT: The Court will recess until 1330.

(Whereupon at 1200 hours the court recessed.)

(Peiper - Direct)

CAMP DACHAU, GERMANY

21 June, 1946

AFTERNOON SESSION

(Whereupon the Court reconvened at 1330 hours.)

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

PROSECUTION: If the court please, let the record show that all members of the Court, all members of the Prosecution with the exception of Lt. Col. Crawford who is absent on business of the Prosecution, and Capt. Byrne, who has been excused on orders of the Commanding General, all the Defense, with the exception of Dr. Pfister, who is absent on business of the Defense, all of the defendants and the reporterare present.

DEFENSE COUNSEL: The defense recalls the accused, Col. Joachim Peiper. Lt. Col. Dwinnel will conduct the examination.

JOACHIM PEIPER, one of the accused, recalled, testified further as follows:

DIRECT EXAMINATION, continued

QUESTIONS BY DEFENSE COUNSEL (LT. COL. Dwinnel):

Q Will you continue with the description of the uniforms of your spearhead?

A The Volksartillery men who were under my command, who wore as I have already mentioned, a blue-green uniform with red colored collar insignia. And the parachutists which were put under my command later were partly wearing a blue grey uniform, partly a camaflouged uniform with yellow collar insignia.

Q During the offensive and at any time during the march, did any of your officers wear a yellow jacket?

A Yes. Officers wore various kinds of yellow jackets.

Q Do you remember the names of any officers in particular who wore yellow jackets?

A I only remember 1st Lt. Thielefor certain from 3rd Battalion, and Capt. Nuske, from Division headquarters.

Q Now, on yourmarch, what town or village did you first reach?

A In the evening of December 16,it was already dark, I arrived at approximately 1700 hours in Losheim.

Q What combat conditions existed there at that time?

A Losheim had already been taken by troops of the 12th Volksgrenadier Division at that time. A terrible traffic jam was in the town itself, it was an exceptionally dark night and the town was under American artillery fire.

Q To what town or village did you go next?

A Contrary to my original orders according to which I was supposed to proceed along the main highway, I here received a radio order to take route by way of Lanzerath. Leaving town and proceeding toward Lanzerath was very difficult since we had to pass through mine fields which were not cleared. They were mainly mines which were old and snowed under and which, in the main, we first had to look for with our armored vehicles. To the best of my recollection I therefor lost about three tanks and five half-tracks on the way from Losheim to Lanzerath.

Q At that time did you meet any German parachute troops?

A Yes.

Q Under what circumstances?

A I received a radio order either from division or corps, I can't say for sure any more, according to which a regiment of the 3rd Airborne Division had gotten held up in Lanzerath. I was told that this regiment was to be put under my attention and that I was to continue to attack without delay. I arrived in Lanzerath about midnight and there had a conference with a Colonel who commanded this parachute regiment. I ordered him to get one battalion ready for attack along the road from Lanzerath to Honsfeld. They were to be used only as defense for the flanks and close combat for my troops.

Q What happened next?

A At about four a. m. I proceeded to attack with my tanks, supported by motorized infantry and infantry on foot, towards the forest. Contrary to reports received from the parachute troops the forest was freed of enemy troops. The forest was under severe artillery barrage. At the dawn of 17th we surprisingly penetrated Honsfeld.

Q What combat conditions existed at Honsfeld.

A An American recognizance unit was stationed at Honsfeld. The vehicles were standing in front of all the doors of all the houses in town and there were plenty of weapons around, particularly tank destroyers, but the troops were not at their weapons or in their vehicles, but were in the houses asleep. For that reason, there was hardly any fighting at all. The first moving spearheads, at the heads of which 1st Lt. Preuss was driving merely shot at some of groups of houses for prophylactic reasons and the town was passed without any serious resistence. At that time I was with the spearhead. With the point. My own comand group which was to march in the convoy behind the group of Poetschke had remained way behind and I myself decided to personally remain with the point in order to be able to take action more rapidly, to be able to encourage the troops out front and in order to be able to evaluate the results of the recognizance performed by the unit Knittel and the Unit Hardick, both of which were supposed to pass by me.

Q Did you see any prisoners of war in Honsfeld at that time?

A I saw some individual American soldiers jump around from house to house. I didn't see any prisoners.

Q Do you know whether any prisoners of war were shot in Honsfeld at that time?

A I didn't hear anything about that.

Q Have you heard the witnesses' statement in this case, referring to the witnesses Wilson, Morris and White, who testified

that prisoners of war were killed in Honsfeld. Have you heard that evidence given in this case?

A Yes.

Q For the convenience of the Court, the statement of Wilson is on page 901, of the record; Morris page 907, and White 909. Is that true?

A I can't state anything definitely about this because I wasn't present. It was later reported to me that resistence started up again several hours after my passing through Honsfeld and that the troops who were following us up and who at that time considered Honsfeld to be safely in our hands, considered themselves to be ambushed secretly. From the impression I received from the discussions I heard at the time, the following had happened. The American troops had realized their surprise only rather late and proceeded to fire again on the units of my troops which were further behind and that therefore serious combat again resulted.

Q Who was Major Taubert?

A Major Taubert was the commanding officer of the airborne battalion which joined us in the attack on Honsfeld.

Q Did you have any conversations with him at that time?

A Yes.

Q What was said?

A On the western edge of Honsfeld I requested Major Taubert to maintain his men on my vehicles and continue to accompany our attack. As I mentioned before, this whole regiment was under my command at that time. Evidently due to some mistake, no time limit was set on this and I did not know that the regiment proper had a different mission after Honsfeld was taken. Major Taubert then told me that he first had to wait for an order from his regiment and I was annoyed and told them for him then just to stay back in Honsfeld and hide in there.

Q Did you leave Honsfeld?

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A Yes.

Q What happened after you left Honsfeld?

A About one kilometer west of Honsfeld the point was filled in.

Q Did you stop?

A Yes.

Q What vehicle were you in then?

A At that time I either was in the tank of Major Poetschke or in the vehicle of Captain Diefenthal.

Q Were you in the lead?

A Yes.

Q Did you continue on the road that you had originally planned to use?

A Yes.

Q Where did you go?

A I first had had the orders to march to Heppenbach from Honsfeld;on account of the obviously poor road conditions I decided to go by way of Buellingen. Buellingen itself was assigned to the Division Hitler Youth by the operational order. Since I heard the noise of combat which was due to the division Hitler Youth comparatively far to the rear and up northeast, I thought it might be possible to pass through the town of Buellingen without causing a traffic jam together with the Hitler Youth Division.

Q Where did you go next?

A I continued along the main road to Buellingen.

Q Was there an airdrome just before Buellingen?

A Yes, there was an airdrome on the left side a short distance outside of Buellingen.

Q Describe what happened there.

A About 12 or 13 American liaison planes were standing at that airdrome, the propellers were moving and the machines were ready to take off. The crews of these planes apparently taken completely by surprise also, they hid in the hedgerows which surrounded the

airdrome and opened fire upon us. This fire was supported from the town of Buellingen proper. The vehicles in the point thereupon proceeded to strafe the hedgerows with machine gun and artillery fire and in that manner destroyed all airplanes.

Q Did you see any American prisoners of war at that time?

A Yes.

Q Tell what happened.

A Seven, eight, or possibly twelve prisoners of war came towards me along the road. They dropped their arms and were sent to the rear by us. No guard was sent along, since a continuous convoy was right behind us along the road.

Q What time of the day was that?

A It was about nine or 9:30.

Q On the 17th of December?

A Yes.

Q Did you receive artillery fire at that time?

A At that time we didn't get any yet.

Q Did you see any civilians at that time?

A Yes. Only after that we attacked the town.

Q What were the civilians doing?

A They were firing from windows rather regularly.

Q Did you go into Beullingen?

A Yes.

Q About what time?

A About nine-thirty.

Q Did you see any prisoners of war in Beullingen?

A Yes.

Q What happened?

A About sixty prisoners of war collected in one point, in my opinion. I ordered Capt. Diefenthal to see to it that these prisoners were sent to the rear in American trucks which were also standing around there, so that the prisoners and the trucks would be put in a safe place at the same time.

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Q What happened next?

A We captured an American fuel dump and refueled and as rapidly as possible. American soldiers were working in that fuel dump also and they were of great help refueling.

Q Will you indicate on the map, Prosecution's Exhibit P-3, just where that happened?

A The prisoners collected themselves up here in the northern part of Beullingen, exactly at the place where the church is marked there.

DEFENSE COUNSEL (Lt. Col. Dwinnel): Let the record show that the witness is pointing to a symbol indicating a church about the center of the town of Buellingen on Prosecution's Map Exhibit P-3.

A The fuel dump proper was located at the road leading to Buetenbach about here. (Indicating).

Q About how many kilometers is that point from the church that you have previously indicated.

A About five to eight hundred meters.

Q And in what direction from the church?

A West, southwest. At that time the American artillery proceeded to put the town under heavy fire which speeded up our very rapid movements even more. The vehicles left Buellingen at full speed in the order in which they had refueled and left the town along this road here. (Indicating).

Q Are you indicating the road leaving the town going in a southwest direction?

A Yes.

Q What happened next?

A At this fork, this road forked here, I ordered a short break in order to see to it--in order to make it possible that the column which had been broken up would close up again.

Q About how many kilometers is that point from Beullingen?

A About three kilometers.

Q Did you see any American vehicles at that time?

A Yes.

Q What did you do about that?

A At this very road fork one or two American ambulances came down from the road north. They were sent back along this road which we had come from without delay.

Q What did you do next?

A The driver of the point vehicle, 1st Lt. Preuss, at that point lost contact with the rest of the column for the reason that he continued along the road which I had originally ordered him to go along, namely southwest. But since down here in the next town there was one other bridge and these were particular--points of particular danger for us, I decided at this road fork to choose the road into Enderscheid, by way of the forest, instead, particularly since this resulted in time saving and was a short cut and also took us away from an unexpected direction.

(Peiper - direct)

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Q Did you see any prisoners of war at that time?

A I did not see any individual prisoners of war but I did see a large number of American vehicles.

Q Where did you go next?

A From Moderscheid we went on to Schoppen; from Schoppen on to Ondenval.

Q At Schoppen, or anywhere in the vicinity of Schoppen, did you see any American vehicles?

A Yes, all along the road the American vehicles kept continuing joining our column.

Q You say you went to Ondenval; where did you go after that?

A To Thirimont.

Q What time and what date was that?

A That was on the 18th at about 12 O'clock.

Q Were you alone at this time?

A I have already stated previously that I was by myself and my whole Command Group was not with me. I, myself, was riding on the vehicle of Diefenthal most of the time, part of the time also on Poetschke's tank.

Q Who was leading the spearhead at this time?

A You mean the first vehicle?

Q Yes.

A I can't say.

Q You say you were alone; who was commanding the main column?

A Major Poetschke was the Commander of the point group mentioned previously.

Q Where did you next go?

A I left Diefenthal's vehicle for a short time between Ondenval and Thirimont because a jeep was standing along the

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road there with a driver next to it and, since I had nothing to do at the moment and was very much interested in a tactical situation around Malmedy, I questioned the driver about this briefly. The man had had orders to repair a telephone line along our road and was able to tell me that the American troops had given up Malmedy and were retreating in a westerly and southwesterly direction.

Q Where were you at that moment?

A Between Ondenval and other points about here.

DEFENSE COUNSEL (Lt. Col. Dwinell): Let the record show that the witness is pointing to a road at a point about half-way between Ondenval and Thirimont, on the map, Prosecution's Exhibit P-3.

Q What were the combat conditions at the point that you have just described east of Thirimont?

A There was no combat going on.

Q Do you know what your tanks were doing at that time?

A At about that time I suddenly heard my cannons and machine guns open fire. I, therefore, realized that the point had hit the main road from Malmedy to Petit Thier and, since at that moment I was completely alone with the jeep driver, I drove off to the point in the jeep. The column behind me was detached since the piece of road between this road fork and Moderscheid was exceptionally difficult. About here, at this point, I met my armored spearhead.

DEFENSE COUNSEL (Lt. Col. Dwinnel): Let the record indicate that the witness pointed to a road about a kilometer east of the town of Beugnez.

A About five tanks and about the same number of half tracks were standing in front of me and they were shooting with all weapons at their disposal in a southwesterly direction at the road over here, at a range of about 500 meters.

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Q Are you indicating the road fired upon as being the road leading south from the Malmedy Cross Roads?

A Yes.

DEFENSE COUNSEL (Lt. Col. Dwinell): On map, Prosecution's Exhibit P-3.

A At that time I, myself, saw an American truck convoy.

Q What time was that?

A It might have been 1300 hours and it might have also been 1330 hours.

Q Is this still the 17th of December?

A Yes. This column attempted to break down in a southerly direction at great speed, as I saw the first vehicle of the convoy disappear behind this curve here going south and the last vehicles I saw at the Cross Roads, but there might also have been more there.

Q Did you get into communication with your Headquarters at that time?

A At first I called -- I gave an order to cease fire several times, since I was annoyed at having my armored spearhead held up, in view of the fact that they had lost so much time already. Furthermore, I was annoyed at having these beautiful trucks, which we needed so badly, all shot up. It might have taken about two more minutes until I was understood everywhere. I, thereupon, loudly ordered them to continue to drive on at a great speed. I then mounted the vehicle of Major Poetschke and ordered him to send a radio message to the Division, since for the reason given before, I did not have any means of communication of my own and he was to report that, No. 1, the enemy was leaving Malmedy and was retreating toward the south and southwest, and that we had reached the main road south of Malmedy.

Q What did you do next?

A I then mounted Diefenthal's vehicle and followed the vehicles which had already proceeded to move towards the Cross Roads.

Q Did you stop again?

A This road here between the Cross Roads at the beginning of the forest was pretty well blocked by the American vehicles.

Q Are you pointing to the road leading south from the Malmedy Cross Roads?

A Yes. And a panther was right in front of me and it was pushing the shot American vehicles into the ditches by moving to the left and the right alternately. I, myself, with the vehicles followed at a speed no faster than walking. At that time I saw a large number of Americans.

Q Did you stop?

A Not at the Cross Roads -- no.

Q Did you stop at any other place?

A Yes.

Q Indicate on the map just where you stopped with reference to the Cross Roads?

A At the point where the road disappears in the forest.

Q How far south of the Cross Roads is that point?

A About 500 meters on the ground.

Q Do you know what was taking place at the Malmedy Cross Roads at the time you passed and the time you stopped?

A I already mentioned that I saw a large number of American soldiers at the time, 40 or 60 according to my estimate. Some of them were standing in the road already; some of them were lying in the ditch; and the great majority of them were lying on the west side of the road in the open area.

Q What time of day did this happen?

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A About 1330, according to my recollection.

Q What else happened?

A Some of the American soldiers played dead; some of them slowly crept towards the woods; some of them suddenly jumped up and ran toward the forest and some of them came towards the road. Grenadiers which were in the half tracks driving behind me fired on those which carried rifles and were running towards the forest.

Q Were these soldiers that you're referring to -- these American soldiers you're referring to -- prisoners of war?

A At that moment, no.

Q Did you give any orders to any American soldiers who were standing or walking in that vicinity?

A I motioned to those soldiers with my thumb for them to go back and it's possible that I told them in English, too.

Q Did you see Diefenthal there at that time?

A Yes, we were in the same vehicle.

Q What did he do?

A According to my recollection Diefenthal motioned with his hands to the half tracks behind them in order to make them speed up, because the many trucks which were standing around here represented quite an attraction to our men.

Q Did you see Poetschke there?

A No.

Q Did you see Poetschke at any time before that?

A I saw Poetschke a short time before the road crossing where I gave him the order to send the radio message and I cannot state with certainty whether he was in my vicinity at the point which we just mentioned.

Q How long were you at that point south of the Cross Roads?

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A In my estimate about two or three minutes. I remember that Diefenthal's driver asked for permission to fill up the oil. The reason that I had stopped in the first place was as I didn't see any vehicle in front of me any more and that I had the impression that I was the first vehicle and, since I knew with certainty that we would meet resistance in Ligneville, I had no desire to be the first one to enter Ligneville since I rather not considered that to be my mission. I motioned to my rear and three half tracks and the tank of First Lieutenant Fischer, the Adjutant of the First Battalion, passed me by. They continued towards Ligneville at great speed and I attached myself to their heels.

Q In the vicinity of the Malmedy Cross Roads did you see any prisoners of war shot?

A No.

Q At that time were there any American forces nearby?

A Yes, I just received information that the Americans were withdrawing from Malmedy in a westerly and southwesterly direction and it was clear to me that I was on one of their main routes of retreat.

Q Did you secure the corner at the Malmedy Cross Roads?

A I, myself, did not do this but I am convinced that that was done by Poetschke because tactically that went without saying.

Q Was the Infantry supposed to be following you at that time?

A At that time I was convinced that there would be one continuous convoy of marching troops behind us for 30 to 40 kilometers.

Q You heard the witness Assenmacher testify in this case?

A Yes.

Q Did you hear him say that Diefenthal got out of his SPW at the Cross Roads?

A Yes.

Q Did you see Diefenthal do that?

A No.

Q Whose vehicle were you in at the time you were at that point south of the Cross Roads?

A In Diefenthal's vehicle.

Q Was Diefenthal in the vehicle?

A Yes.

Q What was he doing at that time in addition to signaling his troops from the rear?

A Both of us oriented ourselves briefly about the locality near Ligneville by means of a lamp. Ligneville had another bridge and these represented points of particular danger to us and it was therefore necessary to prepare some by-passing routes in advance.

Q Was there a possibility of an air attack at that time?

A Yes.

Q What duties did Assenmacher have with Diefenthal?

A He was radio operator.

Q And when the vehicle stopped, what did he do?

A I personally can't testify as to that. From what I heard from him here he got out.

Q Have you heard him testify in this case that you gave him permission to leave the tank for three minutes to make loot?

A Yes.

Q Is that so?

A It's possible that he asked me whether he could get out for a minute. That is necessary for radio operators at times too, and that I gave him permission to do that at the time.

Q Do you know actually what he did?

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A I don't know; I don't remember. I do remember that about 50 meters away from the place we were off the road there were several American soldiers who played dead and that either Assenmacher or some other soldier told these soldiers to get up. I also remember that one or two of them were dead and I should like to mention at this point that the concentrated fire of my spearhead which amounts to a total of 25 machine guns and 5 cannons must necessarily have caused a lot of casualities when fired at a range as close as 500 yards.

Q What was Diefenthal wearing at that time?

A A yellow fur jacket.

Q Did you see anyone else there with a yellow fur jacket on?

A I cannot state with certainty.

Q Where did you go then?

A We drove into Ligneville at a great speed.

Q Describe the situation at Ligneville?

A Just upon entering town I suddenly saw in front of me the vehicle of Lt. Fischer. That vehicle had been set afire. I therefore stopped about 50 yards from that vehicle and recognized a Sherman about 80 meters to my right. He was just about to aim his cannon at my vehicle. I thereupon ordered the driver of Diefenthal's vehicle to pull the vehicle back at once, which he did, whereupon we remained at a protected corner of a house. Another half track which followed us passed us by and was knocked out at that moment. I, myself, took a rocket-launcher and ran into the house in order to attempt to knock out the Sherman from the rear window but it was knocked out at that very moment by another tank.

Q What time did this happen?

A In my opinion a few minutes before 1400.

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Q Was Diefenthal there at that time?

A I then ordered Diefenthal to clean out the town with his Grenadier Troops.

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Q Did you see Poetschke there at that time?

A No.

Q Do you know where he was at that time?

A I remained there to that point approximately 45 minutes according to my estimate. It was very unpleasant there because we couldn't move from the spot where we were because burning ammunition was exploding all around us. In the meantime some men who were burning had been saved by us and I also bandaged the Adjutant of the 1st Battalion, Lieutenant Fischer, who had suffered severe burns on the face and hands. After about 45 minutes had elapsed Poetschke arrived at that place on foot.

Q Did he tell you where he had been?

A No. He merely reprimanded his Adjutant because he was wounded, because he had no business out front. At the same time Diefenthal who came up to me and reported to me that the vehicle was completely under his control. I was also informed that a high echelon American CP had been located in the hotel here which according to the testimony of the innkeeper of the restaurant already had been disturbed at their dinner. A strong tank column was also supposed to be immediately toward our front.

Q Did you see any prisoners of war in Engelsdorf?

A Yes, I saw several and I think that they remained behind with our wounded.

Q Did you see any American prisoners of war shot in Engelsdorf?

A No.

Q Were there any other SS Troops besides your spearhead in Engelsdorf at that time?

A No.

Q What did you do next?

A At that time a change in the order of march of the spearhead resulted and the 1st Panzer Company which had been further towards the

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rear until then took over the spearhead and we continued on in the general direction of Stavelot.

Q When did you reach Stavelot?

A In my estimate we reached Stavelot about twenty or twenty-one hundred hours.

Q What happened then?

A I had at once attempted to take the town in one rapid attack. That, however, proved impossible because all our Infantry Troop which were available were not strong enough and because the tanks had no chance to come into action along the street. The terrain was extra ordinarily unfavorable, slopped down very much towards the left, and a hair pin curve was right outside of town so that everybody passing by this curve was knocked out by several American tanks and tank destroyers which were located behind road blocks at the edge of town. My own attacking Infantry remained at that edge of town and suffered severe casualties and had to dig in.

Q What officers of the spearhead were with you at that time?

A At that time the following were with me Poetschke, Captain Diefenthal, Captain Nueske, Captain Gruhle and an officer from the group of Skorozeny met me there too.

Q Did you enter the town of Stavelot?

A Yes, we took Stavelot in the morning of the next day, the 18th that is.

Q That is 18 December 1944?

A Yes.

Q Did you see any civilians in Stavelot?

A When we penetrated Stavelot too many civilians shot at us from the windows and openings in the roofs. The only goal that I was looking for was the bridge near Trois Ponts. I therefore had no time to spend on those civilians and I continued driving on although I knew that the resistance in this town had not been decisively broken.

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Q Did you have any wounded with you?

A I had quite a number wounded in Stavelot.

Q What did you do with them?

A I had an aid station for wounded established in Stavelot and had it marked.

Q Did you have any officers wounded?

A 1st Lt. Kremser, CO of the 1st Company and 1st Lt Tomhardt, the Commander of the 11th Panzer Gr. Co. were left behind there wounded.

Q Did you converse with anybody about what later happened to Tomhardt and Kremser?

A Yes.

Q What was said and by whom?

A I received already reports from Kremser and from Tomhardt and from other means whose names I cannot give at the moment. There is one more whose name I can give, that is Tech. Sgt. Hendel.

Q What did they report to you?

A Shortly after we left town some Belgian civilians came and severely mistreated our wounded, poured hot water over men in many cases and shot into the wall with pistols over the head of the wounded constantly. 1st Lt Kremser was wounded a second time because of this. Further 1st Lt Kremser received one wound from a knife from a civilian. 1st Lt Tomhardt and several others were able to escape from town secretly and gain liberation. In the meantime violent resistance had been reopened in town consisting of newly arrived American soldiers and civilians. With the help of a few tanks of mine which followed behind some Infantry we succeeded in the counter attack to get our wounded out.

Q Then where did you go?

A We drove on towards Trois Ponts from Stavelot at a great speed.

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Q Did you see a bridge at Trois Ponts?

A Yes, there is a railroad bridge there and a bridge across the Salm.

Q Were there any prisoners of war shot at Stavelot that you know of?

A No.

Q Did you see any prisoners of war in Trois Ponts?

A Yes.

Q What happened?

A We were standing below the railroad bridge and received rather severe Infantry fire from the bridge across the river further down. At that time seven, ten or possibly twelve prisoners of war were brought over to me. One of them told me that he belonged to an American Engineer Bn. and that they were ordered to stop our advance by demolition. I, myself, sent them on back without guards particularly for the reason that a connected convoy was driving behind me.

Q Did you see von Westerhagen at that time?

A Yes, shortly after we continued on our way after leaving Trois Ponts von Westerhagen arrived.

Q Did you have any conversation with him?

A Yes.

Q What was said?

A I asked him what the situation in his battalion was and about his casualties. Among other things he told me in this conference that a mix-up had happened at Ligneuville and that a rather large number of prisoners had been shot there. He did not know any details nor who had given the order to do that.

Q What unit does he command?

A He was the commander of my 2nd Panzer Bn., the heavy Tiger Detachment 501.

Q Was this the first time that you have heard of the incident he spoke about?

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A Yes.

Q Did he tell you that he had his information on reports from some people?

A No, he said he had passed by there.

Q Had he talked to anybody about it?

A Our conversation about this matter was not as comprehensive as all that because the importance of technical problems would not permit that. He did not speak about any details either.

Q Were there any attacks of the 501 Heavy Group through Trois Ponts later on?

A Yes.

Q Was there any artillery there?

A Yes, about two batteries of the battalion assigned to me drove through Trois Ponts.

Q Was there any anti-aircraft there?

A Yes, a whole Triple A Bn.

Q You spoke of a blown up bridge. Did that impede your progress in any way?

A Yes, my road of advance from Trois Ponts on west could not be maintained and I had to find another crossing somewhere.

Q What did you do then?

A I decided to take the route by way of La Gleize to cross the Ambleve southwest of La Gleize in order to get back on to the main road in the southwest.

Q On what date was that?

A That was on the 18th.

Q Did you move to La Gleize?

A Yes.

Q Were there any American forces there?

A No, La Gleize wasn't taken.

Q Did you pass through the town?

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A Yes.

Q Did you see any Belgian civilians there at that time?

A No; they were all hiding in the cellars.

Q Did you see any Belgian civilians in any part of the city?

A I don't remember any.

Q Then did you come to another bridge?

A Yes, we left La Gleize in the southwest direction and came to the bridge across the Ambleve, which I have mentioned.

Q What happened there?

A We saw some persons rushing around the bridge, and since we had to expect that this bridge too would be blown right in front of our noses, the point stopped and opened fire.

Q Who gave the order to fire?

A Nobody gave the order. That was the natural reaction.

Q Do you know why they fired?

A I have already said that it had to be expected that this bridge would be blown.

Q How far away from the bridge was the tank that fired?

A About 400 meters.

Q How far away were you when this tank fired?

A About 450 meters.

Q Could the people at the bridge, or the persons at the bridge be recognized?

A If one had had time to do that,certainly. But in this instance it was a reaction whichtook seconds only.

Q What was the visibility?

A It was satisfactory.

Q By what means of transportation did you arrive at the bridge?

A On a bicycle.

Q Where did you next go?

A On the other side of the bridge my column was attacked by a

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heavy American air raid.

Q And then what happened?

A The street on the other side takes a sharp curve and goes up to Cheneux and the tank at the point was blown to pieces by a direct hit from a bomb right there. It was therefore not possible to pass by this tank for a while. We made desperate attempts to pull it back towards the rear but nevertheless lost at least two and a half hours. I then ordered Diefenthal to proceed at once in the same direction at a great speed to reach the main road and to prevent by all means the blowing of the next bridge which was near Veucy.

Q While you were in La Gleize did you see any prisoners of war?

A No.

Q You say you proceeded to Cheneux. About what date was that?

A That was about 1600 hours.

Q On what date?

A On the 18 December 1944.

Q Did you pass through Cheneux?

A Yes.

Q Were there any American forces there?

A No, there was no enemy in Cheneux.

Q Upon what vehicle were you riding at that time?

A At the bridge near Cheneux I was reached for the first time by my command group and I mounted a radio vehicle of this group and I received a report of all radio messages that had come in from my communications officer which, of course, had not reached me before then.

Q Have you heard Goedicke's testimony in this case by way of a written statement, Prosecution's exhibit P-92, page 1222 of the record, to the effect Klipp gave his troops the order to shoot prisoners of war on the 18th December in La Gleize?

A Yes.

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Q Have you heard Richter say by a written statement, Prosecution's exhibit 93, page 1227 of the record, that on the afternoon of 18 December some ten or fifteen prisoners of war were killed in front of a church in La Gleize?

A Yes.

Q Have you heard Gebauer give evidence by way of a written statement, Prosecution's exhibit 94, page 1233 of the record, that they shot prisoners of war between seven and eight o'clock p.m. on 18 December before they entered Cheneux?

A Yes.

Q Did that happen?

A I consider it impossible.

Q Why is it impossible?

A Because there weren't any American soldiers at all at that time in those villages.

Q What happened next--I withdraw the question.

LT COL DWINELL: This will be a good place to stop.

LAW MEMBER: That's fine.

PRESIDENT: There will be a recess until 1530 hours.

(Whereupon at 1500 hours the Court took a recess.)

. . .

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(Whereupon Court reconvened at 1530 hours.)

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 Lieutenant Colonel Crawford and Captain Shumacker, who are absent on business of the Prosecution, and Captain Byrne, who has been excused by verbal orders of the Commanding General, all the members of the Defense, all the defendants and the reporter are present.

DEFENSE COUNSEL: Defense recalls the accused former Colonel Joachim Peiper.

JOACHIM PEIPER, one of the accused, resumed the stand and testified further through an interpreter as follows:

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

DIRECT EXAMINATION (Continued)

QUESTIONS BY DEFENSE COUNSEL (LT. COL. DWINELL):

Q You have testified that you have passed through the village of Cheneux. What happened next?

A After darkness fell we again reached the main road which we had planned to continue on from Trois Ponts and just outside of Vaucy another bridge was blown before our noses.

Q What did you then do?

A I then ordered Captain Diefenthal to start two combat bridge reconnaissance patrols, namely, one north of the main road, the other one south. The patrol south of the road found only one small bridge and got into Berbomont. The reconnaissance patrol on the north side of the road commanded

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by 1st Lieutenant Preuss was trapped in ambush by American troops on the other side of the river and only the leader of the patrol himself came back in his car. The capacity of the bridge which he had used was not high enough for our heavy vehicles. I therefore had to decide to turn the whole column around in order to proceed west on the road located further north near LaGleize and Stoumont, my plans being to re-cross the Ambleve Bridge west of Stoumont and thus finally being able to reach my main road again. I arrived in LaGleize for the second time about midnight.

Q What date was that?

A That was midnight between the 18th or 19th of December '44.

Q What did you do then?

A I immediately proceeded to reconnoiter Stoumont. The results of the reconnaissance were that heavy enemy concentrations were in Stoumont. Upon that I planned and prepared an attack on the town of Stoumont the early morning hours of the 19th.

Q Did you attack Stoumont?

A Yes.

Q Did you take the village?

A Yes.

Q Did you see any American prisoners there?

A Yes.

Q About how many?

A Contrary to my first plan I was not able to attack Stoumont at dawn because there was a heavy fog. The attack began at nine o'clock. The terrain was very unfavorable. I

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was hardly able to make use of my tanks. The enemy had dominating positions, a large number of anti-tank guns and tanks also. The attack itself was studded with severe crises and in one of these crises the tanks of the Battalion Poetschke attacking on the right flank proceeded to my back so I gave Poetschke the order to take a hand in there at once. Poetschke himself left his tank, took ahold of a rocket launcher, went over to every tank and threatened every commander to shoot him down at once if he would go back one more meter. In that manner the backward movement on this flank was stopped, while at the same time I myself organized everything that was lying in the ditch, including the Company Rumpf, for an attack on the town which made the decision. About thirty prisoners of war were brought back from the main enemy line of defense which continued around the edge of town. Upon that I gave the order to send them on to LaGleize at once.

Q You heard the statement given in evidence by Motzheim, written statement Prosecution Exhibit P-67 read in evidence on page 884 of the Record?

A Yes.

Q I will read from the statement: (Reading)

> On the morning of December 19, 1944, a few hundred meters before Stoumont, after my vehicle had been knocked out, I was stopped by Obersturmbannfuehrer PEIPER who was standing with Hauptsturmfuehrer DIEFENTHAL near an SPW. Hauptscharfuehrer THIELE was also with his SPW in the immediate vicinity. Obersturmbannfuehrer PEIPER questioned me about the outcome of the attack. During this time a group of 50 to 80 American prisoners of war passed by and the German guard asked Obersturmbannfuehrer PEIPER what should be done with the prisoners. Obersturmbannfuehrer PEIPER answered, 'First of all, take them to LA GLEIZE, then we'll see further.'

Did all that happen?

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A In the main all that happened, yes.

Q What part of that did not happen?

A I ordered Motzheim, who had been knocked out there, to immediately proceed to attack as infantry since all that happened at a moment which I have previously described as a crisis. The number of prisoners I myself do not estimate as being high.

Q I will read further from the statement of Motzheim. (Reading):

> "When I told Obersturmbannfuehrer PEIPER that I had been knocked out, he gave me the order to fight with my crew as Infantry. However, a little later on the same morning I received the order to drive to LA GLEIZE with three K.W.K.'s which needed repair. I arrived in LA GLEIZE between 10 and 11 o'clock of the same morning, when I met PEIPER, who was standing with Sturmbannfuehrer KNITTEL, Kommandeur of the A.A. (Translator's note: CO of Reconnaissance Battalion) and Sturmbannfuehrer POETSCHKE, Kommandeur of the 1st Panzer Abteilung (Translator's note: The First Tank Battalion). PEIPER called me over and asked what I was doing in LA GLEIZE, since I had received the order from him to fight as infantry. Just as I was standing there, Sturmbannfuehrer POETSCHKE said to Obersturmbannfuehrer PEIPER:
>
> 'Obersturmbannfuehrer, here are two more prisoners of war.'
>
> PEIPER answered in an indifferent and disdainful manner:
>
> 'As usual.'

Did that happen?

A No.

Q What did happen?

A It is rather unusual for a high ranking officer to personally bother with prisoners of war and it is even more unusual for a major to come up to me with two prisoners of war and ask me what is to be done with them. The words quoted here are unknown to me. Furthermore, the times do not jibe. I was

in LaGleize at about 12:30 with Poetschke and Knittel since at the time mentioned here I was definitely still occupied with the attack on Stoumont.

Q I will read the next paragraph of the same statement. (Reading):

> "From Obersturmbannfuehrer PEIPER's answer, I concluded that both prisoners of war would be bumped off. The reason I thought so at that time was because my company commander had told me that we would not take any prisoners of war, I myself had shot an American, and I had seen a great number of dead American soldiers lying in the field before ENGELSDORF. As I was standing at this spot, I overheard Obersturmbannfuehrer PEIPER and Sturmbannfuehrer KNITTEL discussing an assignment of a mission which KNITTEL had received from PEIPER, but I did not understand the exact details of the mission."

Did that happen?

A As far as the conclusion of Sergeant Motzheim concerning the treatment of prisoners of war is concerned I cannot state anything. As to the conference with Knittel, that happened at LaGleize at about 12:30.

Q What was that conference about?

A Knittel reported at this time that only about two-thirds of the battalion had arrived in LaGleize and that the rest of it was lost somewhere towards the rear because the enemy had completely taken Stavelot again and that his vehicle situation would not continue in a westerly direction any longer. I then ordered him to turn around at once, to clean up Stavelot and to ascertain whether our main route of supply which went through Stavelot would be secure. Knittel asked me to make some tanks available to him for this undertaking but I could not do that and I had to send him away rather annoyedly at the time because that was not a very nice mission for him. At that time the commander of the 2nd Battalion of the Panzer

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Grenadier Regiment reported to me. Captain Schnelle, who had just passed through Stavelot made reports about the situation there to me and put his battalion under me.

Q Did you take the town of Stoumont?

A Yes.

Q About what time?

A Stoumont was taken at 11 o'clock on the 19th of December.

Q Have you heard the statement of Werner in evidence in this case, written statement Prosecution Exhibit 103 which was read in evidence on page 1348?

A Yes.

Q Wherein he says that on the morning of the 19th at seven A.M. his tank entered Stoumont and that prisoners of war were shot at that time? Did that happen?

A No.

Q What did happen?

A At that time it was barely dawn at seven o'clock. I already described that after dawn a heavy fog prevented me from attacking and that I did not start to jump off on the attack before nine o'clock and it is therefore impossible that our own troops shot American prisoners of war in Stoumont at seven o'clock.

Q Did you pass through the main road of the Village of Stoumont?

A Yes.

Q Have you heard the statement in evidence of Szyperski in this case Prosecution Exhibit -- on page 1339 of the Record --

A Yes.

(Peiper-Direct)

Q — wherein he says that his tank entered Stoumont between 7 and 8 A.M. on the 19th of December and that prisoners of war were shot at that time. Did that happen?

A For the reasons previously stated it couldn't happen either.

Q You have heard the written statement of Mikolaschek, written statement Prosecution Exhibit P-100 and on page 1311 of the Record —

A Yes.

Q — wherein he says that his tank entered Stoumont between 7 and 8 A.M. on the 19th of December and that prisoners of war were shot at that time? Did that happen?

A That too could not have happened for the reasons given previously.

Q You have heard the statement of Ritzer, written statement Prosecution Exhibit P-99 on page 1305 of the Record —

A Yes.

Q — wherein he testified to the same things that have just been said by Szyperski and Mikolaschek?

A Yes.

Q Did that happen?

A The same thing applies to this testimony.

Q You have heard the witness Landfried testify in this case?

A Yes.

Q Did you hear him testify that on the 19th of December you were in Stoumont around noon, that he saw you near a house and that the accused Hillig stood in front of

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you, apparently in conversation with you, and that Hillig thereafter took a prisoner of war in the field and shot him? That testimony is on page 1364 of the Record. You heard that testimony?

End tk 230

A Yes.

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Q Have you heard the testimony of the witness Ebeling to the same effect? It's on page 1367 of the record.

A Yes.

Q Have you heard the accused Hillig's statement read in evidence in this case -- Prosecution's Exhibit 105, on page 1375 of the record -- wherein he said that he received orders from you in Stoumont, as testified to by Landfried and Ebeling, and that Hillig shot a prisoner of war? Did that happen?

A No.

Q Exactly what did happen?

A After the first prisoners were brought back from the enemy line of resistance -- as I have mentioned -- and my attacking infantry had disappeared in the town, I, myself, drove into town promptly with a jeep. Since violent firing was still going on, on that front, I stopped at the first house on the lefthand side. An American anti-tank gun was standing next to that house, as was a knocked out and burning panther, so I assumed that the clearing of the town would take awhile yet. I planned to establish a message center in this house at first. Some of the officers of my staff, as well as Poetschke, Westerhagen and Neuske arrived at my place, as did my communications officer. At that time I saw an American medic standing at the house, leaning against the door. Since there were some American wounded and dead still lying around the area, and since the vicinity did not appear to be very secure, I motioned the medic to come over and asked him a few questions, the subject of which was whether there were any more Americans in the house or in the houses in the vicinity. That was not an interrogation but a measure of security. A rather large number of civilians flooded out of the houses at the same time. They were gesturing wildly and approaching me. I gathered from the confusion of voices that they wanted to go back into the town in

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order to milk their cows. I chased them back and made myself understood to them that that certainly was somewhat too early now. And I ordered my adjutant to see to it that after the combat situation had ebbed down somewhat that all civilians would be taken to the church. At the same time I ordered that the medic would be taken to the aid station, since we could use him, and I then went to an American anti-aircraft position which was quite near the house in order to determine whether these weapons were still of use. A severe artillery barrage started, when I returned, which forced me to take cover. In that case that meant that I jumped into the house, from the rear, but since the hits were very close I got out again, lay by the window on the other side. I met my adjutant and some men there who were taking cover there, and I ordered my adjutant to establish a C.P. at a distance from that point, since the artillery was zero'd in too well at that point. Then, together with Major Poetschke I got into his jeep and drove through Stoumont, met Capt. Diefenthal on the western edge of town and ordered him to follow the escaping enemy at once and to see to it that all the vehicles would not stop under any conditions but rather increase their speed.

Q The accused Sprenger gave evidence in this case by way of a written statement. Did you hear that statement read in evidence?

A Yes.

Q That statement is Prosecution Exhibit No. 44, on page 681 of the record, wherein he says that Siegers - the accused Sievers - killed the prisoners of war at Stoumont. Do you know anything about that?

A No, I don't know anything about that.

Q What did you next do?

A I then followed the attacking point with Poetschke, and met them again at about the railroad station of Stoumont. The Stoumont railroad station is located several kilometers west of the

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town proper. There I got out of the vehicle and walked to the first tank. That tank was standing right behind a sharp right-hand turn which was under severe American anti-tank fire. On the right, that is, on the North end of the woods, more enemy infantry was located and a lot of firing was done. There I met Diefenthal and 1st Lt. Christ, the Commander of the 2nd Panzer Company, in the ditch and we had a short conference about the situation, with a map. By that time it had become quite definite that due to our fuel situation we would no longer be able to attack further. I therefore had to abandon my intention to capture the next bridge, and therefore ordered to hold the position which we had achieved until further notice.

Q Did you return to Stoumont?

A Yes. I then returned with Poetschke and stayed in my C.P. for a very short time.

Q About what time was that?

A That was about 12:00 o'clock. The C.P. had in the meantime been established by my adjutant in the big castle located between Stoumont and LaGleize.

Q Was that on the 19th of December?

A Yes.

Q At any time on the 19th of December were prisoners of war shot in Stoumont?

A I never heard anything of it, and in Stoumont itself I saw hardly one dead American.

Q You say you went to your Command Post located between Stoumont and LaGleize? What did you do next?

A I ordered the C.P. to be taken out of the castle and to be removed to a small house located directly on the road Stoumont to LaGleize, since wounded were already lying in the castle and

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since I had no intention to establish my C.P. under the flag of the Red Cross. Then I continued to drive on to LaGleize with Major Poetschke, after ascertaining whether any radio message had come in.

Q At that time did you meet the Commanding Officer of the 2nd Battalion in the 2nd Regiment?

A Yes.

Q Is that the Capt. Schnelle you referred to before?

A Yes.

Q Then what happened?

A I returned to my C.P. and worked out some plans of defense of Stoumont, LaGleize and Cheneux. In course of that, I put Major Poetschke in charge of Stoumont, Lt. Col. Westerhagen in charge of LaGleize, and temporarily Major Wolff of the anti-aircraft battalion in Cheneux.

Q What was the situation in Stavelot at that time?

A I had not received any message that made sense from Stavelot at that time, but was of the opinion that troops which were following us should not have any trouble to break that resistance, particularly since a panther of the 1st Battalion arrived in the course of the afternoon, which was manned only by a driver, because the whole crew had become casualties. This man also reported about the conditions in Stavelot to me. He said that he had gotten out several times, had fought his way through with a machine pistol, but otherwise it was still possible to get through.

Q Now, what happened on the next day, the 20th of December?

A On the 20th, the conditions became much more strained; I was out of communications with the Division, the supply line had not been cleared either. Reconnaisance patrols which were sent out in the direction of Stavelot returned without performing their task. Furthermore, reconnaisance patrols of mine could notice enemy

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concentrations North of LaGleize. In the afternoon, heavy attacks from the west were made in Stoumont, Cheneux was attacked from the southwest, and about 45 enemy tanks passed by us going east towards Stavelot. Through Intelligence and questions of prisoners of war I could ascertain that I was surrounded by the 36th Infantry Division, the 3rd Army Division and the 82nd Airborne Division. The conditions in Stoumont were particularly difficult, because it was no longer possible to fight back the enemy which had broken through, and the enemy was in control of the western part of the town from then on.

Q Did you give up the town of Stoumont?

A In the night from the 20th to the 21st, I made a counter-attack in Stoumont, when I regained us the positions we had lost. In the couse of this, two officers and I believe thirty-five men were captured in a castle-like building in the western part of Stoumont. Combat in this house was particularly severe. Fights took place for every individual room, and the tanks on the outside had to shoot down the individual rooms which were pointed out to them by the Infantry inside.

Q Did you see Capt. Sievers there at that time?

A Yes.

Q What was he doing?

A I forgot to mention that in the afternoon of the 20th I was in the C.P. of Sievers, in Stoumont, one more time with Poetschke. His C.P. was that building which I just mentioned, and in the cellar of that house I visited a large number of civilians -- there were several nuns and over a hundred children there -- and I calmed them down. I gave Sievers some particular instructions concerning the defense.

Q Did you go to LaGleize after that?

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A Do you mean me, personally, or my troops?

Q Both you and your troops.

A I, myself, as I said previously, had my C.P. about half way between Stoumont and LaGleize, and since the position had become much more serious on the 21st, I considered giving up Stoumont. In the early afternoon of the 21st, an American major was brought to my C.P. Simultaneously, the road about one hundred yards away had been cut by American troops. Trees had been demolished there -- there were mines hidden in between them -- and the danger of Stoumont being cut off became obvious. I saw clearly that the enemy had now perceived my undefended northern flank, which had been represented by the big forest between LaGleize and Stoumont, and I had to expect that stronger American forces would follow through these troops which had cut the road. This place, where the place was cut, was eliminated again with all available messengers, liaison officers and later part of Preuss' Company. At the same time I made plans for evacuation of my main aid station, which was located in the castle. All slightly wounded persons were taken to LaGleize, and about fifty more severely wounded, who were no longer able to be transported, as well as some 15 A mericans and some medics were left behind there. Since I was faced with the possibility of being surrounded simultaneously in Stoumont, LaGleize and Cheneux, I decided to withdraw to LaGleize with all my troops, while, however, still attempting to keep control of the bridge southwest of LaGleize, since I had not yet given up hopes of troops following us from behind. At dusk of the 21st of December 1944, the units withdrew from Stoumont to LaGleize. A severe crisis which had developed in Cheneux too was cleared up by the personal action of Capt. Diefenthal. At that occasion a Belgian civilian had beaten in the head of one of my men with an axe, thereby yelling: "Vive la France".

(Peiper: Direct)

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Q You spoke about an American Major brought to you. Do you know what his name was?

A Major McGown.

Q Is that the same Lt. Col. McGown who testified here in court yesterday?

A Yes.

Q Did you make him your prisoner?

A Not I, personally.

Q Did your unit make him a prisoner?

A Yes, he was captured by members of Diefenthal's Battalion.

Q When he was first brought to you, did you interrogate him?

A I put one or two questions to him, since I was pretty much in a hurry because there was severe firing about one hundred meters away from me on that road block and I had to count on Americans looking into my apartment any minute. I therefore ordered McGown to be taken to LaGleize at once, and then participated in the counter-attack on the road block.

Q Where did you put McGown, Lt. Col. McGown in LaGleize?

A I personally had nothing to do in this matter at first, but rather had him called over to me the first time when I had some time at my disposal. I had issued an order that he, together with the other officers were to be separated from the men and be put in a separate cell.

Q Did you have any conversations with him at LaGleize at that time concerning prisoners of war?

A Yes.

Q What was said?

A McGown was very much interested inthe question how we would treat PW's. I could reassure him on that and I told him that I was no"Genghis Khan", and that furthermore that went without saying with us.

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Q What else was said?

A I talked with McGown for a very long time about different subjects, and both of us were very glad to find out that front-line soldiers always spoke the same language.

(Peiper - Direct)

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Q How many conversations on the subject of prisoners of war did you have with him?

A I can't say this for sure, but I think that the subject was mentioned two or three times.

Q Did you make any arrangements with Col. McCown concerning exchange of prisoners of war and wounded?

A Yes.

Q What was that arrangement?

A I might perhaps be permitted to ask something here which belongs here. Our position in LaGleize had become very difficult. The town itself consists of a few houses only. It is surrounded by mountains and offers very excellent artillery observation points to the enemy. Furthermore, to the north and west the forest is very close to the town and therefore offers very good lines of approach to infantry. In view of the great enemy artillery superiority, it was only a matter of days that the whole town would be shot to rubble. It was hardly possible to move in the streets. All squares of the streets of the town were under direct machine gun and tank destroyer fire. Connected with that was a very great increase in our own casualty rate. The town hardly had any cellars. The few cellars which were available were used for the prisoners and wounded exclusively, and the prisoners represented a terrific burden to me at that time, but it happened constantly that the guards who were standing outside the cellars in which the prisoners were kept, ran away during the artillery fire. In the evening of the 21st, while inspecting the lines of combat I saw a number of Americans--I think there about eight--lying on the edge of town, shot. I wasn't able to make any investigation since it was dark and firing was going on very lively. I continued on my way to the C.P. of Major Poetschke and I asked him whether he knew anything about those American soldiers I had seen out there. And he said, Yes, they had been shot in course

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of an enemy attempt to escape during the afternoon, in the afternoon of the 22nd. In the afternoon, in the noon of the 22nd, the enemy had attacked with very strong infantry--very strong tank concentrations from the west--from the east--and infantry concentrations from the west. They had penetrated the outermost houses. The whole town was filled with fog and the impression one had was that the infantry men were in front of our doors. I myself jumped out of my cellar with a machine pistol while my adjutant began burning the secret matter. At that occasion I saw the whole town full of brown figures but could not decide whether these were the attackers or the escaping prisoners. In connection with this attack Poetschke related the incident just mentioned. Until that time I had the intention of defending the town until the last man, even if no aid would come. About noon of the 23d I received a mangled radio message from division from which I gathered that the combat group which had been sent to my relief was not moving forward any more and that, furthermore, higher headquarters had the wish that I return. I thereupon made the preparations for a break. I called McCown over in order to talk over the matter of prisoners and casualties. And made a written agreement with him on these subjects.

Q What were the provisions of the agreement?

A I established there that I would leave all American prisoners behind with the exception of Major McCown. He was to accompany me during the break and the following days I would approach the American lines again with him and at that time the Americans were to hand over my wounded men, whom I was leaving behind, to me. At the end of this action McCown was to be sent back to his own units again. A captain of an anti-tank company who had also been captured was to give this written agreement to the American troops would had been arriving the next day. He was also put in charge of the prisoners who were remaining behind. I, myself, left a doctor behind with the wounded.

Q What was his name?

A That was the 2nd Lt. Dr. Dittmann.

Q In accordance with the agreement you have just mentioned, did you release the American prisoners of war?

A Yes.

Q When?

A We broke out of LaGleize at about 1:00 a. m. the 24th December 1945--1 944--and on that occasion we left the wounded as well as the prisoners behind. And the American captain was appointed town commander by me.

Q Did you go to Wanne?

A Yes, I got to Wanne later on.

Q About what time and what day?

A I got to Wanne at about three o'clock in the morning, on the 25th.

Q What was your physical condition at that time?

A I myself was slightly wounded. I had a violent heart attack and was taken down there unconscious.

Q When and where were you wounded?

A While breaking through the American main line of resistence which was precisely west of the Salm.

Q During all these days previously mentioned, had you been without sleep?

A I did not sleep for nine days during the offensive.

Q Do you remember anything that took place in Wanne?

A In Wanne I met--I found an aid station of my regiment which had been established by my regimental surgeon, Dr. Sickel. I was bandaged there and slept for a short while.

Q What did you do next?

A The next morning, that is the morning of the 26th of December, I was ordered to my division C.P.

Q What happened there?

A I had to report the--report what had happened in the operation which had been concluded, to my division commander in presence of the commanding general, General Priess.

Q Where was the Division Command Post at that time?

A The Divisional Command Post was in a little castle about ten kilometers west of Wanne--east of Wanne.

Q How long were you at the Division Command Post?

A Until noon.

Q And after you received your orders there, what happened?

A I drove to Blanchs Fontaine from there and established a command post in the chateau Petit Thier.

Q On what date?

A On December 26.

Q While you were in the chateau Petit Thier on the 25th of December, was an American prisoner brought to you at that time?

A Not on the 25th of December, but later.

Q On what date?

A I can't say with certainty, but it might have been early in January; the fourth or fifth of January.

Q Do you remember what his physical condition was when he was brought to you?

A Yes.

Q What was that condition?

A The man was half dead. He had severe third degree--was frozen severely, third degree. Was completely exhausted and starved.

Q Did you interrogate him?

A Yes.

Q What happened?

A The man was brought in to me, this being done by two men who were supporting him to his left and right. In my opinion, there

was a third man in the room. I then had a chair put under him since he could not stand up and asked him a few questions.

Q Then what happened?

A Then I offered him a cigarette and a cup of coffee, but the man was in no condition to either smoke or drink. I heard--I established from him that he had been hiding in the woods near here for two weeks and that he had there been a first gun on a machine gun. I asked him where the machine gun was, but the man was barely able to talk, it was more like barking than like talking what came out of him. I then asked my regimental surgeon who was present what we would do with the poor fellow, whether we should put him in the hospital, which was located in the same house. My regimental surgeon, by a--cast a brief glance at his hands which were wounded--full of wounds, and shook his head and said, "There is not much sense in that any more; there is not much purpose in that any more."

Q Then what happened?

A I can't quote the words with certainty any more but I think that it was like this, that my surgeon determined that the man would not be able to stand being moved to the hospital. That, however, would have been necessary, since amputation was apparently necessary. Therefore he said he would put him in the aid station at first. I thereupon ordered him to take the man out and to see to the rest of it. Afterwards I still talked to my officers who were present, which were my adjutant and Major Poetschke, about the extraordinary effort and energy of that man; and the atmosphere pervading the whole room was one of pity.

Q Was the accused Gruhle present at that time?

A Yes.

Q Did you have any conversation with him about the prisoner?

A Not to my knowledge.

Q Was the accused Wichmann there?

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A I didn't see him and I don't remember him.

Q Did you order that prisoner of war shot?

A No.

Q Have you heard the testimony in this case concerning the accused Kuehn at Lutre Bois on the 31st of December?

A Yes/

Q At the time of the incident testified about, was Kuehn an officer, or was he an enlisted man?

A I removed Lt. Kuehn from his official position on about the 21st of December for cowardice before the enemy, since he had left his platoon in a position of crisis in Stoumont.

Q On the 31st of December what rank did he hold?

A He personally had his own rank yet, since I was not in the position to demote him, but he was serving as an enlisted man in his unit.

Q Do you remember the written statement received in evidence of the accused Hennecke, Prosecution's Exhibit P-78, on page 1004 of the record?

A Yes.

Q Do you remember that in that statement he referred to the fact that you ordered a shooting detail or an execution detail? Do you know anything about that?

A Yes.

Q What do you know about that?

A On the 22nd of December a member of the 9th Panzer Grenadier company took an SS insignia off during a moment of severe crisis and there was a suspicion of his deserting. I thereupon ordered that this man be shot summarily. I also ordered an execution detail--a shooting detail to be organized--I don't know whether I gave this order to Rumpf or Hennecke. The shooting was to occur at noon. It was delayed by the American attack and the man was shot in the evening in La Gleize by a summary court. Through a summary court.

(Whereupon a conference between Prosecution, Defense Counsel and the Court was had outside the hearing of the reporter.)

DEFENSE COUNSEL (Lt. Col. Dwinnel): No further questions.

PROSECUTION: If the Court please, I would like to inquire, inasmuch as the accused has branded the statements of many of the other accused false, if any of the other defense counsel will examine this accused?

DEFENSE COUNSEL: May it please the Court, the redirect examination--there will be no cross examination on behalf of the other defense counsel, and the redirect examination, it is anticipated that Dr. Leer will conduct that.

PROSECUTION: If the court please the accused testified from some notes this morning. I intend to use those in my cross-examination and I would like to request Chief Defense Counsel to get these notes and hold them so that he will have them in the morning.

DEFENSE COUNSEL: We have no objection.

LAW MEMBER: Just so you guarantee the notes will be here in the morning.

DEFENSE COUNSEL: Do you have the notes?

WITNESS: Yes.

DEFENSE COUNSEL: They will be delivered.

PRESIDENT: Anything else?

PROSECUTION: Nothing else.

PRESIDENT: THe court will adjourn until 0830 tomorrow morning.

(Whereupon the Court at 1500 hours adjourned.)

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CAMP DACHAU, GERMANY

22 JUNE 1946

MORNING SESSION

(Whereupon the court reconvened at 0830 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record show that all members of the court, all members of the prosecution with the exception of Lt. Col. Crawford and Captain Shumacker, who are absent on business for the prosecution, and Captain Byrne, who has been excused on verbal orders of the Commanding General, all of the defense, with the exception of Dr. Leiling, who is absent on business for the defense, all of the defendants and the reporter are present.

DEFENSE COUNSEL: The defense recalls the accused, former Colonel Joachim Peiper. You may cross-examine.

JOACHIM PEIPER, one of the accused, resumed the stand and testified further through an interpreter as follows:

CROSS-EXAMINATION

QUESTIONS BY PROSECUTION:

Q Peiper, you speak and understand English, don't you?

A Yes.

Q You read and understand English, don't you?

A Yes.

Q You believe in the sanctity of an oath, don't you?

A Yes.

Q Isn't it a fact that you didn't surrender to the Americans on the capitulation and that you tried to go home and was apprehended within 20 kilometers of your home?

A Yes.

Q That you had several comrades with you when you were apprehended, isn't that true?

A Yes.

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Q And that you had been carrying a weapon previous to your apprehension but that you disposed of it when you saw you were going to be captured?

A Yes.

Q You went into the Headquarters of the Reichsfeuhrer in August 1938 as an Aide to the Adjutant, didn't you?

A Yes.

Q Then in 1940 you became Adjutant of the Headquarters of the Reichsfeuhrer?

A One of the Adjutants.

Q And in that capacity you became quite well acquainted with Himmler?

A Yes.

Q In other words, you were his Adjutant, isn't that true?

A One of his Adjutants.

Q Now, on direct testimony you stated that you were a Military Adjutant; as a matter of fact, you were more than just a Military Adjutant, weren't you?

A Yes, I already stated that I was an Adjutant of the Waffen SS and, furthermore, I was -- I belonged to a party, a personal party who accompanied him.

Q It's a fact, isn't it, that you accompanied Himmler on inspections that were of a character other than military?

A Yes.

Q And, as a matter of fact, didn't you accompany Himmler on an inspection where the first gassing experiments on living objects were conducted?

A Yes.

Q And isn't it also the truth that you made a rather lengthy report when you were confined at Ober Ursel about these gassing experiments?

A Not a long report, only a very short one.

Q You have listened to the testimony here in the court about the famous Ghingis Khan?

A Yes.

Q Isn't it a fact that you have told Lt. Perl that it was a sort of a hobby of Himmler's to inculcate to the SS the idea of fighting like Ghingis Khan?

A No.

Q Didn't you also tell Lt. Perl that Himmler has said in substance: "Pyramids of skulls have to impress the enemy and create panic amongst them."?

A No.

Q Do you deny that Himmler advocated such measures of fighting?

A Yes, absolutely.

Q Now, you said when you came to Schwaebisch Hall, I believe, you were put into one of the cells that your comrades called the "death cell", is that correct?

A Yes.

Q How long did you stay there?

A Six days.

Q And isn't it a fact that you were moved prior to the 10th of December and put into a hospital cell?

A Yes.

Q And how long did you stay in that hospital cell?

A For about three months.

Q And then where were you moved to?

A Then I came in one of the ordinary cells of the jail.

Q Were you alone when you were in this ordinary cell?

A At first, yes. Later on I got company.

Q Who was the company you had?

A The former Adjutant of the First Battalion, Lt. Fischer.

Q And now I presume you remember what was in that hospital cell, don't you, when you were in it?

A May I ask you whether you are talking about the furniture?

Q I am.

A Yes.

Q What was in there?

A There was a bed, a night table, a chair, and a toilet.

Q You had a typewriter for some time in there too, didn't you?

A Yes, I had a typewriter at my disposal in order to reduce my defense statement to writing.

Q How many statements have you made since you have been in American custody?

A I can't tell you with certainty -- about eight.

Q Well, where did you make the first one?

A In Freising.

Q When did you make it?

A In the beginning of September, 1944.

Q And who interrogated you there?

A There were three officers whose names I did not know.

Q Did you ever see them again?

A One of them I saw again twice.

Q Where did you see him?

A Once in Ober Ursel, once in Schwaebisch Hall.

Q Was this statement sworn to that you made in Freising?

A That was not a statement; that was an interrogation report. I believe it was under oath.

Q Were you sworn before you were questioned?

A I believe so.

Q Did you tell the truth?

A Yes.

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Q How were you treated when you were in Freising?

A Well, that's another story. I was not treated as a Colonel prisoner of war but I was not treated as a War Criminal either.

Q Did you make any more statements at Freising?

A Yes.

Q Was that statement under oath?

A Yes.

Q Who did you make that statement to?

A I can't tell you for sure. The gentleman who took the statement at that time was introduced as Lt. Perl; later on I found out that his name was Lt. Guth; what his name in reality is, I don't know.

Q Was this statement dated before or after the statement that these three officers took?

A It was before the statement with the three officers.

Q Did you tell Lt. Guth the truth?

A Yes.

Q Did you give any more statements at Freising?

A As far as I can remember, no.

Q Well, where did you make your next statement?

A Orally or in writing?

Q Orally or in writing, where did you make the next statement?

A In Ober Ursel.

Q Did you tell the truth there?

A Yes.

Q Well, did you make a written statement in Ober Ursel?

A No.

Q When was the next time you gave a statement?

A In Schwaebisch Hall.

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Q Were you interrogated previous to going to Schwaebisch Hall?

A I was not interrogated; it was only a conversation I had with Zuffenhausen.

Q Did you tell the truth there?

A We did not talk about the truth.

Q Now, how many statements did you make in Schwaebisch Hall that were reduced to writing?

A The three statements which are introduced here in evidence and, in addition to that, two more I believe.

Q Well, were those statements the truth?

A As I already stated yesterday -- no.

Q Well, which ones weren't true.

A Out of the three statements which were introduced in evidence here, the ones from the 21st of March and from the 26th of March. As to the other statements I cannot tell you at the moment because I am not sure what their contents are.

Q Were you sworn when you signed these other statements?

A Yes.

Q Well, you wouldn't have signed them if they weren't true, would you?

A I already stated, I already explained yesterday why I signed them which was the situation when I signed them.

Q Well, you told me I thought here earlier this morning you believed in the sanctity of an oath?

A Yes.

Q Do you mean to tell me now that you don't believe in the sanctity of an oath?

A I believe in the sanctity of an oath if its taken under fair conditions, but not if an oath is taken under false conditions and under pretext of false facts and under pressure.

Q Now, you said you made two other statements that weren't introduced here; when were those statements given?

A I gave them towards the end of March and the beginning of April.

Q Well, now, did you ever make a statement here in Dachau?

A No.

Q You're pretty sure about that?

A I only gave interrogation reports to the defense.

Q You're sure you didn't sign a statement for the prosecution here in Dachau?

A Yes.

Q You signed a statement here in Dachau for the prosecution?

A No.

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Tk #234-6/22-SR-1

Q As a matter of fact, if I handed you a statement that bore a Dachau date the 25th of April, would that change your answer any?

A No.

Q Is that your handwriting? Is that your signature?

A Yes.

Q What date is that signed and where?

A 25th of April 1946

Q Whereabouts?

A Dachau.

Q Is that statement true?

A May I read through it?

Q It is sworn to, is it not?

A Yes.

Q You believe in the sanctity of an oath, do you not?

A Yes.

Q Was this signed under any pressure?

A I tell you first I must have an opportunity to get acquainted with the contents.

Q If the contents are not damaging it is true and if the contents are damaging then it is not true, is that correct?

A I never was afraid of any damage.

Q Do you usually read statements before you sign them?

A Yes. May I say something with reference to this statement?

PROSECUTION: I will bring it out on questioning. If it is not fully brought out then you can go ahead and let

(Peiper-Cross)

your Defense Counsel clear it up on redirect. I think that is satisfactory to the Court, is it not?

LAW MEMBER: So he has an opportunity to say whatever he wants to say.

PROSECUTION: Let him say it now. Let us give him full opportunity.

THE WITNESS: This statement was not signed by me here but counsel of the Prosecution thought it was important that I was put under oath afterwards. Therefore, I only was sworn here in Dachau after the statement was already given. That was already signed before that.

QUESTIONS BY PROSECUTION:

Q You knew the contents of the statement, did you not?

A Yes.

Q Do you remember now whether it is true or not?

A I must repeat I should have an opportunity to re-read it first.

Q Yesterday, I think you testified on direct examination that Hardick made some statement that they would kill prisoners of war because they would be granted no pardon if they were captured. In substance I believe that is true, is it not?

A Would you re-read this question, please?

PROSECUTION: Will you read the question, please, Miss Reporter?

(Whereupon the question was read by the reporter.)

THE WITNESS: I stated yesterday Hardick made an expression towards me wherein he explained to me that

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they would not give any pardon because they would be shot in the same manner if they would happen to fall in enemy's hands and that they were put into operation under the same conditions as the British Commando undertakings.

QUESTIONS BY PROSECUTION:

Q I will read this paragraph in the statement of yours which is dated 25 April, wherein you were referring to your conversation with Hardick.

A 21st or 25th?

Q 25th of April. (Reading):

"To my question of what he would do with prisoners, he answered, 'We do not give pardon. If we get caught we will also be bumped off.'"

Is that true?

A Yes.

Q I will read the last paragraph of this statement of the 25th of April: (Reading)

"Hardick fell on the first day of the offensive. His combat group was not under me but directly under the Panzer Brigade 13 (Mission Greif), which to my knowledge again was placed directly under the 1st SS Panzer Corps. The commander on Mission Greif was Sturmbannfuehrer Skorzeny."

Is that paragraph true?

A This paragraph is true. However, I must say that I cannot make a certain statement as to whose commander Skorzeny actually was, if under the command of the Corps or the Army or the Fuehrer directly.

Q Was the Fuehrer a commanding officer in this

000198

campaign?

A The Fuehrer was the chief of the German Wehrmacht.

Q Was Hardick responsible to you at any time during the campaign?

A No.

Q Who was he responsible to?

A Later on I found out that Hardick was assigned by the Fuehrer directly -- correction -- I am talking about Skorzeny.

Q Hardick was operating with you, was he not?

A In a larger sense, yes, but he was not under my command and he had only the mission to attach his unit to my column as far as the marching technique was concerned during the first part of the offensive.

Q You outranked him, did you not?

A Yes.

Q Is it customary in the German Army for the senior officer to have command when there is more than one element together -- more than two units together?

A That does not apply to this case.

Q If you saw Hardick kill an American prisoner of war you could have stopped him, could you not?

A I could not have prevented it after he was already dead.

Q If you saw him lining a prisoner of war up to get ready to shoot him, you could have stopped him, could you not?

A Certainly.

Q I forgot to ask you a question. Do you think that a long statement detracts from its authenticity?

A If you write it yourself, no.

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Q Do you think a long statement that was given in question and answer form would detract from its authenticity?

A That might be the case if after I dictated for several hours the strength of both the partners is exhausted, then the recollections must suffer.

Q Do you suppose if a long statement was taken over a period of two days would make it untrue?

A No.

Q Do you think a statement that was 67 pages long and taken over a period of two days would be untrue or lack authenticity?

A That depends on the circumstances under which it was taken. If three officers swap during the interrogation and interrogate an individual man for six or eight hours without any interruption, there is an unequal distribution of strength.

Q Do you mean to imply by that that the statement that you gave at Freising, which you said is true is now untrue?

A With the exception of some details which in the meantime have been changed according to a better recollection, no.

Q What details would you say have been changed by a better recollection?

A That was a very long interrogation report and furthermore, the first one which got me into connection with the Malmedy incident. At first I would have to read it very exactly in order to find contradictions which could have occurred at that time and which data to my better knowledge

of the situation could be changed.

Q In other words, anything that would be damaging would be untrue and anything that was not damaging would be true, is that the situation?

A I already said before that I personally do not care at all what could do me any harm or what was not damaging to me.

Q Yesterday you testified from these notes and I believe you said you prepared them right after you had talked to Lieutenant Perl in Zuffenhausen?

A Yes. Furthermore, in Freising, where I wrote the conversation with Mr. Paul which I did not mention yesterday. I do not think you are interested in my reading the story with Lieutenant Perl.

Q If you think it will do you any good I have no objection to your reading it.

A In substance it is the same which I was told by First Lieutenant Perl.

Q Did you make the notes about your interrogation by Mr. Paul right after he interrogated you?

A Yes, I thought they were very noticeable and took the notes down right immediately after that.

Q In Oberursal you took the notes down right after you were interrogated?

A I did not take any notes down in Oberursal.

Q Does it not say, "It was alleged that McCown was in my presence mistreated and threatened by me with a pistol" -- is that not in your notes?

A That is in my notes, yes.

Q When did you write that?

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A I wrote it here.

Q That appears before the notes on Zuffenhausen. How did that get in there ahead of Zuffenhausen if you wrote it here in Dachau?

A At that time in Freising, as well as in Zuffenhausen I took down notes about the conversation with 1st Lieutenant Perl and Mr. Paul. Those notes were on little slips of paper which I carried on me and all those notes I rewrote here in Dachau on these two sheets of paper and in addition, set down some other notes which I took from my memory and which I wanted to use for my defense since in addition to my defense statements which are in the possession of Mr. Prosecutor, I thought it was advisable to take down some notes to my defense on my own.

Q In other words, you did not write that at Zuffenhausen, that piece of paper that you hold in your hand, did you?

A No, I did not write this piece of paper in Zuffenhausen.

Q Where did you keep these little pieces of paper that you had all these notes on?

A I always kept them in a book or in my sleeve. The guards wanted to take them away from me but when I directed their attention to the fact that they were very important for the Prosecution they left them with me.

Q Did you not testify yesterday that it was so dark in that cell in Zuffenhausen you could not see?

A It was not that dark that I couldn't see at all -- no, it was not that dark. Furthermore, there was a hole

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in the door through which light from the outside could enter the room and I would write in front of this hole or play chess.

Q Is it not true that as a matter of fact these notes that you have prepared, or the substance of these notes about what Lieutenant Perl told you in Zuffenhausen, wherein you state that there the sons of two influential persons, one economist and one senator, who were killed, that since you have been right here in Dachau and prior to the 16th of May you have attributed that statement to Lieutenant Guth and it was made to you at Freising?

A I do not understand the question.

PROSECUTION: Will you read the question, Miss Reporter?

(Whereupon the question was read by the reporter.)

THE WITNESS: I cannot understand the question.

PROSECUTION: I will withdraw that question.

DR. LEER: May I ask the Chief Prosecutor to put the question in such a manner that it is understandable?

PROSECUTION: I will withdraw and we will start over again.

QUESTIONS BY PROSECUTION:

Q As a matter of fact, didn't the statement that you say Lieutenant Perl made to you at Zuffenhausen, namely, that the sons of two influential persons, one a senator's and one an economist's son, were killed in Malmedy and that you have previously stated in Dachau prior to the 16th of May 1946 that this statement was made to you by Lieutenant Guth in Freising?

A No. I might remind you, Lieutenant Colonel, of

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the fact that on the 7th or 8th of December, 1945, when you visited me in my cell in Schwaebisch Hall, I told you the contents of the conversation I had with 1st Lieutenant Perl and that you told me at that time you would be very sorry and that Lieutenant Perl did not have any authority to make such utterances and that I should not pay any attention to them.

Q Do you have anything else you want to remind me of?

A At this moment no.

Q I believe you testified yesterday that you did not have a chance to read your statement dated 21 March 1946, Prosecution Exhibit P-11. Is that true? I hand you Prosecution Exhibit P-11 and ask you whose handwriting it is?

A My own handwriting.

Q Did you sign it?

A Yes.

Q Whose initials appear by the corrections that are in this statement?

A My initials.

Q You knew the contents of that statement when you signed it, did you not?

A In outlines, yes.

Q And you knew the contents when you made those changes that you have initialed, did you not?

A Not in detail and for that reason I immediately asked to be allowed to re-read it.

Q Do you mean to say when you write something down you do not know what it is?

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Tk #234-SR-622-10

A If I write something down voluntarily I usually know what I am writing.

Q Did you know in this instance?

A I already described yesterday how this statement was made.

Q I asked you if you knew what you were writing down?

A Yes.

Q You imply that you were defrauded into the making and the signing of this statement Prosecution Exhibit P-11 but you went ahead and signed two more statements after that, did you not?

End tk #234

A Yes.

Sylvia H
follows

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sh-1
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Q Now, why did you sign those two statements? If you were defrauded into signing the first one, why didn't you demand that you get the first one back?

A I already stated yesterday that I repeatedly asked to be allowed to read the statement of the 21st of March. And as to the other two statements, I stated that the statement of the 28th is true and that the statement of the 26th of March was made under circumstances under which I had to believe through pretext or false facts that my own comrades betrayed me, and that I was very disgusted and it did not matter, and it did not make any difference to me, and that I told Lt. Perl he could dictate everything, I would sign everything.

Q How does it happen that it makes a difference to you now when you were disgusted then?

A The reason for this is that today I was able to find out that thecomradeship, which at that time I believed to have disappeared, is not an empty illusion, and that my opinion which I had at that time could only be created that all of us were played against each other, and that my comrades had been forced to testify against me. This knowledge which I had here in Dachau made it my duty to testify clear and distinctly, and to tell how conditions were in reality so that the German people would learn who we were in reality and that we fought for our Fatherland for six years desperately and fanatically.

Q I hand you your statement dated the 26th of March, which is Prosecution Exhibit No. 125, and ask you whose handwriting that is in?

A In my own handwriting.

Q Did you sign it?

A Yes.

(Feiper - Cross)

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Ta-235
sh-2

Q Did you make those corrections that appear therein?

A Yes.

Q Are those your initials that appear by those corrections?

A Yes.

Q Did you make those corrections without knowing the contents of that statement?

A Yes.

Q In other words, you made the corrections without reading the statement?

A No.

Q Well, what do you mean then. I thought that is what you said.

INTERPRETER: That was a mistake. That was a mistake in the interpretation.

A I said it was my handwriting, it was there with my corrections, and I knew what I wrote down and what I signed.

Q Now, you testified yesterday on direct examination about Lt. Kremm - who was a witness in this case for the Prosecution - and in reply to this question: "Did you hear him testify that he was present at the Regimental meeting referred to?", you replied, "Yes". I hand you the record of Kramm's testimony and ask you to find where he so testified.

A It doesn't say anything about that on this page.

Q Well, you can look at the record as much as you want; you are not restricted to one page.

A That will take a pretty long time, to read the whole record.

Q Well, if you want to, we will give it to your Defense counsel and see if they can find it for you.

A Yes.

(Whereupon the Prosecution handed the document to the Defense.)

(Peiper - Cross)

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Ta-235
sh-3

Q Now, yesterday, on direct examination, with reference to the order of the day of Dietrich's, I believe you said that the words "human inhibitions" was in Dietrich's statement, and that was the first time you had ever seen it. As a matter of fact, didn't you use that expression yourself without either seeing it in Dietrich's statement or in Lt. Perl suggesting it to you?

A No.

Q Now, you testified yesterday about being confronted with Gruhle and other accused in this case. You remember also, don't you, that when you confronted Knittel in the presence of Mr. Thon you told Knittel that he should confess as you had told everything? Did you defraud Knittel when you told him that?

A That did not occur in this manner.

Q Well, how did it occur?

A I repeatedly told Mr. Thon that I thought that I considered it far beneath the dignity of the German Major to lock him up in such a punishment cell, and I asked him - Thon - repeatedly whether Major Knittel could not get out of this cell, but since at that time he had not made any statements, this request was not granted. One day Mr. Thon said to me, "Don't you want to say hello to your old comrade, Knittel?", and I said, "Of course, with pleasure". The door of Knittel's cell was opened, I greeted Knittel and he asked me what's going on around here. Thereupon Mr. Thon said to Knittel, "Go ahead, ask Peiper - we know everything". Thereupon Knittel asked me, "Did you testify", and I said, "Yes". And he asked me, "What do they know?", and I said, "Well, they know more than we". Thereupon the door was closed again.

Q Isn't it true that you told Knittel to confess?

A I would not take such a responsibility upon me.

Q You also remember, don't you, that when you and Lt. Perl

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were discussing Preuss' case, that you told Lt. Perl if you were left alone with Preuss you could break him, didn't you?

A No, that's not true at all.

Q And didn't Lt. Perl then tell you that he would have to get my consent before he could put you together with Preuss alone?

A That is correct, yes.

Q And isn't it also true that Lt. Perl came back to you and told you that I would not consent to you and Preuss being left alone together?

A Yes, but there was another reason.

Q It couldn't have been the reason, because of the Ritterkreuz, could it?

A That was only the reason, about the Knight's Cross.

Q And isn't it also true that after Lt. Perl came back to you and told you what I had said, that you then confronted Preuss in the presence of Lt. Perl, and you told Preuss that: "They know all about the killing of the flier", and that Preuss then confessed the killing and also the taking of the flier's ring -- isn't that true?

A Yes, that is correct.

Q Now isn't this also true, that in your oral interrogation you said substantially the following with respect to prisoners of war at LaGleize, that if you had released several hundred prisoners of war, "the next day they would be fighting against us. What would my Commander say about this, if I had done it", and that this wasn't put into your statement because you protested against it. Isn't that true?

A I cannot remember anything about the protest, and I said the following. I had decided to keep LaGleize until the last man, up to the 23rd at noon, and I told my Commanders, if all of us should perish here, our prisoners are not going to survive us, since I thought it was impossible that all of us would die here and on the next day a hundred and fifty Americans would get new weapons and fight against the German

(Peiper - Cross)

Army. I could not take the responsibility for that towards my Commanders.

Q How do you account for the fact that all of your Company Commanders and many of your Platoon leaders held meetings before this offensive began, and told their troops to kill prisoners of war and allied civilians if it hadn't been ordered by someone?

A I heard the testimony of the Company Commanders here and I also heard the testimony of the enlisted men, and furthermore I had collected large experience in Schwaebisch Hall, and once Lt. Perl told me that: "The chain is always as strong as the weakest link", and so it was clear to me that our chain had been rolled up from the end. And furthermore, it was clear to me that everyone was looking for some protection and for some straw, and since the men were constantly told, "You couldn't have done it on your own, you must have had an order", it is very understandable that drowning young men seize this -- grasp this straw and allow that such an order was suggested to him.

Q Now, were all your men so undisciplined that they killed prisoners of war without orders?

A During combat sometimes there are situations about which one cannot talk on the green table.

Q Now, Peiper, I asked you if your men were so undisciplined that they killed prisoners of war without orders. Can you answer that question without talking about green tables?

A That doesn't have anything to do with discipline.

Q Well, I'll ask the question again. Were your men so undisciplined that they would kill prisoners of war without orders? Can you answer that "yes" or "no"?

A No, this question doesn't have anything to do with discipline, and for this reason I cannot answer it with "yes" or "no".

Q Well, were your men so ill trained in the rules of the

Geneva Convention that they killed prisoners of war without orders?

A In the answer on that question, it is the same as on the questions before. During combat there are desperate situations, the answer to which is given out very fast to main reactions and which do not have anything to do with education and training.

Q Well, is there anything desperate about a situation where you line a hundred or a hundred and fifty men, prisoners up, in the pasture without arms, and there is no enemy in the vicinity and you are still advancing without opposition, and these prisoners are shot? Is there anything desperate about that?

DEFENSE (LT. COL. DWINELL: Just a minute, please, before you answer that question. I realize counsel, in cross examining the accused, has a great deal of latitude, but I believe that the questions propounded now goes to the proof. Counsel is assuming a state of facts in asking this question, which state of facts are the very issues in this case, therefore, I object to the question.

PROSECUTION: If the Court please, this accused has testified to desperate situations. I am just trying to find out what he considers a desperate situation.

DEFENSE (LT. COL. DWINELL): But in asking the witness to describe what he means by a desperate situation, counsel is not merely putting a hypothetical question but is asking questions concerning the very facts that are at issue in this case.

LAW MEMBER: The Court will reserve the decision on the objection until after the recess.

PRESIDENT: The Court will recess until ten-thirty.

(Whereupon at 1000 hours the Court recessed.)

(Peiper's Cross)

(Whereupon the Court reconvened at 1030 hours.)

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

PROSECUTION: If the Court please, let the record show that all members of the Court, all members of the Prosecution with the exception of Lt. Col. Crawford and Mr. Elowitz, who are absent on business of the Prosecution, and Capt. Byrne, who has been excused by order of the Commanding General, all members of the Defense with the exception of Capt. Narvid and Dr. Hertzkorn, who are absent on business of the Defense, all of the Defendants, and the Reporter are present.

DEFENSE COUNSEL: The Defense recalls the accused, former Colonel Joachim Peiper.

(Whereupon Joachim Peiper, one of the accused, resumed the stand and testified further through an interpreter, as follows:)

LAW MEMBER: Is there any further argument on the question?

DEFENSE COUNSEL: Nothing further at this time.

LAW MEMBER: The Court desires to know whether or not the question was propounded as a hypothetical question?

PROSECUTION: It was propounded as a hypothetical question, but if the Court prefers that we use some other example, we are quite readily agreeable to doing so.

LAW MEMBER: The Court would prefer a hypothetical question.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q Peiper, is there anything desperate about a situation where unarmed prisoners of war are under guard and lined up and shot, where there is no enemy resistence present?

A No.

Q You stated on direct examination yesterday that most of your Panzer troops wore black leather uniforms, didn't you?

A I said most of the crew of the combat vehicles.

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Q Well, those that were not wearing black uniforms, what did they wear?

(Defense Counsel Capt. Narvid entered and took his seat.)

A The members of my regiment all had black combat uniforms and the members of the combat vehicles almost exclusively wore black leather uniforms, the exceptions to that were members of the 9th Pioneer Company, who were wearing grey uniforms.

Q That is not quite what I was trying to get at. You said most all of these Panzer troops wore black leather uniforms. Those that didn't wear black leather uniforms, what did they wear?

A Members of my regiment, with the exception of the 9th Panzer Pioneer Company, all wore black uniforms and all the crews of the combat vehicles wore a black leather uniform on top of that.

Q Diefenthal's 3rd Battalion and the 2nd Grenadier Regiment, that was attached to you during the campaign, wasn't it?

A Yes.

Q What did they wear?

A They were wearing gray uniforms.

Q Now you rode with Diefenthal quite a lot during this offensive, didn't you?

A Yes.

Q Did he wear a yellow colored jacket at the crossroads on the 17th of December, 1944?

A Yes.

Q On direct examination yesterday what time did you testify that it was when you entered Honsfeld on the 17th of December, 1944?

A I think I said seven o'clock.

Q Well, is that what you say now?

A Yes.

Q You testified yesterday that you were told about some subsequent fighting in Honsfeld. Who told you about it?

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A I heard about this from Lt. Col. von Westernhagen, or from my adjutant, or from Capt.Nuska. Later, I also think from my divisional commander.

Q Did they tell you about any prisoners of war being killed in Honsfeld?

A No.

Q Do you remember the buildings and the terrain around Honsfeld and in Honsfeld?

A No. I only drove through.

Q Well, when you left Honsfeld, do you remember the graveyard on the right hand side of the road?

A No.

Q Did you kill the prisoners of war that were lying opposite the graveyard in that pasture, where the statements in this case have placed Hammerer and Goldsonmidt?

A I know nothing of that.

Q Were you present when they were killed?

A No.

Q Do you know who killed them?

A No.

Q I believe you said yesterday that you saw civilians firing from the windows in Buellingen; is that true?

A Yes.

Q How did you know they were civilians and not American soldiers?

A' I have had some rich experience in this field and a sharpened eyesight.

Q How close were you to these people that were firing from the windows?

A I was driving right past these houses underneath the windows. I had to get my head down several times and I saw those people

shoot. Also saw and heard the bullets hit my vehicle.

Q How were they dressed?

A These were people which one could see only for an instant. They usually wore civilian head gear and a civilian jacket, but I can't give any details.

Q Did you see any 80 year old women firing at you from the windows there in Buellingen?

A In those short moments I had no occasion to determine the age of the persons firing.

Q Did you see any one-year old baby firing at you from the windows in Buellingen?

A' No, not even in Russia did I see any one-year old babies firing.

Q Now you testified about seeing some prisoners of war as you were approaching Buellingen; is that true?

A Yes.

Q Could they be the same ones that Jaeckel in his statement says that he fired on?

A I don't remember the testimony of Jaeckel so well in my memory.

Q Now I believe you testified yesterday about a Major Taubert and his paracnute battalion. How far did he accompany you?

A The majority of the battalion remained in Honsfeld. I talked to Taubert personally and some of his men about one kilometer west of Honsfeld and about one company which had forgotten to dismount from our tanks drove with us through Stoumont and LaGleize. and remained with me until the next day when we returned to our own line.

Q You are pretty sure this company followed you on into Stoumont and LaGleize?

A Yes.

You never made a statement under oath that they remained behind in Honsfeld, did you?

A I testified that the parachute battalions remained behind in Honsfeld.

I believe you testified yesterday that you entered Buellingen around 0900 to 0930 hours, is that correct?

A Yes.

Q Couldn't have been eight o'clock, could it?

A I cannot give those things with any certainty any more.

Q Well, you testified yesterday under oath that it was between nine and nine-thirty, though; didn't you?

A I did not testify under oath yesterday.

PROSECUTION: Oh, I beg your pardon. That is right, you are not under oath.

Q Now, Peiper, I hand you a statement which says: "Investigation, Malmedy case, W.C.B., File No. 624, Examination of Joachim Peiper, prisoner of war, 25, 26 August, 1945, in Freising, Germany." And I ask you to take a look at page 36 and tell me whose signature appears thereon?

A That is my signature.

Q Was that statement sworn to?

A Yes.

Q And on what date?

A January 4, 1946.

Q Is there a certificate of the interpretor on that page?

A Yes.

Q Now will you take a look at page 67 and tell me whose signature appears thereon?

A That is also my signature.

Q And was that sworn to?

A Yes.

Q And does the certificate of the interpreter appear thereon?

A Yes.

Q Now will you take a look at Exhibit "A" attached thereto and

see on what date it is dated?

A August 25, 1945.

Q Is that your signature below the date?

A Yes, sir.

Q Now will you take a look at page 2 and tell me whether you were sworn before you gave that testimony?

A Yes.

Q In other words, is it true or not that this statement was made on the 25th and 26th of August, 1945, and it was not signed by you until the fourth of January, 1946?

A Yes.

Q Did you make any corrections in this statement before it was signed?

A If I remember correctly I had several corrections made.

Q Did you initial the corrections that were made?

A Yes.

Q I will read from page 11 of this Statement, and ask you if you answered as follows to this question: "Question: Continue with the route of march. Answer: When I arrived my tanks were lined up in the columns I had ordered them to form; on both sides in very closed, tight formations, were these paratroopers. I got very angry and called for the commander of the parachute unit but nobody came. Then I got on my recon and went ahead. We went on a road which is not shown here on the map. It runs approximately from Lanzeroth and on a direct northwest route, because I knew the railroad station in 990985 was still being held by the enemy. I had no contact with the enemy in this woods. In the vicinity of the railroad station we received individual artillery rounds. At approximately six o'clock in the morning we then entered HONSFELD at top speed and surprised a reconnaissance battalion there."

(Whereupon the foregoing was read in the German language for the benefit of the German Counsel and the accused, by the interpreter.)

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Q Is that statement correct?

A This statement is correct, only in the manner of time I made an error. At that time it was completely dark yet at six o'clock.

Q Now I will read from page 13, question and answer: "Question: Continue with your route of march. Answer: I ordered him to immediately mount all his paratroops on my vehicles, to advance with me at top speed to take BUELLINGEN. He created all kinds of difficulties by saying he had no orders to advance that far and that he had to wait for an order from his division, and I screamed at him and told him he could go to the devil, to dig himself in at HONSFELD, and I would advance myself."

(Whereupon the foregoing was read in the German language for the benefit of the German Counsel and the accused, by the interpreter.)

Q Is that answer correct?

A Yes.

Q I will now read the following questions and answers, page 13. "Question: Did he follow your advice? Answer: Yes, he stayed in HONSFELD. Question: With his unit? All elements of his unit? Answer: Yes."

(Whereupon the foregoing was read in the German language for the benefit of the German Counsel and the accused, by the interpreter.)

Q Are those answers correct, to those two questions?

A All of them did not stay there. I forgot to mention that at the time. I found out that I had a company of parachutists with me for the first time in La Gleize while attacking Stoumont.

Q Well, you made this statement in Freising in August of 1945, didn't you? You knew about it then, didn't you?

A No. In my life I was driving in more than 100 attacks and

it is obvious that it takes a long time to remember all the details of an incident which happened a year and a half ago. There were many things which did not become clear to me until I heard them in court here.

Q I will read two more questions and answers, from page 13: "How many men were in that unit? Answer: That I don't know, all I saw was on the left of the road, behind a row of hedges, ten or 12 airplanes. We turned our turrets and destroyed the airplanes. At this moment we were taken under fire by either the people who belonged to the airport or from the outer sector of BUELLINGEN. Question: What time of day was this? Answer: It could have been about eight o'clock."

(Whereupon the foregoing was read in the German language for the benefit of the German counsel and the accused, by the interpreter.)

Q Are those answers correct?

A The answers are correct. The statement concerning the time as related to the six o'clock in Honsfeld.

Q Well, did you enter Buellingen at eight o'clock or at nine o'clock?

A I can't say that with certainty any more.

Q What time was it that you got to the cross roads south of Malmedy?

A According to my estimate of today, approximately 1330. It might have been somewhat earlier.

Q Now do you remember who had the lead vehicle there at the cross roads in Malmedy?

A I think 1st Lt. Sternebeck.

Q What makes you believe that?

A Sternebeck conducted the column--the point, all the time. And I also still saw him in Engelsdorf; he was among those tanks who arrived at Engelsdorf before me. I did not see him at first because he was standing in cover behind the houses--behind some

houses, and I also think that he had had some combat with an American Sherman with the American Sherman which I mentioned yesterday.

Q If I recall it wasin regard to the testimony of former Lt. Lary, where he said that the leading tanks sprayed his men as they were trying to surrender. Would that change your answer any about who had the third tank?

A No.

Q What time did you get to Lignueville?

A In my estimate, a short while before 1400.

Q Couldn't have been 12 o'clock, could it?

A According to the chronological sequence as I see it today, No.

Q What position in the column was the vehicle you were riding when you got to Lingueville.

A At that time I was under the impression that I was the second or third vehicle. I testified yesterday that I stopped south of the cross roads. I was under the impression that there was no vehicle in front of me and I then motioned three half-tracks and one Panzer in front of me. To pass me by, rather. So that these were sure to be in front of me when I arrived in Engelsdorf. Also, at that time the following were in Engelsdorf for sure: Sternebeck, and perhaps one or two more tanks under his command.

Q Did you say Sternebeck was in a Mark IV or a Panzer?

A Sternebeck was in a Mark IV.

Q Now I believe you testified yesterday that a Sherman tank was giving you trouble in Lignueville and that one of your tanks knocked it out?

A There were several Shermans there, but at first I only saw one of them, and it was knocked out.

(Peiper - cross).

000220

R-237-1 QUESTIONS BY THE PROSECUTION (cont'd.):

Q Did one of your tanks knock it out?

A It must have been one of my tanks -- all I know is that I looked out of the window and ordered it knocked out with a rocket-launcher: it blew up in the air about that time.

Q I thought you told me in Blankenheim, last fall, that you personally knocked it out?

A No, I said that I attempted to knock it out.

Q Well, did the crew from your "recon" knock it out -- did they knock out this tank?

A I don't understand the question.

Q Well, did either you, or anybody from the crew of your "recon" knock out this tank?

A I don't think so. Furthermore, I don't think it was a tank but a halftrack with a cannon mounted on it that knocked it out.

Q Now, what time was it, when you left Lignueville?

A It is hard to state the time. I testified yesterday that I spent about 45 minutes among the burning ammunition there in the house and this was a situation that was so extremely unpleasant that one could easily make mistakes in time. My whole stay in Engelsdorf might have amounted to an hour and a half --

Q Well, are you trying to tell us now that everything

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you told us yesterday is innacurate, or a figment of your imagination and that you don't really remember anything about this campaign?

A I gave yesterday as clear a description of the campaign as I am able to give today. After a year and a half I am no longer able to present a schedule which is precisely up to the minute to the court.

Q Well, you were in a better position last August to present a schedule than you are today, weren't you?

A No.

Q In other words, a difference of six months doesn't make any difference to your memory, is that right?

A Yes, it makes a great deal of difference, I have a pretty clear picture today, but in spite of this I am not able to set down the times with uninpeachable accuracy. I have some times which I can use as standards for others, because at those moments I sent some radio messages.

Q Now, I will read to you two questions and asnwers from the statement that you gave in Freising, on the 25th and 26th of August, 1945:

"Q What did you do with these prisoners?

"A I did nothing with the PW's, because they didn't interest me whatsoever -- my interest was Ligneuville and they interested me even less because I saw them coming with their hands raised in surrender. We then entered Ligneuville at top speed, received machine gun fire and got to approximately the center of the village."

Now, at what time was this?

A It was at twelve o'clock noon.

Q Now, are those answers correct?

(Peiper - Cross)

R-237-3

A These answers are correct, with the exceptions of the times stated. Furthermore, in this connection, the testimony which I gave is missing to the effect that at the crossroads the persons concerned were not only PW's but they were also men who were attempting to escape.

DEFENSE (Mr. Strong): Correction: "...and that we fired on them...".

INTERPRETER: That's correct.

Q Is there some part of this statement that I am reading from, regarding which I haven't given you an opportunity to say whether it is correct?

A I don't understand that question?

Q Well, I understood you to say that there was some pertinent part of this testimony that was left out, is that correct?

A I did not mean "left out", I am merely certain that in some connection this is mentioned in here.

Q Well, do you want me to read anything from this statement that hasn't been read? I hand you this statement and ask you to read it over and see if there is any pertinent portion of it -- the part that you're referring to.

(Whereupon the Prosecution handed the witness the statement in question for the former's perusal.)

A It is not in here.

Q Now, I will read you another question and answer from this statement:

"Q How did you know what time it was?

"A I don't know. I am just figuring that it was twelve o'clock. In the center of the village that tank which was in front of me was knocked out by a Sherman coming from the

000223

right. I myself saw the Sherman standing fifty meters right of me; he was standing in a blind corner, so that I could not reach him with my weapon. I then jumped out of my car, my recon, with my crew and ran with close combat weapons into a house to knock out this tank from the rear of the house through a window with a panzerfaust. In this moment, as I ran to the house, my recon car was also knocked out. Thereupon we destroyed the Sherman and went out of the house the same way that we came into the house and it was almost impossible to stay there, because the ammunition from my recon car was exploding at this time. I then put the fire out on the three or four of my men who were rolling themselves around on the ground, with the aid of two others of my crew, and bandaged the Adjutant of my 1st Battalion, who had been wounded as the first tank was knocked out."

Now, is that answer correct?

A Yes.

Q Now, I will read to you, from page 19 of this statement, a question and an answer:

"Q What time did you leave Ligneuville?

"A It could have been 1330 or 1400 hours."

Now, is that answer correct?

A This statement of time is based on the time of twelve o'clock for our arrival. I stated today that, according to my opinion now, it must have been later.

Q Then that statement isn't correct?

A No.

Q Now, when did you reach Stavelot?

A In my opinion, at about 2000 or 2100 hours.

Q And was that on the seventeenth?

000224

A Yes.

R-237-5

Q Now, did you go into Stavelot at this time?

A No.

Q What happened?

A It was impossible to take the town. The whole town was full of American vehicles and a very large number of columns were passing the town from north to northwest. With the weapons at our disposal, we fired into the town and attempted at least to disturb the traffic of these columns. Then an American column attacked the road, but I can't say with certainty whether this was in the evening, or the early morning hours. This attack was conducted by American infantry to our left flank. I have already described yesterday how the terrain was much higher on our left. We were in a closed formation on the road at the time of this attack and we defended against the attack by directing the fire from the weapons on our vehicles to our left -- the direction of the attack.

Q Now, at what time did this attack start?

A I can't say for certain.

Q Well, was it dark?

A Yes, it was dark: it was either at night or in the early morning hours. It is possible that it was getting light already.

Q Well, at what time did you attack Stavelot on the 18th?

A It was at about eight o'clock, according to my estimate today.

Q Well, at what time did you estimate in Freising that you attacked Stavelot?

A I don't know that any more.

(Peiper - Cross)

000225

R-237-6

Q Where did you spend the night before you attacked Stavelot?

A I spent the night before Stavelot in Diefenthal's vehicle and I went up to a house next to the river in the morning, where I had a conference with my commanding officers and it was there that I ordered the attack for the next morning. I also ordered that the 7th Company was to move towards the south and try to get behind the enemy and take Trois Ponts.

Q How far southeast of Stavelot was this place that you are referring to, where you spent the night?

A I didn't spend the night in a house, I said that I spent the night in Diefenthal's vehicle.

Q Well, this house that you entered, how far southeast of Stavelot was that?

A In my estimate, about eight hundred or a thousand meters.

Q Well, at what time did you leave there on the 18th?

A At the beginning of the attack.

Q And at what time do you estimate now that that was?

A I have already said that, in my estimate, we attacked at about eight o'clock.

Q Well, did you order the killing of the eleven American PW's and the three civilians that were found dead by that house on the 18th?

A I neither ordered that, nor did I hear about it.

Q Now, at what time on the 18th did you reach La Gleize?

A At about twelve o'clock noon.

Q And at what time on the 18th did you leave La Gleize?

A At about -- well, do you mean me personally?

Q Well, you or your column?

A I just rode through, which might have taken about three minutes. The middle part and the end of my column didn't go through La Gleize at all, since I had already turned around at the time when they reached La Gleize and I ordered that that part of the column following would be stopped.

R-237-8

Q Well, did any vehicle follow you through La Gleize?

A Yes.

Q At what time did you reach Cheneux?

A I had an air attack outside of Cheneux; this was about twelve-thirty, in my estimate. This air attack delayed us for about two to two and a half hours, as I have mentioned. In other words, that means that we arrived at Cheneux at about 1530 or 1600 hours?

Q Are you pretty certain of that time?

A Yes.

Q Now, reading from page 20 of your statement, you have been talking about your position before Stavelot on the 17th, and here is the question and the answer:

"Q What time did the American counter-attack take place?

"A I figure approximately 1900 hours, it had just begun to get dark.

"Q This was on the 17th of December?

"A Yes, because my own infantry strength was too weak and I decided not to attack until it got light the next day. I also tried to reconnoiter a new road by-passing Stavelot."

Now, are those answers correct?

A No, I made a mistake here.

Q All right, I will read further from the questions and answers on page 20 of your statement:

(Peiper - Cross)

000227

R-237-9

"Q What time did you start out on the morning of the 18th?

"A I would like to say the following first: during the night I committed an armored group -- that is to say a weakened panzer company, which had the mission of reaching Trois Ponts (6698) by way of Wanneranval (7197) and Aisomont (6997). During the night, I only received one message from this company which notified me that they were running into severe terrain difficulties. On the 18th at 0600 hours I started the attack on Stavelot. At this time much demolition could be seen in Stavelot, especially three large gas dumps. The infantry advanced to the outskirts of the city, but they were stopped there because of a heavy trap that had been erected in the outskirts of this city, behind which Sherman tanks and anti-tank weapons were standing. Besides this, we were drawing artillery and anti-tank fire from the northern flank. Because we had to take the bridge in Stavelot at any cost, before it was destroyed, I now had to advance at all costs. I gave the order to three Panthers to take a running start and at top speed crash down on to the tank trap.

Now, is that answer correct?

A In the main, that answer is correct.

(Peiper - Cross)

000228

Tk #238
6/22-SR-1

Q Yesterday on direct examination you testified that the attack on Stoumont began on the 19th of December about 900 hours and that you captured some 30 prisoners of war and that Stoumont was taken at 1100 hours on the 19th. That is all correct, is it not?

A That is correct with the exception of the fact that I did not say we made only 30 prisoners of war. I said that at first I saw approximately 30 who were brought down.

Q I will read from the Record. (Reading):

"Q What date was that?"

The answer just before that:

"A I arrived in LaGleize for the second time about midnight.

"Q What date was that?

"A That was midnight between the 18th or 19th of December '44.

"Q What did you do then?

"A I immediately proceeded to reconnoiter Stoumont. The results of the reconnaissance were that heavy enemy concentrations were in Stoumont. Upon that I planned and prepared an attack on the town of Stoumont the early morning hours of the 19th.

"Q Did you attack Stoumont?

"A Yes.

"Q Did you take the village?

"A Yes.

"Q Did you see any American prisoners there?

"A Yes.

"Q About how many?

Tk #238
6/22-SR-2

"A Contrary to my first plan I was not able to attack Stoumont at dawn because there was a heavy fog. The attack began at nine o'clock. The terrain was very unfavorable. I was hardly able to make use of my tanks. The enemy had dominating positions, a large number of anti-tank guns and tanks also. The attack itself was studded with severe crises and in one of these crises the tanks of the Battalion Poetschke attacking on the right flank proceeded to my back so I gave Poetschke the order to take a hand in there at once. Poetschke himself left his tank, took ahold of a rocket launcher, went over to every tank and threatened every commander to shoot him down at once if he would go back one more meter. In that manner the backward movement on this flank was stopped, while at the same time I myself organized everything that was lying in the ditch, including the Company Rumpf, for an attack on the town which made the decision. About thirty prisoners of war were brought back from the main enemy line of defense which continued around the edge of town. Upon that I gave the order to send them on to LaGleize at once."

Is that testimony correct?

A Yes.

Q As a matter of fact, didn't the attack on Stoumont begin at 600 hours on the 19th and that Stoumont was captured by 800 hours and you actually took 200 prisoners of war. Are those not the true facts?

A No.

(Peiper-Cross)

000230

Tk #238
6/22-SR-3

Q All right. I will read from page 23 of this statement that you gave at Freising. This question and answer. (Reading):

"Q Continue.

"A After my reconnaissance had given me a clear picture of the enemy situation in Stoumont, I assembled for the attack on Stoumont at approximately 0600 hours on the morning of the 19th. The troops that I had with me at that time was a grand conglomeration and mixture of all the units that I had with me at that time. I had tanks from my own regiment, panzer grenadiers from the 2d Regiment, an AA unit of the air corps, an artillery battalion of our own division artillery, and at least one reinforced company of paratroopers, which were mounted on my tanks during the whole advance. I had at the most 6 tanks from the 2d Tank Battalion, that is the Koenigstiger Battalion, and because the speed with which we were advancing was too great for this unit after Stavelot, they were unable to keep up with us. The attack on Stoumont was a difficult one because I couldn't attack with an extended armored front and the point vehicles could only fight from the road. Enemy resistance was great and was being constantly fed by troops coming in from the north and the west. This was the first time that I was able to realize that strengthened American opposition was in the making. After about 2 hours of combat Stoumont was taken by my tanks. We captured approximately 200 American soldiers. The beaten enemy was followed for approximately 5

(Peiper-Cross)

kilometers and then we had to stop because we didn't have a drop of gasoline left. At this time I tried to take up communication with my division by radio to ask them what steps had been taken as far as Stavelot was concerned and when I could figure on supplies coming up to me."

Is that answer correct?

A No.

Q Yesterday you testified that on the 19th at 1230 hours you had a conference with Knittel in LaGleize, that Knittel reported Stavelot had completely been retaken by the enemy and that you ordered him to turn around at once and to clean up Stavelot. Is that correct?

A No.

Q You did not testify to that yesterday?

A I did not say yesterday Stavelot was completely taken by the enemy again. But I said that there was serious difficulty again in Stavelot. I think that was an error in the translation yesterday.

Q I will read this from the transcript of the Record yesterday. (Reading):

"Q I will read the next paragraph of the same statement. (Reading):

'From Obersturmbannfuehrer PEIPER's answer, I concluded that both prisoners of war would be bumped off. The reason I thought so at that time was because my company commander had told me that we would not take any prisoners of war, I myself had shot an American, and I had seen a great number of dead American soldiers lying in the field before ENGELSDORF. As I was standing at this spot, I overheard Obersturmbannfuehrer PEIPER and Sturmbannfuehrer KNITTEL discussing an assignment of a mission which KNITTEL had received from PEIPER, but I did not understand the exact details of the mission.'

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"Did that happen?"

And you answered:

"A As far as the conclusion of Sergeant Motzheim concerning the treatment of prisoners of war is concerned I cannot state anything. As to the conference with Knittel, that happened at LaGleize at about 12:30.

"Q What was that concerence about?

"A Knittel reported at this time that only about two-thirds of the battalion had arrived in LaGleize and that the rest of it was lost somewhere towards the rear because the enemy had completely taken Stavelot again and that his vehicle situation would not continue in a westerly direction any longer. I then ordered him to turn around at once, to clean up Stavelot and to ascertain whether our main route of, supply which went through Stavelot would be secure. Knittel asked me to make some tanks available to him for this undertaking but I could not do that and I had to send him away rather annoyedly at the time because that was not a very nice mission for him. At that time the commander of the 2nd Battalion of the Panzer Grenadier Regiment reported to me. Captain Schnelle, who had just passed through Stavelot made reports about the situation there to me and put his battalion under me."

Was that testimony correct?

A . I have already stated that I did not testify that Stavelot was completely taken by the enemy. A large number of

(Peiper-Cross)

errors in translations were made here. I did not take any action as to that as I assumed that would be done on the part of the Prosecution or Defense.

Q What part of this do you want to change now?

A I have already said Stavelot was not completely taken by the enemy but we had serious difficulties with the enemy at Stavelot.

Q Is that the only thing you want to change?

A Yes.

Q I will read the next question after this long one that I read on page 23. Not to break continuity I will read the last sentence of your previous answer. (Reading):

"....At this time I tried to take up communication with my division by radio to ask them what steps had been taken as far as Stavelot was concerned and when I could figure on supplies coming up to me.

"Q At what time was this and what date?

"A It was about 1000 hours on the 19th. I forgot to say something in regard to this. On the previous evening our reconnaissance battalion caught up with me, the commander of the reconnaissance battalion told me that Stavelot was heavily occupied by the enemy and he was just able to get through and that our infantry was pinned down east of Stavelot. I ordered him to immediately turn around, return to Stavelot, attack it from the west, relieve pressure from the infantry on the east and retake Stavelot."

"Q Who was this commander of your reconnaissance battalion?

"A Sturmbannfuehrer Knittel."

Are those two answers correct?

A I gave those answers according to my best recollection at the time. I have already explained that that was my first interrogation and that was the picture which I put together then.

Q The fact that this time would make a difference as to the culpability of yourself and some of your former comrades did not make any difference about you changing your statement, did it?

A My answers are given in such a manner that they will serve the truth. I am today giving them according to the best of my recollection, which, however, still leaves the possibility of errors in them.

Q You still can be wrong in your answers today?

A That is humanly absolutely possible.

Q How about your answers yesterday on direct examination? Is there any possibility that you were wrong there?

A I have already stated that according to the best of my ability to remember, the picture is such as I painted it yesterday.

Q Do you now say that Werner's statement, Prosecution Exhibit 103, wherein he says his tanks entered Stoumont on the morning of the 19th of December at 0700 hours and that prisoners of war were shot at that time is untrue?

A Yes, I say that with absolute certainty.

Q Do you now say that Szyperski's statement, Prosecution Exhibit 102, wherein he says that his tank entered Stoumont

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between 0700 and 0800 hours and that prisoners of war were shot at that time is still untrue?

A Yes.

Q Do you now say that Mikolaschek's statement, Prosecution Exhibit 100, wherein he says his tank entered Stoumont between 7 and 8 A.M. on the 19th of December and that prisoners of war were shot at that time is untrue?

A Yes.

Q Do you now say that the statement of Ritzer, Prosecution Exhibit 99, wherein he says the same as Szyperski and Mikolaschek is untrue?

A Yes.

PROSECUTION: If the Court please, I would like to request that Hans Hillig, Number 24, stand.

PRESIDENT: Number 24, stand up.

QUESTIONS BY PROSECUTION:

Q Will you take a look at number 24, Hans Hillig, and tell me whether on the 19th of December he was under your command?

A Yes.

Q Do you deny that you ordered this accused Hans Hillig to kill an American PW on the 19th of December 1944 in Stoumont?

A Yes.

Q You stated yesterday that Sprenger told an untruth when he said in his statement that American PW's were killed in Stoumont on the 19th of December 1944.

A Yes.

Q Do you deny that Sievers shot any PW's in

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Stoumont on the 19th of December 1944?

A Completely.

Q Do you deny that he ever fired at their feet in Stoumont on the 19th of December 1944?

A My feet?

Q The feet of the prisoners of war.

A I know nothing of that.

Q You testified that on the 21st of December you captured an American Major.

A Yes.

Q Did you ever in a sworn statement say that he was captured on the 20th of December 1944?

A I think so.

Q You were in error when you did, is that correct?

A Yes.

Q You are certain he was captured on the 21st of December?

A Yes.

Q Did you keep him with you continuously after the time he was captured?

A Yes.

Q I mean, was he in your presence all the time?

A No.

Q I will read from page 29 of your statement, this question and answer. (Reading):

"Q What happened to this American Major?

"A I took him along to my CP and there in those moments when I personally had some time I discussed things with him and he stayed with me to the end.

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Is that correct?

A That is right.

Q How many PW's did you have when you evacuated Stoumont on the 21st?

A I already testified yesterday, according to my general estimate, 150.

Q Where did you keep these prisoners when they were in LaGleize?

A I personally did not quarter them. I ordered Lieutenant Colonel Westerhagen, who was in charge of Stoumont, that they be placed in cellars in order to be protected from artillery fire. I had never visited a prisoner of war in a cellar and never saw them.

Q Were they kept in more than one cellar?

A I cannot state that with certainty but I assume so.

Q I will read these two questions and answers on page 30 of your statement made at Freising. (Reading):

"Q Do these messengers furnish you communications while you are on the march in column formation?

"A No, not these.

"Q Do you have others that do?

"A If I designate them as such, yes. From LaGleize then in a counter-attack I eradicated the road block which had been erected by the Americans, that is the one between LaGleize and Stoumont and led the withdrawal of my troops from Stoumont."

Are those answers correct?

A Yes.

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Q What date are you referring to there?

A The 21st of December.

Q I will read a couple more questions. (Reading):

"Q How many prisoners of war did you have with you at this time?

"A I can't say exactly. About 200 or 250.

"Q What did you do with them?

"A They were locked up in the basements in La Gleize."

Are these two answers correct?

A No; at one time, in fact, I even stated we had 300 prisoners. I myself did not work on the number of prisoners of war and the prisoners of war who were being taken. I had other things to worry about. I did not have a clear view any more at the time I made the statement. I remember that at the conclusion of the operation when reporting our success, we had mentioned 300 prisoners of war.

Q Your memory is not clarified by the fact that you cannot account for 100 or 150 prisoners of war, is it?

A I can explain that completely.

PROSECUTION: I notice it is now twelve o'clock. At 0900 hours this morning some undisclosed information was brought to my attention, which makes it necessary to recall Lieutenant Colonel McCown for further cross examination and also this accused for cross examination. We request permission to recall Colonel McCown when he arrives for further cross examination and also to recall this witness for further cross examination.

LAW MEMBER: I believe when this accused took

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the stand the Defense announced that he would be recalled. Is that correct?

DEFENSE COUNSEL: That is correct.

LAW MEMBER: He, of course, is available.

PROSECUTION: Will we be permitted to continue our cross examination?

LAW MEMBER: Is that agreeable to you?

DEFENSE COUNSEL: Yes, sir.

LAW MEMBER: When is Colonel McCown going to return?

PROSECUTION: We have wired for him. They are trying to stop him. I do not know what success they are having.

PRESIDENT: Court will adjourn to 0830 hours Monday morning, 24 June 1946.

(Whereupon Court adjourned to 0830 hours Monday morning, 24 June 1946.)

End Tk #238

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HEADQUARTERS
THIRD UNITED STATES ARMY
OFFICE OF THE ASSISTANT CHIEF OF STAFF, G-2
APO 403

23 May 1946

D 2

Colonel Willis M. Everett
Chief Defense Counsel
Malmedy Trial
Dachau

Attached hereto is a true copy of Annex 1 to Part C of Intelligence Notes No. 43, dated 6 Jan 1945, a SHAEF weekly publication.

It has been determined that the American Battalion Commander who wrote this account was Major Hal D. McCown whose whereabouts is now unknown. A cable has been dispatched to AG War Dept thru AG USFET requesting immediate action as to the present assignment and address of Major Hal D. McCown.

This reproduced Document was obtained from the German Operations Historical Section, Historical Division, USFET, which is located at Hochst, Germany, telephone number 549.

C. P. BIXEL
Colonel, GSC
A. C. of S., G-2

1 Incl:
Incl 1 - As stated above.

D 2 for identf
EX D 2
J. E. B.

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(14)

To 1.B

6th

HEADQUARTERS
U. S. FORCES, EUROPEAN THEATER
MAIN APO 757

Historical Division

22 May 46

SUBJECT: Reproduced Document.

TO : A C/S G-2 Third U.S. Army.

1. Below is reproduced "Annex I to Part C of Intelligence Notes No. 43 dated 6 Jan 1945", a SHAEF weekly publication:

CONFIDENTIAL

ANNEXE I to PART C of INTELLIGENCE
NOTES No: 43 dated 6 JANUARY 1945.

BEHIND the GERMAN LINES

Literally thousands of PWs have given their version of what goes on within German units. Inevitably this is coloured by a large variety of factors. PWs who give the most information are frequently those who are browned off with their unit, their officers, and the war, and their accounts reflect this feeling, often more subtly than is apparent. Others fall in the familiar category of "anxious to please", and they tend to give what we want to hear. Finally, PWs attempt to evaluate the whole company, the battalion, the regiment, even the division with an actual knowledge of little more than their own platoon. As a result, a really objective report is an unusual occurrence.

The following account, written by an American battalion commander, who was captured and later escaped, is such a case and, with one or two minor deletions, is reproduced in its entirety.

"On the afternoon of 21 Dec about 1600, I, my radio operator, and orderly were captured by a German patrol. I was taken back to the main headquarters at LA GLEIZE, passing through several areas where fire fights were going on between my men and the surrounded Germans. In LA GLEIZE I was taken to the cellar containing the commander of the German troops whose name I later found out was Lt Col Peiper, 1 Tank Regiment 1 SS Panzer Division Adolf Hitler. An interpreter who had spent 16 years in Chicago, USA, served as interpreter. I later found out that the majority of German officers spoke English fairly well. The Colonel spent a few minutes trying to get tactical information from me but seeing the attempt was worthless, sent me away again, and I was then taken to a cellar containing a German 2nd Lt and several high-ranking NCOs; they were dressed very faultlessly in their black Panzer uniforms, each with several

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decorations. I mentally noted at the time that this would probably turn out to be one of their 'bluff' attempts to get information. All of the effects were there - I was placed in a chair, apart from the other occupants of the cellar, where the light of a small electric bulb would fall mainly upon my face leaving the rest of the room in semi-darkness. One of the NCOs drew his Luger, examined his clip, reloaded the weapon and laid it on the table in front of him. It was with difficulty that I managed to suppress a smile at these obviously studied and rehearsed preparations in a place so identical with what intelligence officers back in the States teach our troops to expect when in the hands of the enemy. The only distracting feature to an otherwise perfect setting, as far as they were concerned, was the frequent crashing of an American artillery concentration sometimes quite uncomfortably close. The next thirty minutes was spent in an attempt to extract from me the information I had refused to give the commander earlier that afternoon. I was surprised to see that as my failure to respond to their threatenings continued they grew no angrier but instead seemed to lose interest in the procedure. Finally, I was taken to another cellar where a warrant officer searched me thoroughly, taking my flashlight and knife but leaving me my wrist watch, ring, a little food I was carrying, and my personal papers. I was conducted to a very small cellar which contained four other American officers, all Lieutenants of my own regiment. We exchanged information about our present situation.

During the entire time I was in this town I gathered all the information I could from other captives as well as German officers and men (who talked to a surprising degree) about the strength, disposition and condition of the Germans in that area. The Germans in the LA GLEIZE pocket were part of 1 SS Panzer Division Adolf Hitler. Lt Col Peiper - normally a regimental commander - commanded this column, which consisted of more than his regular command. I learned later that the LA GLEIZE pocket consisted of only a portion of his column, a considerable portion being near STAVELOT, the remainder near TROIS PONTS and further back on the route of the breakthrough.

The initial order to Col Peiper contained the information that he could not expect supplies from the rear during the attack, that he would capture both gas and food for subsistence. Extra ammunition was carried, and strict orders against wastage of ammunition were emphasized.

I did my best to determine the objectives of this unit and gained from several sources among the German officers and men that this division would be the first element in LIEGE and MAASTRICHT. Col Peiper questioned me fruitlessly several times about road and bridge conditions in the MAASTRICHT area.

An amazing fact to me was the youth of the members of this organization - the bulk of the enlisted men were either 18 or 19, recently recruited, but from my observations thoroughly trained. There was a good sprinkling of both privates and NCOs from the years of Russian fighting. The officers for the most part were veterans but were also very young. Col Peiper was 29 years old, his tank battalion commander was 30; his

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captains and lieutenants ran from 19 years to 27 years of age. The morale was high throughout the entire period I was with them despite the extremely trying conditions. The discipline was very good. The noise discipline on the night movements - which I will mention later - was so perfect that I could hardly believe that they could accomplish it. The physical condition of all personnel was good, except for a lack of proper food, which was apparent more strongly just before I escaped from the unit. The equipment was good and complete with the exception of some reconditioned half-tracks among the motorised equipment. All men wore practically new boots and had adequate clothing. Some men wore parts of American uniforms, mainly the knit cap, gloves, sweaters, overshoes, and one or two overcoats. I saw no one, however, in American uniforms or in civilian clothes. The relationship between the officers and men, particularly the commanding officer, Col Peiper, was closer and more friendly than I would have expected. On several occasions Col Peiper visited his wounded, and many times, as we were climbing the steep hills I saw him speak a couple of cheering words and give a slap of encouragement on the back of heavily loaded men.

Later on during the night of 21 December at approximately 2300 I was again taken to the cellar headquarters of Col Peiper. I found him in a very much different mood from his former cold impersonal attitude. He and I talked together from 2300 until 0500 the next morning,- our subject being mainly his defence of Naziism and why Germany was fighting. I have met few men who impressed me in as short a space of time as did this German officer. He was approximately 5 ft 8 inches in height, 140 lbs in weight, long dark hair combed straight back, straight well-shaped features, with remarkable facial resemblance to the actor, Ray Milland. He is the holder of the Iron Cross with oak leaves and had fought in Russia for a long period of time and briefly at MORTAIN and CAEN.

He was completely confident of Germany's ability to whip the Allies. He spoke of Himmler's new reserve army quite at length saying that it contained so many new divisions, both armoured and otherwise, that our G-2s would wonder where they all came from. He did his best to find out from me the success V-1 and V-2 were having and told me that more secret weapons like those would be unloosed. He said a new submarine campaign is also opening up and they had been told that there had been considerable tonnage sunk in the English Channel just recently by the new underwater attack. The German Air Force, he said, would now come forth with many new types and which - although inferior in number to the Allies - would be superior in quality and would suffice their needs to cover their breakthrough in BELGIUM and HOLLAND and later to the French coast.

Concerning treatment of prisoners by the SS, I can state that at no time were the prisoners of this organisation mistreated. Food was scarce, but it was nearly as good as that used by the Germans themselves. The American prisoners were always given cellar space to protect them from the exceedingly heavy American artillery barrages. I was taken for a brief period to the main prisoner inclosure which was a large two-room, well constructed cellar quite superior to any I saw in LA GLEIZE.

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The men were considerably overcrowded and were allowing the guards to bully them a little. I organised the entire group of some 130 into sections, appointed a First Sergeant and laid down a few rules concerning rotation sleeping, urinating, equality and distribution of food and got the German warrant officer in charge of the prisoners settled upon a fairer method of giving water to prisoners and providing ventilation.

I was taken back the morning of 22 December and again placed in the small cellar with the four other American officers. All that day American artillery pounded the town incessantly, even the guard detachment - consisting of 5 Germans - came down into our cellar, heavily overcrowding the tiny room. In the afternoon a 105 shell made a direct hit on the wall of our cellar, throwing the German sitting beside me half-way across the room. A hole approximately 2½ ft in diameter was knocked in the wall. Lt Henley and Lt Youmans of my Regiment helped pull the German out from under the rubble and got him on the floor of the undamaged part of the cellar. Within a few minutes another shell landed a few feet outside the hole in the cellar wall and shrapnel and stone flew through the room. Lt Henley was killed instantly and three Germans were wounded. One of the Germans died within about thirty minutes. We administered first aid as well as we could. For several hours, while the shelling continued without appreciable let-up, the dead and wounded, together with those who were unhurt, were cramped close together in the unharmed half of the small cellar.

Late in the afternoon parties of American enlisted men came to the cellar and removed the dead and wounded; the litter bearers told me that German casualties had been heavy throughout the town.

Late in the afternoon of 23 December I was called once more to Col Peiper's headquarters. He told me that he had received orders from the commanding general to give up his position and withdraw to the East to the nearest German troops. He said that he knew it to be impossible to save any of his vehicles, - that it would have to be a foot withdrawal. His immediate concern was what to do with the American prisoners, of which he had nearly 150, as well as his own wounded. He dictated to me a plan of exchange whereby he would leave all American prisoners under the command of the senior PW, a Captain, to be turned over to the American commander as the Americans entered the town the next day. He said that his wounded would also be left in the cellars of LA GLEIZE and that he would leave a German medical officer in charge of them. He had previously left a considerable number of wounded in the chateau at STOUMONT which had already been captured by Americans. In exchange for the American prisoners, all German wounded would be turned over to the 1 SS Panzer Division wherever they might be when the wounded were assembled. I would then be released back to the American lines as I would be the only prisoner retained during the foot movement of the Germans East from LA GLEIZE. I told Col Peiper that I could not give him any assurance that the exchange would be carried out as it was a matter for higher headquarters. He said that he fully understood, and all of the plan concerning the American prisoners was carried out as already stated.

All during the night of 23-24 December plans were laid for the

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evacuation of LA GLEIZE. At 0300 24 December the foot column began to move. Col Peiper and I moved immediately behind the point, the remainder of his depleted regiment following in single file. Col Peiper told me that he had 800 men to evacuate. I later watched the column pass three separate times, and this number was correct according to my own estimate.

We crossed the L'AMBLEVE river near LA GLEIZE on a small highway bridge immediately underneath the railroad bridge and moved generally south climbing higher and higher on the ridge line. At 0500 we heard the first tank blow up, and inside of thirty minutes the entire area formerly occupied by Col Peiper's command was a sea of fiercely burning vehicles, the work of the small detachment he had left behind to complete destruction of all of his equipment. He told me later that there were a few vehicles he had not destroyed. I could not ascertain the exact reason why.

The foot column was closed into a thickly wooded slope on a very high hill. Col Peiper, his staff and myself with my two guards spent all day of the 24th reconnoitering for a route to rejoin other German forces. No food was available at any time after we left LA GLEIZE; the only subsistence I received was four small pieces of dried biscuit and two swallows of cognac which one of the junior officers gave me. The German regimental surgeon latergave me one piece of Charms candy, the sugar of which did me lots of good during the later long march. At 1700, just before dark, the column started moving again on the selected route; we pushed down into a valley in single column with a heavily armed point out ahead. The noise made by the entire 800-man group was so little that I believe we could have passed within 200 yards of an outpost without detection. As the point neared the base of the hill I could hear quite clearly an American voice call out "Halt! Who is there?" The challenge was repeated three times, then the American sentry fired three shots. A moment later the order came along the column to turn around and move back up the hill. The entire column was half-way back up the hillside in a very few minutes. A German passed by me limping. He was undoubtedly leading the point, as he had just received a bullet through the leg. The colonel spoke briefly to him but would not permit the medicos to put on a dressing; he fell in the column and continued moving on without first aid. The point moved along the side of the hill for a distance of a half mile, then again turned down into the valley, this time passing undetected through the valley and the paved road which ran along the base. Several American vehicles "chopped" the column but at no time was its presence detected. The entire 800 men were closed into the trees on the other side of the valley in an amazingly short period of time.

I could tell then that Col Peiper was basing his direction of movement on the explosion of American artillery fire as the probable location of his friendly forces. His information as to the present front lines of both sides was as meagre as my own as he had no radio and no other outside contact. He continuously consulted his map, indicating that he was quite thoroughly lost. We continued moving from that time on continuously up and down the rugged hills, crossing small streams,

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pushing through thick undergrowth and staying off and away from roads and villages. At around 2200 Col Peiper, his Executive, and his S-3 disappeared from the forward command group. I and my two guards were placed in charge of the regimental surgeon whose familiar Red Cross bundle on his back made it easy for me to walk behind. I tried in vain to find out where Col Peiper went; one friendly enlisted man of Col Peiper's headquarters told me that Col Peiper was very tired, and I believe that he and a few selected members of his staff must have holed up in some isolated house for food and rest, - to be sent for from the main body aftery they had located friendly forces.

The change of command of the unit also wrought a change in method of handling the men. A young captain in charge of the leading company operated very close to me and my knowledge of Latin as well as the German I had picked up enabled me to understand to some degree practically every order he issued. I heard him tell my guards to shoot me if I showed the slightest intention of escaping, particularly when we neared Americans. Whereas Col Peiper had given a rest "break" every hour or so, there were no "breaks" given under the new command from that time until I escaped. The country we were now passing through was the most rugged we had yet encountered. All of the officers were continuously exhorting the men to greater effort and to laugh at weakness. I was not carrying anything except my canteen, which was empty, but I know from my own physical reaction how tired the men with heavy weapons load must have been.

I heard repeated again and again the warning that if any man fell behind the tail of the column he would be shot. I saw some men crawling on hands and knees. I saw others who were wounded but who were being supported by comrades up the steep slopes; there were fully two dozen wounded in the column, the majority of whom were going along quite well by themselves. There was one captain who was rather severely wounded, the colonel had told me, who moved along supported by another officer and a medical NCO and was still with the unit the last I saw of him.

We approached very close to where artillery fire was landing and the point pushed into American lines three times and turned back. I believe the Germans had several killed in these attempts. Finally the commander decided to swing over the ridge and come down in the next valley and try to reach their lines. I was firmly convinced by this time that they did not know where they were on the map as there were continuous arguments from among the junior officers as they held their conferences. At around midnight the condition of the men was such that a halt would have to be given and warmth and food provided. I heard the captain say that he would attempt to locate a small village where the unit could hole up for the rest of the night. At approximately 0100 I believe I heard word come back that a small town was to the front which would suffice. At this time I was not forward near the point, - my guards held me back near the position which was occupied by the covering force between the village and the west, - that is to say, towards the American rear.

The outpost had already moved into position before firing broke out

not very far from where I was standing. My guards and I hit the ground, tracer bullets flashed all around us, and we could hear the machine gun bullets cutting the trees very close over us. The American unit, which I later found out was a company, drove forward again to clear what it obviously thought was a stray patrol, this time using mortar fire as well. The mortar fire fell all around on the German position. I do not know if my guards were injured or not - shrapnel cut the trees all around us. The American machine gun and rifle fire was very superior to that of the covering force. I could hear commands being shouted in both German and English with the latter predominating. There was considerable movement around me in the darkness. I lay still for some time waiting for one of my guards to give me a command. After some time I arose cautiously and began to move at right angles from the direction of the American attack watching carefully to my rear to see if anyone was covering me or following me. After moving approximately 100 yards I turned and moved directly toward the direction from which the American attack had come. I can remember that I whistled some American tune but I have forgotten which one it was. I had not gone over 200 yards before I was challenged by an American outpost of the 82nd Airborne Division."

C. W. PENCE,
Colonel, Inf.,
Deputy Chief of Division

A CERTIFIED TRUE COPY:

DeWitt C. Armstrong

DeWITT C. ARMSTRONG, III
Major, GSC
Asst G-2, Hq 3rd US Army

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