

MILITARY GOVERNMENT COURT

CASE RECORD.

VOLUME IV - Pages 718 - 978 Incl.

Case No. 6-24

Prosecutor LT. COL. BURTON F. ELLIS

                     Military Court.

Defence Counsel COL. WILLIS M. EVERETT JR.

\*General

Interpreter .....

Place CAMP DACHAU, GERMANY

Date 0830 hours 27 MAY 1946  
to 1235 hours 29 MAY 1946 Incl.  
Members of Court:

Reporter .....

- BRIG GENERAL JOSIAH T DALBEY
- COL PAUL H WELAND
- COL LUCIEN S BERRY
- COL JAMES O HARTINIS
- COL WALFRED H STEWARD
- COL RAYMOND C CONDER
- COL A. H. ROSENFELD

Accused VALENTIN BERSIN, ET AL

Address ..... Sex ..... Age .....

	First Charge	Second Charge
Plea <u>VALENTIN BERSIN, ET AL</u>		
Findings	<i>Not Classified</i> <i>By authority of JAG Lt. Col. J. H. ...</i> <i>and 4 Aug 1950</i>	
Previous Convictions		

Sentence {

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

Charge Sheet and Record of Testimony are annexed hereto.

.....  
(Signature of member of court.)

REVIEW

Action of Reviewing Authority .....

.....  
(Signature of reviewing authority)

\*Strike out words not applicable.  
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RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus VALENTIN BERSIN, ET AL

by

CAMP DACHAU, GERMANY BEGINNING 16 MAY 1946

VOLUME IV

27 MAY 1946, 0830 hours - 29 MAY 1946, 1235 hours; Pages 718-978

TESTIMONY

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THON, HARRY W. (Recalled)			721, 744		
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E X H I B I T S (Cont'd.)

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27 May 1946

MORNING SESSION

(Whereupon the Court reconvened at 0830 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: If the Court please, let the record show that all the members of the Court are present, all the members of the Prosecution are present, all the members of the Defense are present, with the exception of Dr. Rau, who is absent on business of the Defense, and all the defendants and the reporter are present.

Prosecution calls as its first witness, Lieutenant Perl.

1st Lieutenant WILLIAM R. PERL, recalled as a witness for the Prosecution, testified as follows:

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

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Captain Shumacker):

CAPTAIN SHUMACKER: Lieutenant Perl, you are reminded that you are still under oath. Are you the same 1st Lieutenant William R. Perl who has previously testified in this case?

A Yes, sir.

Q During the course of your interrogations at IP No. 2, Schwabisch Hall, Germany, did you have occasion to interrogate one Friedel Bode?

A Yes, sir.

Q Is he one of the accused in this case?

A Yes, sir. He is.

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

A He is.

Q What number is he wearing?

A Number 2.

PRESIDENT: Number 2 will stand up. Sit down.

PROSECUTION: I hand the reporter a statement and request that it be marked Prosecution's Exhibit Number 52 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit Number 52 for identification by the reporter.)

Q I will ask you if you know the handwriting and who signed that statement?

A The statement was written and signed by Friedal Bode.

Q Is that the same Friedal Bode whom you have just identified as wearing Number 2?

A Yes, sir.

Q Was the statement signed in your presence?

A Yes, sir.

Q Was the statement sworn to?

A It was.

Q Who administered the oath?

A I did.

Q Was the statement made voluntarily?

A Yes, sir.

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

A No, sir.

Q Did you make any promises of any kind to obtain that statement?

A No, sir.

CAPTAIN SHUMACKER: The Prosecution offers in evidence Prosecution's Exhibit marked "P-52" for identification and request that it be attached to the record and marked Prosecution's Exhibit Number "P-52".

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

PRESIDENT: The objection is overruled. The exhibit offered by the Prosecution is admitted in evidence and will be marked Exhibit "P-52".

(Whereupon the document referred to, having been previously

marked and identified was received in evidence as Prosecution's Exhibit "P-52" and is attached hereto and made a part of the record.)

CAPTAIN SHUMACKER: The Prosecution offers in evidence a true and correct English translation of its Exhibit "P-52" and requests that it be attached to the record and marked Prosecution's Exhibit "P-52A".

DEFENSE: On behalf of the Defense, there is no objection.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution will be admitted in evidence and will be marked "P-52A".

(Whereupon the document referred to was marked Prosecution's Exhibit "P-52A" by the reporter and is attached hereto and made a part of the record.)

CAPTAIN SHUMACKER: Prosecution requests permission to read its exhibit "P-52A".

PRESIDENT: Granted.

CAPTAIN SHUMACKER: (Reading:)

"I, Friedel BODE, being duly sworn make the following declaration under oath:

"During the EIFEL Offensive in December 1944, I was a member of the 2nd Platoon, 3rd Ps. Pl. Co. ISSAH.

"On 17 December 1944, coming from BUELLINGEN, we reached a big road-crossing which was located about 4 km north of ENGELSDORF. At this road-crossing we took the left turn around the curve towards ENGELSDORF and stopped on the right side of the road in front of a big pasture on which were about 80 to 100 American prisoners of war.

"I was present when German soldiers, among them numerous members of my platoon shot at these American prisoners of war.

"This deposition consisting of one handwritten page was made by me voluntarily, uninfluenced by force, duress, threats or promises of any kind.

"I swear before God that these statements which I have made here are true and I am prepared to repeat them before any court of justice.

/s/ "Friedel BODE  
SS Uscha.  
11 Apr 1946"

#73  
27-C-4

"Sworn to and subscribed to before me this  
eleventh day of April 1946, at Schwabisch  
Hall, Germany.

"WILLIAM R. PEARL  
1st Lt. M.I. O-555149  
Investigator-Examiner  
W.C.B. DEPT"

CAPTAIN SHUMACKER: Prosecution offers in evidence one picture  
affidavit executed by Friedel Bode bearing the photograph of  
Friedel Kies and requests that it be attached to the record and  
marked Prosecution's Exhibit Number "P-52B".

DEFENSE: On behalf of the Defense there is no objection to  
the picture affidavit, nor is there any necessity for reading the  
same. It is further agreed that the picture is that of the accused,  
Kies.

PRESIDENT: There being no objection, the exhibit offered by  
the Prosecution will be admitted in evidence and will be marked  
"P-52B".

(Whereupon the document referred to was marked Prosecution's  
Exhibit "P-52B" by the reporter and is attached hereto and made a  
part of the records.)

CAPTAIN SHUMACKER: You may cross examine.

DEFENSE: May it please the Court, on behalf of the Defense,  
there is no desire to cross examine the witness.

PRESIDENT: There appear to be no questions by the Court.  
Witness excused.

(Whereupon the witness was excused and withdrew.)

CAPTAIN SHUMACKER: Prosecution calls as its next witness,  
Mr. Harry Thon.

HARRY W. THON, an American civilian, recalled as a witness for  
the Prosecution, testified as follows:

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

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Captain Shumacker):

CAPTAIN SHUMACKER: Mr. Thon, you are reminded that you are still  
Thon - Redirect

under oath.

Q Are you the same Harry W. Thon who has previously testified in this case?

A Yes, sir.

Q During the course of your interrogations at IP Number 2, Schwabisch Hall, Germany, did you have occasion to interrogate Friedel Bode?

A Yes, sir. I did.

Q Can you identify Friedel Bode among the accused?

A Yes, sir. I can.

Q What number is he wearing?

A He is wearing Number 2.

CAPTAIN SHUMACKER: I hand the reporter an instrument and request that it be marked Prosecution's Exhibit Number 53 for identification.

(Whereupon the document referred to was marked Prosecution's Exhibit Number 53 for identification by the reporter.)

Q I hand you Prosecution's Exhibit Number 53 for identification and ask you if you know the handwriting and signature.

A It is written by Friedel Bode and it is signed by him.

Q Was that signed in your presence?

A Yes, sir. It was.

Q Is the statement sworn to?

A Yes, it is.

Q Who administered the oath?

A First Lieutenant Perl.

Q Was that statement given you voluntarily?

A Yes, it was.

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

A No, I didn't.

Q Did you make any promises to obtain that statement?

A No.

Q Is this statement signed by the same Friedel Bode whom

you have just identified as wearing Number 2?

A Yes, it is.

CAPTAIN SHUMAKER: Prosecution offers in evidence Prosecution's Exhibit marked "P-53" for identification and requests that it be attached to the record and marked Prosecution's Exhibit Number "P-53".

LT. COLONEL DWIDELL: The Defense objects to the evidence on the grounds previously stated.

PRESIDENT: Objection overruled. The exhibit offered by the Prosecution is admitted in evidence and will be marked Exhibit "P-53".

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution's Exhibit Number "P-53" and is attached hereto and made a part of the records.)

CAPTAIN SHUMAKER: Prosecution offers in evidence a true and correct English translation of Prosecution's Exhibit "P-53" and requests that it be attached to the record and marked Prosecution's Exhibit "P-53A".

DEFENSE: On behalf of the Defense, there is no objection.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted in evidence and will be marked Exhibit "P-53A".

(Whereupon the document referred to was received in evidence as Prosecution's Exhibit "P-53A" and is attached hereto and made a part of the record.)

CAPTAIN SHUMAKER: Prosecution requests permission to read its Exhibit "P-53A".

PRESIDENT: Granted.

CAPTAIN SHUMAKER: (Reading):

"I, Unterschar. Friedel BODE, being duly sworn state the following:

"During the EIFEL Offensive in December 1944, I was Group Leader of the 1st Group of the 2nd Platoon of the 3rd Panzer Pi. Co. 1st SS. Pi. Btl.

"My platoon leader was Untersch. Max BEUTNER, my Co. Commander, Ostuf. Franz SIEVERS.

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27-0-7

"In my capacity as group leader, two SPW's were under my command although already on 16th December 1944, my Co. Commander Ostuf. SIEVERS took over a vehicle which belonged to my group because his own SPW had dropped out and this vehicle of my group had a special radio telephone equipment which was necessary to my Co. Commander.

"Since the afternoon hours of 16th December 1944 therefore, practically only one vehicle stood under my command as group leader. This vehicle was continuously under my command until I was wounded near LA OLKIEE on 22nd December 1944.

"During this whole time this vehicle which remained under my command had the following crew; I, myself as SPW commander, Stm Herbert LOSENKI as troop leader (2nd in command as squad leader), Strm Friedel KIES (MG Gunner) Otto BURKHARDT who was at that time Strm or Schuetze (rifleman) Johann WASENBERGER who was at that time either Schuetze or Strm (rifleman) Rottf MUNKEL (driver) and also possibly Strm or Schuetze HUMMEL.

"The number of men in my crew was larger than is customary for an SPW because I took several men to me who otherwise rode in the SPW under my command.

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

"I swear before God that the statements which I made in this deposition are true and am prepared to repeat same under oath before any court.

/s/ "Friedel BODE  
SS Ucha.  
12.4.1946

"Witnessed:  
RAPHAEL SHUMACKER  
CAPT. CMP.

"Sworn to and subscribed to before me this 12th day of April 1946 at Schwabisch Hall, Germany.

"WILLIAM R. FERL  
1st Lt. M.I. O-555149  
Inv. Examiner  
W.C.B. USFET

(Whereupon the statement was read in the German language.)

QUESTIONS BY PROSECUTION (Captain Shumacker):

Q Mr. Thom, in the course of your interrogations at IP Number 2, Schwabisch Hall, Germany, did you have occasion to interrogate one Johann Wasenberger?

A Yes, sir. I did.

Q Can you identify Johann Wasenberger?

A I can.

Q Is he among the accused present?

A Yes, he is.

Q What number is he wearing?

A Number 70.

CAPTAIN SHUMACKER: If the Court please, may we have Number 70 stand?

PRESIDENT: Number 70 stand up. Sit down.

CAPTAIN SHUMACKER: I hand the reporter an instrument and request that it be marked Prosecution's Exhibit 54 for identification.

(Whereupon the document referred to was marked Prosecution's Exhibit 54 for identification by the reporter.)

Q I hand you Prosecution's Exhibit 54 for identification and ask you if you know the handwriting and signature.

A Yes, I do.

Q Whose handwriting is it and whose signature?

A It is the handwriting of Johann Wasenberger and bears his signature.

Q Was it signed in your presence?

A Yes, it was.

Q Was the statement sworn to?

A Yes, it was.

Q Who administered the oath?

A First Lieutenant Byrne.

Q Was the statement made voluntarily?

A Yes.

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

A No, I did not.

Q Did you make any promises of any kind to obtain the statement?

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27-0-9

A No.

Q Was that statement signed by the same Johann Wasenberger you have just identified as wearing Number 70?

CAPTAIN SHUMACKER: Prosecution offers in evidence its exhibit marked Number 54 for identification and requests that it be attached to the record and marked Prosecution's Exhibit Number "P-54".

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

PRESIDENT: The objection is overruled. The exhibit offered by the Prosecution is admitted in evidence and will be marked "P-54".

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution's Exhibit "P-54" and is attached hereto and made a part of the record.)

CAPTAIN SHUMACKER: The Prosecution offers in evidence a true and correct English translation of its Exhibit "P-54" and requests that it be attached to the record and marked Prosecution's Exhibit "P-54A".

DEFENSE: On behalf of the Defense, there is no objection.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted in evidence and will be marked Prosecution's Exhibit "P-54A".

(Whereas the document referred to, having been previously marked and identified was received in evidence as Prosecution's Exhibit "P-54A" and is attached hereto and made a part of the record.)

CAPTAIN SHUMACKER: Prosecution requests permission to read its exhibit "P-54A".

PRESIDENT: Granted.

CAPTAIN SHUMACKER: (Reading):

"I, Johann WASENBERGER, having first been duly sworn, upon oath make the following statement:

"At the time of the EIFEL campaign in December 1944, I was pioneer in the 2nd platoon, 3rd Panzer Pioneer Company (TN-3rd Armored Engineering Co.) 1st SS Panzer Pioneer Battalion (TN-Armored Engineering Bn) "ISSAH".

"Shortly prior to the EIFEL campaign in December 1944 the platoon leader of the 1st Platoon 3rd Pz. Pi. Co. gave a company orientation in our assembly area which was in a big forest in the vicinity of BRANKENHEIM. He said at that the following:

"The importance of this coming campaign is tremendous. We will receive support for it of all possible weapons. We also will have air superiority at our disposal. Troops in American uniforms will precede us and create confusion among the enemy. Should you encounter such people who wave their steel helmets over their heads then you will not open fire at them. In this campaign you will not take any prisoners of war."

"During the EIFEL campaign I experienced at various places that no prisoners of war were taken. However, I only remember one place where I myself received the order to shoot one prisoner of war.

"It was on 17th December 1944, in the early afternoon hours when we reached a crossroads about 4 km. north of ENGELSDORF. At this crossroads coming from BUELLINGEN, where we had refueled, we turned left at the curve towards ENGELSDORF. When we drove left around the curve there was on the right hand side of the road a house; next to this house on the right hand side of the road was a pasture in front of which we stopped on the right hand side of the road. I then noticed that at this pasture were a great number of American prisoners of war, part of them dead and some of them alive. I would like to state that these prisoners of war were already lying on the ground. At this time our SPW crew was as follows: Unterscharfuhrer BODE (SPW Commandant), Sturmann LOSENSKI, Pioneer JIRASSEK, Pioneer KIES, and I myself, Pioneer WASENBERGER. Those are all the names which today I am still able to remember.

"After Unterscharfuhrer BODE, Sturmann LOSENSKI, and Unterscharfuhrer BEUTNER had spoken for a short while Unterscharfuhrer BODE suddenly opened fire at the prisoners who were still lying on the ground and thrashing around.

"Thereupon LOSENSKI pointed with the hand at one prisoner of war who was still alive and ordered me to give this man the mercy shot. I had to carry out this order and shot with my carbine 98 at this prisoner. I am certain that this prisoner didn't continue to suffer and that he was dead, because afterwards he did not move any longer. This is the only time during the EIFEL campaign that I received the order to shoot at prisoners of war. I would like to add that other German soldiers as well shot at this place at American prisoners of war who were lying at this crossroads. However, I am not able to say any more with certainty the names of these people.

"Immediately after this shooting was over we drove on in the direction of ENGELSDORF.

"This statement consisting of 5 pages was made by me voluntarily uninfluenced by any duress, threat, coercion or promise of any nature.

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27-C-11

"I swear to God that the facts that I have stated  
in this statement are true and I am ready to repeat same under  
oath before any court of justice.

/s/ "Johann WASENBERGER  
16 April 1946

"Subscribed and sworn to before me  
this 16th day of April 1946

"Robert E. BYRNE  
1st Lt. JAGD"

(Whereupon the statement was read in the German language.)

74,5/27,1sp

CAPT. SHUMACKER: Prosecution requests permission because of this pretty poor handwriting for the witness to read this statement.

PRESIDENT: Granted.

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

CAPT. SHUMACKER: The prosecution offers in evidence one picture affidavit executed by Johann Wasenberger bearing the photograph of Friedel Bode, requests that it be attached to the record and marked Prosecution Exhibit No. P-54-B.

DEFENSE COUNSEL: On behalf of the defense, there is no objection to the picture affidavit or any necessity for reading the same and it is admitted that the photograph is that of the accused Bode.

PRESIDENT: There being no objection the exhibit offered by the prosecution will be admitted into evidence and marked P-54-B.

(Whereupon the document referred to was received in evidence as Prosecution Exhibit No. P-54-B and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: You may cross examine.

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

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

CAPT. SHUMACKER: Prosecution calls as its next witness, Lt. Perl.

Lt. Perl, you are reminded you are still under oath.

WILLIAM PERL, a witness for the prosecution, having previously testified, resumed the stand and testified further through an interpreter as follows:

REDIRECT EXAMINATION (CONTINUED)

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER)

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

A Yes, sir.

Q During the course of your interrogations at IP No. 2 Schwaebish Hall, Germany, did you have occasion to interrogate one Erich Rumpf?

A Yes, sir, I did.

Q Did you interrogate him on more than one occasion?

A On many occasions.

Q As a result of your interrogations, of Erich Rumpf, did he make a statement to you?

A Yes, sir.

Q In what form was that statement made?

A He made oral statements first and then a final statement in writing.

Q Can you identify the Erich Rumpf you are speaking about?

A Yes, sir.

Q Is he among the accused present?

A Yes, sir, he is.

Q What number is he wearing?

A Number 54.

CAPT. SHUMACKER: I hand the reporter an instrument and request that it be marked Prosecution Exhibit No. 55 for Identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. 55 for Identification by the reporter.)

QUESTIONS BY CAPT. SHUMACKER (CONTD)

Q I hand you Prosecution Exhibit marked No. 55 for

74,3ep

identification and ask you if you recognize the handwriting and know the signature.

A Yes, sir. It was written and signed by Erich Rumpf.

Q Is that the same Erich Rumpf you have just identified as wearing number 54?

A Yes, sir.

Q Was that statement signed in your presence?

A Yes, sir.

Q Was it sworn to?

A It was.

Q Who administered the oath?

A I did.

Q Was this statement made voluntarily?

A Yes, sir.

Q Did you use any force or threats to obtain this statement?

A I did not.

Q Did you make any promises of any kind to Rumpf to obtain this statement?

A No, sir.

CAPT. SHUMACKER: Prosecution offers in evidence its exhibit which has been marked P-55 for identification, requests that it be attached to the record and marked Prosecution Exhibit No. P-55.

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

PRESIDENT: Objection is overruled. The exhibit offered by the prosecution will be admitted into evidence and will be marked P-55.

(Lt. Perl - Redirect)

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-55 and is attached and made a part of the record.)

CAPT. SHUMACKER: The prosecution offers in evidence a true and correct English translation of its exhibit P-55 requests that it be attached to the record and marked Prosecution Exhibit No. P-55-A.

DEFENSE COUNSEL: On behalf of the defense, there is no objection to the translation.

PRESIDENT: There being no objection the exhibit offered by the prosecution is admitted into evidence and will be marked P-55-A.

(Whereupon the document referred to was received in evidence as Prosecution Exhibit No. P-55-A and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: Prosecution requests permission to read its exhibit no. P-55-A.

PRESIDENT: Granted.

CAPT. SHUMACKER: (Reading)

"I, Erich RUMPF, Obersturmfuehrer, after first being duly sworn, make the following statement under oath:

"During the EIFEL offensive I was Company Commander of the 9th Panzer Pioneer, 1st SS Panzer Regiment, L.S.S.A.H. which was assigned to the Armored Group, commanded by Joachim PEIPER, then Obersturmbannfuehrer.

"Ever since May 1944 I was under the command of Obersturmbannfuehrer PEIPER as my company belonged to the 1st SS Panzer Regiment LSS.A.H.

"I make the following statement about the events during the EIFEL offensive.

I

"Order pertaining to application of terror methods in regard to shooting of prisoners of war.

"1.) Before the start of the EIFEL offensive in

74, 5ep

November and the first days of December 1944, the first SS Panzer Regiment was stationed in the area of WEILLERSWIST.

"Already at that time it was made clear to us that on account of the importance of the coming offensive, the rules of warfare which up to then had been followed in the west, would not be strictly adhered to. These deviations from the rules which up to then were adhered to in the west already became apparent at the sand-table exercised by remarks of Obersturmbannfuhrer PEIPER and Sturmbannfuhrer POETSCHKE, commander of the 1st battalion.

"Formal orders along these lines were not issued at that time, but the policy to be followed was already apparent. I know that Obersturmbannfuhrer PEIPER said among other things, during the sand-table exercised or during the following officers' meetings in regard to the conduct of warfare in the coming offensive, "Also a bad reputation has its commitments". I don't know how the other officers understood "bad reputation". I personally recall a case in RUSSIA in which we had to set fire to an entire village of about 2000 inhabitants, and had to shoot the whole civilian population on orders. This crime certainly contributed to the foundation of what is meant by the bad reputation of the SS.

"Besides this remark of PEIPER I can also remember that Sturmbannfuhrer POETSCHKE already declared either during the sand-table exercised or the following officers' meeting that no pardon would be granted in the coming offensive. Also, other remarks having the same sense were made by Obersturmbannfuhrer PEIPER and Sturmbannfuhrer POETSCHKE at that time, but the words I do not remember any longer.

"In order to make up for our military inferiority, it was already clear at that time that the intention existed to spread among the enemy terror and fright, and that we were to carry on in a way which up to then was not followed in the west.

"2a. The first formal issuance of orders in regard to use of terror methods happened on the 12th of 13th December 1944 at the Regimental Command Post in WEILLERSWIST. 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. The contents of this order were as follows:

"The armored group has the mission to break through and gain space in depth, the fire-power and 'push' are strong; the armored group is weak from an Infantry point of view, therefore, the armored group has to keep its strength together by all means, and under no circumstances should split up its power. All other missions such as guarding of prisoners of war, mopping up of villages belong to the Infantry accompanying the armored group, or directly following it. Therefore, the situation can arise when prisoners of war have to be shot and if necessary the resistance has to be broken by terror."

"These are the words of the order as far as I can

remember. Naturally, it is possible that one or another word was added. However, I believe that the words are correct and, in any case I have quoted in my own words, the sense of this order.

"While I was reading this order, Joachim PEIPER, the Commander of the Armored Group, entered the room in which I stood. He glanced at the paper and then repeated with a slight smile what he already said before. He said: "Also a bad reputation has its commitments".

"Obersturmbannfuhrer PEIPER then added, "Also, tell your men and impress upon them, so you don't experience a failure, that no one must stay behind because every man and every vehicle are needed."

"Before I left the command post at that time I had to sign that I would not talk to anyone about the parts of the order which referred to the employment of terror methods and the possible shooting of prisoners of war except to those who had to know it in line of duty. In my opinion this was a preventive action in case of capture. Possible for the same reason this order never went to my company in writing. I only got to read it.

"To better understand part 2a of this statement I have made a sketch which I attach to this statement. It is marked with "A" and shows the position of the regimental command post at WEILLERSWIST. The attached sketch marked "B" shows the command post proper.

Hereon means (on Sketch "B"):

- I. Room of Obersturmbannfuhrer PEIPER.
- II. Room of Regimental Adjutant Hauptsturmfuhrer GRUHLE in which I read the order.
- III. Room of Ordnance Officer and Regimental Office.
- IV. Kitchen
  - a) Table
  - b) Couch
  - c) Closet

"2b.) On the same day on which I signed the order described in 2a, also a written regimental order arrived at my company. This order was supposed to be read to the men of the company before the beginning of the offensive. It demanded of the men complete exertion of their efforts. In regard to the prisoners of war this order said figuratively the same as was said in the secret order signed by me. This order which was to be read to the company reminisced, among other things, about the women and children who were killed by the American bombers, and it said that in this offensive, German soldiers and especially the men in the west would have the opportunity to take revenge for the bombardments. Furthermore, I know for sure that this written order which I had to read expressly stated that our reputation must precede us to terrorize our enemies. Whether this regimental order specifically mentioned prisoners of war, I do not recall any longer. I am sure of it that the order which had to be read did not specifically say that it was not allowed to take prisoners of

war. However, I am just as certain that by mentioning the bombardments in connection with the appeal, that our reputation had to precede us to terrorize our enemies, conveyed to every man, in effect, that in case he did shoot prisoners of war, this would be in line with what is permitted.

"3.) The regimental order described in 2b I read on 13 December 1944 to my company assembled in the school building in BADORFEKDORF. Furthermore, I instructed my men on this occasion in accordance with the expressed order of Obersturmbannfuhrer PEIPER to the effect that the vehicles and men had to keep together. In regard to prisoners of war I did not add anything to the order read. At the interrogation I was told that men in my company claim I gave an explicit order according to which no prisoners of war would be taken. These men are mistaken. As I already said, it appeared from the order which I received from the regiment, and which I read without comment, that the use of terror methods was desired by the regiment, and evidently some men in my regiment drew their own conclusions from this order and accepted it as an order given by me.

## II.

### "Shooting of Prisoners of War before the Cross-roads near ENGELSDORF."

"1.) BUELLINGEN, Unterscharfuhrer Leo SIER of the 2nd Platoon, 9th Panzer Pioneer was with his SPW and probably a second SPW assigned to one of the companies of the armored group as pioneer. Which company it was I do not know any longer. Anyhow, it was one of the companies which participated in the battles for BUELLINGEN.

"On the 18th December, SIER brought me an American leather combination flying suit which I exchanged for my old uniform. Hereby SIER reported to me: "No prisoners of war were taken in BUELLINGEN. At the airport where I got the combination flying suit, and in the houses of BUELLINGEN, we shot American prisoners of war."

"2.) Also in BUELLINGEN Unterscharfuhrer HAAS from the penal group of the Panzer Pioneers did, according to his own statement, shoot some American soldiers. HAAS told me, "I still found Americans in the houses in BUELLINGEN and bumped them off." HAAS drove into BUELLINGEN together with me; at this time there was no more action in BUELLINGEN any more and HAAS entered the houses without an order from me to search for hidden Americans. Hereby he probably took men along from his penal group. Who were men were I do not know. HAAS made the report to me described above when I was at the western exit of BUELLINGEN and he was apparently pleased to have bumped off the Americans.

## III

### "The Events at the Cross-roads before ENGELSDORF."

"Coming from BUELLINGEN I arrived about noon at the cross-roads where the street turns sharply left towards ENGELSDORF, and from where it is about 3 kilometers to ENGELSDORF. Hereby I drove in the leading vehicle of that part of my company which had no definite units of pioneers attached. This remaining portion left to me comprised about one-third of my company. Other than myself, the crew of my vehicle was composed of:

Unterscharfuhrer Walter KORF - Company troop leader  
 Unterscharfuhrer Karlheins HAGESTEDT - Radio Unterfuhrer  
 Rottenfuhrer Richard WECK - Messenger and machine gunner  
 Sturmman VEIL - SPW driver.

"Untersturmfuhrer Gunther GERING, actually not belonging to my vehicle, drove, however, from BUELLINGEN with me. Immediately behind me, maybe one-half minute or so later, the next vehicles of my company arrived. The sequence of these vehicles I cannot recall any longer. It must have been vehicles of my 1st Platoon though. At the time of my arrival on these cross-roads a Panzer IV stood perhaps 40 meters away from these Cross-roads on the road towards ENGELSDORF. It stood on the right side of the road.

"At the house located at the crossing stood two personnel vehicles. It is possible that these were jeeps, captured by us previously. Anyhow, these vehicles had German drivers who apparently had arrived with them.

"I do not recall to have seen any prisoners of war right at the time of my arrival. However, it is possible that this has slipped my memory. I remained standing at those cross-roads where at that time there was yet no traffic jam. The road was open. While I stood there, still in my SPW Untersturmfuhrer HERING went to the Panzer IV, described previously, which stood at the right side of the road behind the curve, and talked with the commander. Who the commander of this Panzer IV was I don't know any longer. For a better understanding of the situation of this locality at the time of my arrival, I have made a sketch which I have marked "C" and also attach it to this statement. On this sketch is meant:

A. American soldiers in field.

1. Panzer IV with the commander of which HERING talked.
2. 2-3 men of the 1st battalion with machine pistols, probably the guards.
3. Two personnel vehicles
4. A soldier in black uniform
5. 2 or 3 American trucks
6. My own SPW
7. Arriving tank and SPW column

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From the moment I stopped, tanks which were up till then behind me, passed me some of them stopping at the crossing or else in front of the field which is situation south of the house. Within the first minutes, men of my company dismounted at this place - however, none from my vehicle - walked towards the field which is located south of the house at the cross-roads, and where later on the prisoners were shot. Some of these men returned and also passed my SPW, saying that in the field by the house, there were a great number of prisoners of war standing. Only by that did I learn that there were prisoners at all in the field or near the house. Shortly after I heard these remarks made by the men of my company - the names I do not recall any longer - I saw Obersturmfuehrer Friedrich CHRIST, company commander of the 2nd Company, 1st Panzer Regiment, L.S.S.A.H. walking towards the house at the cross-roads. I still can remember that I was astonished to see him there because the 2nd Panzer Company was, to my knowledge not yet at this place. At that time I figured that he had driven in one of the personnel vehicles. A few minutes later, in all about 5 minutes after my arrival, I went to Obersturmfuehrer CHRIST, who just had a conversation with another officer standing at the cross-roads. I believe this second officer was an Untersturmfuehrer and belonged to the service company. The latter circumstance remained in my memory because we conversed about the problem of gasoline supplied which was up to him to tackle. Even now I, myself, did not see the prisoners of war, because from the position where I was talking with the two officers they were not visible and therefore, I do not know who was guarding these prisoners. At this time, however, I already knew that prisoners of war stood in the field behind the corner. Obersturmfuehrer CHRIST now

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said to me in the presence of the Untersturmfuehrer of Service Company, "Comrade Rumpf, couldn't you give me a few men ? It is only for a moment." I said, "Of course", and walked to my SPW in order to send him 2 - 3 men. Before I reached my SPW I turned around and asked Obersturmfuehrer Christ, "How many men do you need ?" Christ answered, "One group is enough." Thereupon I called Oberscharfuehrer Dörr, the section leader of the first platoon to me. As Oberscharfuehrer Dörr approached me, Obersturmfuehrer Christ told me that my men should report to a soldier whose name Obersturmfuehrer Christ mentioned at that occasion; however, his name I have forgotten. I believe that the rank of this man to whom my men were to report was Rottenfuehrer.

In the meantime Dörr came to me and I ordered him to go to the Rottenfuehrer and inquire of him what kind of an order it was. Up to then I did not know what this detail furnished by me had to do. However, I was already suspicious when Obersturmfuehrer Christ requested an entire group as I sensed that this group would probably be used for the shooting of prisoners of war. After about two to three minutes Dörr returned to me and told me, "This man tells me that I should shoot prisoners of war." Hereby he made gestures which indicated that he was indignant about this intention. I then said to Dörr "This you don't have to do, you go on back to your SPW."

At the interrogation I was told that Dörr passed on to a Panzer Commander an order to shoot the prisoners of war (respectively handed over the order: Trans Note) in order to get out of this thing.

I assume that Dörr, before he returned to me and indignantly told me that he was to shoot prisoners of war, already had passed on the order with the assumption that I would probably insist on the execution of the order.

For a better understanding of my statement I have made an additional sketch of the cross-roads, marked it "D", and attach it to this statement. It reproduces the situation at the time when I ordered Oberscharfuehrer Dörr to report to the Rottenfuehrer designated by Obersturmfuehrer Christ.

Hereon means:

1. Position where Obersturmfuehrer Christ asked me for men.
2. My SPW where I gave the order to Dörr.
3. SPW's of my company, about 4 or 5.
4. Column of slowly passing Panzers and SPW's.
5. SPW's stopping, probably Schumacher, 11th SPW Co.
6. About 10-12 men in grey, some in black uniforms.
7. Panzer IV stopping.
8. Individual men of my company, some walking towards the field, some returning from there.

It was also at this time that Untersturmfuehrer Hans Hennecke of the 1st Co. 1st Panzer Regiment, L.S.S.A.H. drove around the corner with one or two Panzer V's. I can recall that one of the two or three Panzer V's commanded by Hennecke stopped directly at the house at the

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beginning of the field; however I cannot state whether this was Untersturmführer Hennecke's Panzer or one of the two or three of his platoon. I also saw Untersturmführer Erich Münkemer of the 7th Co. 1st SS Panzer Regt. L.S.S.A.H. drive slowly around the corner in a Panzer IV. However I don't know any more whether Untersturmführer Münkemer's Panzer stopped behind the corner. All this happened immediately before the shooting started.

After I talked with Oberscharführer Dörr, for the second time I went to the American truck indicated with "5" on sketch "C" as I did not want to watch the shooting about to take place.

During all this time my SPW's totalling 4 or 5 stood on the road directly before the crossing on the road leading to the crossing; also, some other SPW's and Panzers drove slowly around the corner. Which units these Panzers and SPW's belonged to I don't know any longer, with one exception that I saw Unterscharführer Schuhmacher of the 11th Company, 3rd Armored Battalion running around at the crossroads, and later saw him walking in front of a slowly moving SPW. Anyhow, this Unterscharführer Schuhmacher was around the time of the shooting at this location.

After I stood for about one or two minutes at the truck indicated with 5 on Sketch "C", and watched as men unloaded "K" Rations, the firing at the prisoners of war, standing next to the house began, which I could hear but did not see. A great number of weapons fired; machine guns, rifles, and pistols, perhaps also machine pistols. This shooting lasted about one-half minute or a little less. About three minutes after the first big shooting was over I left the American truck and went to my SPW - I shouted to my men, "Let's go - we move out ". About one minute later we drove off in the direction towards Engelsdorf when I passed a field where the picture which I have shown on sketch "E" presented itself, and which I have attached to this statement.

Hereon is meant:

- 1 - My company driving up
- 2 - A stationary SPW
- 3 - A Panzer IV which shortly afterwards opened fire, with the turret towards the dead soldiers.
- 4 - An SPW on the left side of the street
- 5 - About 4 SPW's halting
- 6 - Panzer and SPW column coming towards the crossing
- 7 - About 10 soldiers mostly all in grey uniforms

When I was already past the field, the Panzer standing at the northern end of the field opened fire. Approximately at the place where I was when the Panzer at the northern end fired, therefore about 100 meters from the south end, I saw an American prisoner of war walking parallel with the road ditch towards the crossroads and I saw as he knelt down folding his hands before his chest either to pray or to beg for mercy. I do not know out of my own knowledge what became of this single prisoners.

At this time I again drove as first vehicle of my company, and the other vehicles drove behind me.

(Perl-redirect)

Shootings in or near STOUMONT.

1.) Obersturmfuehrer Franz Sievers, Company Commander of the 3rd Company, 1st Pioneer Battalion, LSSAH related to me on the evening of the 21st December on the way from Stoumont to La Gleize that he fought for a castle near Stoumont which was stubbornly defended by the Americans. Hereby he also told me that in some rooms of the castle were Americans who, shouting loudly, proclaimed that they wanted to give themselves up. He, however, let his men shoot with the "Panzerfausten" into these rooms in which the Americans were who wanted to give themselves up. I still can remember that Obersturmfuehrer Sievers related this account in a bragging manner and that he also boastfully added, "I have shown to them what it means to irritate the old Sievers." I was also possible that he said, instead of "irritate", "What is means to want to throw the old Sievers out of the house". Obersturmfuehrer Sievers also related to me that he captured about 40 men in this castle, among them two or three officers. Whether he shot them I do not know.

2.) Men of my company whose names I don't recall any longer informed me at my Company Command Post in Stoumont on the 20th or 21st December that they saw when Untersturmfuehrer Koch, the platoon leader of the 1st platoon of the 2nd Company, 1st SS Panzer Regiment L.SS.A.H. shot four or five American prisoners of war. I cannot remember any longer whether they expressly stated that Koch shot the prisoners himself. However, I know, after I talked with these men of my company that I was under the impression that Untersturmfuehrer Koch did not have the prisoners shot, but shot them.

V.

Shooting of Prisoners of War in LA GLEIZE.

1.) On the evening of 21 December 1944, about 9 or 10 o'clock, I am pretty sure that time and date as given here are correct, I arrived in La Gleize and reported to the Command Post of the 1st Battalion. It was located in a cellar of the school building. There I received from Obersturmbannfuehrer Peiper some tactical pointers. Also Sturmbannfuehrer Poertschke was present. After I had already left this Command Post, Untersturmfuehrer Hans Hennecke of the 1st Co., 1st SS Panzer Pioneer Regiment L.SS.A.H. came after me and said to me "Peiper ordered that prisoners of war are to be shot. You should furnish a shooting detail. " I am also sure that he added, "Send them over here to this place." Hereby he pointed at the place in front of the school house. Even before Untersturmfuehrer Hennecke gave me this order shootings must have taken place in La Gleize because the drivers of my company informed me on my arrival that American prisoners of war were shot.

After I received the described orders from Untersturmfuehrer Hennecke, I went to the cellar in which was part of my men. I went into the cellar and said, "I need some men for the shooting of prisoners of war." Thereupon Unterscharfuehrer Erich Maute, 9th Panzer PI Company Medic, with three or four other men emerged from the cellar. I believe that I there designated these men. I know that one of these men was Unterscharfuehrer Maute, my Company Medic; I assume that another one was Sturmann Schimpel, and I know that the others were SPW drivers. However, it could be that also a member of the 1st platoon, who was not an SPW driver, was among them. I then ordered Unterscharfuehrer Maute, who was the only Unterscharfuehrer among the men, what I myself was ordered; therefore I said to Maute "You go to the place in front of the church - prisoners are to be shot." Also I am pretty sure that I said to Maute that he and his men would be told what to do by the 1st Company. I can no longer remember if Maute reported to me after the shooting; probably he did not do that as for one thing it was already late in the evening and I went into another house to sleep (Perl-redirect)

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Besides, during the time of action one is not very formal, and what is more, this shooting detail had received particulars from the 1st Company, and I only sent it to the first company in accordance with orders.

2.) On the next day, therefore on 22nd December 1944, I myself was present when Obersturmbannführer Peiper declared at the command post of the 1st Battalion in Ia Gleise, "Some American prisoners of war refused to work for us, therefore I had part of the prisoners shot. This will be the best lesson for the remaining ones." These were the words as far as they are in my memory. He could have said one or two words, but substantially this is the wording of the remark and certainly it is the meaning of his remark.

From Obersturmbannführer Peiper's remark I got the impression that not only those who refused to work were shot, but as a warning to the others, a greater number of prisoners were shot.

3.) On the same evening on which Obersturmbannführer Peiper gave this declaration that he had a part of the prisoners shot because some had refused to work, I saw him in friendly conversation with a captured American Major. Obersturmbannführer Peiper showed himself, contrary to his behavior towards the other prisoners of war, exceedingly friendly, and conversed with him for hours. This Major showed himself to be very anxious about the whereabouts of the other prisoners of war and about the way in which they were housed; Obersturmbannführer Peiper who can well control himself gave, with a serious and quiet face, reassuring answers. Furthermore, the Major also asked whether those American soldiers who fell in the battle would be buried according to regulations, and with the same serious face, Obersturmbannführer Peiper answered him. "Naturally, one of the identification tags goes into the grave, the other will be fastened on the cross."

At that time I stood together with some other officers around the Major, and we had to keep from laughing as we knew that the American prisoners were shot. I also can still remember that Obersturmbannführer Peiper asked the Major for his name and home address and I also know that Hauptsturmführer Nilske wrote down the American Major's name and home address. I can still remember his name was MacGaw or something similar. The American Major then also asked Obersturmbannführer Peiper for his name. Obersturmbannführer Peiper smiled friendly at this; however, did not give his name.

In closing I would like to remark that no infantry accompanied or followed us on the route of advance; therefore, the reference that the guarding of prisoners of war should normally be conducted by accompanying infantry was a bluff from the beginning. This "Normalfall" (Translator's note: "Normal case") did not have a chance to occur at all.

I made this statement voluntarily and of my own will, un-influenced by pressure, threats or harsh treatment and un-influenced by promises of any kind.

I swear before God that the facts in this statement are true and I am prepared to repeat them under oath before any court of justice.

(signed) Erich Rumpf  
SS Obersturmführer. 22.3.1946.

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Witnessed:

(signed) Raphael Shumacker,  
Capt. CMP

Sworn to and subscribed before me  
this 22nd day of March 1946 at  
Schwabisch Hall, Germany.

William R Perl (signed)  
1st Lt. M.I.O-555149  
Investigator-Examiner  
War Crimes Branch  
USFET.

(Whereupon the Prosecution's Exhibit was then read to the Court in  
the German Language).

PRESIDENT: The court will recess until 1030 hours

(Whereupon the Court recessed at 1000 hours)

(Perl-redirect)

(Whereupon Court reconvened at 1030 hours.)

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

PROSECUTION: May it please the Court, let the record show that all the members of the Court, all the members of the prosecution, all the members of the defense with the exception of Mr. Strong and Dr. Rau, who are absent on business of the defense, all of the defendants and the reporter are present.

LT WILLIAM R. PERL, a witness for the prosecution, resumed the stand and testified further as follows:

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

REDIRECT EXAMINATION

QUESTIONS BY CAPTAIN SHUMACKER:

Q Lt Perl, do you know the accused Feiper referred to in Rumpf's statement just read as Exhibit P-55-A?

A Yes, sir, I do.

Q Is he among the accused present?

A He is.

Q Will you identify him?

A Yes, he is wearing No. 42.

Q Do you know the accused Franz Sievers mentioned by Rumpf in Prosecution's Exhibit P-55-A?

A Yes, sir.

Q Will you identify him?

A He is wearing No. 59.

Q Do you know the accused Freidrich Christ mentioned by Rumpf in Prosecution's Exhibit P-55-A?

A Yes, sir, I do and he is wearing No. 7.

Q Do you know the accused Munkemer referred to and mentioned by Rumpf in Prosecution's Exhibit P-55-A?

A Yes, sir, I do and he is wearing No. 39.

Q Do you know the accused Erich Maute mentioned by Rumpf in Prosecution's Exhibit P-55-A?

A Yes, sir. He is wearing No. 36.

CAPTAIN SHUMACKER: Prosecution offers in evidence five Picture Affidavits executed by Erich Rumpf bearing the photographs of Joachim Peiper, Franz Sievers, Freidrich Christ, Erich Munkemer, and Erich Maute and requests that they be attached to the record and marked Prosecution's Exhibits P-55-B, C, D, E, F and G, respectively.

DEFENSE COUNSEL: On behalf of the defense there is no objection to the admission of these picture affidavits and no necessity for their being read in court. It is further agreed that they are pictures of the accused Peiper, Sievers, Christ, Munkemer and Maute.

PRESIDENT: There being no objection, the exhibits offered by the prosecution will be admitted in evidence and marked exhibits P-55-B, P-55-C, P-55-D, P-55-E, P-55-F.

(Whereupon the documents referred to above were received in evidence as Prosecution's Exhibits P-55-B, P-55-C, P-55-D, P-55-E and P-55-F, respectively, and same are attached hereto.)

CAPTAIN SHUMACKER: You may cross examine.

DEFENSE COUNSEL: On behalf of the defense, at this time there is no further examination of the witness.

PRESIDENT: Are there any questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused, left the witness stand and took his seat at Prosecution's table in the court room.)

CAPTAIN SHUMACKER: I would like to recall the witness Harry Thon.

HARRY THON, a witness for the prosecution, was recalled and testified further as follows:

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

(Thon - Redirect)

REDIRECT EXAMINATION

QUESTIONS BY CAPTAIN SHUMACKER:

Q Mr. Thon, you are reminded that you are still under oath.

A Yes, sir.

Q Are you the same Harry W. Thon who has previously testified in this case?

A Yes, sir.

Q During the course of your interrogations at I.P. No. 2, at Schwabisch Hall, Germany, did you have occasion to interrogate one Willi Von Chamier?

A Yes, sir, I did.

Q As a result of your interrogation did Von Chamier make a statement?

A Yes, sir, he did.

Q And in what form was the statement made?

A He made an oral statement first and wrote a statement the following day.

CAPTAIN SHUMACKER: I hand the reporter a statement and request that it be marked Prosecution's Exhibit 56 for Identification.

(Whereupon the paper referred to was marked "Prosecution's Exhibit P-56 for Identification".)

Q I hand you Prosecution's Exhibit marked P-56 for Identification and ask you to state whether or not you know the handwriting and signature thereon?

A Yes, sir, I know. This is the handwriting of Willi Von Chamier, and his signature.

Q And was that statement signed in your presence?

A Yes, sir, it was.

Q Was it sworn to?

A Yes, sir.

Q Who administered the oath?

A You did, Captain Shumacker.

Q Was that statement made voluntarily?

A Yes, sir.

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

A No, sir.

Q Did you make any promises of any kind?

A No, sir.

Q Can you identify Willi Von Chamier among the accused present?

A Yes, sir, I can.

Q What number is he wearing?

A He is wearing No. 6.

PRESIDENT: No. 6 stand up--sit down.

(Whereupon the accused wearing No. 6 did as requested.)

QUESTIONS BY CAPTAIN SHUMACKER (Cont'd):

Q Is the Willi Von Chamier who signed Prosecution's exhibit marked P-56 for Identification the same Willi Von Chamier you have just identified wearing No. 6?

A Yes, sir.

PROSECUTION (Capt. SHUMACKER): Prosecution offers in evidence the exhibit marked P-56 for Identification and requests that it be attached to the record and marked Prosecution's Exhibit P-56.

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

PRESIDENT: The objection is overruled. The exhibit offered by the prosecution is admitted in evidence and will be marked exhibit P-56.

(Whereupon the paper referred to having previously marked and identified was received in evidence as Prosecution's Exhibit

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P-56, and same is attached hereto and made a part of this record.)

CAPTAIN SHUMACKER: Prosecution offers in evidence a true and correct English translation of its exhibit P-56 and requests that it be attached to the record and marked P-56-A.

DEFENSE COUNSEL: On behalf of the defense there is no objection.

PRESIDENT: There being no objection, the exhibit offered by the prosecution is admitted in evidence and will be marked P-56-A.

(Whereupon the paper referred to above was received in evidence and marked Prosecution's Exhibit P-56-A, and same is attached hereto and made a part of this record.)

CAPTAIN SHUMACKER: The prosecution requests permission to read its exhibit P-56-A.

PRESIDENT: Granted.

(Whereupon Prosecution's Exhibit P-56-A was read as follows:

"I Willi von CHAMIER, after first being sworn make the following statement:

"During the EIFEL offensive in December 1944 I was with the penal group, 9th Panzer Pioneer Company, 1st Panzer Regiment LSSAH. My rank was that of an Unterscharfuehrer.

"We left our assembly area in the early morning hours of 16 December 1944 for the attack.

"During our advance we passed through several villages the name of which I do not know any more.

"We reached a big cross-road about mid-day of the following day, 17 December 1944, approximately 4 kilometers north of Engelsdorf. On the right side of the street, coming from Busslingen, before one turns left into the main street towards Engelsdorf, stood Obersturmfuehrer Rumpf's S.P.W. Our SPW which carried the following mentioned crew stopped approximately six meters behind Rumpf's SPW:

The Gruppenfuehrer	Oscha	Wedeleit
The Asst "	Uscha	Hass
The MG Gunner I	Rottf	Katcher
The MG Gunner II	Uscha.	Von Chamier, Willi
Rifleman I	Uscha	Pietta
Rifleman II	Schuetze	Rieder
Rifleman III	"	Corzieni

"We stood there awhile when Obersturmfuehrer Rumpf motioned us to come to him. At that time he stood in front of a house which stood directly on the corner of the right-hand side of the street, coming left around the bend traveling to Engelsdorf. We had not yet arrived when he shouted to us to get our weapons and to follow him right away. He led us, meaning the whole crew of the SPW of Oberscharfuehrer Wedeleit to a pasture which was immediately south of the house. We stood on the north side of this pasture, on the corner next to the street. On this pasture approximately 30 American prisoners were standing with their hands raised, and wearing American uniforms which I know. The prisoners had no arms and stood there quietly. In my opinion there was no reason to bump those prisoners off. Immediately thereafter, Obersturmfuehrer Rumpf gave us the following order after we had arrived at the above mentioned corner of the pasture with him, "Bump the prisoners off". I am not sure whether those exact words were used, but the meaning is correct. Thereupon we opened fire on the prisoners of war and at the same time, the machine guns of the tanks and SPW's that stood on this street at this pasture. I personally fired 8 shots at the prisoners with my carbine. I don't know how many shots Reider fired, but I heard and saw that he did shoot at the prisoners.

"Corzieni, Katcher and Piotta did also shoot with their rifles into the prisoners, and Oberscharfuehrer Wedeleit with the pistol. I also saw how Oberscharfuehrer Rumpf shot into the prisoners. I also saw Unterscharfuehrer Haas shoot into the prisoners with his machine pistol.

"We returned to our SPW's and mounted after the prisoners had fallen to the ground. Only Haas remained on the pasture and I saw from our SPW Haas walking once more amongst the prisoners and shooting the prisoners lying on the ground. One case I remember especially clearly, namely one of those lying on the ground and believed to be dead, raised himself half-way up. He pointed to the rear part of his body which gave me the impression that he was wounded there. This man was also shot dead by Haas with his machine pistol.

"After the shooting was over we received an order from Obersturmfuehrer Rumpf to proceed on our march.

"To clarify the above statement, I have made a sketch, marked it Exhibit "A", and made it a part of my statement.

"This statement consisting of 3 pages and one sketch was made of my own free will without force, duress, threats, promises of any kind.

"I swear before God that the facts which I made in this statement are true and am willing to repeat my statement under oath before any court of justice.

(signed) Willi Von Chamier  
21. 3. 1946

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"Sworn to and subscribed before me  
this 21st day of March 1946, at  
Schwabisch Hall, Germany

/s/ Raphael Shumacker  
Capt. CMP "

CAPTAIN SHUMACKER: I request permission of the Court for  
the witness to read the German statement.

PRESIDENT: Granted.

(Whereupon Prosecution's Exhibit P-56 was read in  
the German language.)

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LAW MEMBER: There is a possible correction in the English translation. Will you refer to your statement again? Look at the long paragraph, just after the names of the occupants of the vehicle, where the statement refers to the prisoners in the pasture. The American translation says, "Approximately 30 American prisoners" and I believe you said "90".

THE WITNESS: That may be, sir. That is an error on my part but it looks like a "3" or a "9".

CAPT. SHUMACKER: If it pleases the Court, it is perfectly all right to take the word of Von Chamier himself as to what he meant by the figure. It is not very plain.

CAPT. NARVID: The number is 90.

LAW MEMBER: Then the American translation of Exhibit P 56-A will be corrected to read "90" instead of "30 American prisoners".

QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q Mr. Thon, do you know the accused Max Rieder referred to by Von Chamier in the statement just read, Prosecution Exhibit P-56-A.

A Yes, I do know him.

Q Is he among the accused present?

A Yes, he is.

Q What number is he wearing?

A Number 51.

PRESIDENT: Number 51, stand up.

(Whereupon the accused did as directed.)

QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

CAPT. SHUMACKER: The Prosecution offers in evidence two picture affidavits executed by the accused Willi Von Chamier, bearing the photographs of (Thon-redirect)

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Rumpf and Rieder and request that they be attached to the record and marked Prosecution Exhibits Numbers P-56-B and P-56-C respectively.

DEFENSE COUNSEL: On behalf of the Defense, there is no objection to the introduction of the picture affidavits or the necessity for reading them into the record. It is further admitted that these two affidavits are the photographs of Rieder and Rumpf, both accused.

PRESIDENT: There being no objection, the Exhibits offered by the Prosecution is admitted into evidence and will be marked Exhibits P-56-B and P-56-C.

(Whereupon the documents referred to, having been previously marked and identified were received in evidence as Prosecution Exhibits P-56-B and P-56-C and are attached hereto and made a part of the record.)

CAPT. SHUMACKER: You may cross examine.

DEFENSE COUNSEL: No cross examination on behalf of the Defense, at this time.

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

(Whereupon the witness was excused and withdrew to the Prosecution's table.)

CAPT. SHUMACKER: Prosecution would like to recall the witness 1st Lt. William R. Perl.

1st Lt. WILLIAM R. PERL, called as a witness for the Prosecution, having been previously sworn, was recalled, resumed the stand and testified further as follows:

(Perl-redirect\*)

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:(CAPT. SHUMACKER)

Q Lt. Perl, you are reminded that you are still under oath.

A Yes, sir.

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

A Yes.

Q During the course of your interrogations at I.P. #2, Schwaebish Hall, Germany, did you have occasion to interrogate one Max Rieder?

A Yes, sir.

Q As a result of those interrogations, did Max Rieder make a statement?

A Yes.

Q In what form was this statement made?

A He made first an oral statement and then the substance of it was dictated to him.

Q Could you identify the Max Rieder that made the statement that you are referring to?

A Yes. He is wearing number 51.

Q All right.

CAPT. SHUMACKER: I hand the reporter a statement and request that it be marked Prosecution Exhibit Number 57 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit P-57 for identification by the reporter.)

QUESTIONS BY PROSECUTION:(CAPT. SHUMACKER)

Q Lt. Perl, I hand you Prosecution Exhibit marked for identification as P-57 and ask you whether or not you know the handwriting and the signature thereon (Perl-redirect)

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A Yes. It is Max Rieder's handwriting and his signature.

Q Was the statement signed in your presence?

A It was.

Q Was it sworn to?

A Yes.

Q Who administered the oath?

A I did.

Q Was the statement made voluntarily?

A Yes.

Q Was any force, duress or threats used to obtain this statement?

A No, sir.

Q Did you make any promises of any kind to Rieder to obtain that statement?

A No. I did not.

Q Was this statement signed by the same Max Rieder whom you have just identified among the accused as wearing the number 51?

A Yes, sir.

CAPT. SHUMACKER: May it please the Court, Prosecution offers in evidence the instrument marked Prosecution Exhibit 57 for identification and requests that it be attached to the record and marked Prosecution Exhibit P-57.

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

PRESIDENT: Objection overruled. The exhibit offered by the Prosecution is accepted in evidence and will be marked Exhibit P-57.

(Whereupon the document referred to, having been

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previously marked and identified was received in evidence as Prosecution Exhibit Number P-57 and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: Prosecution offers in evidence a true and correct English translation of Prosecution Exhibit P-57. I ask the reporter to mark it Prosecution Exhibit P-57-A for identification.

(Whereupon the document referred to was marked Prosecution Exhibit Number P-57-A for identification by the reporter.)

DEFENSE COUNSEL: On behalf of the Defense there is no objection to the translation.

PRESIDENT: There being no objection the exhibit offered by the Prosecution will be admitted into evidence and will be marked Exhibit P-57-A.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-57-A and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: Prosecution requests permission to read Prosecution Exhibit P-57-A.

PRESIDENT: Granted.

(Whereupon Captain Shumacker read Prosecution Exhibit P-57-A as follows:)

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I, Sturmman Max RIEDER, after first being duly sworn make the following statement under oath. During the Eifel offensive in December 1944 I belonged to the penal group of the 9th Pz Pl. Company, 1SS Panzer Regt., L.S.S.A.H.

On the 16th December 1944, we drove from the Elankenheim woods and on the 17th December during the early morning hours started the offensive. The following shootings of American soldiers - prisoners of war and civilians - during this offensive, I partly saw myself, partly actively participated in, as I describe in the following statement:

1.) On the 17th December 1944 around 8 or 9 o'clock in the morning my SPW reached the village of Honsfeld. In my estimation, Honsfeld had already been taken about one hour previous by another German unit. Our vehicle stopped at the beginning of the village a few minutes, as the column came to a halt. On this spot I saw how an American soldier stepped out of a ditch of a road leading towards our road approximately 200 to 250 meters distance and walk on the street with his hands above his steel helmet. This American walked slowly and as far as I could see from the distance, he was unarmed.

My impression was that he climbed out of the ditch to give himself up. When Unterscharfuhrer Haas of the penal group of the 9 Pz Pl. Company, 1st Panzer Regiment L.S.S.A.H. saw this, he aimed his machine pistol at the prisoner and fired a burst at the prisoner, in my estimation about 10 shots. Thereafter I saw the prisoner fall to the ground. Whether he was hit I do not know as the distance was too great.

About two minutes later I saw three Americans jump out of the same ditch and run towards the house situated nearby. These Americans did not have their hands raised above their steel helmets and it was my impression that they wanted to run away on account of what they saw happened to their comrade who wanted to surrender.

I saw no one shot at these three Americans apparently because they disappeared too quickly and because we already started on our way. At this time the crew of my SPW consisted of the following men:

Unterscharfuhrer Biota, Unterscharfuhrer Haas, Sturmman Barth, Sturmman Rugrigel, Schmetze Bobrzalek, and myself.

I have made a sketch of this place which I have marked "A" and attach it to this statement. On it is meant: 1. our SPW, 2. American Jeep in front of which Unterscharfuhrer Haas shot, 3. Road ditch out of which the Americans jumped, 4. House towards which they ran, 5. Houses in Honsfeld.

2.A) About 1100 hours in the morning of 17 December 1944, we reached the village of Buellingen. At the exit of this village our SPW's stopped, our whole crew left the vehicle in order to look around in the nearby houses. I first walked with Sturmman Rugrigel, Sturmman Barth or with one or two others of my

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comrades towards a deserted American kitchen which was located right from our direction of travel and in which we found cocoa and drank same. In this house I did not shoot anybody. Thereupon, I walked into a house which was across the street together with Unterscharfuhrer Haas who suggested walking through the house. In the kitchen of this house we saw a woman about 40 years old who was apparently left behind in this house. When we entered the kitchen we saw her standing in the middle of the room and Unterscharfuhrer Haas asked her whether there were American soldiers in the house. The woman motioned with her head "No".

Thereupon Haas said to me, "Rieder, bump this woman off."

I was armed with a rifle which I then aimed at this woman. Thereby I stood approximately two meters away from this woman, my face opposite her face. When the woman saw that I aimed at her she screamed with fright, remained standing though. At the same moment I already shot aiming exactly at the center of the forehead, the end of my barrel only about one meter away from the woman and I hit exactly the same spot I aimed at. I fired one shot after which the woman immediately collapsed dead. I then bent down to her to see whether she was dead because if she would not have been dead I would have fired a second shot at her. But this was not necessary because I established that the woman was dead without doubt. I also established at this examination that the bullet which penetrated the forehead came out the back of the head and that there was a big hole in the back of the head from which the brains flowed out. Thereupon I returned to my SPW while Haas still remained in the house evidently to search through it. In my opinion this woman gave no cause for which she should be shot.

At the SPW I helped the driver Schuetze Bobrzalak refuel gasoline and approximately a quarter of an hour later I entered another house out of which I took an American fatigue suit with zipper. However, in this other house I did not bump off anybody.

I made a sketch of this locality and marked it "B". The sketch marked "B" shows the position of the house wherein I shot the woman. On this sketch signifies:

1. Our SPW.
2. Gasoline dump, probably on the market place.
3. American kitchen.
4. House in which I shot the woman.
5. House from which I collected the American fatigue suit.

The sketch marked "C" shows the house in which I shot the woman. On this sketch which I also attach to my statement signifies: I. Kitchen II. Living room III. Hall. 1. Place where the woman stood. 2a. Place where I stood. 2b. Place where Unterscharfuhrer Haas stood. 3. Door. 4. Entrance door to the living quarters. 5. Exit door (2b) from the living quarters. 6. Street. - After our SPW drove from the spot 1 indicated on sketch "B" we drove about 200 meters further. There we stopped again after we had covered the approximate 200 meters on the spot where Unterscharfuhrer Hering's SPW stood. On this place

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approximately 7 Belgian civilians stood in front of a house - men and women - I do not know any more whether there were also children amongst them. I also do not know how many of the civilians were men or women. I now saw Unterscharfuhrer Haas of the Penal Group dismount from our SPW. Unterscharfuhrer Haas placed himself by the side of the house and I now saw how he aimed his machine pistol at the civilians quick as lightning and started shooting right away. Unterscharfuhrer Haas was at that time about 80 meters distant from the civilians. The civilians themselves were at that time hidden from my view as the corner of the house was in between it. However, I had only a few seconds before seen the civilians standing south of this place and nobody else was in the vicinity. Next to Unterscharfuhrer Haas stood Sturmman Barth of my company. Barth who had an American 45 pistol, fired simultaneously with Haas into the civilians.

Even though I did not see how the civilians were hit I know that they were hit because I heard them scream with fright and I heard them moan as it is common among people who are hit. Unterscharfuhrer Haas first fired two or three short bursts in my estimation altogether approximately 25 shots. Barth fired also several shots. The moment when Haas opened fired I heard the civilians for the first time scream with fright and between the bursts I heard moaning.

After Haas had fired these two or three bursts Barth returned to my SPW and the commandant of our SPW, Unterscharfuhrer Biotta shouted, "Come on, climb up, we move on." Haas replied, "One moment." Immediately after Haas said that he aimed his machine pistol once more in the same direction and fired an additional burst. Immediately before the firing of this large burst, and afterwards, I did not hear the civilians moan any more.

Haas then returned to our vehicle right away and he said while climbing up as we were just about to drive off, "Now I have again bumped off civilians."

After that Haas filled his magazine with new ammunition.

I also made a sketch of this locality and marked it with "D". On this sketch which I also attach to my statement is meant: 1. Our SPW. 2. Hering's SPW. 3. House. 4. Place where Unterscharfuhrer Haas stood. 5. Place where Sturmman Barth stood. 6. Place where the Belgian civilians stood. 3. Is in my opinion the last house in Buellingen.

3.) Around 1300 hours of the same day, therefore, also on the 17th December 1944, we arrived at a cross roads on which we travelled from a bad road onto a good road, and where we had to turn left. From these crossroads it was still about 3 kilometers to Engelsdorf.

On these crossroads stood a house. On the right side of the street and that was still on the bad road before one turns left in the direction of Engelsdorf stood the SPW of Obersturmfuhrer Erich Rumpf, Company Commander of the 9 P.Fi. Company Panzer Regiment I L. SS. A.H. almost on the crossroads. My SPW stopped approximately 5

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meters behind the vehicle of Obersturmfuehrer RUMPF. As we stopped I got off my vehicle to fetch some loot for myself and the other men of my vehicle, because I saw north of the crossroads a few American trucks standing on the road. South of that house situated near the crossroads and which stands directly at the crossroads on the right side of that road that leads south towards Engesdorf, is a field.

When I went to the American trucks my Company Commander, Obersturmfuehrer RUMPF stood just at these crossroads and as far as I remember he was there alone at this time. Adjoining this house on the crossroads is a field on the righthand side of the road which leads towards ENGELSDORF. On this field were already at that time about 60-70 American prisoners of war. All of them wore American uniforms and had their hands raised over their heads.

When I returned to my SPW a few minutes later loaded with 10 in 1 rations from the American trucks Obersturmfuehrer RUMPF already stood in front of the house.

Directly behind the crossroads, I no longer remember whether there were still other officers or men in his vicinity, Obersturmfuehrer RUMPF called to me, "RIEDER, you of all the people are in need of it, get your rifle. You want to shoot without cartridge pouch?"

The "You of all the people are in need of it" referred to the fact that I wanted to sneak away from the shooting of the prisoner or that the getting of the rations was more important to me because at the time when I returned with the rations, the other members of the Penal group were already in front of the prisoners. Unterscharfuehrer HAAS ran about amongst the prisoners in the field and the others stood dispersed at the ditch of the road. It was clear to me that the prisoners were to be shot. I then went on account of the request back to my vehicle and fetched my rifle. Sturmman BARTH of my company was in the vehicle and told me at that occasion that he just shot an American soldier in the ditch of the road who lay unarmed in the ditch with his face in the water and pretending to be dead though actually was alive.

After I had taken my rifle out of my SPW, I went to the field. At this time Obersturmfuehrer Erich RUMPF stood no longer in front of the house but south of the house a little in front of the field with the prisoners. Besides the following members of the 8th group were posted in front of the field: Oberscharfuehrer WEDELEIT, Unterscharfuehrer HAAS, Unterscharfuehrer BIOTA, Unterscharfuehrer CHAMBER.

I stood across the field towards the north end and near the house and looked at the prisoners who stood with their hands folded above their heads in the field. A short time after we arrived there Obersturmfuehrer RUMPF gave the order to bump off the prisoners. Thereby he either used the words "Bump the prisoners off" or "Shoot into them."

(Rieder statement)

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I do not know whether at this time there were any other vehicles standing near the field. I did not pay any attention to it. I know, however, that all the members of the Penal Group shot into the prisoners and I also had fired five shots. All my shots I had aimed at the same prisoners. This American stood near the right edge of the field and only about 6 meters away from me. He was of medium size and stocky. I aimed all shots at the head of the American and I saw that he collapsed already after the first shot. I then emptied my magazine into the one lying on the ground in shooting another four shots into the American soldiers lying on the ground. From the beginning of the first shots I saw that I hit him as intended because he fell back in such a way which is common for people who receive a shot through the head. This American undoubtedly was dead.

I also saw the following members of my company shooting at the prisoners: Our Company Commander Obersturmfuehrer RUMPF who shot into the prisoners with his pistol. I cannot say any longer how many shots he fired; however, I am quite sure that I saw him fire. Unterscharfuehrer Willi Von CHAMIER of the Penal group who I saw on this spot shoot with the rifle into the American prisoners of war. I do not know any more how many shots Von CHAMIER fired; however, I believe he fired the same number of shots as I did. I further saw HAAS with his machine pistol shooting into the American prisoners of war, also Unterscharfuehrer B IOTTA of the Penal group of my company. BIOTTA fired into the prisoners with his rifle or machine pistol.

Furthermore, I also saw Oberscharfuehrer WEDELEIT of the Penal group, 9 P. Pl. Company Panzer Regt. I., L.S.S.A.H. standing on the field with his pistol in the hand and as the whole penal group shot I am sure that he also shot into the prisoners. However, I cannot state with certainty that I saw how he shot.

Obersturmfuehrer RUMPF was at that time about 5 meters away from me.

After I had fired my five shots I again returned to my SPW.

I also have placed this locality on a sketch and marked it with "E". It is attached to my statement and on it is meant: 1. Bad road on which we arrived. 2. Good road towards ENGELSDORF. 3. Obersturmfuehrer RUMPF's SPW. 4. Our SPW. 5. House at the crossing. 6. American trucks. 7. American prisoners. 8. My position at the shooting. 9. Position of Obersturmfuehrer RUMPF. 10. Approximate position of the rest of the members of the Penal group.

4. Immediately after we had driven past the field, with the American prisoners of war then dead (scene described in number 3), I saw how Unterscharfuehrer HAAS shot at a prisoner of war who with raised hands came down towards the field from the pasture. I still know how HAAS, who apparently did not have his machine pistol at hand called out, "A rifle", and one of our men handed him a rifle and he shot at this prisoner.

(Rieder statement)

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" "

At the time when HAAS opened fire at the prisoner we were about 40 meters distant from the prisoner. HAAS emptied the magazine on this American. I saw how the American fell to the ground. Whether he was hit or whether he did so to take cover I do not know. Of the five shots HAAS fired he fired three at the prisoner already lying on the ground. At about the same time I also saw an American prisoner of war kneeling right from my SpW near the ditch on the road. I also saw how this one apparently hit slowly collapsed. However, I cannot say whether it was HAAS who shot at this prisoner.

5. In STOU MONT when we arrived during the day for the first time in STOU MONT I saw how Unterscharfuehrer STURMANN of the 9th Panzer Pioneer Company, Panzer Regt. I. L.SS.A.H. shot an American prisoner of war. Unterscharfuehrer STURMANN fell in battle the following day.

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

I swear by God that the facts I have stated in this deposition are true and I am prepared to repeat them under oath at any time before any court.

(signed) Max RIEDER  
Sturmann  
26 March 1946

Witnessed in the presence of:  
(signed) Morris ELWITZ  
Civ. Investigator  
WCB, USFET

Sworn to and subscribed to before me this twenty-sixth day of March 1946 at Schwabisch Hall, Germany

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

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

PRESIDENT: Court will recess until 1330 hours.

(Whereupon court was recessed until 1330 hours.)

(Rieder Statement)

AFTERNOON SESSION

(Whereupon the Court reconvened at 1330 hours 27 May 1946.)

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

LT. WILLIAM R. PERL resumed the stand and testified further through an interpreter as follows:

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

DIRECT EXAMINATION (Continued)

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q Do you know the accused Willi Von Chamier, referred to by Rieder in Prosecution Exhibit No. P-57-A?

A Yes, sir, I do.

Q Is he among the accused?

A Yes, sir, he is. He is wearing no. 6.

CAPT. SHUMACKER: The Prosecution offers in evidence two picture affidavits executed by Max Rieder, bearing the photographs of Erich Rumpf and Willi Von Chamier, requests that they be attached to the record and marked Prosecution Exhibits Nos. P-57-B and P-57-C, respectively.

DEFENSE: On behalf of the Defense, there is no objection to the introduction of the picture affidavits, and there is no necessity for reading the same. It is further admitted that the two photographs are those of the accused Rumpf and Von Chamier.

PRESIDENT: There being no objection, the exhibits offered by the Prosecution are admitted into evidence and will be marked Prosecution

Exhibits P-57-B and P-57-C, respectively.

(Whereupon the documents referred to were marked and received in evidence as Prosecution Exhibits Nos. P-57-B and P-57-C, respectively, and are attached hereto and made a part of the record.)

CAPT. SHUMACKER: You may cross-examine.

DEFENSE: On behalf of the Defense, they do not desire at this time to cross-question the witness.

PRESIDENT: Any questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

CAPT. SHUMACKER: The Prosecution calls as its next witness Walter Fransee.

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

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q What is your name?

A My name is Walter Fransee.

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

A Sturmmann (Pfc.)

Q What unit were you in?

A 1st Panzer Division, 1st Panzer Regiment, 9th Panzer Pioneer Company.

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

A Yes.

Q Where are you being held in custody?

A In Camp Dachau.

Q Did you participate in the Eifel offensive of the German army during the period mentioned?

A Yes.

Q In what type of vehicle did you ride?

A In the half-track of the 1st platoon, in the vehicle of the 1st platoon leader.

Q Who was the first platoon leader?

A 2nd Lt. Hering.

Q Who was Hering's commanding officer?

A 1st Lt. Rumpf.

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

A Yes.

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

A Can I get up? The number is covered up.

Q Yes.

A No. 54.

Q Where were you during the early afternoon hours of 17 December 1944?

A We approached the Crossroads near Engelsdorf.

Q Were you in the vehicle you have previously mentioned at that time?

A Yes.

Q Did you see any German vehicles at all on that Crossroads?

A There were no German vehicles parked there.

Q Did you see your company commander, Obersturmfuehrer Rumpf, at the Crossroads?

A I did not see Obersturmfuehrer Rumpf.

Q State whether or not you saw his vehicle.

A That was standing at the right curb of the road.

Q What kind of vehicle was it?

A It was a half-track.

Q How did you recognize it as Obersturmfuehrer Rumpf's vehicle?

A I recognized Unterscharfuehrer Korff in the vehicle.

Q Who was Unterscharfuehrer Korff?

A Unterscharfuehrer Korff was the chief of the headquarters section of the company.

Q Was it customary for him to ride in Rumpf's vehicle?

A In his capacity as company headquarters commander, yes.

Q When you entered the Crossroads, which way did you turn?

A We turned to our left.

Q Describe the scene that you saw there after you made this left turn.

A We arrived at the Crossroads and took a sharp left. On our right there was a house, and adjacent to that house there was a meadow. On that meadow I saw approximately 100 American prisoners of war who had been shot. Upon driving along the road, I saw in the ditch near to the road an American kneeling down.

Q Now, where was this American with respect to the field that you have described?

A The American was about 60 meters beyond the Crossroads.

Q Will you demonstrate to the Court what position this American was in that you have mentioned?

A Yes. (Indicating)

CAPT. SHUMACKER: Very well. Let the record show that the witness took a kneeling position on the floor, with his hands raised in front of his chest, palms together in a praying position.

Q Did you observe or see any firing at this time?

A Upon passing by this kneeling American, I saw my platoon leader, 2nd Lt. Hering, shoot at this man from his 7.65 pistol.

Q How far was Hering from this man when he fired?

A About two to three meters.

Q Where was Hering riding in your vehicle?

A He stood next to me, behind the vehicle's cannon.

Q How many shots were fired by Hering at this kneeling American?

A He fired about two shots.

Q Did you observe any further shooting, or hear any further shooting after this incident?

A Immediately thereafter Untersturmfuehrer Hering shot at an American who was coming out from a forest behind the field.

Q Will you describe how this American held his hands or his arms as he came out of these woods?

A He was coming out of the woods and was holding his hands above his head in a closed fashion.

Q Will you demonstrate how he held his hands?

CAPT. SHUMACKER: Let the record show that the witness raised his arms and clasped his hands above his head.

Q Was this American armed?

A No.

Q How many shots did Hering fire at this American?

A He emptied his magazine.

Q How do you know he emptied his magazine?

A Because he then gave me his empty magazine and a full one to reload.

Q What happened to the American after these shots were fired?

A I saw him collapse toward the front.

Q How far was Hering at the time that he fired at this American?

A About 30 meters.

Q And who did you say was Hering's commanding officer at that time?

A 1st Lt. Erich Rumpf.

CAPT. SHUMACKER: Your witness.

CROSS EXAMINATION

(QUESTIONS BY DEFENSE (Lt. Wahler):

Q Did you happen to notice how many SPW's were present on the road adjacent to the pasture?

A I did not see any beside the SPW of 1st Lt. Rumpf.

Q Did you see any tanks?

A I did not see any tanks.

Q What other types of vehicles did you see there?

A We were driving in a convoy of SPW's.

LT. WAHLER: Will you ask that question again? Will the reporter repeat the question?

(Whereupon the reporter repeated the question.)

A None.

Q Do you remember being interrogated on the 12th day of January, 1945, by a Major Oliver Seth, who is an Inspecting General from the United States Army?

A Yes.

Q Do you remember the Inspecting General asking this question and you giving this answer? "Did you see a large number of American dead in any one group on 17 December 1944?" And did you give this answer? "I saw 30 dead Americans lying in a field. There were all scattered all over the field, over an area about 20 yards square on the right side of the road. On the main road, on the corner, was a house, and behind the house there was a field, and next to it was a forest. I don't remember any burning house." Do you remember giving that answer?

A I don't remember the exact wording of this answer.

Q Do you remember having been asked this question: "What time of day did you pass this place?" To which you gave the answer, "About two o'clock in the afternoon we drove by." Do you remember having been asked that question and having given that answer?

A Yes.

Q Do you remember then having been asked, "Were there German guards attending there, or any tanks there?" Do you remember having been asked that question?

A No.

Q Did you at any time give this answer: "I saw no Germans at this crossroads. Small groups of prisoners will be transferred to the rear, but will not be shot." Do you remember having given that answer?

A No.

Q At the time that you were questioned by this Major from the Inspecting General's Department, were you sworn under oath at the time you made these statements?

A No.

Q How many times did you speak to Prosecution relative to what you testified on direct examination?

A In Schwaebisch Hall?

Q Anywhere.

A And here in Dachau.

Q How many times were you interrogated?

A About eight times.

Q Do you remember the conversation you had with them the first time?

A Yes.

Q And at that time, do you still remember telling them about the incident of the shooting of this American prisoner of war in the ditch along the road south of Malmedy?

A I didn't understand.

CAPT. SHUMACKER: If the Court please, we object to this line of examination. What this witness told the Prosecution at various times during his interrogations is not proper cross examination, unless the Defense has some transcript of those interrogations and they intend to attack his credibility. We submit that proper cross examination of this witness should be confined generally to those things that he has testified about on direct examination.

LT. WAHLER: If the Court please, that is exactly what we are attempting to do at this time. We are merely asking him, the witness,

questions relative to conversations that were had with the Prosecution which he has testified to on direct examination. It certainly is within the province of the Defense to go into any questions relative to what he has testified to on direct examination.

LAW MEMBER: That is true with respect to any statements he may have made which are contrary to statements which he may have made on the stand today. You are allowed quite a wide latitude in order to discredit the witness, but I don't think you can go on a fishing expedition to find out what he said in conversations. If you do have such statements,-- You may continue your examination upon such evidence as you may have.

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

DEFENSE: If the Court please, Dr. Pfister would like to ask the witness a few questions.

QUESTIONS BY DR. PFISTER:

Q How far was Rumpf away from you as you were passing the American who was later shot?

A I did not see Obersturmfuehrer Rumpf at that instant.

Q Could you hear him talk?

A No.

Q Who of the men were near you when, according to your statement, Hering shot the kneeling American?

A The personnel of my half-track.

Q Will you please give the names of the personnel of the half-track?

A The driver was Paul Buth, then Fritz Pupkilies and Spaeh, Untersturmfuehrer Hering, and I.

Q Did you yourself see Hering shoot?

A Yes.

Q Who of the personnel of the vehicle might have seen that, too?

A Possibly Pupkilies.

DR. PFISTER: Thank you.

79-9

DEFENSE: No further cross examination.

CAPT. SEUMACKER: Nothing on redirect.

PRESIDENT: Any questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

ta-30  
sh/5-27/-1

CAPT. SHUMACKER: Call Paul Bath.

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

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q What is your name?

A Bath.

Q First name?

A Paul.

Q What grade or rank did you hold during the Eifel  
Offensive in December 1944?

A Private.

Q What unit were you in at that time?

A Ninth Panzer Pioneer Company, 1st SS Panzer Regiment,  
LSSAH.

Q Who was your commanding officer?

A My platoon leader was 2nd Lt. Hering.

Q Who was your company commander?

A 1st Lt. Rumpf.

Q In what type of vehicle did you ride in during the  
advance?

A In a half-track.

Q Can you name the personnel in that half-track other  
than yourself?

A Yes.

Q Will you do so?

A 2nd Lt. Hering, Sturmman Fransee, radio operator, as  
a gunner Sturmman Pupkilies, as 2nd gunner Sturmman Spaeh, as  
1st gunner Sturmman Bemmer.

(Paul Bath - Direct)

Q What was your position in this SPW?

A I was an SPW driver.

Q Where were you around 2:00 o'clock on the afternoon of the 17th of December 1944?

A I arrived at the Crossroads at 2:00 o'clock in the afternoon.

Q Where was this Crossroad with respect to a village by the name of Engelsdorf?

A You mean in what direction Engelsdorf was from there?

Q Yes, in what direction was Engelsdorf from the Crossroads?

A Southwest.

Q About how far was Engelsdorf from the Crossroads?

A The number of kilometers is hard to estimate.

Q Will you step over to Prosecution's Exhibit No. 3 on the wall, to your right, and locate the Crossroads you are referring to?

(The witness did as directed.)

A (Pointing) This is the spot.

Q And from which direction did you approach this Crossroad that you have pointed out on Prosecution's Exhibit No. 3?

A Down this street from the Northeast.

CAPT. SHUMACKER: May the record show that when the witness was asked to locate the Crossroads, he pointed to a crossroad on Exhibit 3, at the village of Baugnez. (To the witness) Will you resume the stand.

(Whereupon the witness resumed the stand.)

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

Q Did your vehicle stop at any time shortly before you  
(Paul Ruth - Direct)

ta-80  
sh-3

entered that intersection?

A Yes.

Q How far from the Crossroads?

A We stopped once about 2 kilometers away from the Crossroads.

Q Did you stop again as you neared the Crossroads?

A In front of the Crossroads, immediately in front of the Crossroads we stopped again.

Q How far from the intersection itself?

A It might have been 60 to 80 meters.

Q And why did you stop there?

A Because I wanted to get my old place in the convoy back.

Q Did you get your vehicle back into its proper place in the convoy?

A Yes.

Q When you entered this Crossroad, which way did you turn?

A In the direction towards Engelsdorf.

Q Was that to your right or to your left?

A Turned to the left, towards Engelsdorf.

Q Will you describe the scene that you saw after making that lefthand turn?

A In the instant, while I was taking a sharp left, an SPW passed my SPW and it contained Unterscharfuehrer Haas, who was from the "S" group.

Q What do you mean by the "S" group?

A The "S" group was the punishment group in the 9th Panzer Pioneer Company.

Q What did you see on the righthand side of the road,  
(Paul Buth - Direct)

ta-80  
sh-2

after making this turn?

A Immediately upon taking this sharp left, I was able to see some dead American prisoners of war on the field towards the left.

Q Did you say "towards the left"?

A Right -- to the right.

Q Can you tell how many were dead, how many were wounded or how many were playing dead at that time?

A No, I couldn't determine that.

Q What did Haas do after he passed your vehicle?

A Haas fired two or three bursts from his machine pistol in the direction of those Americans, shooting from his vehicle.

Q Could you see any evidence of any wounds on these Americans that you have described?

A One could only see some bloody faces on some of those Americans, otherwise there was nothing to be seen.

Q Could you tell whether the blood was fresh or whether it was old?

A One could see that it was fresh blood.

Q How could you tell that?

A Blood that is clotted is of a darker color than fresh blood.

Q Did you see or hear any other shooting after Haas fired these bursts into those Americans?

A Yes.

Q Will you describe that shooting?

A About 50 meters behind that Crossroad an American was sitting on the right side, he was sitting on his knees and had his hands in front of his chest, like this (indicating).

Q And what happened?

A Haas also fired two bursts from his machine pistol on this American, upon passing him.

ta-80  
sh-5

Q From your position as driver in your SPW, could you tell whether or not these shots that Haas fired struck the target?

A I was not able to determine that because I had to concentrate my attention upon the road again.

Q Where was Untersturmfuehrer Hering riding in your SPW with respect to where you were sitting?

A Untersturmfuehrer Hering was in my SPW.

Q Was he sitting besides you?

A No, he was standing behind, behind the cannon.

Q Could you see Untersturmfuehrer Hering from your position?

A No, I could not.

Q Do you know whether or not he fired at this kneeling American?

A I don't know that because I didn't see that.

Q Would you necessarily hear the sound of a weapon if he did fire?

A It would be perfectly easy to hear a shot fired from a pistol caliber 7.65 on top of the noise made by my SPW.

Q Will the witness please repeat his answer to the last question?

A It is perfectly possible that I might miss hearing a shot fired from a 7.65 caliber pistol, considering the noise made by my SPW.

Q After this shooting that you have described by Haas, did you see or hear any other shooting as you moved down the road?

A Yes.

Q Will you describe that shooting?

(Paul Buth - Direct)

A I later saw one American coming out of the forest. He was no longer wearing a steel helmet nor did he bear any arms. He had his hands up. Unterscharfuehrer Haas also shot him.

Q How far was the vehicle that Haas was in from your SPW at that time?

A No more than twenty (20) meters.

Q In front of your SPW or behind you?

A In front of my SPW.

Q Was there anything between your SPW and the one he was in?

A No.

Q Do you know whether or not Untersturmfuehrer Hering did any shooting at this American?

A No, I couldn't see that.

Q On the next day, 18 December 1944, did you hear Hering make any statements about any shooting that he had done the day before?

A I heard it when he made some comments while shaving, in Stoumont, the next day.

Q What did he say?

A I cannot remember the exact words but I do remember the substance of it.

Q Well, state the substance.

A His orderly was cleaning his pistol, and he said, "Well, this is a good pistol I have here. Yesterday I bumped off an American at a distance of fifty meters by shooting him through the head".

Q And what company was Haas -- was Hering in?

A They were both in the 9th Panzer Pioneer Company.

CAPT. SHUMACKER: Your witness.

(Paul Buth - Direct)

GROSS EXAMINATION

QUESTIONS BY DEFENSE (Lt. Col. Dwinell):

Q You said you turned left when you got to the Crossroads. Did your SPW continue to move or did it stop at some place near the Crossroads?

A No, I kept on driving.

Q How fast did you go?

A A maximum of eight kilometers per hour.

Q Your SPW has a lefthand drive, hasn't it?

A Yes.

Q And who sits on your right?

A Nobody was sitting on the right.

Q Is there a radio on the right of you?

A There was a radio on the right.

Q Is it a very large radio?

A No.

Q There is no opening on the right of your vehicle is there?

A There is an opening.

Q What is the size of the opening?

A That is the same kind of a porthole in the tank just as it is for the driver.

Q What is the size of it? How long and how wide?

A Thirty by fifteen centimeters.

Q Who was the radio operator in your SPW?

A Fransee.

Q Was he in the vehicle?

A Yes.

Q Whereabouts?

(Paul Ewart - Cross)

A He was behind, at the radio.

Q Did Fransee at any time get out of the vehicle while you were at the Crossroads?

A No.

Q Did you at any time get out of the vehicle while you were at the Crossroads?

A No, I didn't get out either.

Q So that all you know about what happened somebody has told you, is that right?

A I only said what I saw myself.

LT. COL. DWINELL: That is all.

QUESTIONS BY DEFENSE (Dr. Pfister):

Q What do you estimate the distance to be from the prisoner of war lying in the field and your SPW?

A Does that refer to the instance when I was turning or when I stopped before the street crossing?

Q At the instance at which you claim to have seen the Americans lying in the field.

A Between 12 to 15 meters.

Q How big is this room here?

A Twenty-two to twenty-five meters long, approximately.

Q While driving past there did you already think of whether that was clotted blood or fresh blood?

A I thought about it immediately, because it could be easily seen that it was fresh blood.

Q And simultaneously you paid attention to the route which you were driving?

A It may have been only a very few seconds, but I can recall the picture very well today.

Q Were you driving or standing still at that moment?

(Paul Ruth - Cross)

A I was turning left at that moment.

Q At what instant did the man who in your opinion did the shooting, namely Haas, fire?

A At the instant at which I have already made the turn.

Q Can you tell whether your turn was already completed?

A My turn was completed.

Q While turning, could you observe what happened besides your turning?

A I was able to observe the SPW driving ahead of mine.

Q Was that the instance at which the shot was fired?

A The shot was fired at that instance.

Q Were you able to recognize the man doing the shooting?

A Yes, I could recognize him precisely.

Q Isn't it possible that you just heard this?

A No, I saw it exactly.

Q Would you identify Haas?

A Haas isn't among them (indicating).

Q Is a man named Hering among the accused to your left?

A No.

Q How do you know that the man who did the shooting was shooting with a pistol whose caliber was supposed to be 7.65?

A I didn't claim to have seen Untersturmfuehrer Hering do any shooting.

Q You stated that the caliber was 7.65. How do you know that?

A Because a 7.65 was the only caliber pistol that Untersturmfuehrer Hering was carrying.

Q Do you know Hering for quite awhile?

A Yes.

Q Was this 7.65 caliber pistol a pistol still in use or  
(Paul Buth - Cross)

was it an obsolete model?

A It was still commonly used with officers.

Q Since you knew Hering so well and for so long a time, as you stated, do you know where Hering got his ammunition from, because that ammunition was no longer in use then?

CAPT. SHUMACKER: If the Court please, we object to that question; it is argumentative.

PRESIDENT: Objection sustained.

QUESTIONS BY DEFENSE (Dr. Pfister) Cont'd.:

Q One more question. Do you consider it possible that you might be making a mistake as to the man who fired?

A As far as the person Haas is concerned, no.

Q Then how do you explain that the conversation started the next morning while shaving, about the shooting of the American?

A Because I heard that conversation.

DR. PFISTER: No further questions.

CAPT. SHUMACKER: No redirect.

QUESTIONS BY THE COURT:

LAW MEMBER: Who was the man doing the shooting in Haas' SPW when they passed the Crossroads?

A That was Haas himself.

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

(Whereupon the excused witness withdrew.)

CAPT. SHUMACKER: Prosecution calls as its next witness, Mr. Elowitz.

MORRIS ELOWITZ, called as a witness for the prosecution, resumed the stand and testified further through an interpreter as follows:

CAPT. SHUMACKER: Mr. Elowitz, you are reminded that you  
(Morris Elowitz - Redirect)

ta-80  
sh-11

are still under oath.

REDIRECT EXAMINATION (Cont'd.)

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q Are you the same Morris Elowitz who has previously testified in this case?

A I am.

Q During the course of your interrogation at I.P. No. 2, Schwaebisch Hall, did you have occasion to interrogate one, Hans Hennecke?

A Yes.

Q As a result of that interrogation, did he make a statement?

A Yes, sir.

CAPT. SHUMACKER: I hand the reporter a statement and request that it be marked Prosecution Exhibit No. 58 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. 58 for identification by the reporter.)

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q I hand you Prosecution Exhibit No. 58 for identification, and ask you whether or not you know the handwriting and the signature thereon?

A I do. It is in the handwriting and it is the signature of Hans Hennecke.

Q Were you present when it was signed?

A I was.

Q Was the statement sworn to?

A Yes.

Q Was that statement made voluntarily?

A Yes.

(Morris Elowitz - Redirect)

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

A No.

Q Did you make any promises of any kind to Hennecke to obtain that statement?

A No.

Q Who administered the oath?

A Capt. Shumacker.

Q Can you identify Hans Hennecke?

A Yes.

Q Is he among the accused present?

A Yes, sir.

Q What number is he wearing?

A Twenty-three.

Q Is that the same Hans Hennecke who signed this statement?

A It is.

CAPT. SHUMACKER: Prosecution offers in evidence Prosecution's Exhibit that has been marked P-58 for identification, requests that it be attached to the record and marked Prosecution Exhibit P-58.

PRESIDENT: Any objection by the defense?

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

PRESIDENT: Objection is overruled. The exhibit offered by the prosecution is admitted in evidence and will be marked Exhibit P-58.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution Exhibit No. 58, and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: The prosecution offers in evidence a true and correct English translation of its Exhibit P-58, request that it be attached to the record and marked Prosecution Exhibit P-58-A.

DEFENSE: No objection on behalf of the defense.

PRESIDENT: There being no objection, the exhibit offered by the prosecution is admitted in evidence and will be marked P-58-A.

(Whereupon the document referred to was received in evidence as Prosecution Exhibit No. 58-A, and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: Prosecution requests permission to read its Exhibit P-58-A.

PRESIDENT: Granted.

CAPT. SHUMACKER: (Reading)...

"I, Hans HENNECKE, Untersturmfuehrer, declare under oath:

"In December 1944, I was Platoon Leader of the 1st Platoon, 1st Company, SS Panzer Regiment 1, LSSAH and in this capacity took part in the ARDENNES offensive. On the 17 December 1944, I was going with my company in the direction of ENGELSDORF. Between 2:00 and 2:30 P.M. I arrived at the cross-road about three kilometers before ENGELSDORF (which appears on the attached sketch which I have drawn). My tank and Unterscharfuehrer RICHART's arrived alone at the cross-roads because between LOSHEIM and BUELLINGEN I lost my company as a result of a traffic jam and fueling in HONSEELD. As I approached the cross-road which leads to ENGELSDORF, I sideswiped with my tank, the left side of an SPW which was standing on the right side of the street near the corner. I assume that this was the tank of Obersturmfuehrer RUMPF, 9th Col, SS Panzer Regiment 1, because Obersturmfuehrer RUMPF came running up to me when I had sideswiped his SPW and wounded a man who had been standing alongside the SPW. Obersturmfuehrer RUMPF was very angry and "bawled me out" because of the accident. When I was standing alongside of the SPW, I observed one or two men standing by the machine gun and working on it. It appeared that they were cleaning it or repairing it.

"I drove very slowly farther; Unterscharfuehrer RICHARTS followed me, and I saw no other German vehicles in the vicinity. As I was passing the house which lies on the right

ta-80  
sh-12

side of the street (as indicated on my sketch), I stood on the turret of my tank and was looking in the direction I was going, and Sturmman Ernst ROCK, my loader, stood behind me on the engine of my tank. When we went by the place where the American P W's lay (as indicated on my sketch) Sturmman ROCK called to me, "Untersturmfuehrer, there lie some men and they are all dead." I turned around and saw that fifteen or twenty dead Americans were lying to my right in the field. I saw them lying in a heap, and from the manner in which they were lying I could see that they had not fallen in combat. No weapons were lying near them. ROCK cried out a moment later, "Shouldn't we stop?" I paid no attention to that because I was looking ahead and watching the street. A moment later I heard machine pistol bursts behind me. I turned around and saw ROCK with a machine pistol in his hand. The machine pistol was always lying to my right, within easy reach, on the turret, I assume that ROCK picked it up without my seeing it when we passed by there. I shouted to ROCK, "Lay off, that doesn't concern us, we are going ahead. ROCK thereupon laid the machine pistol down on the turret again.

"The event with the bursts, which I have described above consisted of several bursts with short intervals between. I estimate that the intervals consisted of two or three seconds. Judging from the direction in which ROCK was holding the machine pistol, I assume that he shot in the direction of the PW's. After this incident, we continued on in the direction of ENGELSDORF.

"I make this statement of my own free will, without coercion, threats or promises of reward.

"(Signed) Hans HENNECKE  
17 January 1946.

"Sworn to and subscribed before me  
this 17 day of January, 1946  
(signed) RAPHAEL SHUMACKER,  
Captain CMP"

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

CAPTAIN SHUMACKER: Prosecution offers in evidence one picture affidavit executed by Hans Hennecke bearing the photo of Erich Rumpf and requests that it be attached to the record and marked Prosecution's Exhibit 58-B.

DEFENSE: There is no objection on behalf of the Defense or necessity for reading the same and the picture is admitted to be that of the accused, Rumpf.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted in evidence and will be marked Exhibit "P-58B".

(Whereupon the document referred to having been previously identified and marked by the reporter was received in evidence as Prosecution's Exhibit "P-58B" and is attached hereto and made a part of the record.)

REGROSS EXAMINATION

QUESTIONS BY DEFENSE (Lt. Colonel Dwinell):

Q Mr. Elowitz, how many times was Hennecke interrogated prior to 17 January, the time when the present statement was signed?

A I don't remember.

Q Were you in charge of the interrogation of Hennecke?

A Yes.

Q Do you know whether Hennecke was required to submit to a ceremony or mock trial of any kind?

A No.

Q You don't know, or he was not submitted?

A I don't know.

Q Did you have many conversations with Hennecke before the 17th?

A Yes, I had some conversations.

Q Was the statement of the 17th dictated by you?

A Yes, it was dictated by me after Hennecke had made some oral statements.

Q Did Hennecke at any time tell you that he had been suffering from head injuries and that it was difficult for him at that time to remember what to put in the statement?

A Yes, he said he was suffering from a head wound, but he didn't say it was difficult to remember what to put in the statement. He said it was difficult for him to remember what had happened and he would like more time to remember.

Q And during the process of dictation, he at times complained about the inaccuracies of the statement you were requiring him to put down?

A No, he didn't because when the time came for him to write the statement he had pretty well decided what had happened.

Q Do you know whether Hennecke was physically mistreated in any way?

A No, he wasn't.

DEFENSE: No further cross.

CAPTAIN SHUMACKER: No redirect.

PRESIDENT: There appear to be no questions by the Court. Witness excused.

(Whereupon the witness was excused and withdrew.)

CAPTAIN SHUMACKER: The Prosecution would like to recall Lieutenant Perl.

1st Lieutenant WILLIAM R. PERL, recalled as a witness for the Prosecution testified as follows:

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

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Captain Shumacker):

CAPTAIN SHUMACKER: Lieutenant Perl, you are reminded you are still under oath. Are you the same Lieutenant William R. Perl who has previously testified in this case?

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A Yes, I am.

Q During the course of your interrogations at IP Number 2, Schwabisch Hall, Germany, did you have occasion to interrogate one, Kurt Briesemeister?

A Yes, sir.

Q Is he among the accused present?

A Yes, he is and he is wearing Number 5.

PRESIDENT: Number 5 stand up. Sit down.

CAPTAIN SHUMACKER: Prosecution hands the reporter a statement and requests that it be marked Prosecution's Exhibit P-59 for identification.

(Whereupon the document referred to was marked Prosecution's Exhibit P-59 for identification by the reporter.)

Q Did Briesemeister the man you have just identified as wearing Number 5 ever make a statement to you?

A Yes, sir.

Q Was that an oral or written statement?

A It was an oral statement first and then it was dictated to him.

Q I hand you Prosecution's Exhibit marked 59 for identification and ask you whether or not you know the handwriting and signature thereon?

A Yes, sir. It was written and signed by Kurt Briesemeister.

Q Was it signed in your presence?

A Yes, sir. It was.

Q Is the statement sworn to?

A Yes, sir.

Q Who administered the oath?

A I did.

Q Was the statement made voluntarily?

A Yes, sir.

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

A No, sir.

Q Did you make any promises of any kind to obtain that statement?

A No, sir.

CAPTAIN SHUMACKER: The Prosecution offers in evidence its exhibit which was marked 59 for identification and requests that it be attached to the record and marked Prosecution's Exhibit "P-59".

IT. COLONEL DWINKELL: The Defense objects to the evidence on the grounds previously stated.

PRESIDENT: Objection overruled. The exhibit offered by the Prosecution is admitted in evidence and will be marked Prosecution's Exhibit "P-59".

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution's Exhibit Number 59 and is attached hereto and made a part of the record.)

CAPTAIN SHUMACKER: Prosecution offers in evidence a true and correct English translation of its Exhibit "P-59" and requests that it be attached to the record as Prosecution's Exhibit "P-59A".

DEFENSE: No objection on behalf of the Defense.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution will be admitted in evidence and will be marked "P-59A".

(Whereupon the document referred to having been previously identified and marked by the reporter was received in evidence as Prosecution's Exhibit "P-59A" and is attached hereto and made a part of the record.)

CAPTAIN SHUMACKER: Prosecution requests permission to read its exhibit "P-59A".

PRESIDENT: Granted.

CAPTAIN SHUMACKER (Reading):

"I, Uscha. Kurt BRIESEMEISTER being duly sworn state the following:

"During the KIFEL offensive in December 1944, I was a member of the 1st platoon, 1st company, 1st SS Panzer Regt. LSSAH. My platoon leader was Untersturmf. Hans HENNECKE. My company commander was Ostuf. Karl KREMER.

"1. Until the 11.12.1944 our company was stationed in FRIESHEIM, near Cologne. At the time we were still stationed in FRIESHEIM therewith before the 11.12.1944. Ostuf. HENNECKE delivered to us, the whole company, a speech in woods near FRIESHEIM. Amongst other things Ostuf. HENNECKE said in this speech that we should remember that the brothers and relatives of the Americans we were going to see have thrown bombs on Germany and that we should take revenge for that. Amongst other things he also said, "Everything that comes before our barrels will be bumped off". I don't know if Ostuf HENNECKE mentioned prisoners of war especially at that. However, from his words, it was clear to be seen that we should also take revenge on the prisoners of war in the coming offensive, and that no prisoners of war should be taken.

"2. In the late afternoon hours of the 17.12.1944 I came to a crossroads in the vicinity of ENGELSDORF. At this place coming from BUELLINGEN the street turns sharply to the left to ENGELSDORF, while the continuation of the street on which I came leads to MALMEDY. From this crossroads it is still about 3 kilometers to ENGELSDORF. At that time I commanded Tank 114. These numerals indicate: 1st Company, 1st Platoon, 4th vehicle. The crew of this tank (of my Mark IV tank) consisted besides me of the following persons. Uscha. Rudi STORM (Driver), Rttf. Josef HESS (Radio operator) Schtz. NUECHTER (Loader) and Strm. TIEHLIKE (Gunner).

"I had steering damage on my tank and therefore stopped exactly at the crossroads described, and it was about 10 meters in front of the crossing of the street which comes from BUELLINGEN. At this spot I parked my tank at the left side of the street. Hereby I turned the gun barrel to 9 o'clock.

"To my estimation it was about 1530 in the afternoon. However it might have been also a little earlier or later, anyway it was still completely light.

"At first we repaired the damage on our tank which took about 15 minutes. During this time no one had left the tank or the immediate vicinity of the tank.

"On the other side of the street crossing and therewith in the direction of the street leading to ENGELSDORF a house stood directly at the crossroads and a field was adjacent to this house, in which to my estimation lay about 50 to 60 American prisoners of war

of war who were evidently wounded by being shot at, and the greatest part was apparently dead already.

"As soon as we were finished with repairing the vehicle, Ucha, STORM and Rttf. HESS went into the field in which the prisoners lay. Before they went away they said, "We are going to have a look if some are still alive." Then I saw Ucha, STORM and Rttf. HESS walking amongst the Americans in the field firing mercy shots at the Americans who were still moving. Right thereupon Schuets NUECHTER, and Strm. THIELIKE came also into the field (NUECHTER and THIELIKE had gotten on an American truck for several minutes to get chocolate there). In the meanwhile I had come to the field. However I didn't go into the field but remained standing at the road-ditch near the house and then also saw NUECHTER as well as THIELIKE walk around between the prisoners in the field. Hereby Schts. NUECHTER as well as Strm. THIELIKE held their pistols in their hands but I don't remember having seen as NUECHTER and THIELIKE shot. However I saw Ucha, STORM as well as Rttf. HESS shoot with their pistols at the prisoners who were still moving. I don't know any longer how many shots each one of them fired.

"Thereupon I went back to my tank and dismantled the radio operator's M.G. This is an M.G. 3l. Strm. NUECHTER aided me with the dismantling of the M.G. because I had said, "I want to direct a little strafing fire at the Americans." Together with Strm. NUECHTER I then carried the dismantled M.G. from my tank to the road ditch before the field in which the American prisoners of war lay. Then I shot about 70 to 80 shots into the Americans lying on the ground while NUECHTER held the M.G. on his shoulder. The other men of my tank crew had naturally by that time come out of the field. I didn't see the shots land in the ground and therefore assumed that at least the largest part hit the bodies of the Americans lying on the ground.

"3. Immediately thereupon, my men, which ones I don't know, set the barn afire which bordered directly to the field with the prisoners, and apparently belonged to the larger house situated next to it. I didn't know yet at that time that American prisoners of war from the field had fled into this house to be smoked out in this manner. Only when I saw unarmed American soldiers run out of this house I knew that prisoners had kept themselves hidden in this barn. There were 6 to 7 in my estimation. They ran towards the woods, and I now shot at the American prisoners of war who were running away, with the M.G. which again at that time I had laid on the shoulder of Strm. NUECHTER. I didn't call "Halt" to them before I shot but started shooting right away. I don't know if I hit the Americans. I believe that all succeeded to get away into the woods. Thereupon I went back to my tank and remounted the M.G.

"4. Before I drove off I turned the cannon barrel towards the house situated at the street northwards of the street fork and shot into the house with my 75 mm. cannon, from a distance which I don't know any more exactly. However, I estimate it as about 150 meters. There was no battle activity of any kind at that time and also from the house there was no motive given to shoot. I did that more or less out of fun.

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"It hit the house in its lower part. Thereupon two men came running to me and told me they were Germans and I shouldn't do anything to them. Thereupon I gave these men a paper with my name and field post number and told them that they should contact my company commander for the reimbursement of the damage. Hereby to my knowledge no civilians were killed by my shooting and afterwards Strm. WUECHTER told me that he had shot a civilian woman in the house next to the field. He then also said, "This woman had a pistol in her hand."

"I have prepared a sketch on which I have pictured the crossroads and the localities mentioned in my statement. I have marked the drawing with "A". The numerals on it indicate:

1. My tank
2. House next to field
3. Barn
4. Field with prisoners of war
5. Spot where I shot with the M.G. at Americans lying on the ground. at
6. Spot from where I shot/the Americans who ran out of the barn.
7. The American prisoners of war who ran out of the barn.
8. The house at which I shot with my cannons.

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(Whereupon the Court reconvened at 1530 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: If the Court please, let the record show that all members of the Court, all members of the prosecution, all members of the defense with the exception of Dr. Rau who is absent on business of the defense, all of the defendants and reporter are present.

WILLIAM PERL, a witness for the prosecution, resumed the stand and testified further through an interpreter as follows:

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

The prosecution, with the Court's permission, will continue reading the statement of Kurt Briese-meister.

PRESIDENT: Proceed.

CAPT. SHUMACKER: (Reading)

"5. In the night of 17th to 18th December 1944 in STAVELOT, I shot an American soldier with my pistol, but I don't believe that he was a prisoner of war. I entered a house and to my surprise an American opened the door for me. I don't know whether he carried any weapons. After a short exchange of words I shot him with a shot aimed at the chest.

"6. On the 19th Dec 44 the then Rttf and later Unterscharfuehrer Willi BAHNES told me that in STAVELOT on the previous day he had fired a Panzerfaust into a room in which were civilians. Likewise hans HENNECKE told me that BAHNES was a great guy and mentioned at the same time that BAHNES had shot his Panzer-faust into a room with civilians.

"7. On account of the mentioned reasons I fled from the American prisoner of war camp PLATTING on the 21st Oct 1945. On the 28th March 1946 I have been apprehended again in ALT TELLIN near DENNIN in the Russian Zone of Germany. At that time I was already reviewer in the committee in the

(Lt. Perl - Redirect)

Communist Youth Movement "Free German Youth" and responsible for propaganda, radio, and indoctrination. Upon my apprehension, as reason for my escape from the American prisoner camp, I told the Russian officers that the Americans were evidently planning a new war against Russia and that we SS men should apparently be used in it. I also said for these reasons in the American prisoner camps, the officers were wearing their rank insignia again and that the SS men are being organized in battalions and companies in the SS camps in the American zone. Why I told the Russians these untruths I don't know any more.

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

"I swear before God that the statements which I have made in this affidavit are true and I am prepared to repeat them under oath before any court.

Kurt BRIESEMEISTER  
SS Unterscharfuehrer  
4 April 1946.

Witnessed:

Raphael SHUMACKER  
Capt. CMP

Sworn to and subscribed to before me  
this fourth day of April 1946 at  
Schwabisch Hall, Germany

William R. Perl  
1st Lt. M.I. 0555149  
Investigator-Examiner  
W.C.B. - USFET"

(Whereupon the statement was read in German.)

CAPT. SHUMACKER: You may cross examine.

DEFENSE COUNSEL: The defense does not  
desire to cross examine the witness at this time.

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

(Whereupon the witness was excused and withdrew.)

CAPT. SHUMACKER: Prosecution calls as its  
next witness, Kurt Plohmman.

KURT PLOHMANN, a witness for the prosecution, having been resworn, resumed the stand and testified further through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER)

Q What is your name?

A Kurt Plohmann.

Q Did you previously testify in this case?

A Yes.

Q What grade did you have during the Eifel offensive?

A I was an Unterscharfuehrer.

Q I want to remind the witness to speak out loudly so the Court and the accused and the counsel can hear.

A Yes.

Q What company were you in?

A I was a member of the 1st company.

Q Do you remember refueling your vehicle at any time on 17 December 1944?

A Yes, and that happened in the town of Buellingen.

Q About what time of day did this happen?

A It must have been before noon.

Q Did you see any other German vehicle in Buellingen at that time?

A At that time there was a Panzer No. 4 in Buellingen and that was the tank of Oberscharfuehrer Huber.

Q Where were you around 2 or 3 o'clock in the  
(Kurt Plohmann - Redirect)

afternoon of that same day 17 December 1944?

A We were at the cross roads near Engelsdorf.

Q Before entering this cross road, did you pass any other German vehicle?

A We didn't pass any other car while going to the cross road, and we stopped on the lefthand side of the Panzer of Unterscharfuehrer Briesemeister.

Q Did the vehicle that you were riding in come to a halt?

A Yes.

Q How do you know it was the tank of Unterscharfuehrer Briesemeister?

A My commander Unterscharfuehrer Hennecke went up the tank and started a conversation with Unterscharfuehrer Briesemeister, and then informed us later on that this had been the tank of Unterscharfuehrer Briesemeister.

Q Did you see Briesemeister yourself?

A No, I couldn't see Unterscharfuehrer Briesemeister myself because I did not leave the interior of the tank.

Q How far was this tank which Hennecke said was Briesemeister's from the intersection itself?

A It must have been approximately 40 meters.

Q When you entered this intersection, which way did you turn?

A We turned to the left.

Q Did you hear Briesemeister at any time after 17 December 1944 say anything or make any statement about what transpired at the cross road?

(Kurt Plohmann - Redirect)

A As far as I can remember, Unterscharfuhrer Briesemeister made still the following remark on the 24th of December after we had tried or after we had started to break out of the encirclement, that he had executed an American soldier near a house at the crossroads, that furthermore he fired upon a house on which he had found firearms and that he went among the dead lying near the corner and still finished off with his pistol the ones who weren't actually dead at that time.

Q And when do you say you heard Briesemeister relate these facts which you have just stated?

A This must have been in the early hours of the 24th of December.

Q Who else was present when Briesemeister made this statement?

A As far as I can remember Rottenfuhrer Bahrnes, Sturmann Luhn and Sturmann Schweiner were present. The others were not known to me by their names.

Q Would you know the Briesemeister you are talking about if you saw him again?

A I only saw Unterscharfuhrer Briesemeister for a few times at that time and I am not positive that I could identify him.

Q Well, let's see. Will you look at the defendants in the box to your left and if you can identify him, do so.

A Yes.

(Kurt Plohmann - Redirect)

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Q Do you see him ?

A Yes

Q What number is he wearing ?

A Number 5.

PROSECUTION: The Prosecution requests that Number 5 be asked to stand up.

PRESIDENT: Number 5 stand up.

(Whereupon the accused arose)

PRESIDENT: Sit down.

Q Is the man you have just identified as wearing number 5, the man who made these statements on the morning of 24 December 1944 which you have just related ?

A Yes.

Q Is there any doubt in your mind as to whether the man wearing number 5 is the same man ?

A Well, as far as I recollect he was heavier built at the time.

Q Have you seen Briesemeister since that time ?

A No.

DEFENSE: May it please the Court the Defense does not desire to interrogate the witness at this time, but there was a question on the translation that has just been called to my attention:

DEFENSE:(Col. EVERETT) - Did you hear Dr Lelling ?

Dr.LELLING: Yes.

DEFENSE:)Col. EVERETT) - As far as I know the witness stated "Briesemeister 'shot' the man " - whereas the interpreter translated it as "executed the man".

PROSECUTION: The Defense is absolutely correct and the Prosecution agrees that the record should be "the witness 'shot' the man, instead of "executed the man".

PRESIDENT: The record will be corrected accordingly. There appear to be no further questions - the witness is excused.

(Flohmann- redirect)

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(Whereupon the witness was excused and withdrew)

27 S 2.

PROSECUTION: The Prosecution desires to recall Captain Shumacker to the stand.

Captain RAPHAEL SHUMACKER, was recalled by the Prosecution and testified further through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

PROSECUTION: The Prosecution hands the reporter a statement to be marked Prosecution's Exhibit P-60 for identification.

Q Captain Shumacker, during the course of your investigation of the Malmedy case did you ever have occasion to interrogate one Hubert Huber ?

A I did sir.

Q Did he make a statement ?

A Yes sir.

Q Was it oral or written ?

A First he made an oral statement, then he wrote that statement in his own handwriting.

Q Can you identify this Hubert Huber ?

A Yes sir.

Q Take a look at the defendants, and see if Hubert Huber is among them ?

A Yes sir, he is wearing number 27.

PRESIDENT : Number 27 stand up

(Whereupon the accused arose)

PRESIDENT: Sit down.

Q Captain, I hand you Prosecution's Exhibit P-60 for identification - will you tell me if you can identify it ?

A Yes sir, this is the written statement of Hubert Huber, the man I have just mentioned - I have just identified.

Q Was that statement signed in your presence ?

A Yes sir, I administered the oath.

(Shumacker-redirect)

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Q Was the statement given voluntarily ?

27 5 3

A It was.

Q Did you use any force or threats to obtain this statement ?

A No sir.

Q Did you use any duress or coercion ?

A No sir.

PROSECUTION: The Prosecution offers in evidence as Prosecution's Exhibit P-60 for identification, statement of Hubert Huber to be attached to the record and marked Prosecution's Exhibit P-60.

DEFENSE:(Lt Col DWINELL). The Defense objects to the evidence on the grounds previously stated.

PRESIDENT: Objection over-ruled. The Exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-60.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit P-60; is attached hereto and made part of the record.)

PROSECUTION: The Prosecution offers in evidence true and correct English translation of its Exhibit P-60, to be attached to the record and marked Prosecution's Exhibit P-60-A.

DEFENSE: On behalf of the Defense there is no objection.

PRESIDENT: There being no objection , the Exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-60-A.

(Whereupon the said document was received in evidence as Prosecution's Exhibit P-60-A; is attached hereto and made part of the record.)

PROSECUTION: The Prosecution requests permission to read Exhibit P-60-A to the Court.

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

" I, Hubert Huber, first being duly sworn, make the following statement under oath:

(statement-Huber)

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27 S 4

I am 27 years of age and have been in the SS since 1936. During the Eifel offensive in December 1944, I was in the 6th Panzer Company 1st SS Panzer Division L&H, with the rank of Oberscharfuhrer. I was tank commander of Tank No. 625, a Mark IV, in the second platoon. My company commander at this time was SS Obersturmfuhrer Benoni Junker, and my platoon leader was SS Obersturmfuhrer Sieg. The platoon leader of the first platoon was SS Untersturmfuhrer Steiniger. The members of my tank crew other than myself were as follows:

SS Sturmann Grischats, Martin	-	Gunner
SS Sturmann Schroder, (FNU)	-	Loader
SS Schutze or Oberschutze Schraier(FNU)	-	Radio operator
SS Sturmann Rauch, Josef (?)	-	Driver

Prior to moving to the assembly area in the woods near Elankenheim, the 1st SS Panzer Battalion, commanded by SS Sturmbannfuhrer Poetschke was located in Fliesheim. On either the 10th, 11th or 12th of December 1944, SS Sturmbannfuhrer Poetschke called a meeting of all the tank commanders. This meeting was held in a villa between Fliesheim and Friesheim. In addition to the tank commanders, all officers in the battalion attended this meeting except those who were not available by reason of other duties. Insofar as the officers in my company are concerned I remember definitely that these were present:

SS Obersturmfuhrer Junker  
SS Untersturmfuhrer Steiniger  
SS Obersturmfuhrer Sieg  
SS Untersturmfuhrer Asmussen

I do not believe that SS Obersturmfuhrer Sternebeck was present there. In the room where the meeting was held there was a large sand-table where we were briefed on the area of the attack, and so forth. Poetschke spoke substantially as follows:

" The attack will start within the next few days and I believe that we will go back to the old battle ground from which we retreated. When we enter this area we will shoot out of all barrels, and anything that shows itself, whether soldier or civilian, will be bumped off. No mercy will be shown towards anybody. I do not know exactly when the attack will start -- it might be within a few hours or it might be within a few days."

After making this statement, he continued to say that if any of us showed any consideration for the enemy or the civilians, no consideration would be shown such a soldier by him. SS Sturmbannfuhrer Poetschke's method of not showing any consideration to his Tank commanders caused him to force them to stand exposed to the dangers on the ends of their tanks during the attack.

Prior to the formal statement by Poetschke, each tank commander had to sign a statement, reading substantially as follows:

" I hereby declare that I shall commit myself wholeheartedly in the coming offensive."

The officers were sitting in the same room, but if they signed the same forms I can't say.

On the 15th of December, our Battalion and my company were  
(statement-Huber)

assembled in the woods in the vicinity of Hlankenheim. On the afternoon of the 15th of December, Obersturmfuehrer Junker gave us a speech to the men in the company. The men were seated on the ground in a semicircle around a fire. Junker stood back of the fire facing the men. To Junker's left sat the officers in the company, including Steiniger, Assmussen, Sternebeck, and Sieg. At this meeting Junker spoke as follows:

" It will start shortly. The order might come through today or tomorrow morning telling us to attack. If a civilian or an American as such as appears before you, he will be bumped off. No consideration will be shown. "

I do not know if any of the other officers spoke to the men following Obersturmfuehrer Junker's statement as I left immediately thereafter to do some work on my tank.

The next morning, 16 December 1944, before the attack started, Obersturmfuehrer Junker again spoke to the men in the company. He told us substantially the same thing as he had the day before except that he mentioned the support that we would have. After SS Obersturmfuehrer Junker finished talking, the men returned to their respective platoon locations, and shortly thereafter, SS Obersturmfuehrer Sieg talked to us of the second platoon. I remember that he said substantially as follows:

" You will not forget the orders that have been given you. You will shoot everybody in front of your barrels. We must spread terror and panic before us. Skorzeny will have troops dressed in American uniforms ahead of us. You will know that they are our own soldiers because if you encounter them they will take off their steel helmets and wave them. No mercy will be shown towards civilians or prisoners of war, but you will be careful not to shoot at Skorzeny's troops who will be in American uniforms."

On the 16th of December, between two and three o'clock I had motor trouble with my tank and had to fall out of the column. The rest of the company went ahead. I arrived in Buellingen after making the necessary repairs, a round 1300 and 1400 hours the 17th of December 1944. Around 1500 or 1530 hours. I again had some more motor trouble with my tank. This was between Buellingen and the cross-roads north of Engelsdorf, where I later saw American soldiers who were lying in a field where they had been shot. This cross-roads is shown on a Map of Central Europe, 1:100,000, G.S. G.S. No. 4416, Bonn, Sheet S.1. at coordinates 81.5-02. As I approached this cross-road, there was a Mark V Tank on the right hand side of the road, and Unterscharfuehrer Storm, commander of this tank, was standing out in the road beside it. As I approached this intersection I was sitting on my turret, with my feet outside and Storm motioned to me to stop. I stopped the tank, and inquired of Storm which way I should go, straight ahead or to the left. He told me to make a left turn. Unterscharfuehrer Storm told me that he had received fire from behind a house, designated as House No. 6. on the attached sketch which I have marked as Exhibit "A". This sketch is made part of this affidavit and is attached hereto. I then entered the intersection, made a left turn and stopped my tank at the point shown by a rectangle with the letter "A" on the green bordered enlargement on said Exhibit "A". In front of the field and on the right hand side of the road headed towards Engelsdorf was a parked column of American trucks. These trucks have been designated by triangular symbols on Exhibit "A". As my

(Huber-statement)

tank moved from the intersection to the point indicated by the rectangle "A", Storm's tank moved forward. I couldn't see Storm's tank because the house indicated as no.6. on the attached sketch obstructed the view.

I dismounted from my tank and as I stood up out of the road, Schreier got out of the tank. We did not see anything except what appeared to be the dead bodies of American soldiers lying in the pasture on the right hand side of the road. I left my tank, walking a few meters back towards the intersection, passed between two of the American vehicles, crossed the ditch and entered the pasture where the American soldiers were on the ground. The approximate path I took is shown by a dot-dash (.-.-) line in the green bordered enlargement on Exhibit "A". The path taken by Schreier is shown by a dotted line. At a point which I believe was approximately at circles 38 and 39 in the green bordered enlargement on Exhibit "A" two American soldiers lay on the ground. One lay with his face and stomach down, with his head pointed southwestwardly and his feet north-eastwardly towards the intersection. His face and head were resting on his arms. Another soldier lay with his head north-westwardly and his feet southeastwardly with his legs across the body of the soldier beneath him. I touched the above soldier with my foot and the one beneath moved slightly pulling in his head and hands. When this soldier moved, it was apparent to me that he was still alive but was playing dead. I then stooped over, grabbing him by the clothing around his back or back, and told him to get up. He stood up in front of me and showed no evidence of having been wounded. The first thing I did was to tell him and show him by gestures that he was to take off his field jacket. This jacket was not the type with a zipper in front, but had buttons. It was dark green and had three or four pockets. This soldier took off the jacket and handed it to me. I took the jacket from him and dropped it to the ground beside me. I believe although I am not sure that the next thing I took from him was the wrist watch. Then I told him to take off his overshoes. He already had one of his overshoes off and had the other one unbuckled and was getting it off his foot by holding the heel of the overshoe against the toe of the shoe on the other foot. As he was doing this I turned him slightly so that his back was towards me. Then I fired with my Belgium nine millimeter pistol in to the back of his neck. This shot came out of the soldier's mouth. Then he fell backwards. I might have fired more than one round before he fell as the pistol was an automatic. After he fell to the ground, I fired one shot into his heart and another shot directly above it, into his chest. When these two shots were fired, this American was lying on his back, on the ground. Then I fired the final shot directly into the center of his forehead. During my years in the German Army, I have seen many dead soldiers, both enemy and our own, and there is absolutely no question but that this soldier was dead after I fired these shots at him.

At the time I shot this American soldier, he was unarmed and made no attempt whatever to escape from my custody. I knew he was an American soldier by his uniform. At the time the shots were fired, I judge that my pistol was approximately one meter distance from this American soldier. That applies to all of the shots that I fired. I remember distinctly that I took first one step backwards before I fired the first shot into the back of his neck.

Just as I had finished firing, there was firing from the machine gun of my tank. This machine gun is the turret machine

gun that is mounted and parallel to the 7.5 centimeter cannon in the turret. At the time it was fired, it was pointed at approximately 3;30 o'clock. Approximately 25 or 30 rounds were fired, according to my estimate, in one burst. I could not see who was actually firing this machine gun in my tank, as it is impossible to do so, but I know that the gunner, Grischatz, and the loader, Schroeder, were still in the tank, and normally it takes two men to operate the machine gun, one to load and the other to aim the machine gun and fire it by pressing a foot pedal. As soon as I heard the firing, I shouted that they should stop that crazy shooting. Immediately thereafter Schroeder came out of the tank and entered the field. I have indicated Schroeder's path by a line of dashes ( - - - - ).

Then I picked up the field jacket and the overshoes, and about at this time, Unterscharfuhrer Storm came through the hedge at the north end of the field. If I remember correctly, he was accompanied by another German soldier, no doubt a member of his crew. When Storm approached me, he asked me if I had done the shooting. I told him I had, and explained that the American soldier had moved and that I had shot him. Then I left, walking across the field in the direction of my tank. I heard two or three pistol shots behind me. No one was standing behind me at that time except Unterscharfuhrer Storm and the soldier who I believe was with him, both of whom had pistols in their hands when I turned my back and started walking towards my tank. I do not know whether it was Storm or the other man, nor did I see what they were shooting at.

On exhibit "A" I have indicated by an "X" the approximate spot where I shot the American soldier. When I reached the spot indicated by the letter "Y" on Exhibit "A" I turned to my right rear and told Schroeder and Schreier to return to the tank. At that time Schroeder was standing at the point indicated by the letter "S" and I saw him fire a pistol shot in the general direction that would be indicated by a line drawn from the letter "S" to the Circle 22. I do not mean that he fired at a soldier who was lying at the spot indicated by Circle 22, as I could not tell, but that was his approximate aim. His arm was extended in front of him, the pistol muzzle pointed at the ground. According to my best recollection Schroeder only fired this one shot, but I am not sure. He might have fired more than one.

After I had told Schroeder and Schreier to return to our tank, I continued on out of the field and crossed the ditch. Then I saw SS Untersturmfuhrer Krause standing up in his communications SPW, which had stopped on the road behind my tank. Krause's was the only SPW that I noticed, but I would not swear that there were not others behind his. Untersturmfuhrer Krause asked me what was going on, and I told him that Unterscharfuhrer Storm had stopped me, told me about having received enemy fire from behind the house, and that I had gone in the field and had shot an American who was not dead. He inquired if there was anything else wrong, and I told him no. As soon as I finished talking with Untersturmfuhrer Krause, I proceeded to my tank, mounted and we started off.

When I was in the field, I was dressed in the regular black Panzer uniform, consisting of black wool trousers and a black leather jacket, and the regular black wool cap. The

(Huber-statement)

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other men in my crew had the same uniform, but I can no longer remember they actually had on their leather jackets at the time or not. At the time I was in the field, the only other non-commissioned officer present was Unterscharfuhrer Storm, and he came in the field after I had shot the American soldier. The only tank parked on the road in front of the field was my tank. Before I went over to talk to Untersturmfuhrer Krause, I had told my tank crew to start the motor of my tank. I did not hear or see any shooting other than I have described in this statement, but it is possible that there were other shots that I did not hear.

The watch that I had taken from the American either had four sides or six sides, it had a leather strap and it was gold or only gold-plated. I do not remember the make of the watch but my recollection is that it was a "US" on the back of it.

Exhibit "A" which bears my signature was not drawn by me but it is a correct and accurate drawing of the road crossing to which I have referred in this statement; it correctly shows House No.6. at the intersection, the small shed near the house, the hedge at the end of the pasture and the field itself, where the American soldiers lay on the ground. The other houses shown on this sketch I do not recall. I do not mean that they were not there or that the sketch does not properly designate them, but I simply do not remember any house except house No.6. as I was only on the right side of the road and in the field, and I paid no attention to the surrounding terrain.

At the time of this offensive, and at the time of this particular shooting, I was on bad terms not only with the battalion commander, Sturmbannfuhrer Poetschke, but also with the company commander, Obersturmfuhrer Junker. As a matter of fact, I had been transferred from the Supply Company to the 6th Company was punishment. Prior to the offensive, I had received orders from Sturmbannfuhrer Poetschke and Obersturmfuhrer Junker to show no mercy and to shoot everything before my barrel. When I found this American soldier unwounded and still alive, in the field at the cross-roads I shot him to prove to my company commander, Obersturmfuhrer Junker and my Battalion commander Sturmbannfuhrer Poetschke, that I was a good man, and that I obeyed their orders. Furthermore, just as soon as I arrived in Engelsdorf, I told Unterscharfuhrer Wrabbets, in the presence of Schuetze Kurt Dethlefs, that I had shot this American. I wanted them to know it because I wanted the word to get to my company commander and my battalion commander that I was obeying their orders and that I was a good man. I had to shoot this American soldier in obedience to the order that I had gotten from Sturmbannfuhrer Poetschke and Obersturmfuhrer Junker because when they said that everything that showed itself before our guns was to be shot, that meant civilians and soldiers, whether they had surrendered or not — simply everything that was alive and that appeared before us.

This statement consisting of fifteen pages plus Exhibit "A" in my own handwriting, was given by me voluntarily and of my own free will. No force or duress was used by those who interrogated me, and no promise of reward, immunity from prosecution or threats of any kind were made.

I swear before God that this statement is the truth and I am prepared to repeat same under oath in any court of justice.

(signed) Hubert Huber  
16 February 1946.

Sworn to and subscribed before  
me this 16th day of February  
1946 at Schwabisch Hall, Ger.  
/s/ RAPHAEL SHUMACKER  
Capt. CMP.

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(Huber-statement)

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27 8 9 (Whereupon Prosecution's Exhibit P-60 was read to the Court in  
the German language by an interpreter.)

QUESTIONS BY PROSECUTION:

Q Captain Shumacker, can you identify the Benoni Junker which Huber has referred to in his statement marked Prosecution's exhibit P-60?

A Yes, sir.

Q How do you know it is the same Benoni Junker that Huber has referred to in his statement?

A Because Huber states in his affidavit that Junker was the commanding officer of the 6th Panzer Company and Junker has told me that he was the commanding officer of the 6th Panzer Company.

Q Will you take a look at the defendants and see if this Benoni Junker you have referred to is among those present?

A He is present.

Q What number is he wearing?

A No. 29.

PRESIDENT: No. 29 stand up--sit down.

(Whereupon the accused wearing No. 29 did as requested.)

PROSECUTION: You may cross examine.

DEFENSE COUNSEL: The defense does not desire to cross examine the witness at this time.

PRESIDENT: Any questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and returned to his seat at the Prosecution's table in the court room.)

CAPTAIN SHUMACKER: I have one short witness, I think we can get on. Prosecution calls Kurt Dethlefs.

KURT DETHLEFS, a witness for the prosecution, was recalled and testified further through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY CAPTAIN SHUMACKER:

Q What is your name?

A Kurt Dethlefs.

Q What company were you in during the Eifel Offensive in December 1944?

A Sixth Company.

Q Who was your company commander?

A The company commander was Obersturmfuehrer Junker.

Q Did you know a man in your company at that time by the name of Hubert Huber?

A Yes.

Q What was his grade or rank?

A He was an Oberscharfuehrer.

Q Would you know Hubert Huber if you saw him again?

A Yes.

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

A Yes, he is present.

Q What number is he wearing?

A No. 27.

Q Who was the commander of your tank during the advance in the Eifel Offensive?

A Unterscharfuehrer Wrabbitz.

Q Did you happen to see Unterscharfuehrer Hubert Huber on the afternoon of 17 December 1944?

A Yes.

Q Where were you at that time?

A In Engelsdorf.

Q Did you hear any conversation between Hubert Huber and your tank commander Wrabbitz?

A Yes, there was a conversation between Oberscharfuehrer Huber and the Unterscharfuehrer Wrabbitz.

Q Will you relate that conversation as well as you recall it?

A Yes. Unterscharfuehrer Wrabbitz asked Oberscharfuehrer Huber what had happened to his vehicle since he arrived there on foot. Whereupon Oberscharfuehrer Huber replied that the vehicle was further up on the road, that he could not bring it down at the present time since the road was blocked with a vehicle standing on it. Then Unterscharfuehrer Wrabbitz asked him why he only got to Engelsdorf that late and why he hadn't come in with the point of the unit. Whereupon Oberscharfuehrer Huber replied that he had had a motor defect, that he had stopped to fix it which enabled him to come in with the point at the time. Whereupon Unterscharfuehrer Wrabbitz replied that he imagined he remained in behind gladly, so it wasn't necessary for him to travel along with the point. Whereupon Oberscharfuehrer Huber replied that that wasn't the case since he himself had encountered the Americans, had passed a column of American trucks while driving toward the cross-roads. Then he had brought his tank to a stop on the lefthand side of the road and had dismounted from his tank and had entered from there on foot and had finished up the Americans which were still showing any signs of life.

Q On which side of the road did Huber say he had stopped?

A As far as I recall, on the lefthand side.

Q Do you remember anything else that Huber said on that occasion?

A No, I can't recall anything else since I left at that moment because a friend of mind had passed by with an American truck. And whereupon I greeted my friend and looked over the gear shifting on the American wheel.

Q Did you leave Huber and Wrabbitz talking together?

A Yes, they continued talking between each other, but I left to look over the American vehicle.

CAPTAIN SHUMACKER: Your witness.

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**DEFENSE COUNSEL:** The defense does not desire to cross  
examine the witness at this time.

**PRESIDENT:** Any questions by the court?

There appear to be none. The witness is excused.

The Court will adjourn to meet at 0830 hours in the  
morning.

(Whereupon the Court adjourned at 1658 hours.)

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CAMP DACHAU, GERMANY

28 MAY 1946.

MORNING SESSION

(Whereupon the Court reconvened at 0850 hours.)

PRESIDENT: The Court will come to order.

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

CAPT. SHUMACKER: The Prosecution calls as its first witness Horst Keifer.

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

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q What is your name?

A Keifer.

Q What is your first name?

A Horst.

Q What unit were you in in December 1944 during the Eifel Offensive?

A Regimental headquarters Company, Panzer Regiment No. I, L.S.S.A.H.

Q In what section or platoon of the Headquarters Company were you?

A In the communications platoon.

Q Who was your communications platoon leader?

A 2nd Lt. Krause.

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

A Yes.

(Keifer-direct)

Q Where are you being held in custody?

A In Dachau.

Q In what type of vehicle did you ride during the Eifel Offensive?

A In a radio half track.

Q Who was the commander of that SPW?

A 2nd Lt. Krause.

Q Where were you about midafternoon of 17 December 1944?

A At the street intersection near Engelsdorf.

Q About how far was that cross roads from Engelsdorf?

A Four or five kilometers.

Q Was the crossroads before Engelsdorf or after Engelsdorf?

A Before Engelsdorf.

Q Was the SPW that you were riding in travelling alone or were other vehicles with it at that time?

A There were two SPW's with us.

Q Who were the commanders of the other two SPW's?

A Master Sergeant Hartmann and Tech. Sgt. Diner.

Q In what order did those three vehicles travel?

A The first one was the SPW with me and Lt. Krause in it, then Master Sgt. Hartmann's and then Tech. Sgt. Diner's.

Q When you reached the crossroads that you have mentioned, which way did you turn?

A We came from the east and turned to the south.

Q Was that a left or a right turn that you made?

A To the left.

Q Will you describe the scene that you observed when you made this turn?

A Yes. Upon making the turn to the left I saw, on the right side of the road, after you turned to the street towards Engelsdorf, a tank, Type IV, standing on the left side of the road.

Q How far was the tank from the intersection itself?

A Fifty meters, or maybe 100 meters.

Q Did your SPW continue on to Engelsdorf or what did it do?

A We stopped behind the tank.

Q What then did you see?

A On the right side of the road, adjacent to the road, there was a meadow, and in the meadow there were about 30 to 40 dead Americans.

Q Could you swear that they were all dead at the time?

A No.

Q Could you tell how many were dead, how many were wounded, and how many were playing dead?

A No.

Q Did you see any German soldiers in that meadow?

A Yes, one Tech. Sgt. Huber of the Sixth Company.

Q Was there anybody else in the field other than Huber?

A Yes. Two more men.

Q Were they non-commissioned officers or not?

A No.

Q How were they dressed?

A Both of them were in gray. Tech. Sgt. Huber in a black uniform and the other two wore gray uniforms.

Q What were they doing when you first saw them?

A Tech. Sgt. Huber shot into the men, the American soldiers, with a pistol.

Q Which soldiers are you talking about? Any specific ones?

A No.

Q About how many shots did you see or hear him fire?

A Three or four shots.

Q Then what did you see?

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A Then Tech. Sgt. Huber pushed an American soldier at the northern end of the field. He then got up. Then he made him take off his pants and overshoes and took a watch away from him.

Q Then what did he do?

A Then he shot him in the back of the neck and the American soldier collapsed.

Q Did you see anyone go into the field from either of the three SPW's that were travelling together?

A Yes. The driver of Tech. Sgt. Diner, from the third SPW, also got out and ran into the field.

Q What is his name?

A Otto Ries.

Q Did you see him fire?

A Yes.

Q What kind of weapon did he use?

A He used a pistol.

Q Will you look at the defendants in the box to your left and state whether or not Oberscharfuehrer Huber, that you have described, is among those present?

A Yes.

Q What number is he wearing?

A 27.

PRESIDENT: Number 27, stand up.

(Whereupon the accused did as directed.)

QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q Is the man that you have just identified, the same man that you saw in the field shooting and the same man that took the clothing away from the soldier and shoot him in the back of the neck?

A Yes.

CAPT. SHUMACKER: You may cross examine.

(Keifer-direct)

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CROSS EXAMINATION

QUESTIONS BY DEFENSE:(CAPT. HARVID)

- Q Do you know in what Company Huber is?
- A Sixth Panzer Company.
- Q How long have you known Huber?
- A I only met him later.
- Q You did not know him at that time, did you?
- A No.
- Q You were never in the Sixth Company, were you?
- A No.
- Q How did you happen to recognize him?
- A Tech. Sgt. Huber came very close to my vehicle as he was walking towards his tank.
- Q How close?
- A One meter and a half.
- Q Was that the first time you saw him?
- A Yes.
- Q When was the next time you identified him?
- A In Schwabisch Hall.
- Q In other words, you saw him for the first time at the crossing and a year later you identified him?
- A Yes, in Schwabisch Hall.
- Q Did he wear a uniform different from any other soldier?
- A No. He had a black uniform on and if I remember correctly, a leather jacket.
- Q Was that the typical uniform worn by the members of the Sixth Company?
- A Yes.
- Q The first time then that you identified him was in Schwabisch Hall?

A Yes.

Q Who took you to his cell?

A One American but I don't know his name.

Q Was that the only cell you were taken to?

A Yes.

CAPT. MARVID: That is all.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:(CAPT. SHUMACKER)

Q Is there any doubt in your mind, Keifer, about this man that you have identified, being the same man that you saw shoot in the field?

A No.

CAPT. SHUMACKER: That is all.

DEFENSE COUNSEL: That is all.

PRESIDENT: Any questions by the Court?

DEFENSE COUNSEL: Dr. Rau has a few questions.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE:(DR. RAU)

Q As a recruit were you instructed about the treatment of prisoners of war, or not?

A No.

Q What were the replacement units that you were trained with?

A I was with the 4th SMC Company in Berlin.

LAW MEMBER: What is the purpose of this line of questioning?

DR. RAU: I should like to determine whether the witness knew how prisoners of war were to be treated.

LAW MEMBER: He has answered that question.

DR. RAU: No, sir.

LAW MEMBER: Ask another question. I don't think this is proper cross examination. It should have been objected to.

(Keifer-recross)

QUESTIONS BY DEFENSE: (DR. RAU)

Q As you saw that the prisoners of war were being shot there, what did you do about it?

A Nothing.

Q Didn't you report that?

A In my vehicle there was 2nd Lt. Krause and he was commander of the vehicle and responsible for it.

Q Did you, at that time, discuss the matter of who was shooting PW's?

A No.

Q Didn't you discuss the fact that this was Oberscharfuhrer Huber?

A No.

Q Didn't you draw attention to it, at that time?

A I didn't know the name of Oberscharfuhrer Huber at that time.

Q Then how did you know Oberscharfuhrer Huber?

A I was confronted with him at Schwaebisch Hall and I recognized him there and found out his name was Oberscharfuhrer Huber.

Q Then, if I understand you correctly, you claim to be able to recognize him only through the visual impression, through the impression his face gave you?

PROSECUTION: May it please the Court, just as a matter of clarification, as I understand it, Dr. Rau is representing Sepp Dietrich and I am wondering why he is cross examining this witness when he represents General Dietrich.

LAW MEMBER: That is what the Court would like to know.

DR. RAU: Because a certain connection exists. Because it is being alleged that Sepp Dietrich issued orders for the shooting of prisoners of war.

PROSECUTION: If that is the purpose then it is all right.

QUESTIONS BY DEFENSE: (DR. RAU)

Q You have not answered the question yet.

A I not only recognized Huber by his facial features but also by his walk. He has a peculiar walk with the tips of his toes pointing towards the outside.

MR. STRONG: May I call the Court's attention to the fact that the witness first talked about Oberscharfushrer Diner, which the interpreter did not say and later corrected himself to talk about Oberscharfushrer Huber, which might be important to show in the record.

CAPT. SHUMACKER: If it please the Court, I think it was obvious to counsel for the Defense, and certainly to the Court and everyone else in the courtroom that the witness made a mistake, shook his head and changed Diner to Huber right in the middle of his answer.

QUESTIONS BY DEFENSE: (DR. RAU)

Q Who was it, Diner or Huber?

A Huber.

Q And you want to claim about Huber that his toes are "X" shaped?

A No. Oberscharfushrer Huber walks with a way that the tips of his toes point towards the outside.

DR. RAU: I have nothing further.

PRESIDENT: Any further questions by the Defense?

QUESTIONS BY DEFENSE: (CAPT. NARVID)

Q When did you learn how he walked, at Schwaebisch Hall?

A No. As he was walking pass my tank.

Q You were sitting in your tank then?

A I was sitting inside my tank.

Q And you particularly noticed his toes?

A Well - -

Q Answer my question.

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LAW MEMBER: Just one minute. We will make a ruling right now, on behalf of the Court. Counsel will not argue with any witness, at any time. Immediately upon a question being asked, the question will be translated into either German or English, as the case may be, and the witness will then be given an opportunity to answer the question. Objection will then be taken in the proper manner. Is there any question by either side?

CAPT. HARVID: No, sir.

LAW MEMBER: You may proceed.

QUESTIONS BY DEFENSE: (CAPT. HARVID)

Q Will you answer the question?

A No. His walk was very peculiar.

Q What kind of shoes did Huber wear?

A I don't know that exactly.

Q How could you see his toes then?

A I didn't see his toes. He walks like this (indicating)

with his legs like this (indicating).

Q How many seconds did you see him?

A Six paces, I don't know how many seconds.

Q You saw him for six paces and then a year later you are able to recognize him is that it?

A Yes. It was not only because of his feet but also because I knew his face, that is the main thing.

Q Did you see any other men in that area, at that time?

A In the field?

Q In the field.

A Yes.

Q Could you recognize any of them now?

A No. Rottenfuehrer Reis out of the tank of Tech. Sgt. Diner, I knew him from before and the other one that I saw out on the field I wouldn't recognize again.

(Kaiser-recross)

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CAPT. HARVID: That is all.

CAPT. SHUMACKER: No further redirect examination by the  
Prosecution.

DEFENSE COUNSEL: Nothing further from the Defense.

PRESIDENT: Any questions by the Court? Apparently not.

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follows Irving

CAPTAIN SHUMACKER: If the Court please, I am informed that this witness requires an immediate operation on his leg. The Prosecution does not contemplate recalling this witness and I wonder if under the circumstances he might be excused, as this operation is to be performed immediately.

DEFENSE COUNSEL: I am quite sure the learned counsel has a mistaken idea. We have not expressed anything that we did not anticipate recalling the witness.

CAPTAIN SHUMACKER: I said we didn't anticipate recalling.

DEFENSE COUNSEL: I thought you said we didn't. I am sorry. We do not anticipate recalling this witness at the present time. I think that he should have the benefit of some medical assistance in this matter.

LAW MEMBER: Is he going to be on the post at Dachau?

CAPTAIN SHUMACKER: That I don't know, sir. I don't know whether those operations are performed here or whether prisoner patients are sent elsewhere. That is the reason I wanted to bring it to the attention of the Court.

LAW MEMBER: I think under those circumstances, even if he is in a hospital, we may take a deposition if necessary.

DEFENSE COUNSEL: That will be perfectly satisfactory.

PRESIDENT: The witness is excused.

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

CAPTAIN SHUMACKER: Prosecution calls as its next witness Walter Landfried.

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

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

DIRECT EXAMINATION

CAPTAIN SHUMACKER: Will you caution this witness to speak loudly and not answer the questions until they are translated?

(Whereupon the interpreter did as directed.)

QUESTIONS BY PROSECUTION (Capt. SHUMACKER):

Q What is your name?

A Landfried.

Q Your first name?

A Walter.

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

A Rottenfuehrer, Corporal.

Q What unit were you in at that time?

A Headquarters Company, Panzer Regiment Number 1, ISSAH.

Q What platoon?

A Communications Platoon.

Q Who was your platoon leader?

A 2nd Lieutenant Krause.

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

A Yes.

Q Where are you being held in custody?

A In Dachau.

Q What type of vehicle did you ride in during the offensive?

A In the SPW of Master Sergeant Hartmann.

Q Did that SPW travel alone during that advance?

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A No.

Q What other vehicles travelled with it?

A The first vehicle was that of Unterscharfuhrer Hillich, which also carried Lieutenant Krause. The second vehicle was the vehicle of Master Sergeant Hartmann which carried me and the third vehicle was the vehicle of Oberscharfuhrer Diener, which was the division radio station.

Q How does Hillig spell his name?

A H-i-l-l-i-g.

Q Where were you about the middle of the afternoon of 17 December 1944?

A That was in the late afternoon at the street intersection about thirty-one kilometers northeast of Engelsdorf (Ligneuville).

Q Did you see any German vehicles before you entered this intersection?

A Yes.

Q What type of vehicle was it?

A That was a tank, type 5.

Q Do you know whose tank it was?

A No.

Q Do you know Unterscharfuhrer Briesemiester?

A No.

Q Did you see him there at that time?

A No.

Q Do you know what company Briesemiester was in?

A No.

Q Do you know what kind of vehicles were in the 1st Panzer Company?

(Landfried-Direct)

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A Panthers.

Q Is that a Mark IV or a Mark V?

A That's a tank type five.

Q When you entered the intersection, which way did you turn?

A We turned south.

Q Was that to your right or to your left?

A Left.

Q Did you continue on down the road then?

A No.

Q What did you do?

A The first vehicle stopped and since we closed up, the second and third vehicle had to stop too.

Q Did you see any German vehicles of any type on the road other than the SPW in front of you and the one behind you?

A Yes.

Q What type of vehicle was it and where was it?

A A tank type four was standing there and ahead of it there was an SPW.

Q On which side of the road was this Mark IV tank?

A On the right side of the road.

Q In which direction was it headed?

A Towards Engelsdorf (Ligneuville).

Q When you stopped there, what did you see -- what did you observe?

A About thirty to forty dead American soldiers were lying on the side of the road, that is, in the field on the right side of the road.

Q Did you see anyone in the field other than these American soldiers?

(Landfried-Direct)

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A Yes.

Q Who did you see?

A A high ranking non-commissioned officer, either a Tech Sergeant or a Master Sergeant.

Q Who else other than this Ober or Hauptscharfuhrer?

A Three or four more men.

Q How were they dressed?

A I don't remember the exact details of their clothing but they did have black uniforms and leather clothing.

Q Do you know whether or not that is the uniform of the Wehrmacht or the SS?

A SS.

Q What were these men doing in the field when you saw them?

A This Tech or Master Sergeant walked towards the edge of the field and at the corner he pushed an American which we had considered dead.

Q How did he push him?

A With the foot.

Q And then what happened?

A The American then got up and raised his hands above his head. Then the Tech or Master Sergeant had the American soldier undress. Then he had him turn around and killed him from the back with his pistol -- shot him.

CAPTAIN SHUMACKER: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (CAPTAIN NARVID):

Q You can't recognize the man who did the shooting?

A No.

Q How could you tell he was a high ranking non-

commissioned officer?

A Because he was wearing his insignia of rank.

Q Didn't you just testify that you could not recall the exact details of the clothing?

A Yes, but I wouldn't have been able to determine that he was a Tech or Master Sergeant any other way.

Q How far away were you from the field?

A Five or ten meters, I can't remember exactly.

Q Could he have been a low ranking non-commissioned officer?

A No.

Q Do you recall being interrogated by the Defense Counsels on or about the 10th of May?

A No.

Q Do you recall being interrogated by any of the officers sitting at this table on the 10th of May?

A Yes, I was interrogated by these officers but I don't remember the date.

Q Was it about two weeks ago?

A That might be right.

Q Do you recall at that interrogation being asked the following question to which you gave the following answer:

"Question: Tell us what you know.

"Answer ---"

and I am only quoting that part of the answer pertinent only to the particular question previously asked.

CAPTAIN SHUMACKER: If the Court please, I think the Court will determine whether or not it is pertinent. In quoting, I want to hear the whole answer.

LAW MEMBER: In quoting a question and answer from

a former examination for the purpose of discrediting the witness, the entire question will be asked and the entire answer will be quoted.

CAPTAIN NARVID: In view of the fact that the answer is a half page long, I don't think it is important enough and I will withdraw the question. That is all.

QUESTIONS BY DEFENSE COUNSEL (DR. PFISTER):

Q You were a member of the Headquarters Company of Peiper's Regiment Headquarters?

A Yes.

Q Were there any medics in this Headquarters Company?

A Yes.

Q Did you know some of the men?

A Yes.

Q Were any medics present during the time the occurrence at the street crossing developed?

A I didn't see any medics while I was at the crossroads.

Q Another question. Do you know the medics Tech Sergeant Lowenstein or Walter?

CAPTAIN SHUMACKER: If the Court please, we object to this line of examination. None of this was brought out on direct examination and I don't see the purpose of this line of questioning.

DR. PFISTER: I should like this objection to be overruled for the reason that I am trying to determine whether these two men were present at the crossroads.

LAW MEMBER: Which two men?

DR. PFISTER: Tech Sergeant Lowenstein or Sergeant Walter.

CAPTAIN SHUMACKER: If the Court please, we have not proved that they were there.

PRESIDENT: The objection is sustained.

LAW MEMBER: It is not cross examination. The two names are not involved in this case, they are not involved in the matter. It is not cross examination.

DR. PFISTER: I would like to be able to determine this, may it please the Court, because I as a co-member of the Defense, had no opportunity to determine the names of these people and according to the books which I had available I was of the impression that I was permitted to ask this question.

LAW MEMBER: In that connection, if counsel wishes, he may call this witness as his own witness during the defense.

DR. PFISTER: Thank you.

CAPTAIN NARVID: May I have the Court's permission to ask another question?

PRESIDENT: Yes.

QUESTIONS BY DEFENSE COUNSEL (CAPTAIN NARVID):

Q Was this man that you saw shooting in the field wearing a leather jacket?

A I don't remember whether he had a leather jacket or leather trousers but he had something leather on him.

Q Isn't it a fact that insignia of rank are not worn on leather jackets or leather clothing?

A In our outfit the insignia of rank were worn on leather jackets.

Q When you say in your -- what was your answer?  
(Answer read by the Reporter.)

Q When you say your outfit, do you mean your company or do you mean the entire regiment?

A The whole regiment.

(Landfried-Cross)

CAPTAIN HARVID: That is all.

DEFENSE COUNSEL: Nothing further.

CAPTAIN SHUMACKER: No redirect.

PRESIDENT: Are there any questions by the Court?

There appear to be none. The witness is excused.

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

CAPTAIN SHUMACKER: Prosecution calls as its next witness Rudolf Zimmerman.

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

DIRECT EXAMINATION

Q What is your name?

A Zimmerman.

Q First name?

A Rudolf.

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

A Sturmman, Pfc.

Q What unit were you in at that time?

A 1st SS Panzer Regiment, Headquarters Company, Communications Platoon.

Q Who was your platoon leader?

A 2nd Lieutenant Krause.

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

A Yes.

Q What type of vehicle did you ride in during the Eifel Offensive?

A I was driving in the vehicle of Tech Sergeant

Diener.

Q Were you in that vehicle on the 17th of December 1944?

A Yes.

Q On that day was your SPW travelling alone or with other vehicles?

A No, two SPW's of the Communications Platoon were with us.

Q In what order did those vehicles travel?

A The first one was the SPW of Lieutenant Krause and the SPW of Master Sergeant Hartmann and then our SPW.

Q Where were you about the middle of the afternoon of 17 December 1944?

A We were at the crossroads near Engelsdorf at about the middle of the afternoon.

Q Before entering this crossroads, did you see any other German vehicles along the road other than the three SPW's in your serial?

A No. I saw no other German vehicles before we came to the crossroads.

Q Did you see any in the intersection itself?

A When we arrived at the crossroads there was a tank type four standing there and a Panther.

Q Where was the Panther?

A The Panther was on the right side of the road right in front of the house next to the crossroads.

Q Where was the Mark IV?

A The Mark IV was about fifty meters away from the crossroads in the direction of Engelsdorf.

Q On which side of the road was the Mark IV standing?

A The Mark IV was on the right side of the road too.

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Q Did you continue on to Engelsdorf, or what did you do?

A We were standing at the crossroads for about ten minutes. Then we kept on riding towards Engelsdorf.

Q While you were there, what did you see?

A On the right side of the road next to the house there was a group of Americans lying in the field. About three or four German soldiers were running around among the Americans on the ground and shooting at them.

Q Did you notice the rank of any of these German soldiers who were running around in the field?

A I only remember one high ranking non-commissioned officer, either a Tech Sergeant or a Master Sergeant.

Q Did you observe this individual, the Ober or Hauptscharfuehrer, shoot any particular individual American?

A No, I didn't notice. I only saw him running around the PW's and shooting them.

Q Were you looking into the field all the time you were parked there?

A No.

Q What happened to prevent your seeing what was going on in the field -- everything that was going on in the field?

A I had a call from the station I was in communication with and had to operate the radio.

Q Did anyone leave your vehicle, Diener's vehicle?

A Yes, the driver, Rottenfuehrer Ries and the Commander, Oberscharfuehrer Diener, both left the vehicle.

Q Where did they go?

(Zimmerman-Direct)

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A I don't know that.

Q Why don't you know?

A As I have said before, the station I was in communication with called me and I had to operate my radio.

End tk #86  
Polly follows

CAPTAIN SHUMACKER: Your witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (Capt. Narvid):

Q How many meters away were you from the field?

A We were about 10 to 15 meters away from the field.

Q You were always in your tank?

A Yes. I was in the tank at all times.

Q Do you recall being interrogated by any of the officers here on the 15th of May, 1944?

A Yes.

Q Do you recall being asked this question and giving the following answer? Question: "Tell us what you saw in the field." Answer: "The prisoners had been shot previously. At this time only a few German soldiers were walking among them and firing some shots."

A I testified that there were three or four German soldiers in the field.

Q You don't recall answering the way I read?

A No.

Q Do you recall being asked this question: "Who were these men?" Answer: "I don't know. I did not recognize them."

A I did say in this testimony that I saw a T/Sgt. or M/Sgt. wearing a leather jacket, whom I am still able to remember.

Q Then you deny that you stated, "I don't know. I did not recognize them." Is that right?

A No.

Q You do not deny it?

A No. I don't deny that. I said that I didn't recognize any of the other soldiers. The only thing I remember was one T/Sgt. or one M/Sgt.

Q Now, you just testified that you were about 10 meters away from the field. Is that true?

A About 10 to 15 meters.

Q Do you recall being asked this question, to which you gave the following answer? "How close were you to them?" Answer: "Fifty meters or less, standing on the road."

A No. Already, in my interrogation on the 13th, I said that I was 10 to 15 meters away from the field, and about 50 meters away from the Crossroads.

CAPT. HARVID: That is all.

DEFENSE: Dr. Hertkorn.

QUESTIONS BY DR. HERTKORN:

Q What were the uniforms worn by the soldiers who were out in the field together with the M/Sgt. recognized by you?

A I don't remember that any more.

Q Were there any medics out there?

A German soldiers?

Q Yes.

A No.

Q Were there any standing around near the field?

A No. I didn't see any.

DEFENSE: Nothing further.

REDIRECT EXAMINATION

CAPT. SHUMACKER: Did you see any American medics lying in the field?

A No, I didn't see any of those, either.

CAPT. SHUMACKER: Nothing further here, sir.

EXAMINATION BY COURT

QUESTIONS BY LAW MEMBER:

Q Will you look at the dock and see if you can recognize anyone among the accused who may have been the T/Sgt. or the M/Sgt. that day in the field. You can get up and walk around.

A Yes.

Q Who?

A No. 27.

PRESIDENT: No. 27, stand up. -- Sit down.

Q See if you recognize anyone else.

A No, I cannot recognize anybody else.

CAPT. SHUMACKER: Nothing further.

REGROSS EXAMINATION

QUESTIONS BY DEFENSE (Capt. Narvid):

Q Do you know the name of the man you recognized as no. 27?

A No, I don't know that.

Q Did you see him at Schwaebisch Hall?

A Yes.

Q Was he pointed out to you in Schwaebisch Hall?

A Yes, I was confronted with him in Schwaebisch Hall.

CAPT. NARVID: That's all.

CAPT. SHUMACKER: Nothing further.

PRESIDENT: Any other questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

CAPT. SHUMACKER: The Prosecution calls as its next witness Adolf Weiss.

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

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q What is your name?

A Weiss.

Q Your first name?

A Adolf.

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

A Sturmman (Pfc.).

Q What unit were you in at that time?

A Headquarters, Panzer Regiment.

Q What Panzer regiment?

A. Panzer Regiment No. 1.

Q Who was your platoon leader?

A 2nd Lt. Krause.

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

A Yes.

Q In whose vehicle were you riding on 17 December 1944?

A In a radio SPW.

Q Who was the commander of that SPW?

A M/Sgt. Hartman.

Q Where were you about the middle of the afternoon of 17

December 1944?

A I was at the Crossroads outside of Engelsdorf.

Q How far from Engelsdorf?

A About two kilometers from Engelsdorf.

Q Were any other SPW's with yours at that time?

A Yes.

Q Whose SPW was in front of you?

A SPW from the regimental headquarters was in front of us.

Q Who was in it? Who was the commander?

A Unterscharfuehrer Hillig.

Q Where was Untersturmfuehrer Krause riding?

A I don't know that. I don't know where he was.

Q Who was in the SPW behind you?

A T/Sgt. Diener.

Q When you reached this Crossroads, which way did you turn?

A To the left.

Q After making this turn, did your vehicle stop anyplace on the road?

A Yes.

Q Did you see any German vehicles along this road leading to Engelsdorf, other than these three SPW's that you have mentioned?

A Yes.

Q What other vehicles did you see?

A On the left corner of the street, a panther was standing.

Q And beyond the corner did you see any other German vehicles?

A Yes. There was a tank, type 4, on the left side of the road.

Q Where did your SPW stop with respect to this tank 4?

A Behind the tank.

Q After you stopped, just describe the scene that you observed and what took place.

A After we came to a stop I saw dead and wounded Americans lying on the field on the right side of the road. I then saw a T/Sgt. or M/Sgt. push an American lying on the ground with his foot. The American soldier then got up, was forced to take his jacket and shoes off. The T/Sgt. then motioned to him to turn around and shot him by shooting him through the neck.

Q Did you see or hear any shooting by Germans in the field before this single American was shot by the Ober- or Hauptscharfuhrer?

A Yes. There were some more soldiers in the field.

Q What were they doing?

A They were shooting around among the Americans.

Q What type of weapons were they using?

A Pistols.

Q How were these soldiers dressed?

A They were wearing black uniforms and, in part, leather outfits.

Q Is that a uniform commonly worn by the Wehrmacht?

A No, only with armored outfits.

Q Is it worn only by SS armored outfits, or not?

A To my knowledge, also by the Wehrmacht.

Q Can you identify the Ober- or Hauptscharfuhrer that you saw shooting in the field that day?

A No.

CAPT. SHUMACKER: Your witness.

DEFENSE: No questions by the Defense.

PRESIDENT: Any questions by the Court?

There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

CAPT. SHUMACKER: The Prosecution calls as its next witness Hans Assenmacher.

HANS ASSENMACHER, being recalled as a witness for the Prosecution, was again sworn and testified further through an interpreter as follows:

REDIRECT EXAMINATION (Continued)

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q What is your name?

A Hans Assenmacher.

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

A Sturmman (Pfc.).

Q What unit were you in at that time?

A I was in the Service Company of the 3rd Battalion of the 2nd Panzer Grenadier Regiment, LSSAH.

Q Who was your battalion commander?

A Hauptsturmfuhrer (Capt.) Diefenthal.

Q Do you remember his first name?

A Josef.

Q What was your particular assignment during the offensive?

A I was radio operator and assistant driver.

Q In whose vehicle?

A In the SPW of the commanding officer, Diefenthal.

Q What type of vehicle was it?

A It was an SPW.

Q What point along the route of advance had you reached shortly after noon on 17 December 1944?

A Shortly after noon of the 17th of December, 1944, we reached the Crossroads about two kilometers north of Engelsdorf.

Q Did your vehicle stop for any reason just before you entered the intersection itself?

A Yes. The whole convoy stopped, and therefore our vehicle had to stop, too.

Q About how far was your SPW from the Crossroads when it came to a halt at this time?

A About 150 meters before we reached the Crossroads.

Q Who was in your SPW at that time?

A Lt. Col. Peiper, Capt. Diefenthal, Sgt. Fackelmeier, the driver, Paul Zwigart, and myself.

Q Now, will you look at the defendants in the box to your left and state whether or not you see Obersturmbannfuhrer Peiper among those present.

A Yes.

Q What number is he wearing?

A No. 42.

Q Is the man you have just identified the Peiper who was in your SPW on 17 December 1944?

A Yes.

Q Will you look at the defendants in the box to your left and state whether or not Josef Diefenthal, whom you mentioned, is among those present.

A Yes, he has no. 10.

Q And will you look at the defendants in the box to your left and state whether or not Paul Zwigart is among those present.

A Yes. He has no. 74.

PRESIDENT: No. 74, stand up. -- Sit down.

Q Did anyone leave your vehicle when you stopped at that point approximately 150 meters from the Crossroads?

A Yes. Capt. Diefenthal got out, attempting to get the convoy straightened out again.

Q In which direction did he walk?

A He went toward the Crossroads.

Q About how long were you halted at this point?

A About five minutes.

Q And then where did you go?

A We then continued on and made a left turn at the Crossroads.

Q Before you halted at this place where Diefenthal left the vehicle, did you hear or observe any firing of any kind from the German column?

A I only know that the convoy was fired upon when it left the road outside of Malsady.

Q Now, which column are you talking about?

A I am talking about an American convoy of vehicles.

Q Were you present when that American convoy was fired upon?

A Yes.

Q Will you come over here to Prosecution Exhibit No. 3 and point out, if you can, where the American column was and where the German column was when this firing took place.

(Whereupon the witness went over to Prosecution Exhibit No. P-3.)

A The American convoy was coming from this direction (indicating) and we were coming from this direction, if I remember correctly.

Q Where is this Crossroads that you spoke of? -- Do you see Engelsdorf?

A Yes. That must be right here.

Q Now, where was the Crossroads with respect to Engelsdorf?

A It was about two kilometers outside Engelsdorf. Here (indicating).

Q Now, that is the Crossroads. Now, when you entered this Crossroads, in which direction did you turn? To your right, or to your left?

A Left.

Q Well, can you figure out what road you were on if you made a left-hand turn?

A Yes. This one (indicating). We then continued in this direction.

Q All right. Now, do you think you can figure out what road the American column was riding on?

A Yes. The American convoy must have been coming from this street.

Q Now, do you know where the German column was when the American convoy was fired on?

A Yes. Here (indicating).

Q Were you present yourself? Did you see the shooting?

A Yes.

Q All right. Resume the stand.

(Whereupon the witness resumed the stand.)

CAPT. NARVID: We respectfully move this Court to strike out testimony unless counsel can show what connection there is between one column firing at another column in combat and shooting prisoners of war. This far all the testimony has been irrelevant, incompetent, and immaterial to the issue.

CAPT. SHUMACKER: We just want to prove that this witness was there and knows something about the prisoners of war who were shot.

CAPT. NARVID: But the witness could well be asked, "Were you there?" That is all.

LAW MEMBER: Of course, if counsel is trying to say that this line of testimony is immaterial to the issues in the case, we have already had ample testimony to the fact that an American column was proceeding along one road, and it was fired on by a German column. This witness now says he was present in that column. I can see nothing more pertinent than that answer. The objection is badly taken at this time, and it is overruled.

Q Now, Assenmacher, after you reached this intersection itself, did you stop again?

A Yes.

Q How far from the intersection did you stop on this second occasion?

A About 15 meters, I think.

Q And did you observe any other German vehicles there at that time?

A I saw a German SPW standing there.

Q Did you know yourself what unit this SPW belonged to?

A Later on I heard Obersturmbannfuehrer Peiper ask, "Which unit are you from?" And I heard them say they were from the 9th Panzer Pioneer Company.

Q Is that the only way you have of knowing what unit this particular vehicle was from?

A Yes.

Q Was Obersturmbannfuehrer Peiper in your vehicle at that time?

A Yes.

Q Was Diefenthal in your SPW at that time?

A No.

Q About how long were you stopped at this place that you have described?

A About three to five minutes. I don't know exactly.

Q And from that point where did you go?

A We drove on for about 130 to 150 meters and stopped again.

Q Did you see any American vehicles at any time along that road?

A Yes. I saw some trucks and one jeep.

Q And where were they?

A They were parked at the right side of the road.

Q In which direction were they headed?

A In the direction toward Engelsdorf.

Q What did you do when you reached this spot 130 to 150 meters from the Crossroads?

A We stopped there and the driver, Zwigart, filled up the oil and Lt. Col. Peiper gave me three minutes to loot.

Q Did you leave the vehicle at that time?

A Yes. I got up from my seat and looked over the wall of the vehicle and saw four Americans lying out there. I called over to them from the vehicle to get up, but none of them moved. Then I shot in the direction where these people were lying, twice, with my pistol. Then I jumped off the vehicle and ran toward the first American lying next to the vehicle. I pushed him with a foot, but he didn't move, and then I turned him around and noticed that he had four shots through his chest. Then I ran over to the next one, pushed him again. He yelled and got up, and I ran up to the next one, pushed him, and he got up, too. The next one got up by himself, and then two more came out of a little ditch, running parallel to the road.

Q When these men got up, did they carry their weapons with them?

A No.

Q How did they hold their hands, Assenmacher?

A After they got up, they folded their hands behind their heads.

Q What did you do with these five Americans after you had captured them?

A I took their belts away from them and sent them to the Crossroads.

Q Are you talking about their ammunition belts?

A Yes.

Q And then what did you do?

A After they had left I went over to the jeep to see whether there was anything in there.

Q Did you find anything in the jeep?

A Yes. I found one pack of cigarettes and a box of cookies.

Q Did you take them?

A Yes.

Q Who got the cigarettes, and who got the cakes?

A I offered the cigarettes later on, and Lt. Col. Peiper didn't want the cigarettes and took the cookies instead.

Q While you were at this jeep, did you hear any firing at all?

A I did hear some firing, but that was not at the Crossroads. It must have been further away.

Q What kind of fire was it?

A To the best of my memory, it was machine gun fire.

Q How long do you think you were there, capturing these five men and looting the jeep?

A Less than ten minutes.

Q When did Diefenthal rejoin you?

A We got started again, and while we were getting started Diefenthal got into the vehicle.

Q And how was Diefenthal dressed on the 17th of December, 1944?

A If I remember properly, he had a yellow leather jacket and a field cap on.

Q Was the yellow jacket noticeable or not?

A Yes.

CAPT. SHUMACKER: Your witness.

PRESIDENT: Court will recess until 10:30.

(Whereupon the Court recessed at 1000 hours.)

(Whereupon the Court reconvened at 1030 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: If the Court please, let the record show that all the members of the Court are present, all the members of the Prosecution are present and all the members of the Defense, with the exception of Dr. Lelling, who is absent on business of the Defense, all the defendants and the reporter are present.

CAPTAIN SHUMACKER: Bring in the witness Assenmacher.

LAW MEMBER: While he is coming in, this morning a ruling was made with respect to the procedure of arguing with the witness. So that there will be no misunderstanding, counsel for either side may at any time object to a question placed by the opposite side on the usual technical grounds after it has been translated and before it has been answered by the witness. That is simply to clear any misunderstanding with respect to that part of the procedure or any question about it.

HANS ASSENMACHER, recalled as a witness for the Prosecution resumed the stand and testified through an interpreter as follows:

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

CAPTAIN SHUMACKER: Assenmacher, you are reminded you are still under oath.

REGROSS EXAMINATION

QUESTIONS BY DEFENSE (Lt. Colonel Dwinell):

Q Assenmacher, while you are at the crossroads, how long did you remain there?

A In all approximately fifteen to twenty minutes.

Q Were you Peiper's radio operator?

A No, I was only radio man in the command car of Hauptsturmfuehrer Diefenthal.

Q Then you were Diefenthal's radio operator?

A Yes.

Q With whom were you in radio contact?

A I was in contact with all companies of our battalion.

Q While you were at the crossroads, was your radio in operation?

A Yes, I tried to get contact with the 10th company.

Q Was that while you were at the crossroads?

A Yes.

Q And during the time you were at the crossroads, was the motor running in the SPW?

A No.

Q During combat are you ever permitted to abandon your radio?

A No.

Q Then you didn't abandon your radio at any time at the crossroads?

A No, but I left it for three minutes when the Obersturmbannführer authorized me to leave it for three minutes to get things organized.

Q Was the radio in operation at that time?

A No, I cut it out.

Q Were you in radio contact with division headquarters?

A No.

QUESTIONS BY DEFENSE (Dr. Hertkorn):

Q Witness, you said that you saw a few American soldiers lying in a ditch. Where was that?

A That was when we stopped for the second time after we had turned around at the crossroads.

Q How far was that from house No. 6 on the crossroads?

CAPTAIN SHUMACKER: If the Court please, we object to that because the witness has not identified any house Number 6 and has not testified about it.

PRESIDENT: Objection sustained.

Q Do you know if there was a house at the crossroads?

A When I took the Americans prisoners, I did see the top of a house.

Q Is that house with the top located on the northern end of the crossroads?

A Yes.

Q How far were the Americans who you ordered to get out of the ditch located from that house?

A It could have been approximately 150 meters.

Q Did you send the prisoners away from where you made them stand up in the direction of the house?

A Yes.

Q Were the prisoners under guard when they marched back in that direction?

A No.

Q Did you tell the prisoners that they had to report somewhere?

A No, I only sent them in the direction of the house.

Q Why did you send the prisoners to the rear without any guard and without giving them any directives?

A When we first stopped behind the crossroads, I noticed that they were German soldiers and that is why I sent them down there.

Q What did you expect was going to happen to these prisoners?

A I didn't think about that, I only sent them away.

Q Did you have an order when you made prisoners to send them away?

A No.

Q What orders did you have what to do with prisoners?

A I only had the general ruling that prisoners will not have to be made and it was left up to me what to do with them.

QUESTIONS BY DEFENSE (Dr. Leer):

Q Where did the phrase 'open up the fire on the Americans commence?

A As far as I saw just before the crossroads.

Q What distance before the crossroads did they open fire?

A Approximately 100 meters before the crossroads.

Q Where were you at that time?

A We were approximately 150 meters away from the crossroads.

Q What vehicles were standing in front of you?

A I saw a few SPWs and a few tanks.

Q Were you able to make up a picture of the march route and who were in these different vehicles?

A I only know that the 10th company was the leading unit that day and must have been in front of us.

Q Did you know as the radio man of Diefenthal's wagon who gave the order to fire?

A No.

Q Do you know what officer arrived at the place and gave an order to cease fire and to move on?

A No.

Q Do you know that that order was given?

A No.

Q With what vehicle did Peiper arrive at the crossroads?

A Peiper was in our SPW.

Q From what place and from what time and to what place and until what time did you remain in your vehicle?

A As far as I remember I mounted our SPW before Honsfeld and remained therein until we reached a point after Cheneux.

Q Did you hear when Oberst Peiper asked where the men of the 9th company were at?

A I heard when Obersturmbannfuhrer Peiper asked from what company are you.

Q To whom did he address that question?

A He addressed it to men who were standing in front of an SPW which was in front of us on the left hand side after we had turned around at the crossroads.

Q Where were you sitting in the SPW?

A I was sitting on the right hand side of the driver.

Q Were you sitting in the SPW on the same place with the exception of the time where you dismounted?

A Yes.

Q What question did you pose towards Diefenthal or Peiper before you dismounted?

A I did not ask any question.

Q Did anyone order you to dismount?

A Obersturmbannfuhrer Peiper gave me three minutes time to organize and for that reason I had to dismount the vehicle.

CAPTAIN SHUMACKER: I believe there is a correction. Are you sure about the translation of the word "organize"?

MR. STRONG: It is correct.

CAPTAIN SHUMACKER: We think it is incorrect. May I suggest if the official court interpreter doesn't know, that the witness explained what Peiper gave him permission to do. (To Interpreter Wolf): Translate what I say.

LAW MEMBER: Ask the witness what he means by the word you translated "organize".

(Whereupon the interpreter did as directed.)

INTERPRETER WOLF: Make booty.

Q Is it known to you that the order was given to you several times by your regimental commander that you should not make any booty and that you should not stop and waste time in making such booty?

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28-C-6

A Yes, this order was known to me.

Q One more question, did Colonel Peiper tell you to make booty or did he allow you to make booty?

A Obersturmbannfuhrer Peiper said you have three minutes and I thought I could employ that time and make use of it.

Q The witness should tell the Court if despite his present nervous condition he is positively sure to remember the exact wording at that time?

A Yes.

DEFENSE: No further cross.

CAPTAIN SHUMACKER: No redirect.

**EXAMINATION BY THE COURT**

**QUESTIONS BY LAW MEMBER:**

Q Did Colonel Peiper make any comment about sending the prisoners to the rear?

A No.

Q Did he say anything when you sent the five prisoners to the rear?

A No.

Q Where was he at the time?

A He was standing in the SPW.

Q And how far was that from you where you were standing with the prisoners?

A About ten meters.

Q When you shot in the direction of the prisoners when they were still in the ditch, did Colonel Peiper say anything to you?

A No.

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

CAPTAIN SHUMACKER: If the Court please, the Prosecution offers in evidence an affidavit of Colonel Robert L. Hunter dated the 29th day of August 1945, to be attached to the record and marked Prosecution's Exhibit Number 61.

Assenmacher - Court

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LT. COLONEL DWINKELL: The Defense Interposes an objection on the grounds previously stated with respect to Prosecution's Exhibit "P-27" which was the I.G. report.

DEFENSE: The Defense calls attention to the classification.

PROSECUTION: They have all been reduced. There is no classification on any of them that is "Restricted". I think all War Crimes records have been reduced, from my recollection of it.

LAW MEMBER: The document offered by the Prosecution is a classified document. Prosecution has announced that such documents have been reduced in classification. In admitting this document into evidence the Court will make the same ruling it made with respect to document "P-27", that it will be impounded until the document has proven to be unclassified. The objection is overruled.

PRESIDENT: The exhibit offered by the Prosecution will be admitted in evidence and will be marked Exhibit "P-61".

(Whereupon the document referred to having been previously identified was received in evidence as Prosecution's Exhibit "P-61" and is attached hereto and made a part of the record.)

PROSECUTION: Prosecution requests permission to read its Exhibit "P-61".

PRESIDENT: Granted.

PROSECUTION: (Reading)

"For the WAR CRIMES OFFICE

Judge Advocate General's Department - War Department

United States of America

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In the matter of introduction	#
to medical evidence in the case	# Perpeuation of
referred to as the Malmedy	# Testimony of Col.
Massacre.	# Rosser L. Hunter,
	# O-5741

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Taken at: Office of the Inspector General,  
First United States Army, Fort  
Jackson, S. C.

Date: 28 August 1945

In the Presence of: Lt. Col. Alvin B. Welsch,  
O-238440, Lt. Col. John C.  
Rappleyea, O-230492, both IGD,  
First United States Army and 1st  
Lt. Raymond D. Czapko, O-1053351,  
Office of the Provost Marshal,  
Fort Jackson, S. C.

Reporter: Virginia M. Krell, Office of the  
Provost Marshal, Fort Jackson, S.C.

Questions by: 1st. Lt. Raymond D. Czapko

Q. Would you state your name, rank, and serial  
number?

A. I am Col. Rosser L. Hunter, O-5741, Inspector  
General's Department, Army Inspector General,  
First United States Army.

Q. Please state the date and place of your birth  
and length of service with the Army?

A. I was born in Washington, D. C. on 4 September  
1891, and have had more than 29 years service  
as an officer of the United States Regular  
Army. My home address is c/o Adjutant General,  
Washington, D. C.

Q. Will you state the extent of your education,  
including degrees obtained?

A. I am a graduate of the Emerson Institute and  
have an L.L.B. degree from George Washington  
University, 1916.

Q. Did you hold your present assignment in  
December, 1944 and January 1945?

A. I did.

- Q. As Army Inspector General, First United States Army, did you have any connection with the death of Americans who were in German hands at the time of the Ardennes offensive in 1944?
- A. I did.

"I was Inspector General during the campaigns in Europe in 1944-45, and exercised general supervision over the investigations into the death of Americans who had been captured by German forces at the time of the German break-through in the Ardennes on 16 December 1944. Investigation, under my supervision, by officers of the Inspector General Section, First Army, established that on 17 December 1944, approximately one hundred and fifty (150) American officers and enlisted men, who had been captured by the Germans, were placed in a field near a cross-road approximately two (2) miles southeast from the town of Malmedy in Belgium and near the small village of Geromont; that fire from German armored vehicles on the adjacent road was directed into the group of prisoners of war; that thereafter, the armored vehicles left the vicinity; that thereafter, a group of German soldiers, who had been left at a road block in the vicinity, went among the prostrate Americans, shooting those who showed signs of life. Some of the Americans, approximately 35, who despite their wounds were able to travel, escaped from the field mostly after dark.

"Efforts were made by Officers of the Inspector General's Section to visit the scene, but it was in German hands and these efforts were unsuccessful until 14 January 1945 when the field was recaptured. Prior to this time, officers of this section had made reconnaissances of the field but were never able to actually get on it. Shortly after 17 December 1944, the snows commenced and the field was covered in from two (2) to five (5) feet of snow. For that reason, these conducting reconnaissances could not determine the conditions on the field.

"On 14 January 1945, Officers of the Inspector General Section followed the assault waves of the Thirtieth Division into this field. It was deemed necessary to search the field for mines and booby traps before searching the field for bodies inasmuch as it had been the German practice in that vicinity and at that time to booby trap the equipment of dead American's. Following the search by the engineers for mines and booby traps (none were found) Officers of this section, with details of laborers to clear the snow, and details of Graves Registration Personnel, accompanied by a medical officer and Signal Corps Photographic Personnel, conducted a thorough search of the field. The field was covered with snow of from two (2) to five (5) feet and the surface of the snow did not

show evidence of traffic. However, there were a few places where artillery shells had recently fallen in the field. The entire field was closely searched, including removal of the snow over bodies. Each body, as found, was placarded with a number and photographs were taken of the bodies showing the number and their position in the field.

"All bodies found were frozen hard and stiff and were generally in piles or rows. In some cases, the bodies had become frozen to each other and frozen to the ground.

"Bodies were removed from the field by hand and carried under defilade to a point on the Geromont-Malmedy Road where they were placed in a truck and carried to Malmedy and placed in a building that had previously been heated by wood-burning stoves. In this building, the bodies were placed in the rooms until they thawed sufficiently to remove the clothing.

"Each body was examined by a medical officer, an Inspector General and members of the Graves Registration Service. Thorough search was made of the clothing and the body for identification, and the medical officer, examined the body for cause of death. There were also Signal Corps Photographic Personnel present and photographs were made of bodies showing unusual wounds. During this examination, the number placards placed on the bodies in the field were still attached to the clothing except in the three or four cases where they had become detached in the journey. After the search for identification, examination by the medical officer and, in some cases, the photographing of the bodies, they were placed in bed sacks and transported under the supervision of the Graves Registration Service to the cemetery.

"At all times, from the time the snow was removed from on top of the bodies in the field until they were sent to the cemetery for internment, they were under the supervision of the Inspector General. As previously stated, each body was frozen hard and stiff and remained in that condition at least until the examination in the house in Malmedy. The bodies were not entirely thawed even at that time. The bodies, when examined by the medical officers in the house in Malmedy, were in exactly the same condition in all respects as when discovered in the field.

"From personal observation, the condition of the bodies when found in the field and when examined by the medical officers, was that, with some exceptions, they showed multiple wounds from small arms fire in the face, chest and stomach. Some bodies showed wounds from small arms in the temple, forehead, and behind the ears. In these cases, generally there was but one wound on the body. In one of these single wound cases, the skin area around

the wound in the temple showed obvious powder marks. A few bodies, recovered near the shell craters in the field, showed evidence of post mortem laceration from shell fragments. With respect to the condition of the bodies when found, none showed any signs of decomposition. Upon removal of certain bodies from the field, it was observed that their eyes had been enucleated, and snow had filled the empty eye sockets. Upon examination in the house in Malmedy, this observation was verified. In one instance, the back of the head had been completely crushed. The medical officer who was on the field during the first part of the time the bodies were being removed was Capt. John N. Snyder. The medical officers who performed the detailed examination of the bodies in the house in Malmedy was Major Giacinto C. Morrone, and Captain Joseph A. Kurz. Capt. Snyder, after leaving the field, also performed detailed examinations in the house in Malmedy.

"In the Report of Investigation concerning this case, there is included a detailed report of the examination of these bodies, their condition at that time and evidence of their identification.

"The search of the clothing in the house in Malmedy disclosed that, in general, the bodies had not been robbed. American or Belgian money was found on most bodies; a number of wrist watches were found either on the wrist or still clasped in the hands. Only a few of the bodies were clothed in an over-coat, but all had on outer clothing, field jackets, combat jackets or sweaters. All had on shoes. In a few cases, cigarettes were found on the body. When found, (and also when examined by the medical officers) a considerable number were frozen in a position with both hands raised above their heads.

"In the Report of Investigation, of this matter, there is included a full description of the condition of each body, property found on the body, description of wounds, and photographs and a sketch of each body in the field, photographs showing the handling of the bodies and photographs showing wounds in certain cases.

(Signed) Rosser L. Hunter, O-5741  
Colonel, IGD

State of: South Carolina) SS  
County of: Richland )

I, Rosser L. Hunter, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all

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answers contained therein are true to the best of my knowledge and belief.

(Signed) Rosser L. Hunter, O-5741  
Colonel, IGD

Subscribed and sworn to before me this 29th day of August, 1945.

(Signed) RAYMOND D. CZAPKO, 1st Lt.  
O-1053351, CMP  
Summary Court."

PROSECUTION: If the Court please, prosecution offers in evidence exhibit F. G and H of the First U. S. Army Inspector General's Report dated 27 January 1945, reference number of originating office, IG-101, to commanding general, 12th Army Group, from Commanding General of the First U.S. Army, to be attached to the record and marked prosecution exhibit Nos. 62, 63 and 64 respectively.

LT. COL. DWINELL: The defense interposes an objection to this evidence on the grounds that it has not been shown that efforts have been made by the prosecution to secure the personal attendance as a witness of the medical officer who made the report. The admission of the report is contrary to the best evidence rule and deprives the defense of the cross examination of a very important witness on a very important issue in this case, and the defense refers to the Manual for Military Government, Technical Manual for Legal and Prison Officers, paragraph 9 on page 43: "Heresay evidence including the statement of a witness not produced is thus admissible but if the matter is important and contraverted, every effort should be made to obtain the presence of the witness and an adjournment may be ordered for that purpose."

PROSECUTION: My answer is that according to the outline of procedure, the IG report is admissible either in whole or in part and already part of this Inspector General Report has been admitted, and to satisfy the Court further, the affidavit of the Inspector General -- we have produced the affidavit of Rosser L. Hunter who had supervision of the removal of the bodies and the examination thereof, and prosecution believes it has fully complied with the spirit of the rules that govern the admission of evidence in the Military Government Court.

LT. COL. DWINELL: May it please the Court, this is not an offer of evidence of an IG Report, but is an offer of evidence of testimony taken before the Inspector General, and the credibility the Inspector General put upon that evidence is not before this Court.

LAW MEMBER: The Court will make the same ruling it did with respect to the former Inspector General's Report. The evidence being offered is a part of an official document of the Army and will be admitted under rule 12 of the rules of procedure page 37 of the Technical Manual. Objection is overruled.

PRESIDENT: The exhibits offered by the prosecution will be admitted into evidence and will be marked Prosecution Exhibit No. P-62, 63 and 64 respectively.

(Whereupon the documents referred to, were received in evidence as Prosecution Exhibits No.

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62, 63, 64 respectively and are attached hereto and made a part of the record.)

PROSECUTION: Prosecution requests permission to read its exhibits 62, 63, and 64 respectively.

PRESIDENT: Granted.

"Captain JOSEPH A. KURCZ, O-501599, Medical Corps, 44th Evacuation Hospital, after being duly sworn, testified as follows:

"That on 14, 15 and 16 January 1945, at Malmedy, Belgium, he examined bodies brought into Malmedy under the supervision of Inspectors General, First U. S. Army; that the bodies were disrobed for the purpose of this examination; that the identifications indicated were made at the time of his examination from identification tags, pay cards, and other evidences in the clothing; that the tag numbers referred to are those placed on the bodies by Inspectors General before removal from place of discovery; and that the bodies when delivered to him for examination were still in a frozen state with some of the snow still adhering to them.

"Tag No. 2

"Identified as: RALPH J. INDELICATO, 17133271, Corporal, Med. Det., 285th Field Artillery Observation Battalion.

"Personal effects found: One comb, one pair scissors, wallet containing photographs, stamps, AGO card, one 20,000 mark note, and 56 German marks.

"Description and condition of outer clothing before being disrobed:

Soldier was dressed in OD sweater, OD shirt and trousers, overshoes. Clothing was torn, and frozen to the body.

"Medical Diagnosis: Both arms elevated to the level of the head. Face: both eyes are gone. Examination reveals bilateral enucleation with a sharp instrument. The skin edges show definite knife marks. The eye sockets are cleanly evacuated. (Opinion: Enucleation mechanical, performed by a sharp instrument. Presence of blood in the region of the sockets and the ragged appearance of the skin substantiates the opinion that it was performed while the soldier was still alive and it was done by an inexperienced person.) Pistol shot wound, face, entrance left upper lip, exit right cheek at the level of the right lower lip. Wound, lacerating, severe, of the left shoulder with complete tearing away of the skin and underlying structure down to the shoulder joint and almost to the region of the neck, caused by machine gun fire. Wound, severe, lacerating, of the left elbow and the left lower third of the arm, with fracture compound comminuted of the left humerus, caused by machine gun fire. Multiple perforating wounds of the left hand and wrist with fracture compound comminuted of wrist and hand bones caused by multiple bullet wounds."

"Tag No. 3:

"Identified as: LUKE S. SWARTZ, 33497309, T/5, Battery "B",  
285th Field Artillery Observation Battalion.

"Personal effects found: One fountain pen, two pencils, one chain, one New Testament, one comb, letters, one pocket knife, one wallet containing 55 German marks, and one good luck charm.

"Description and condition of outer clothing before being disrobed:  
Overcoat, field jacket, sweater, OD shirt and trousers, leggings, and overshoes. T/5 insignia on overcoat. Identification band on right wrist, blood on the right trouser leg in the region of the knee.

"Medical Diagnosis: The arms are raised above the head. Old blood on face. Bullet wound perforating right knee, with fracture compound comminuted of the right knee joint. Bullet wound, left side of head, penetrating the left forehead just above the, with the wound showing definite powder burns. (Opinion: Wound of head inflicted by a pistol bullet at close range.)

"Tag No. 4 and 23:

"Identified as: JOHN J. CLYMIRE, 16011838, Private First Class,  
86th Engineer Battalion, Heavy Ponton.

"Personal effects found: One comb, one fountain pen, one religious medal, one ring, one Bulova wrist watch, wallet containing 520 Belgian francs, EM identification card.

"Description and condition of outer clothing before being disrobed:  
OD shirt with First Army insignia on the left shoulder, OD trousers, leggings, combat shoes.

"Medical Diagnosis: Both hands are raised above the head. Head: Wound, severe, fracture compound comminuted, lacerating with loss of all the cranial bones plus loss of the forehead, and loss of

brain tissue. Careful examination reveals that the high explosive missile entered from the back and caused the damage described above. Penetrating wound, severe, of the left upper chest also caused by a high explosive missile.

"Tag No. 7:

"Identified as: SYLVESTER V. HERCHELROTH, 33497232, Corporal, Battery "B", 285th Field Artillery Observation Battalion.

"Personal effects found: One comb and case, one pencil -- wooden, one New Testament, 10 Belgian francs, one automatic pencil, one fountain pen, one leather case with four small drills, one note book, photographs, soldier's pay book, one broken comb, one wallet with photographs. 3 Belgian 20-franc notes, 3 Belgian 10-franc notes, 1 Belgian 5-franc note.

"Description and condition of outer clothing before being disrobed:  
Not taken on this body.

"Medical Diagnosis: The hands were raised above the head. GSW, perforating wound, bullet, skull, with entrance left occipital region, exit face. Fracture compound comminuted right maxilla. Lacerated wound, bullet, hand, left, with traumatic amputation fourth and fifth fingers at mita carpo - phalangeal joints, entrance posterior. Lacerated wound, severe, nose, right eye. Lacerated wound, severe, shell fragment, HE, upper third left thigh anterior surface, 12 cms x 6 cms, with fracture compound comminuted left femur post mortem.

"Tag No. 8:

"Identified as: HOWARD S. DESCH, 33487538, Private First Class, Battery "B", 285th Field Artillery Observation Battalion.

"Personal effects found:

"One nail file, one automatic pencil, one soldier's pay book.

"Description and condition of outer clothing before being disrobed:  
Not taken on this body.

"Medical Diagnosis: Bullet wound, penetrating, severe, of head, entrance forehead with powder burns at the region of entrance of the missile. (Opinion: Pistol bullet wound inflicted at close range.) Penetrating wound, severe, right eye with powder burns, severe. Machine gun wound, severe, lacerating, of the lower abdomen, entrance from the left side, with evisceration. Wound, machine gun bullets, left hip, lacerating, severe, with fracture compound comminuted of the left hip. Wound, machine gun bullets, left knee, lacerating, severe, with fracture compound comminuted of the left knee. Wound, machine gun bullets, right knee, lacerating, severe, with fracture compound of the right knee.

"Tag No. 12:

"Identified as: ROBERT (NMI) COHEN, 33477788, Private First Class, Battery "B", 285th Field Artillery Observation Battalion.

"Personal effects found: One comb, one flashlight, one pocket knife, one small chain, thirteen assorted coins, two cigarette lighters, one box needles, one tooth brush, one fountain pen, one pay book, one book in Hebrew, letters, wallet containing 100 Belgian Francs, 101 German marks.

"Description and condition of outer clothing before being disrobed:  
Not taken on this body.

"Medical Diagnosis: Machine gun wounds, perforating, right upper chest with entrance posteriorly and exit anteriorly. GSW's perforating, head, entrance right forehead, exit posteriorly. Wound, entrance right temporal region, exit left temporal frontal region.

Powder burns present at the entrance region of both wounds of the forehead. Wound, shrapnel, EE, right hand, traumatic amputation of whole hand at the wrist, post mortem. (Opinion: wound of head inflicted by pistol bullet at close range.)

"Tag No. 15:

Personal Effects Found: Ring on left hand, two combs, one identification bracelet, one Bible, one fountain pen, one pencil, one key, one wallet containing photographs, driver's permit, 119 German marks, soldier's pay book.

Description and Condition of outer Clothing before being Disrobed:

Field jacket, sweater, OD shirt and trousers, leggings and over-shoes. First Army insignia on jacket. Bullet was found on chest between shirt and sweater.

Medical Diagnosis: Arms raised to level of the head. Wound, perforating the left chest wall in the region of the heart. The missile (bullet) was found on the shirt and a large amount of blood was found on the anterior chest wall. (Opinion: The missile, after hitting the left chest wall, perforated the heart, making its exit, the soldier dying of severe hemorrhage.)

"Tag No. 16:

Identified as: JOHN D. COLLIER, 33522138, Private First Class, Battery "B", 285th Field Artillery Observation Battalion.

Personal effects found: Ring on left hand, pocket knife, one chain, coins, one comb, paybook, fountain pen, wallet, one-half German mark.

Description and Condition of Outer Clothing before being Disrobed:

Overcoat, field jacket, OD shirt, trousers, sweater, leggings, shoes, overshoes.

Medical Diagnosis: Bullet wound, perforating left chest wall, entrance anterior, left side chest, just below the mid-portion of the clavicle, exit left posterior chest wall in the region of the inferior angle of the scapula, slightly lateral to the midline. Wound, perforating, head, entrance on the left side in the region of the right occipital bones. Wound severe, lacerating of the right posterior side of the lower chest, about 10 cm's lateral to the midline. Cause, high explosive shell fragments, post mortem wound. Medical opinion: The soldier was first shot from the front in the region of the clavicle, dropping down to the right side, with the right knee being flexed, the left leg stretched out, the arms in front of the body. The position of the head wound indicates that he was shot with a pistol while in a recumbent position on his right side. Bullet wound, perforating, with fracture compound of third and fourth metacarpals of left hand.

"Tag No. 18:

Identified as: SAMUEL P. BURKETT, 33569673, T/5, Battery "B", 285th Field Artillery Observation Battalion.

Personal effects found: Soldier's paybook, prayer book, pocket knife, cigarette lighter, ring on left hand, pocket watch, letters, cigarette case, one chain, wallet.

Description and Condition of Outer Clothing Before Being Disrobed: Overcoat, field jacket, OD shirt and trousers, sweater, leggings, overshoes, wool knit cap.

Medical Diagnosis: Bullet wound perforating left shoulder, entrance anterior, exit posterior. Wound, head, perforating, bullet, entrance left side of head, just above the pinna of the ear, exit right side of the face in the region of the lobule of the right ear. Wound, bullet, penetrating right hip. Wounds, mul-

tiple, penetrating and lacerating, of the back in the region of the left hip bone, middle of the back, about the second lumbar vertebrae. Also in the region of the first and second thoracic vertebrae, caused by high explosive shell fragments. Examination reveals that these shell fragment wounds were post mortem. Medical opinion: The position in which the body was found indicates that the soldier fell on his right side after being hit by the bullet in the hip, the reason is the flexion of the left knee and the outstretched arms. It is further believed by the medical officer that the head wound was fired at close range after the soldier was in a recumbent position on his right side, because of the position of the wound in relation to the other wounds of the body. Since the area is covered with hair, it is impossible to identify any positive powder burns.

"Tag No. 19:

Identified as: ELMER W. WALD, 20326296, Private First Class, Medical Detachment, 200th Field Artillery Battalion.

Personal effects found: Medical brassard, pen knife, fountain pen, comb, assorted coins, pencil, paybook, wallet containing one ten dollar bill, one two-dollar bill, and forty Belgian francs.

Description and Condition of Outer Clothing Before Being Disrobed: Mackinaw, field jacket, sweater, OD trousers and shirt, paratrooper's boots.

Medical Diagnosis: Hands above head. Medical brassard securely attached to the left arm, definitely visible. High explosive missile wounds. Head: lacerating wound of the head, involving occipital, parietal, and the frontal bones of the right side with complete loss of the brain tissue. Wound, perforating.

left axilla, caused by bullet. Wound, lacerating and perforating of the left hand caused by bullet. Opinion: The head wound appears to have been caused by a heavy missile; the wounds of the left axilla by bullets. Severe wound, lacerating, of the left hip, upper left thigh. This wound is caused by HE shell fire, and medical opinion is that it occurred after the soldier's death, no evidence of old blood being found."

"Tag No. 21:

Identified as: HALSEY J. MILLER, 32561864, Corporal, Battery "B", 285th Field Artillery Observation Battalion.

Personal effects found: Two rolls film, one chain, letters, prayer book, one fountain pen, soldier's paybook, wallet containing one dollar bill, one and one-half German marks, five French francs, eight coins, one screw driver.

Description and Condition of Outer Clothing Before Being Disrobed:

OD shirt and leggings, OD trousers, shoes, overcoat, wool knit cap, gloves.

Medical Diagnosis: Bullet wound penetrating left anterior chest wall slightly lateral to the midline and on the level of the nipple line. Wound, perforating, of head. Entrance posterior, in the region of the left parietal occipital bones. Exit, right forehead, slightly above and lateral to the eyebrow. Wound, lacerating, severe, of the right posterior surface of the knee, with fracture compound comminuted of the right knee joint. No powder burn could be found in the region of the entrance of the bullet in the head wound, however, it is the opinion of the medical officer that it was a close range shot, because the soldier was lying on his face at the time he was shot. The reason for the soldier falling on his face was the wound described in the chest wall. The wound of the right knee

is a post mortem wound, caused by high explosive shell fragments."

"Tag No. 22:

Identified as: JOHN H. SHINGLER, 33570509, Private, 285th Field Artillery Observation Battalion.

Personal Effects Found: One German belt buckel, wallet, letter, soldier's paybook.

Description and Condition of Outer Clothing Before Being Disrobed:

Field jacket, sweater, OD shirt and trousers, shoes, overshoes and gloves.

Medical Diagnosis: Machine gun bullet wounds, multiple, perforating, of the chest, entrance right side, exit left side. Bullet wound penetrating head, entrance posterior, no sign of gun powder burn. Bullet wound, perforating, right lower back, entrance posterior, exit anterior.

"Tag No. 26:

Identified as: MAX SCHWITZGOLD, 32954422, T/5, Battery "B", 285th Field Artillery Observation Battalion.

Personal Effects Found: One whistle, one pen and pencil set, wallet containing 1110½ German marks, 2 twenty-dollar bills, one ten dollar bill, one 10-shilling note, one pound note, 100 Belgian francs, 10 French francs, PX ration card.

Description and Condition of Outer Clothing Before Being Disrobed:

Field jacket, OD trousers, shirt, gloves, scarf, leggings, shoes and overshoes. First Army insignia.

Medical Diagnosis: Bullet wound, head, perforating, entrance

right eye, exit posterior, in the region of the left occipital bone. Bullet wound, penetrating, of the right chest. HE shell fire wound of the right abdominal wall, severe, and from examination it appears to have been incurred from a high explosive fragment after the soldier was dead. HE shell fire wound of the right knee, lacerating, severe, incurred after the soldier was dead. Arms in front of body.

"Tag No. 29:

Identified as: CARL H. BLOUGH, 33497061, T/5, Battery "B", 285th Field Artillery Observation Battalion.

Personal Effects Found: Pocket knife and chain, one comb, one fountain pen, wallet containing 150 Belgian francs, soldier's paybook.

Description and Condition of Outer Clothing Before Being Disrobed:

Field jacket with First Army insignia on left sleeve, OD shirt and trousers, leggings, shoes, and overshoes.

(Medical Diagnosis: Right arm above head, left arm next to body. Machine gun bullet wounds, lacerating, severe, left knee, lower part of thigh with fracture compound comminuted of the lower third of the femur. Wounds perforating right knee, severe. Medical opinion is that soldier bled to death.

"Tag No. 32:

Personal Effects Found: One pair scissors, glasses and case, one pocket knife, soldier's paybook, two keys, two coins, wallet containing 50 Belgian francs.

Description and Condition of Outer Clothing Before Being Disrobed:

Field jacket, OD shirt and trousers, scarf, shoes, and overshoes.

Medical Diagnosis: Head wound, HE missile, severe, perforating. Point of entrance left eye and left forehead. Exit, posterior wall of cranial vault causing severe laceration of the scalp, complete destruction of the brain tissue and severe fracture of the complete cranial vault.

"Tag No. 38:

Identified as: THOMAS E. McDERMOTT, O-1018686, First Lieutenant, Reconnaissance Company, 32nd Armored Regiment.

Personal Effects Found: Cigarette lighter, one comb and case, one fountain pen, one prayer book, one First Lieutenant's bar, one Armored collar insignia.

Description and Condition of Outer Clothing Before Being Disrobed:

Trenchcoat, field jacket, OD trousers, and shirt with First Lieutenant's bar and Armored insignia on collar, shoes, and overshoes. Right leg of trousers covered with blood.

Medical Diagnosis: The hands were raised above the head. GSW of the head, penetrating, left forehead, with definite signs of powder burn. Bullet wound perforating right thigh, lower third, moderately severe. (Opinion: The perforating wound of right thigh caused soldier to drop. GSW of head inflicted at close range, when soldier was in recumbent position.)

"Tag No. 41:

Identified as: BENJAMIN LINDT, 38009681, Sergeant, Detachment "A", 200th Field Artillery Battalion, V Corps Military Government

Police Force Battalion.

Personal Effects Found: Two fountain pens, letters, tweezers, two coins.

Description and Condition of Outer Clothing Before Being Disrobed:

Field jacket, sweater, OD shirt and trousers, combat shoes with leather tops, overshoes. Sergeant's stripes on jacket.

Medical Diagnosis: The hands were raised above the head. MOP insignia securely attached to the left arm. Head: Wound, lacerating, right ear, right cheek, right lip, caused by bullet; wound, penetrating, right upper chest, caused by bullet. Wound, lacerating, left knee, posterior, caused by high explosive missile.

"Tag No. 45:

Identified as: PAUL R. GARR, 33549291, Private, Battery "D", 285th Field Artillery Observation Battalion.

Personal Effects Found: Soldier's paybook, one Bulova wrist watch, one comb, one prayer book, ten coins, wallet containing PX ration card, 175 German marks.

Description and Condition of Outer Clothing Before Being Disrobed:

Not taken on this body.

Medical Diagnosis: The hands were raised above the head. Wound, machine gun, bullets, penetrating left knee, entrance posterior, exit anterior, with fracture compound comminuted of the left knee and severe wound, lacerating, of the anterior portion of the left knee. CSW, penetrating, bullet, left chest anterior surface in the region of the left nipple.

"Tag No. 50:

Identified as: JOHN KLUKAVY, 36860531, Private First Class,  
Reconnaissance Company, 32nd Armored Regiment.

Personal Effects Found: Cigarette lighter, one ring on left  
hand, wallet containing photographs, address book, Bible, one  
comb.

Description and Condition of Outer Clothing Before Being Disrobed:

Combat jacket and trousers, sweater, shirt, leggings, shoes.

Medical Diagnosis: The hands are over the head. Face: Left eye  
partially enucleated. Definite evidence of the lower lid and part  
of the upper lid showing ragged cuts, due to a sharp instrument.  
Right eye, enucleation started but not finished. The lower lid  
completely excised. GSW left knee, lacerating. GSW right lower  
chest, penetrating. Opinion: Due to blood pressure and presence  
in the region of the eyes, and the ragged appearance of eye lids,  
I feel that this is a deliberate ante mortem enucleation.

"Tag No. 57:

Identified as: CHARLES R. BREON, 33568030, T/5, Battery "B", 285th  
Field Artillery Observation Battalion.

Personal Effects Found: Black leather wallet containing photo-  
graphs, PX ration card, cards, 50 mark note.

Description and Condition of Outer Clothing Before Being Disrobed:

Field jacket, fatigue trousers, leggings and combat shoes.

Medical Diagnosis: Wound contused, severe, of the right side of  
the head and forehead with fracture of all the bones on that side  
apparently caused by blow over that portion of the head with a

heavy object. Wound, lacerated, right elbow, caused by a bullet. In my opinion, the blow over the head was severe enough to cause death.

"Tag No. 62:

Identified as: CARL H. RULLMAN, 33409511, Corporal, Battery "B", 285th Field Artillery Observation Battalion.

Personal Effects Found: One Rifle marksmanship medal, two German belt buckles, one pocket knife, one German pin, one German pen, one fountain pen, one wallet containing 100 French francs, 9 German marks, 8 coins, one paybook, two rings on left hand.

Description and Condition of Outer Clothing Before Being Disrobed: Woolen headgear, overcoat, gloves, OD trousers and shirt, sweater, scarf, leggings, shoes and overshoes.

Medical Diagnosis: The hands are in position covering up the face. The face itself is covered with blood. Bullet wound (pistol) head, penetrating right forehead just above the eye. Bullet wound (pistol) penetrating left thigh. Bullet wound perforating right knee. Opinion: The bullet (pistol) wound of the forehead indicates that the soldier has been shot at close range. There were no powder burns present because the soldier's cap was pulled over the area through which the bullet entered. Therefore, the bullet first entered through the cap, then through the head. The appearance of the body with the position of the hands over his face seems to indicate that the soldier covered his face as a means of protection from a close range shot.

"Tag No. 63:

Identified as: LLOYD A. JAMES, O-1018164, Second Lieutenant, 32nd Armored Regiment.

Personal Effects Found: One silver dollar, one wedding band on left hand, fingernail cleaner, 2nd Lieutenant's bar, cavalry collar insignia, fountain pen, key, ring on right hand, fingernail file, comb, wallet, medical register.

Description and Condition of Outer Clothing Before Being Disrobed: Sweater, OD trousers and shirt, combat shoes, wool headgear.

Medical Diagnosis: Bullet wound, perforating and lacerating of the upper abdominal wall with evisceration. Wound, perforating, of upper part of forehead, midline, perforating the brain and scalp. This wound shows definite powder burn at the area of entrance on the anterior surface of the forehead, cause bullet. Opinion: wound of head inflicted at close range by pistol bullet.

"Tag No. 67:

Identified as: PETER R. PHILLIPS, 13186081, Private, Battery "B", 285th Field Artillery Observation Battalion.

Personal Effects Found: One pencil, pencil lead, one ring, two pocket knives, soldier's paybook, letters, one pocket watch.

Description and Condition of Outer Clothing Before Being Disrobed: Overcoat, OD shirt and trousers, mackinaw, shoes, leggings, over-shoes and sweater.

Medical Diagnosis: Eyes: There are definite findings which indicate that a mechanical emucleation was performed on both sides. Close examination of eye sockets: The skin is ragged, cut by a sharp instrument -- old blood present. Eye sockets completely

emptied. Opinion: Emucleation of eyes ante mortem by a sharp instrument. Severe laceration, with traumatic amputation of both legs in the region of the knees, caused by high explosive shell fragments. The findings indicate that this had occurred after the soldier's death. Wound, lacerating and perforating of the right hand, caused by bullets with traumatic amputation of the fourth and fifth fingers. Wound, penetrating and lacerating of the head, posterior surface, severe, with laceration of the brain. Opinion: This wound was caused by a succession of bullets hitting the same area of the head.

"Tag No. 68:

Identified as: PAUL L. PADEN, 35417847, Private First Class, 575th Ambulance Company.

Personal Effects Found: One comb, one pencil, one fountain pen, 11 coins, one key, wallet containing photographs.

Description and Condition of Outer Clothing Before Being Disrobed:

Field jacket, combat trousers, sweater, shoes, First Army insignia on jacket.

Medical Diagnosis: Pistol bullet wound perforating head. Point of entrance right forehead, slightly to the right of the midline of the forehead just below the hairline. Exit, posterior occipital area. Close examination of the point of entrance shows definite marks of powder burn. This suggests that the soldier was shot with a pistol at close range while lying flat on his back. This is the only wound found on the body. Close examination of the whole body could not reveal any signs or findings of any other injury. There were no bruises found.

"Tap No. 69:

Identified as: CHARLES E. HALL, 33549251, Private First Class,  
Battery "B", 285th Field Artillery Observation Battalion.

Personal Effects Found: None.

Description and Condition of Outer Clothing Before Being Disrobed:

Field jacket, sweater, OD shirt, one legging, one overshoe.

Medical Diagnosis: The body is completely mutilated, the only member of the body present is the arm attached to a severely mutilated torso. It is the opinion of the medical officer that the body has been destroyed partly by high explosive shells after the soldier's death. The man had black hair; moderate distribution of hair over the chest. One identification tag was found about the neck.

"No Tap"

Identified as: HOMER S. CARSON, 33569714, Private First Class,  
Battery "B", 285th Field Artillery Observation Battalion.

Personal Effects Found: Collection of photos, photo holder, coins, pen knife with chain, fountain pen, two indelible pencils, note book, letters, soldier's paybook, pass to Paris dated 9 December 1944, receipt from the American Red Cross for \$45.00, Social Security card and collection of cards, one wrist bracelet, comb, PS card, 10 French francs and one German mark.

Description and Condition of Outer Clothing Before Being Disrobed:

Field jacket, OD trousers, leggings, combat shoes.

Medical Diagnosis: Wound, severe, lacerating, of the right side of the neck, right jaw, causing compound comminuted fracture of

the right jaw. Head: Wound lacerating with fracture compound comminuted of the cranial bones of the right side of skull. Opinion of the examiner is that the wound was caused by a series of bullets fired in the same area. Wound, penetrating with fracture, compound comminuted of the left posterior hip caused by high explosive shell fragment. Opinion of the medical examiner, that this was incurred post mortem.

"Not Tagged":

Identified as: CHARLES E. SWEENEY, O-1325716, Infantry, Second Lieutenant, Company "B", 120th Infantry Regiment.

Personal Effects Found: Second Lieutenant's bar, infantry collar insignia, glasses and case, one silver dollar, one small magnifying glass, one coin, one note book, one prayer book, one address book, one pencil.

Description and Condition of Outer Clothing Before Being Disrobed:  
Short trenchcoat or mackinaw, OD shirt and trousers, shoes.

Medical Diagnosis: Arms in front of body. GSW penetrating head, right parietal region.

"Tag No. 'C'":

Identified as: JAMES H. COATES, 33519636, Private, Battery "B", 205th Field Artillery Observation Battalion.

Personal Effects Found: One pocket watch, two pocket knives, one spoon, one fork, scissors, one rosary, one chain, coins, wallet, 190 Belgian francs, paybook, letters, comb, two fountain pens, ring on each hand.

Description and Condition of Outer Clothing Before Being Disrobed:

Field jacket, CD shirt, trousers, overshoes, leggings, shoes.

Medical Diagnosis: Bullet wound, perforating, entrance lower right side of back, in the region of the second lumbar vertebrae, about 8 centimeters lateral to the midline, exit lower left chest, in the anterior axillary fold, about the level of the nipple line.

/s/ Joseph A. Kurz  
/t/ JOSEPH A. KURZ  
Captain, Medical Corps  
44th Evacuation Hospital

Subscribed and sworn to before  
me this 22nd day of January, 1945.

/s/ Woodward C. Gardiner  
/t/ WOODWARD C. GARDINER  
Major, I. G. D.  
Assistant Army Inspector General

AFTERNOON SESSION

(Whereupon the Court reconvened at 1330 hours, 28

May 1946.)

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, all members of the defense with the exception of Mr. Strong, Mr. Walters, Dr. Leiling, Dr. Pfister, Dr. Hertkorn and Dr. Leer, who are absent on business of the defense, and all of the defendants and the reporter are present. Also let the record show that prosecution is pleased to announce that 1st Lt Robert E. Byrne is promoted to Captain.

If the court please, does the defense desire to have Prosecution's exhibit P-64 translated into German?

DEFENSE COUNSEL: In order to save time the defense will agree to dispense with the reading of the German translation.

PROSECUTION: If the court please, Captain Byrne will present the next phase of the prosecution's case.

CAPTAIN BYRNE: May it please the court, the prosecution offers in evidence as Prosecution's Exhibit 65 the deposition of Max Drechsner, which has been a part of the Inspector General's report and the exhibit attached thereto.

LT COL DWINELL: The defense interposes the same objection that was made in respect to Prosecution's Exhibits P-62, P-63 and P-64.

PRESIDENT: The objection is overruled on the same grounds as previously stated. The exhibit offered by the prosecution is admitted in evidence and will be marked Prosecution's Exhibit P-65.

(Whereupon the document referred to was received in evidence and marked Prosecution's Exhibit P-65, and the same is attached hereto and made a part hereof.)

CAPTAIN BYRNE: Prosecution requests permission to read exhibit P-65.

PRESIDENT: Granted.

(Whereupon Prosecution's Exhibit F-65 was read as follows:

"TESTIMONY OF: Pvt Max Drechsner (PW) TAKEN BY: Captain Alfred T. Eogen  
CAC, Acting Assistant  
Army Inspector Gen.  
First US Army.

INTERPRETER: 2nd Lt Jerry I Schultz, DATE: 29 January 1945.  
FWL Detachment, G-2  
First US Army

TAKEN AT: Master Interrogation Center.

IG: I am here to get further information concerning atrocities committed against Allied personnel.

1. Q Do you understand the sanctity of an oath?  
A Yes.

2. Q Do you object to taking an oath?  
A No.

The witness is sworn.

3. Q State your name, rank, organization, and serial number?  
A Max Drechsner, Private, 11th Company, 999th Brigade,  
3d Battalion, FPN 27445D.

4. Q Have you ever seen any atrocities committed against allied prisoners of war?  
A I have not seen any being committed against them.

5. Q Have you heard of any, or seen the result of any?  
A Yes, I heard of them and saw the result in Hansfeld.

6. Q Do you know the approximate date when this happened?  
A On the 17th or 18th December 1944 they were committed.  
I saw the bodies 14 days after that.

7. Q Do you know who shot these prisoners?  
A According to the testimony of civilians it was the SS.

8. Q Do you know what organization?  
A I do not know.

9. Q Do you know the names of any of the officers who ordered these executions?  
A No, sir.

EXHIBIT A

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DRECHSNER

10. Q Do you know the circumstances surrounding the shooting of these prisoners?

A I heard from a comrade that there were bodies lying in the cemetery. I went over to check up on it and saw from their position they could not have died a natural death. So I walked over to a farmer and inquired about it, the farmer told us that he saw the SS shoot these PW's with the explanation that they could not use any PW's. They stated that they had nothing to eat themselves in Germany. The farmer lives about 10 minutes from the cemetery, on the road to Bullingen.

11. Q Do you know the farmer's name?  
A No, sir.
12. Q Can you give a brief description of the house; which side of the road is it on?  
A On the 19th of January there were still two American guns near the house--artillery pieces--they were damaged. (At this point a rough sketch of the area was made, which showed the farmer's house to be on the road to Bullingen)
13. Q Were you ever ordered not to take prisoners--to shoot prisoners of war?  
A No, sir.
14. Q Do you know any other civilians in this town who saw this atrocity beside the farmer?  
A I was trying to find out but people were too scared to talk.
15. Q Do you know any particular houses where bodies were found in the closets or drawers?  
A No bodies were found in closets or drawers in Hansfeld, but in another town by the name of Rocherath. I was told by farmers on the way through the town that such things occurred there, and I can identify one of the farmers who told me that.
16. Q Do you know what unit perpetrated these atrocities?  
A The SS.
- 17.- Q Did this farmer actually see these people shot and put in the closets?  
A He was not explicit about it, he just told me the story.
18. Q Were they American prisoners or civilians?  
A I do not know.
19. Q Do you know of anything else that might be of value to me?  
A No.

The witness was excused.

EXHIBIT B

DRECHSNER

I certify that Max Drechsner (PW) Private, EFN 27445D, 11th Company, 3d Battalion, 999th Brigade, testified before me, under oath, through 2nd Lt Jerry I. Schultz, PWI Detachment, G-2, First U.S. Army, as given in Questions 1 to 19, Pages 1 to 2, on the 29th day of January 1945, at Master Interrogation Center.

/s/ Alfred T. Bogen  
ALFRED T. BOGEN,  
Captain, C.A.C.

Acting Assistant Army Inspector General,  
Headquarters First US Army."

LT COL DWINELL: May it please the court, the defense feels that we should strenuously object to this testimony and move to strike

it from the record because it is based entirely on hearsay and throughout the testimony there are repeated questions about identify answered in the negative, so there is no connection whatsoever with the accused. We specially refer to some of the questions:

"Q Do you know what organization?

"A I do not know."

"Q Do you know the names of any of the officers who ordered these executions?

"A No, sir."

LAW MEMBER: As in the case of previous documents of this nature, the court will admit the document into evidence but will place such value as it deems fit on the contents, whether they be valuable or not. The objection is therefore overruled.

(Whereupon Prosecution's Exhibit P-65 was read in the German language by the interpreter.)

CAPTAIN BYRNE: May it please the court, the prosecution offers in evidence as Prosecution's Exhibit P-66 the deposition of Wolfgang Weinfurter and requests that it be marked Prosecution's Exhibit P-66 and attached to the record and made a part thereof.

LT COL DWINELL: The defense interposes the same objection that was made with respect to Prosecution's Exhibit P-62, 63, 64 and 65.

PRESIDENT: The objection is overruled on the grounds previously stated. The exhibit offered by the prosecution is admitted in evidence and will be marked Exhibit P-66.

(Whereupon the document referred to above was received in evidence and marked Prosecution's Exhibit P-66, and the same is attached hereto and made a part of this record.)

CAPTAIN BYRNE: Prosecution requests permission to read Exhibit P-66.

PRESIDENT: Granted.

10. Q Did you ever receive an order not to take prisoners?  
A No, this battalion was a labor detail battalion.
11. Q Have you personally seen any atrocities committed?  
A No.
12. Q Give me a description of where you saw the bodies in Hansfield? (The map drawn by PW Drechsner was produced and the witness was asked to verify the location of the bodies.)  
A Where you have the Xs on the map is where they were.
13. Q Do you know anything of bodies being thrown into closets and drawers, and whether or not they were civilians or prisoners of war?  
A I know nothing about it.
14. Q Did you talk to any of the civilians concerning the Americans that you saw?  
A No, I was on a detail that's all.
15. Q Do you have any other information that might be of value to me along these lines?  
A I have no information.

The witness was excused.

I certify that Wolfgang Weinfurtner (PW) Private, 11th Company, 3d Battalion, 999th Brigade, FFN 27445D, testified before me, under oath, through 2nd Lt Jerry I Schultz, PWI Detachment, G-2, First US Army, as given in Questions 1 - 15, Pages 1 - 2, on the 29th day of January 1946, at Master Interrogation Center.

/s/ Alfred T. Bogen  
ALFRED T. BOGEN  
Captain, C.A.C.  
Acting Assistant Army Inspector General,  
Headquarters First US Army.

EXHIBIT B

WEINFURTNER"

(Whereupon Prosecution's Exhibit P-66 was translated into the German language by the interpreter.)

LT COL DWINELL: The defense makes the same motion to strike the evidence from the record as it previously made with respect to Prosecution's Exhibit P-65.

PRESIDENT: The motion is denied for the reason previously stated.

CAPTAIN BYRNE: Prosecution calls as its next witness Mr. Morris Elowitz.

(Whereupon Prosecution's Exhibit P-66 was read as

follows:

"TESTIMONY OF: Pvt Wolfgang Weinfurter (PW)  
11th Company, 3d Battalion,  
999th Brigade.  
FFN 27445D

TAKEN BY: Captain Alfred T. Bogen,  
CAC, Acting Asst. Army  
Inspector General  
First US Army.

"INTERPRETER: 2nd Lt Jerry I. Schultz, DATE: 29 January 1945.  
PWI Detachment, G-2,  
First US Army

TAKEN AT: Master Interrogation Center

IG: I am here to get further information concerning atrocities committed against Allied prisoners of war.

1. Q Do you understand the sanctity of an oath?  
A Yes.
2. Q Do you object to taking an oath?  
A No.

The witness is sworn.

3. Q State your name, rank, serial number and organization?  
A Wolfgang Weinfurter, Private, FFN 27445D, 11th Company, 3d Battalion, 999th Brigade.
4. Q Have you ever seen any atrocities committed against Allied prisoners of war?  
A I have not seen any myself.
5. Q Did you help bury American prisoners who were murdered in Hansfeld?  
A No, sir, I was not in the deal.
6. Q Did you see any American prisoners of war who had been murdered?  
A I saw six bodies in the open and also indications that more were under the snow.
7. Q Were there indications that these men had been murdered?  
A The bodies laid with the hands over the heads and gave the impression that they were murdered, all six men that were in the burying detail were convinced that they were murdered.
8. Q Do you know the organization that did this?  
A It was SS, but I do not know the number of the unit.
9. Q Do you know the names of any of the people who might have been involved in the murdering of these soldiers?  
A No, I do not know the names, nor do I know any civilians who could give any information.

(Weinfurter's statement)

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MORRIS ELOWITZ, called as a witness for the Prosecution, having been previously sworn, was recalled and testified as follows:

(Whereupon the questions, answers and proceedings were translated by the interpreter into the German language.)

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (CAPT. BYRNE)

Q You are reminded that you are still under oath. Are you the same Morris Elowitz who has previously testified in this trial?

A I am.

Q Mr. Elowitz, during the course of your interrogations at I.P. No.2 at Schwaebisch Hall, Germany, did you have occasion to interrogate one Anton Motzheim?

A I did.

Q I hand the reporter a document to be marked Prosecution Exhibit P-67 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit P-67 for identification by the reporter.)

QUESTIONS BY PROSECUTION: (CAPT. BYRNE)

Q Mr. Elowitz, I show you a document that has been marked Prosecution Exhibit P-67 for identification and ask you if you can identify it?

A Yes. It is a written statement of Anton Motzheim.

Q Do you recognize the handwriting and the signature?

A I do.

Q In whose handwriting and whose signature is it?

A Anton Motzheim's.

Q Was this statement given voluntarily?

A It was.

(Elowitz-redirect)

Q Will you describe the method in which the statement was taken?

A First an oral interrogation was held with Motzheim and after that was completed the substance of his oral statement was incorporated in the written statement which I dictated to him.

Q During the course of that interrogation was any harsh or cruel treatment used to obtain the statement?

A No.

Q Were there any threats or promises made at that time?

A No.

CAPT. BYRNE: Prosecution offers in evidence Prosecution Exhibit P-67 for identification and requests that it be admitted in evidence and made a part of the record.

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

PRESIDENT: The objection is overruled. The exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution Exhibit P-67.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit P-67 and is attached hereto and made a part of the record.)

QUESTIONS BY PROSECUTION: (CAPT. BYRNE)

Q Mr. Elowitz, would you recognize the man that you interrogated as Anton Motzheim, if you saw him again?

A Yes.

Q Would you look at the prisoners in the dock to your left and see if he is among those present?

A Yes, he is.

Q What number is he wearing?

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A He is holding his hands in front of the number. Number 38.

PRESIDENT: Will number 38 stand up?

(Whereupon the accused did as directed.)

CAPT. BYRNE: Prosecution offers in evidence a true and correct English translation of Prosecution Exhibit P-67.

I ask the reporter to mark it, Prosecution Exhibit P-67-A.

(Whereupon the document referred to was marked Prosecution Exhibit P-67-A for identification by the reporter.)

DEFENSE COUNSEL: Defense has no objection to the translation.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted into evidence and will be marked Exhibit P-67-A.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit P-67-A and is attached hereto and made a part of the record.)

CAPT. BYRNE: May it please the Court, Prosecution requests permission to read Prosecution Exhibit P-67-A.

PRESIDENT: Granted.

(Whereupon Capt. Byrne proceeded to read Prosecution Exhibit P-67-A as follows:)

"I, ANTON MOTZHEIM, SS Unterscharfuhrer, having been duly sworn make the following statement:

In December 1944, I was in the 12th Company, 3rd Battalion, 2nd Pz. Gr. Regiment, L.SS.A.H. and attached to the K.W.K. platoon of platoon leader Oberscharfuhrer PFALZER, as 2nd Gruppenfuhrer. On the 13th or 14th of December, during our stay in Dorweiler, Hauptscharfuhrer Thiele, Commanding Officer of the 12th Company called the company together at 5 o'clock in the evening in order to make a speech concerning the coming offensive. Hauptscharfuhrer Thiele spoke to us substantially as follows:

"The offensive which is imminent will decide the fate of the whole German nation. Think of it, that American gangsters have made our cities into a heap of rubble, millions of women and children were killed. If you think of all that, then you know what you as SSmen have to do in case you capture American soldiers."

The same night we moved into the staging area in the forest, which was the assembly area for the offensive.

In the early morning hours on December 16, 1944, as all our vehicles were lined up on the road ready for the attack, at a place, the name of which I do not know now, Hauptscharfuhrer THIELE came to me as I was standing in front of my K.W.K. and slapped me on my shoulders and said:

'MOTZHEIM, we have reached this stage. Be with your whole heart at this undertaking. Prisoners won't be taken in this attack. All will be bumped off. Do you understand?'

On the morning of December 17, 1944, between 8 and 9 o'clock, I drove through a village which I believe to be HONSFELD. The reason I believe it was HONSFELD is because it was the village before we reached BUELLINGEN and there were no intervening towns between those two places. Also I know we had two air-raids that day, one in a town and one in the open country and the one which occurred in the town was in this place and my comrades referred later to this air-raid as having happened in HONSFELD. I reached two 'knocked out' American Anti-Tank Guns on the righthand and lefthand side of the road, as indicated on my sketch attached hereto. When my vehicle halted abreast of the American AT gun, which was on the righthand side of the road I jumped off the vehicle with my M.Pl. in my hand. Between me and the A.T. Gun was a gutter over which a foot-bridge led. As soon as I was on the ground, I noticed an American soldier jumping up from the position marked as number 5 on my sketch. The American soldier was facing me, hands extended to the side, but not over his head and I assumed that he wanted to surrender. I was about 5 to 8 meters from the American and as far as I could see he did not have any weapons. I knew he was an American soldier because he wore the American uniform. When I saw the American in the position just described, I fired a burst of about 3 to 4 shots with my M.Pl. and he slumped in a lifeless manner to the ground. I did not go over to investigate whether he was dead because I had to jump for cover from the exploding bombs. I shot this American because Hauptscharfuhrer THIELE had given me the order that morning not to take any prisoners of war.

A few days after we had broken out of the pocket in LA GLEIZE, while resting in PETIT THILERS, I played cards with several other NCO's of my company, friends of mine, and I am certain that the following were

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present: Unterscharfuhrer FLUSCHKE (now Oberscharfuhrer), Unterscharfuhrer KINDLER, and Unterscharfuhrer RICHTER. Everybody was talking about incidents of the EIFEL campaign and I described how I shot an American soldier, and this incident I talked about is the same incident which I have herewith described in this statement.

On the 17th December 1944, it was late in the afternoon around twilight, we passed the cross-roads 2 to 3 kilometers before ENGELSDORF, where I saw lying in the field on the righthand side of the road, 50 to 100 dead American soldiers. No other vehicles were present and we continued and did not stop.

On the morning of December 19, 1944, a few hundred meters before STOU MONT, after my vehicle had been knocked out, I was stopped by Obersturmbannfuhrer FEIPER who was standing with Hauptsturmfuhrer DIEFENTHAL near an SPW. Hauptscharfuhrer THIELE was also with his SPW in the immediate vicinity. Obersturmbannfuhrer FEIPER 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 Obersturmbannfuhrer FEIPER what should be done with the prisoners. Obersturmbannfuhrer FEIPER answered, 'First of all, take them to LA GLEIZE, then we'll see further.'

When I told Obersturmbannfuhrer FEIPER 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 FEIPER, who was standing with Sturmbannfuhrer KNUETTEL, Kommandeur of the A.A. (Translator's note: CO of Reconnaissance Battalion) and Sturmbannfuhrer POETSCHKE, Kommandeur of the 1st Panzer Abteilung (Translator's note: The First Tank Battalion). FEIPER 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, Sturmbannfuhrer POETSCHKE said to Obersturmbannfuhrer FEIPER:

'Obersturmbannfuhrer, here are two more prisoners of war.'

FEIPER answered in an indifferent and disdainful manner:

'As usual'

From Obersturmbannfuhrer FEIPER'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 Obersturmbannfuhrer FEIPER and Sturmbannfuhrer KNUETTEL discussing an assignment of a mission which KNUETTEL had received from FEIPER, but I did not understand the exact details of the mission.

Then I left this place on order of Obersturmbannfuhrer FEIPER to return to STOU MONT with my three K.W.K.'s and it was still in the morning when I again reached Hauptscharfuhrer THIELE at the same place where he had previously stood, several hundred meters before STOU MONT. I reported back to Hauptscharfuhrer THIELE and also told him the latest news which I had learned concerning the mission of Sturmbannfuhrer KNUETTEL. Hauptscharfuhrer THIELE then answered:

'Sturmbannfuhrer KNUETTEL has received from Obersturmbannfuhrer FEIPER the order to drive back to STAVELOT and bump off everything that gets in front of the guns of his Reconnaissance Battalion.'

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From my past experience in this offensive, I thought at this time that Sturmbannfuhrer KNUETTEL had the order at this operation to show no consideration to anybody, civilians as well as prisoners of war.

Then I asked Hauptcharfuhrer THIELE whether he knew what was done with the large group of American prisoners of war that were taken in STUMMONT as I saw many groups of American prisoners of war this same morning. THIELE answered, 'They are being collected somewhere in a hollow in the rear, and there all will be bumped off.' He did not say who gave the order for the massacre and he did not mention any other facts about it.

From this time until we had broken out of the pocket in LA GLEIZE I did not see and I did not hear of any other shootings of American prisoners of war and I do not remember that Hauptcharfuhrer THIELE spoke any more about it.

I make this statement consisting of six pages and one sketch voluntarily without coercion, threats or promises of reward.

(signed) ANTON MOTZHEIM  
28 February 1946

Sworn to and subscribed before me  
this 28th day of February 1946 at  
Schwabisch Hall, Ger  
(signed) RAPHAEL SHUMACKER  
Capt. CMP"

(Whereupon Prosecution Exhibit P-67 was read in the German language.)

CAPT. BYRNE: May it please the Court, Prosecution offers in evidence as Prosecution Exhibit P-67-B, photo affidavit made by Anton Motzheim identifying Joachim Peiper. We ask that it be attached to the record and marked Prosecution Exhibit P-67-B

DEFENSE COUNSEL: Defense has no objection to the admission of the picture affidavit and there is no necessity for reading the same. It is further agreed that the picture is that of the accused Joachim Peiper.

PRESIDENT: There being no objection, the Exhibit offered by the Prosecution is admitted into evidence and will be marked Exhibit P-67-B.

(Whereupon the document referred to was marked and received in evidence as Prosecution Exhibit P-67-B and is attached hereto and made a part of the record.)

CAPT. BYRNE: Yes may cross examine.

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RECROSS EXAMINATION

QUESTIONS BY DEFENSE: (CAPT. NARVID)

Q Mr. Elowitz, who was present at the first interrogation?

A I was with the interpreter.

Q Was anyone else there?

A Not at that time.

Q At the second interrogation was anyone else present besides you and the interpreter?

A I don't remember, I think Mr. Thone was there.

Q Was there any officer present at that time too?

A I don't remember.

Q Were you always present at all interrogations - -

A No.

Q -- of Motsheim?

A No.

Q Was Motsheim ever beaten in your presence?

A He was not.

CAPT. NARVID: That is all.

DEFENSE COUNSEL: No thing further from the defense.

CAPT. BYRNE: No redirect examination.

PRESIDENT: Any questions by the Court? Apparently not.

The witness is excused.

(Whereupon the witness was excused and withdrew to the Prosecution table in the courtroom.)

CAPT. BYRNE: Prosecution calls as its next witness Wilhelm Pluschke.

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

(Pluschke-direct)

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DIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (CAPT. BYRNE)

Q Will you state your full name?

A Wilhelm Fluschke.

Q What was your organization during the Eifel offensive?

A 12th Company, 2nd Panzer Grenadier Regiment, L.SS.A.H.

Q Do you recall that Anton Motzheim was a member of your Company?

A Yes.

Q Was he in your Company during the months of December 1944 and January 1945?

A Yes.

Q Do you think you would be able to recognize Motzheim if you saw him in court?

A Yes.

Q Would you look at the prisoners in the dock on your left and see whether or not you can identify the man you have described as being in your Company?

A Yes.

Q What number is he wearing?

A Number 38.

PRESIDENT: Number 38, stand up.

(Whereupon the accused did as directed.)

QUESTIONS BY PROSECUTION: (CAPT. BYRNE)

Q At the end of the Eifel offensive, did you ever have any conversation with Motzheim regarding the events that happened therein?

A Yes.

Q Where was this?

A That was in the first house that we came into after getting out of the place where we were surrounded in La Gleize.

(Fluschke-direct)

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Q Do you remember what that place was called?

A Petit Thiers.

Q About when was it that you had that conversation with Motzheim?

A I can't state the date for sure but I think it was either the 28th or 29th of December 1944.

Q Was there anyone else present at the time of this conversation?

A Yes.

Q Do you remember their names?

A To the best of my recollection, Sgt. Richter, Sgt. Hehmel, one Private Brunner and there were also more men whose names I don't remember.

Q What were you doing at the time you had this conversation?

A We were playing cards.

Q Do you remember what, if anything, Motzheim said with reference to his participation in the Eifel offensive?

A To the best of my recollection he stated that he had shot somebody too in the Eifel offensive.

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Q Did he say where this happened?

A If I remember properly, he said Stoumont.

Q Did he mention snoting any -- Strike that question.

Did he say whether or not it was an American that was shot?

A Yes, American PW's.

Q Did any of the other people who were present mention anything that they had done at that time?

A I think I remember that Sergeant Hennel said that he shot somebody.

Q Did Metzheim ever mention anything about the Village of Honsfeld?

A I don't know anything about that.

Q Do you remember what he said about the killings in Stoumont?

A As far as I know, he only said he had shot some in Stoumont.

Q Did he mention how many?

A No, he didn't say how many.

Q Are you certain that he mentioned that he had shot?

A Yes.

CAPTAIN BYRNE: You may examine.

#### CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (CAPTAIN NARVID):

Q Did Metzheim say he shot Americans or did he specifically say he shot American prisoners of war?

A That he shot American prisoners of war.

Q You are sure he used the words "prisoners of war"?

A Yes.

CAPTAIN NARVID: That is all.

DEFENSE COUNSEL: No further cross.

CAPTAIN BYRNE: No redirect.

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SR

PRESIDENT: Are there any questions by the Court?

Apparently none. The witness is excused.

CAPTAIN BYRNE: Will you mark this Exhibit Number P-68, please?

(Whereupon the document was marked Prosecution's Exhibit Number P-68 by the reporter.)

CAPTAIN BYRNE: Prosecution offers in evidence the deposition of Charles Q. Huttoe, marked Prosecution's Exhibit Number P-68, request that it be attached to the record and marked Prosecution's Exhibit P-69.

LT. COL. DWINELL: Defense interposes the same objection as made with respect to Prosecution's Exhibits 62, 63, 64, 65 and 66.

PRESIDENT: The objection is overruled on the grounds previously stated. The exhibit offered by the Prosecution will be admitted into evidence and marked Prosecution's Exhibit P-68.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution's Exhibit Number P-68, is attached hereto and made a part of the record.)

CAPTAIN BYRNE: Prosecution requests permission to read Exhibit P-68.

PRESIDENT: Granted.

(Whereupon Captain Byrne proceeded to read Prosecution Exhibit P-68 as follows:)

"For the WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department  
United States of America

---

(Huttoe Deposition)

Tk #93-5/28-3  
SR

In the matter of the killing  
of American prisoners of war  
about 12 miles northeast of  
St. Vith, Belgium, 17 December  
1944.

Perpetuation of Testimony of  
Charles O. Huttoe, 34535649,  
Pvt.

Taken at: Doroester Hotel, Miami Beach Service Base, Miami  
Beach, Fla.

Date: 3 August 1945

In the Presence of: Jack Solomon, Special Agent, Security Intelligence  
Corps, Fourth Service Command

Reporter: Mary L. Moore, Clerk-Typist, Civilian Pool, Miami  
Beach Service Base, Miami Beach, Florida

Questions by: Jack Solomon, Special Agent, Security Intelligence  
Corps, Fourth Service Command.

Q. State your name, rank, serial number, and present home address.

A. Charles O. Huttoe, Pvt., 34535649, 403 N.W. 27th Street, Miami, Fla.

Q. State the date of your birth.

A. 13 June 1922.

Q. State your educational and employment background prior to entering  
the service.

A. Graduated from high school, attended the University of Georgia 2  
years, and worked 3 months before I entered the service.

Q. Have you recently been returned to the United States from overseas?

A. Yes.

Q. Were you a German prisoner of war?

A. Yes.

Q. At what places were you held and state approximate dates.

A. Hammelberg, Germany from January through February 1945; February  
to April 1945 at Wursburg, Germany; on April 1st we left Wursburg  
and began marching, and marched until about April 15th when I  
escaped.

Q. Are you familiar with any instance of killing of American prisoners  
of war?

A. Yes.

Q. Will you state approximately when this happened and tell what you  
know about it?

A. I was taken prisoner about 17 December 1944, approximately 12 miles

(Huttoe deposition)

northeast of St. Vith, Belgium. There were four officers and eighteen of us enlisted men in a house which was surrounded by troops of the First SS Division - either the Hitler or Hermann Goering Division. We had decided to surrender, and the officer in charge gave the order to cease firing. He then took a white flag and stuck it out of the window, and after he had done this for a few minutes some of the Americans in the house began to walk out still holding the white flag. There were twelve of them in the first group. They had all walked out of the house, still holding the white flag. I don't know what the flag was made of, but it was of white material and certainly big enough for the Germans to see.

- Q. What happened then?
- A. They had left the house and were already clear when the Germans shot them all down in cold blood.
- Q. Do you know the names of any of these men who were so shot?
- A. Yes, there was S/Sgt. Billy F. Wilson from Cooper, Texas, a member of the 612th Tank Destroyer Battalion, also Pfc. James Crowell from Tennessee, also a member of the 612th.
- Q. You saw this yourself?
- A. Yes.
- Q. What happened after that?
- A. A German soldier then came to the house and we let him in, and he called out to the Germans outside, and I suppose he told them to stop firing - none of us could speak German so we couldn't understand what he was saying. He then marched the rest of us out and took charge of us.
- Q. Was this soldier who entered the house also one of the First SS Division?
- A. Yes.
- Q. Do you know the names of any of the other Americans killed, besides the two you mentioned?
- A. No, but the rest were also members of the 612th Tank Destroyer Battalion.
- Q. After you had put out the white flag in the house the first time, and after you had stopped firing, did the Germans stop firing too?
- A. Yes, they were using 88s on us and they were trying to blow the house in, but after we put out the white flag they stopped this fire and for about 5 minutes there was no firing on either side, and it was only after that, that the twelve men walked out of the house.
- Q. Do you know the names of any of the Germans who took charge of you, or in the outfit that captured you.

(Huttoe deposition)

Ex #93-5/28-5  
SR

A. No.

Q. Can you describe any of them?

A. No.

Q. Were any other Americans killed at this time?

A. After the rest of us in the house had surrendered and been taken in custody by the Germans, they began marching us to the rear. There were about 200 of us at the time, as we would march to the rear we would be joined by other groups who had also been taken prisoner and we formed a column. There were about 15 guards at the time. While marching to the rear there were tanks and other armored equipment moving to the front. About one-half an hour after we had surrendered and begun marching to the rear, at which time there were in the column, as I mentioned before, 200 men, I noticed one of the Germans in a tank operate the bolt on his machine gun and load it for firing. He shot a couple of bullets in the air, and then I saw him aim the machine gun at our column. I, myself, know of two men who were killed at that time. I know they were from the 612th Tank Destroyer Battalion, but do not know their names, and can't describe them. There was no reason for him to shoot, these men weren't trying to escape - they did nothing at all to provoke this burst of fire.

Q. What happened then?

A. Nothing, they just made us continue marching to the rear, and would not let us see if these men could be saved, or if we could give them any medical attention.

Q. Do you know the names of any of these German guards?

A. No.

Q. Can you describe any of them?

A. No, I would like to say that at the time I was wounded in my face, mouth, and foot, and I really was not in a condition to recognize any of the German guards. This unwarranted shooting occurred all the way along the road as we marched to the rear. As the tanks passed by the German soldiers would shoot at us and we had to jump into ditches or behind any cover we could find.

Q. All this happened 17 December 1944?

A. Yes, that is the date we were captured, and it happened that same afternoon.

Q. Do you know of anybody who might know more definitely which German Armored Unit this way, or who may recognize some of the guards?

A. Lt. Alfred Basek, Platoon Leader of the 612th Tank Destroyer Battalion, from Pennsylvania, was marching with us at the time. He could speak a little German, and might be able to give more definite information.

(signed) CHARLES O. HUTTOS  
Charles O. Huttoe, Pvt.

(Huttoe Deposition)

Ex #95-5/28-6  
SR

State of Florida) SS  
County of Dade ) SS

I, Charles O. Huttoe, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

(signed) CHARLES O. HUTTOE  
Charles O. Huttoe, Pvt.

Subscribed and sworn to before me this 13th day of August 1945.

(signed) DAVID E. BECK  
2nd Lt. M.I.C.  
Asst. Adj.  
AAFRCH

#### C E R T I F I C A T E

I, Jack Solomon, Special Agent, Security Intelligence Corps, Fourth Service Command, certify that Charles O. Huttoe, Private, 34535649, personally appeared before me on August 3, 1945, and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

(signed) JACK SOLOMON  
Jack Solomon  
Special Agent, Security Intelligence  
Corps, Fourth Service Command"

LT. COL. DWINELL: The Defense moves to strike the evidence on the grounds that nowhere in the testimony offered or testimony admitted is there any connection with the accused in this case. Furthermore, I have read this testimony very carefully and there is no mention anywhere of the place where this incident is supposed to have taken place.

CAPTAIN BYRNE: It is submitted that testimony subsequently to be introduced containing the names of the same individuals mentioned in the affidavit just offered will tie in the place presently referred to.

LT. COL DWINELL: May the Defense reserve its right to make this motion again if the connection is not made?

PRESIDENT: Yes.

LAW MEMBER: Does the Court understand the Defense withdraws its entire objection subject to its being made later if the

(Huttoe Deposition)

Tk #95-SR-5/28-7 connection is not made?

LT. COL. DWINELL: Yes, sir.

(Whereupon the deposition of Charles O. Huttoe was read in the German language by the interpreter.)

CAPTAIN BYRNE: Will you mark this Exhibit Number P-69, please?

(Whereupon the document was marked Prosecution's Exhibit Number P-69 by the reporter.)

CAPTAIN BYRNE: Prosecution offers in evidence as Prosecution's Exhibit Number P-69, the deposition of John M. Dluski, Sergeant, requests that it be attached to the record and marked Prosecution Exhibit P-69.

LT. COL. DWINELL: Defense interposes the same objection that was made with respect to Exhibits P-62 to P-66 inclusive.

PRESIDENT: Objection overruled for the reasons previously stated. The exhibit offered by the Prosecution is admitted in evidence and will be marked Exhibit P-69.

(Whereupon the document previously marked, was received in evidence as Prosecution's Exhibit Number P-69, is attached hereto and made a part of the record.)

CAPTAIN BYRNE: Prosecution requests permission to read Prosecution Exhibit P-69.

PRESIDENT: Granted.

(Whereupon Captain Byrne proceeded to read Prosecution Exhibit P-69 as follows:)

"For the WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department

United States of America

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Tk #93-SR-5/28-8

In the matter of the killing of  
T/5 Stegle, Company B, 612th Tank  
Destroyer Battalion, Second  
Division, about ten (10) miles  
east of Honsfeld, Belgium, on  
17 December 1944.

\*  
\* Perpetuation of Testimony of  
\* John M. Dluski, Sgt,  
\* ASN 33418399.  
\*  
\*

\*\*\*\*\*

Taken at: Indiantown Gap Military Reservation, Pennsylvania.

Date: 18 September 1945

In the Presence of: Norman A. Burgoon, Jr., Agent, Security  
Intelligence Corps, Third Service Command.

Reporter: Evelyn Bachman, Stenographer, Harrisburg Field  
Office, Security Intelligence Corps, Third  
Service Command.

Questions by: Norman A. Burgoon, Jr.

Q. State your name, rank, serial number and permanent home address.

A. My name is John M. Dluski, I am a Sergeant and hold Army Serial  
Number 33418399. My permanent home address is 607 Griffin Avenue,  
Canonsburg, Pennsylvania.

Q. Have you recently been returned to the United States from overseas?

A. Yes. I arrived in the United States on 18 May 1945 at the Port of  
New York City aboard the SS Sea Robin.

Q. Were you a prisoner of war?

A. Yes.

Q. At what places were you held and state the approximate dates?

A. Serving with the 612th Tank Destroyer Battalion, which was attached  
to the Second Division, I was captured in Honsfeld, Belgium at ap-  
proximately 1000 hours on 17 December 1944. Immediately after  
capture I was marched to the rear, and that night was confined in  
a cellar in a small town not far inside Germany. I stayed here  
for two days and then was marched to a Stalag, the number of  
which I do not know, near Bonn, Germany. After remaining here  
until 26 December 1944, I was shipped by box car to Stalag IV-B  
at Muhlberg, Germany, arriving on 1 January 1945. On 12 January  
1945 I was again moved by box car to Stalag VIII-A, at Gorlitz,  
Germany, arriving on 14 January 1945. On 14 February 1945 I  
started marching and marched almost continuously until I was  
liberated on 12 April 1945 at Dietfurt, Germany by units of the  
83rd Division.

Q. Describe what you recall of the killing of T/5 Stegle on 17  
December 1944?

A. I was captured at about 1000 hours on 17 December 1944 in the  
town of Honsfeld, Belgium. T/5 'Johnnie' Stegle, of Company B,  
612th Tank Destroyer Battalion, Second Division, was with me when

(Dluski Deposition)

I was captured. We were soon joined by approximately two hundred and fifty (250) other prisoners of war and began a march to the east into Germany. At about 1100 hours on the same day we were marching along the road just inside the German border and were passing a column of tanks which had stopped on the road which were going in the opposite direction. All at once as we passed one of the tanks, I heard a voice in perfect English call out 'Hey you'. I immediately turned my face to the left in the direction of the voice I had heard, and as I did, I saw an SS man standing in the turret of the tank shoot T/S Stegle in the middle of the forehead with a revolver which I recognized immediately as a United States Army Service Automatic Caliber 45. I was no more than five feet away from the man who fired the shot, and was within ten feet of Stegle at the time. I saw Stegle fall backwards to the ground with blood spurting from his forehead. We were forced to keep moving, and consequently I could not stop to render any aid. However, I feel certain that because he was shot in the middle of the forehead that he was killed instantly.

- Q. Can you name or describe the person who committed this killing?
- A. No. I cannot name nor describe the person who committed this killing. I got only a fleeting glance of him and know only that he wore the black uniform of the SS Troopers, and because of the position in which he was standing in the turret of the tank, I believe that he was a Tank Commander. Moreover, I was unable to determine the designation of the unit to which this SS Trooper was attached.
- Q. Do you know the names of any other persons who witnessed this killing?
- A. No. I do not know the names of any persons who were witnesses to this killing.

(SIGNED) JOHN M. DLUSKI, Sgt.  
John M. Dluski, Sgt.

State of: Pennsylvania )  
County of: Lebanon ) SS

I, John M. Dluski, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

(signed) JOHN M. DLUSKI, SGT.  
John M. Dluski, Sgt.

Subscribed and sworn to before me this 25th day of September 1945.

(signed) ELIZABETH V. KETTERING  
Notary Public  
My Commission Expires Feb. 17 1946

Tk #95-SR-5/28-10

C E R T I F I C A T E

I, Norman A. Burgoon, Jr., Agent, Security Intelligence Corps, Third Service Command, certify that John M. Dluski, Sergeant, ASN 33418599 personally appeared before me on 18 September 1945 and testified concerning War Crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Place: Harrisburg, Pennsylvania (signed) NORMAN A. BURGOON, Jr.

Date: 25 Sept. 45 Agent, Security Intelligence Corps"

PRESIDENT: Court will recess until 1530 hours.

(Whereupon the Court recessed until 1530 hours.)

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(Whereupon the Court reconvened at 1530 hours.)

PRESIDENT: The Court will come to order.

PROSECUTION: May it please the Court, let the record show that all the members of the Court are present, all the members of the Prosecution, all the members of the Defense with the exception of Mr. Strong, Mr. Walters, Dr. Leiling, Dr. Pfister and Dr. Leer, who are absent on business of the accused, all the defendants and the reporter are present.

CAPT. BYRNE: Will the interpreter please read Prosecution Exhibit Number 69 in German?

(Whereupon Prosecution Exhibit P-69 was read in the German language.)

CAPT. BYRNE: Prosecution hands the report a document and asks that it be marked Exhibit P-70 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit P-70 for identification by the reporter.)

CAPT. BYRNE: Prosecution offers in evidence the sworn statement of Staff Sgt. Billy F. Wilson and requests that it be marked Prosecution Exhibit P-70 and attached to the record and made a part thereof.

LT. COL. DWINELL: The Defense interposes the same objection to the evidence, made with respect to Prosecution's Exhibits 62, 63, 64, 65, 66, and 68.

PRESIDENT: The objection is overruled for the reasons previously stated. The Exhibit offered by the Prosecution will be admitted into evidence and will be marked Prosecution Exhibit P-70.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-70 is attached hereto and made a part of the record.)

CAPT. BYRNE: Prosecution requests permission to read Exhibit P-70.

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PRESIDENT: Granted.

CAPT. BYRNE: (Reading)

"An investigation was held on 9 August 1945 at 1600 hours, at 612th TD Battalion, Nyrsko, Czechoslovakia, before Major Maurice J. Mc Keown, O-902553, AF, Investigator-Examiner, authorized by paragraph 16a, Special Orders 182, Headquarters United States Forces, European Theater, dated 2 July 1945 and letter Headquarters Third United States Army, Office of the Commanding General, file AG 902-3NMGJ, dated 2 August 1945, copies of which are hereto attached.

Staff Sergeant Vincent S. Haaland, 42029925, Court Reporter, was administered the following oath:

"You do solemnly swear faithfully to perform the duties of reporter in the investigation now being conducted by me. So help you God."

Staff Sergeant Billy F. Wilson, 38049477, 612th Tank Destroyer Battalion, APO 230, U.S. Army, was called and administered the following oath:

"You do solemnly swear that the evidence you are about to give in the investigation now being conducted by me will be the truth, the whole truth, and nothing but the truth. So help you God."

#### EXAMINATION

- Q. What is your name?  
A. Sergeant Billy F. Wilson, serial number 38049477.  
Q. You are a staff Sergeant are you not?  
A. Yes.  
Q. Where are you stationed at the present time, sergeant?  
A. Nyrsko.  
Q. Czechoslovakia?  
A. Yes, sir.  
Q. What is your organization?  
A. Recon. company, 612th TD Battalion.  
Q. About how long have you been with the 612th TD Battalion?  
A. About 3 years.  
Q. On or about December 17th 1944, where were you stationed?  
A. Honsfeld, Belgium (K-968991).  
Q. When did you first get into this town?  
A. It was around 3 o'clock in the morning.  
Q. And this was on the 17th of December?

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"A. Yes, sir.

Q. When you got into the town what did you do?

A. The gun platoon moved into a couple of houses on the right side of the road going into town and a Recon Platoon of which I was a member moved into the house on the left side of the road.

Q. How long did you stay in this house?

A. We stayed there until 10:00 to 10:30 in the morning.

Q. While you were there, will you describe briefly what happened?

A. First thing we knew tanks were coming through in convoy.

Q. What time of the day was this?

A. About 5:00 o'clock in the morning.

Q. Continue?

A. We thought they were our tanks at first and two enlisted men from the 18th Cavalry came into the house and told us their CP had just been over-run and about that time enemy infantrymen came down the road behind the tanks. We had a .50 caliber and .30 caliber machine gun and we opened up on them with that and with the small arms the men had. A large percentage of the infantrymen got through but we pinned some of them down and killed some others.

Q. What was the next thing that happened?

A. Well they spread out then and came up to the house to surround it.

Q. Did they surround the house?

A. Yes.

Q. How great a time did the fighting continue?

A. For about three hours.

Q. What was the next thing that happened?

A. They started firing direct fire from a tank at the house.

Q. How far away from the house was this tank?

A. Approximately 100 to 150 yards from the house, you could see the tank.

Q. The house you refer to was the house that you were in?

A. Yes, sir.

Q. What kind of a tank was it, can you tell me?

A. I think it was a Tiger tank. I know that the tank that came by the house with the advance party was a Tiger tank.

Q. When the tanks started firing direct at the house what was the next thing that was done.

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"A. Lieutenant Grandy ordered the men to cease firing and he and Private Cecil Mann carried a white flag out and surrendered.

Q. Did you see Lieutenant Grandy and Private Mann go out of the house and surrender?

A. Yes, sir.

Q. Where did they go to?

A. Well, they walked out of the house about five yards and a Jerry corporal came out from the ditch and was talking with the lieutenant.

Q. After that what happened?

A. The lieutenant came into the house with the Jerry corporal and told us to come on out.

Q. Did you go out?

A. Yes, sir.

Q. How many of you went outside?

A. Approximately twenty of us.

Q. Was that all of the men that were in the house?

A. Yes, sir.

Q. Prior to the time the lieutenant went outside to surrender had you seen anything happen in that vicinity?

A. Yes, sir. I saw two men walk out of the house across the road with a white flag in their hand.

Q. Did you see anything happen to those two men?

A. They were about four or five yards from the house and they were shot.

Q. Were you able to see who did the shooting?

A. No, sir.

Q. Did you say anything to Lieutenant Grandy about having seen these two men shot?

A. Yes, sir.

Q. What did you say to the lieutenant?

A. I told him I didn't think it was any use for him to surrender for we would be killed anyway. He said he thought they would respect the Geneva Convention. I told him that I had seen the two boys shot across the street.

Q. When you went outside of the house with the lieutenant to surrender, where did you go?

A. All of us lined up in one rank with our faces toward the house about five or six yards in front of the house.

Q. After you lined up, what then happened?

A. Well, three more Germans walked up and two of them went on into

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"the house and the other one just walked up and said something to the other Germans and then pulled up his gun by his side and started firing.

Q. When the German fired did he hit any of the soldiers lined up?

A. He hit Private Mann and Private John Crowell who were the first two on the end of the line.

Q. Did you see whether or not Privates Mann and Crowell fell?

A. Yes, sir. When I turned around I saw them fall.

Q. What did you do after the German soldier fired at Privates Mann and Crowell?

A. I turned around and ran across country for about a mile and got with a platoon of the 99th Infantry Division. I stayed with them until I got hit by artillery, which was about an hour later.

Q. Do you know what the rank of the German soldier was that fired the gun which killed Privates Mann and Crowell?

A. I wouldn't be sure but I believe it was a corporal.

Q. Can you give me a description of him?

A. He was nearly six foot tall. He was real tall. He had a thin face and black hair. He had on a Panzer Division uniform with black boots. It was a greyish blue uniform trimmed in red.

Q. Did he have any markings on the sleeves?

A. I didn't notice.

Q. Can you estimate his weight?

A. I don't believe he would weigh over 150 or 160 pounds. He was real thin.

Q. Could you tell what his complexion was?

A. Dark complexion.

Q. Did he have a moustache?

A. No, sir.

Q.- Do you know whether or not he had any scars on his face or hands that you could see?

A. No scars, that I could see.

Q. How old would you say he was?

A. Twenty four or twenty five.

Q.- Had these other Germans gotten into the house before he fired the shots?

A. Yes, they had gotten into the house.

Q. Were there any other vehicles near the house at the time of this shooting?

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- "A. Yes, a scout car with I believe eight Germans in it.
- Q. Could you tell whether or not any of the persons in the scout car were officers?
- A. No, sir. I couldn't.
- Q. The two who went into the house, could you tell what their rank was?
- A. I know one of them was a private, I don't know the other.
- Q. When you ran off, did any of them shoot at you, did you know?
- A. I was fired on from a machine gun in a scout car which was parked about fifty yards above the house.
- Q. Do you know what happened to the rest of the men who were standing in line with you at the time Mann and Crowell were shot?
- A. They were still standing there when I left and I hear Lieutenant Grandy holler something to the German.
- Q. Will you further describe the uniform worn by the German soldiers whom you saw on the road that day?
- A. The ones in the armored vehicles had on greyish blue pants and blouse trimmed in red and the foot troops all had on long black overcoats.
- Q. You stated before that the German who fired the shots had no marking on his sleeves, did he have any insignia of any kind on his shoulders?
- A. Yes, sir. I don't know what it was.
- Q. Can you describe it?
- A/ No, I can not.
- Q. The two men that walked out of the house across the road from you with the white flag in their hand, do you know who they were or their names?
- A. I did not know them.
- Q. Do you know the name of this German who shot Privates Mann and Crowell?
- A. No.
- Q. Do you know the name of the organization to which this German belonged?
- A. No, sir.
- Q. Do you know the name or names of any other Americans who might know something about this shooting or atrocity?
- A. Sergeant Bernard J. Mallon; Lieutenant Gandy, Lawrence B; Sergeant Morris Woodall; Tec 5 James R. Glover; Tec 5 Henry H. Bonner; PFC Ralph C. Farmer; PFC Thomas C. Smith; PFC Bethel C. Woods; Private Dock Albritton.
- Q. Do you know where these men are now?

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"A. Yes, sir. Woodall lives in Cross City, Florida. Farmer lives about thirty miles away from Woodall. Glover lives in Springhope, North Carolina. They are still in the Army.

Q. Do you know of any other crime or atrocity which has been committed by any Germans?

A. No, sir.

BILLY F. WILSON,  
Staff Sergeant.

VINCENT S. HAALAND,  
Staff Sergeant,  
Court Reporter.

MAURICE J. MC KEOWN,  
Major, AC,  
Investigator-Examiner."

(Whereupon Prosecution Exhibit F-70 was read in the German language by the interpreter.)

LT. BYRNE: At this time the Prosecution hands the reporter a sworn statement of T/5 Charles L. Morris, to be marked Prosecution Exhibit No. P-71 for Identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-71 for Identification by the reporter.)

LT. BYRNE: The Prosecution offers in evidence a sworn statement of T/5 Charles L. Morris which has been marked Prosecution Exhibit No. P-71 for Identification, and requests that it be admitted in evidence, attached to the record, and marked Prosecution Exhibit No. P-71.

LT. COL. DWINELL: The Defense interposes the same objection that was made with respect to Prosecution Exhibits P-62, 63, 64, 65, 66, 68, 69, and 70.

PRESIDENT: The objection is overruled for the reasons previously stated. The exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution Exhibit No. P-71.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution Exhibit No. P-71 and is attached hereto and made a part of the record.)

LT. BYRNE: The Prosecution requests permission to read Exhibit P-71.

PRESIDENT: Granted.

(Whereupon Prosecution Exhibit No. P-71 was read, as follows:)

"SWORN STATEMENT OF T/5 CHARLES L. MORRIS, 35353487, Co. 'B', 612th TD Bn., APO 230, U. S. Army.

"My name, rank and organization is as follows: Charles L. Morris, 35353487, T/5, Company 'B', 612th Tank Destroyer Battalion.

"I went on guard about 0530 hours, 17 December 1944, in a driveway leading to the gun positions of my section in Honsfeld, Belgium (P9799). Some men from our reconnaissance platoon came by and told me that some Germans were down the road and coming our way. At about 0630 one tank came up the road along with several armored cars and due to the darkness I did not see that they were German vehicles until they were by the driveway. The vehicles were marked with large black crosses. I immediately ran into the house and alerted my

section. We did not start firing because of orders to wait until daylight. Our positions were detected at daylight by the Germans and a fire fight began immediately. We knocked out one German tank and then started firing at German infantry attempting to surround us. In just a few minutes another German tank came up and fired at a house across the road which was occupied by a section of the first platoon. Then, men from both the first and second platoons came out on the road from the houses without any weapons and with their hands over their heads. They started moving down the road toward the tank with 1st Lt. Richard L. Chandler, O-1824135, Platoon Leader of the second platoon, leading the men. When Lt. Chandler was very close to the tank the German tank commander opened fire at the American soldiers with a machine pistol and a ground mounted machine gun in the basement of a house also opened fire on the Americans. I saw Lt. Chandler fall and also some of the men. The other men hit the ground to escape the fire. The German tank commander speaking in English asked the men to come in and surrender. When the men started toward the tank with their hands over their heads the German tank commander opened fire again. I do not believe any of these American soldiers escaped.

"Some of the men who walked down the road with Lt. Chandler attempting to surrender are the following:

"Pvt. Bradley, Corp. Henson, Pvt. Vickers.

"After watching the shooting I went outside and hid in a wood pile all of that day. That night I went back toward our lines and found 'C' Company of 2nd Infantry Division.

(Signed) CHARLES L. MORRIS  
T/5 CHARLES L. MORRIS  
ASN 35353487

"SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF  
FEBRUARY, 1945.

(Signed) JACK B. DAY  
Major, Infantry,  
Investigating Officer."

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

LT. BYRNE: The Prosecution hands the reporter a sworn statement of Private Ronayne G. White and requests that it be marked Prosecution Exhibit No. P-72 for Identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-72 for Identification by the reporter.)

LT. BYRNE: The Prosecution offers in evidence Prosecution Exhibit No. P-72 for Identification, and requests that it be admitted in evidence, attached to the record, and marked Prosecution Exhibit No. P-72.

LT. COL. DWINELL: The Defense interposes the same objection that was made with respect to Prosecution Exhibits P-62 to 66, inclusive, and 68 to 71, inclusive.

PRESIDENT: The objection is overruled for the reasons previously given in those instances. The exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution Exhibit No. P-72.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution Exhibit No. P-72 and is attached hereto and made a part of the record.)

LT. BYRNE: The Prosecution requests permission to read Exhibit No. P-72.

PRESIDENT: Granted.

(Whereupon Prosecution Exhibit No. P-72 was read, as follows:)

"SWORN STATEMENT OF PVT. RONAYNE G. WHITE, 34501336, Company 'B', 612th TD Bn., APO 230, U. S. Army.

"My name, rank and organization is as follows: Ronayne G. White, 34501336, Pvt., Company 'B', 612th Tank Destroyer Battalion.

"On the morning of 17 December 1944, my gun section was in position near a house in Honsfeld Belgium. I was sleeping inside of the house and I was awakened just as it was getting daylight. By the time I got dressed I heard some rifle fire and then the first German tank came up. One of our gun crews knocked out the German tank. I heard lots of small arms firing going on in the town but I was carrying ammunition upstairs to the machine gun we had mounted there. Then I went with Corporal Morris and I started firing a rifle out of one of the windows. About this time the second German tank arrived at the cross roads and started firing at the houses. Some of our men came out of the houses and hollered for us to stop firing as they were giving up. I saw them start walking down the road toward the German tank with their hands over their heads and with no weapons. When the largest part of this group arrived near the tank the German tank commander opened fire. Part of the men fell and some others ran into the house where we were. The tank commander spoke in English for the Americans to surrender and when they arrived close to the tank he opened fire again.

"The following men were in the group that attempted to surrender: Lt. Chandler, Pvt. Vickers, Pfc. Bradley, Pvt. Davis, Pfc. R. C. Johnson, Pfc. John B. Walker, T/5 Stegall and Pvt. Wayne Burpo.

"The following is a sketch of the area to the best of my knowledge:

(Sketch is here inserted in original statement.)

"After watching the above I hid in a pile of wood with Corporal Morris and we could hear our men out in the roadway calling for help and I could hear them groaning. Late that afternoon a German tank convoy came by and I did not hear our men after that.

(Signed) Pvt. Ronayne G. White  
PVT. RONAYNE G. WHITE,  
ASN 34501336

"SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF FEBRUARY, 1945.

(Signed) Jack B. Day  
JACK B. DAY,  
Major, Infantry,  
Investigating Officer."

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

LT. COL. DWINELL: The Defense moves to strike from the evidence and from the record Prosecution Exhibits P-68, 69, 70, 71 and 72, on the grounds that nothing therein contained connects or identifies any of the accused or any of the units to which they belonged; and, with respect to Prosecution Exhibit P-69, that statement does not connect the place wherein the incident is alleged to have occurred and is not connected in any way with Exhibits P-68, 70, 71 and 72. We make special reference to the last question in the statement, which says, "Do you know the names of any other persons who witnessed this killing?" And the answer, "No, I do not know the names of any persons who were witnesses to this killing."

82  
96 5/28, lsp

CAPT. BYRNE: May it please the Court, with reference to the exhibits referred to in the defense motion to strike, there is ample evidence in the record to show that the first SS Panzer Division was in Honsfeld on the 17th of December, and while the evidence may not point to a specific company, it is definitely evidence against the senior commanders who have been shown to be the commanders of the units who were present on that day. Accordingly we respectfully submit that the defense motion be denied.

LAW MEMBER: On behalf of the Court, the motion will be denied for the same reasons as set forth with respect to exhibits 62 through 64. The Court will place whatever probative value it deems necessary on the statements as produced.

CAPT. BYRNE: The prosecution calls as its next witness Andreas Schroeder.

ANDREAS SCHROEDER, a witness for the prosecution being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (CAPT BYRNE)

- Q What is your name?  
A Schroeder, Andreas.  
Q How old are you?  
A 18 years.  
Q Where do you live?  
A In Honsfeld.  
Q What country is Honsfeld in?  
A Belgium.

(Andreas Schroeder - Direct)

96,2sp

Q Are you a citizen of Belgium?

A Yes.

Q On the 17th and 18th of December 1944 did you reside in Honsfeld, Belgium?

A Yes.

Q Do you recall what troops if any, were occupying Honsfeld, Belgium on that day?

A I saw troops of the Leibstandarte Adolf Hitler and parachutists.

Q When did those troops arrive in Honsfeld, Belgium?

A The first ones from the Leibstandarte I saw in the morning between 6 and 7 o'clock.

CAPT. BYRNE: I hand the reporter a document to be marked Prosecution Exhibit No. 73 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. 73 for Identification by the reporter.)

Q I show you the document that has been marked Prosecution Exhibit No. P-73 for identification and ask you if you know what it is.

A The streets of Honsfeld are shown therein.

Q Do you know when that sketch was made?

A Yes.

Q When was it?

A Approximately a month ago.

Q Whose signature if any appears on the sketch?

A Schroeder, Andreas.

Q Is that your signature?

A Yes.

(Schroeder - Direct)

CAPT. BYRNE: Prosecution offers in evidence as Prosecution Exhibit P-73, the sketch identified by the witness, requests that it be marked Prosecution Exhibit No. P-73 attached to the record and made a part thereof.

LT. COL. DWINELL: The defense objects to the sketch offered in evidence, unless it is shown who made the sketch or whether the witness knows who made the sketch or whether he made it himself, or whether he knows it is an accurate representation of some place or thing.

QUESTIONS BY PROSECUTION (CAPT BYRNE CONTD)

Q Do you know who prepared this sketch?

A I prepared that sketch.

Q The squares that are indicated on the sketch and which contain numbers, who prepared those?

A Myself.

Q Is that a rough sketch of the village of Honsfeld where you live?

A Yes, approximately.

Q What does the number one represent?

A The number one represents the house of Collas where I discovered the seven bodies.

Q What do the numbers 3 and 5 represent?

A Three represents the house where artillery pieces were standing.

Q And what does number 5 represent?

A An old house.

Q What does number 2 represent?

A The cemetery.

(Andreas Schroeder - Direct)

Q What do you indicate as the bahnhof?

A A small square.

CAPT. BYRNE: Prosecution renews its offer of the sketch prepared by the witness and requests that it be received in evidence as prosecution exhibit P-73.

PRESIDENT: Is there any further objection?

LT. COL. DWINELL: No further objection to what we made before.

LAW MEMBER: Just one further question by the Court. Does this sketch represent Honsfeld substantially as it was in December of 1944?

A Yes.

PRESIDENT: Objection is overruled. The exhibit offered by the prosecution is admitted into evidence and will be marked P-73.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-73 and is attached and made a part of the record.)

QUESTIONS BY PROSECUTION (CAPT BYRNE CONTD)

Q Referring to Prosecution Exhibit P-73, what have you indicated with the numeral 6?

A Where the bodies were lying and where artillery pieces were standing.

Q Were those bodies of Americans or German soldiers?

A They were American boys.

Q When did you first see them?

A In the afternoon hours of the 17th December.  
(Andreas Schroeder - Direct)

94,5ap

Q Were you living in the house that you have marked number 1 and have represented as the house of Callas?

A No.

Q Where were you living at that time?

A In the Burgermeister's house.

Q Is the Burgermeister's house indicated on this sketch?

A Yes.

Q What is the number?

A Seven.

Q How did you happen to see these bodies next to house number one?

A I had to go there to take care of the cattle.

Q How many bodies did you see?

A In front of Callas house, I saw seven bodies.

Q Did you see any American artillery pieces near where the bodies were lying?

A Yes.

Q How many were there?

A Guessing, approximately two to three.

Q Do you know how long these bodies remained in the position where you saw them?

A A few days.

Q How do you know that these were bodies of American-soldiers?

A I saw the uniform.

Q Had you ever seen an American uniform before?

(Schroeder - Direct)

94,6sp

A Yes.

Q When was that?

A There were many troops with us before the 17th of December.

Q American troops ?

A Yes.

Q Did you have any reason to know that these soldiers were shot in the place you have indicated with number 6 before you saw them?

A Yes.

Q How was that?

A An SS man of the Leibstandarte Adolf Hitler was telling or even told me that he was present when they were killed.

Q Did he tell you who had killed them?

A No.

Q How did he describe the killing?

A He described that they had lined them up in one row and fired on them.

Q Did you see any weapons near these soldiers other than the artillery pieces when you saw them?

A No.

CAPT. BYRNE: You may cross examine.

#### CROSS EXAMINATION

#### QUESTIONS BY DEFENSE (DR. RAU)

Q Did German artillery fire on the village?

A Yes, a few shots before the evening of the 17th of December.

Q Did the shells hit nearby the houses occupied by the Americans?

(Schroeder - Cross)

A No.

PROSECUTION: Correction on that.

Q Did the shells hit near the American artillery pieces?

A No.

Q Where were the American soldiers at that time? Do you know that?

A I know where the shells hit and I know that there were no American soldiers there.

Q Did you see that?

A Yes.

Q Where were you when you observed that?

A On the street.

Q You were on the street while artillery was firing on the village?

A It wasn't much of an artillery fire, only 7 to 8 shells.

Q Wasn't it a custom that you would take cover as soon as artillery started firing?

A That I did.

PRESIDENT: Any more questions by the defense?

DEFENSE COUNSEL: Nothing further from the defense.

CAPT. BYRNE: NO redirect.

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

CAPT. BYRNE: May it please the Court, we have a number of Belgium witnesses whom we desire to transport back to Belgium at the earliest opportunity (Schroeder - Cross)

94,8sp

and we desire that if the defense does not desire to recall this witness, that he be permanently excused from attendance.

PRESIDENT: Is it agreeable to the defense to excuse this witness?

DEFENSE COUNSEL: May it please the Court, that we cannot ascertain at this time. We will try to assist in the release of these witnesses as soon as the testimony in connection with these instances is through. We would be glad to conclude at that time.

CAPT. BYRNE: If it please the Court, the testimony with regard to the instances in Honsfeld is complete with this witness.

DEFENSE COUNSEL: Well, that is news to us. May it please the Court, it is requested that this matter be held in abeyance until we can have a conference.

PRESIDENT: The witness will be retained for the present.

PROSECUTION: Will the Court indicate how long it intends to hold this witness?

PRESIDENT: That is up to the defense. Are there any questions by the Court? Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: If the Court please, the next witness will take quite some time.

PRESIDENT: The Court will adjourn until 0830 tomorrow morning.

(Whereupon the Court at 1655 hours adjourned until the following day.)

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Camp Dachau  
29 May 1946.

MORNING SESSION

(Whereupon the Court reconvened at 0830 hours.)

PRESIDENT: The Court will come to order.

PROSECUTION: If the Court please, let the record show that all members of the Court, all members of the Prosecution with the exception of Captain Robert E Byrne who is absent on business of the Prosecution: all members of the Defense with the exception of Lt Colonel Dwinell who is absent on business of the Defense: all the Defendants and the Reporter, are present.

If the Court please, the Prosecution requests permission to be heard on the matter of the Belgian witnesses.

In connection with the Belgian witnesses, the Prosecution hopes that the fact will not be overlooked that they are here as volunteers and at the invitation of the United States Government: that they are only here out of a sense of duty and desire to help bring the guilty of these alleged crimes before the Bar of Justice. Furthermore, they are citizens of a free and independent Country, and as far as the Prosecution knows, the Prosecution, the Defense nor the Court has any jurisdiction over them: that they are not subject to subpoena or summons, and it is the opinion of the Prosecution that they are perfectly within their rights to refuse to testify at any time, and to return to their homes if and when they desire. Therefore, the Prosecution requests that the Court reconsider its ruling of yesterday, and not place any burden on us to attempt to restrain these witnesses unless they desire to remain.

DEFENSE: May it please the Court, the Defense had no part in the bringing of these witnesses to the trial. As stated by the Prosecution, this is a Bar of Justice. The Defense Counsels have discussed this matter, and we are prepared to suggest to

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the Court that as each incident is concluded, such as Honsfeld, and where Belgian witnesses have testified, that during that afternoon and evening the Defense would decide whether they would desire that the witness be retained. We were prepared to announce that the witness Schroeder is no longer desired and may be excused insofar as the Defense is concerned.

PROSECUTION: If the Court please, I am sure you are fully cognizant of the fact, that the time that Cross examination normally takes place is at the conclusion of Direct examination and if the Defense desires to call any of these people as their own witnesses it is a matter for them to take up individually, and if the witness wants to remain, it is perfectly satisfactory with us, but I do not feel that the Prosecution has any right to tell the witnesses that they must remain one minute longer than the witnesses themselves desire.

DEFENSE: May it please the Court, my Manual states that it is the responsibility of the Trial Judge Advocate to secure witnesses and not the Defense.

PROSECUTION: I have nothing further to say.

LAW MEMBER: Until further notice, unless the Defense immediately stipulates, witnesses will be held over night and may be released the next day in accordance with the stipulation placed before the bench by the Defense. The Court sees no inconvenience in holding the witnesses one day longer.

PROSECUTION: If the Court please, the first witness this morning is Mrs Tombeux. She is being called out of order in connection with the Stavelot incident. She has, I believe, one sick infant at home and desires to return tomorrow morning and it is requested that the Defense finish with this witness to-day.

LAW MEMBER: The Court will meet that issue.

PROSECUTION: The Prosecution calls Mrs Tombeux, and Lt Col Crawford will examine.

PRESIDENT: Please request the witness to speak loudly when

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answering questions.

Mrs MARIA TOMBEUX, a Belgian witness for the Prosecution was sworn, took the stand and testified as follows. The testimony was translated in both the French and German languages by the two interpreters:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:(Lt Col CRAWFORD).

Q What is your name ?

A Maria Tombeux.

Q Where do you live ?

A Stavelot.

Q What is your occupation ?

A Housewife.

Q In what country is Stavelot located ?

A Belgium.

Q Are you a Belgian citizen ?

A Yes

Q Where were you on the morning of 18 December 1944 ?

A In the cellar of my neighbor.

Q What is your neighbor's name ?

A Leon Colinet.

Q Who was in the cellar with you ?

A Mrs Colinet, her husband, child, Mr Colinet's father, myself, my husband, and my two children.

Q How old were your children at that time ?

A One had two years and the other one approximately one year.

Q What was your physical condition on 18 December 1944 ?

A I was pregnant.

Q Did you leave that cellar ?

A Yes

Q What time ?

A At about 9.15.

(Tombeux -direct)

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S 29 k

Q Where did you go ?

A We directed ourselves towards the hospital.

Q When you got out on the street what did you see ?

A German tanks.

Q How many ?

A Four

Q Who was with you when you got out on the street ?

A Mr Colinet, his wife, child, Mr Colinet's father, my husband, myself and my two children.

Q Who was carrying your children ?

A I was carrying my little boy; my husband carried the girl, and Mr Colinet carried his child.

DEFENSE:(Dr RAU); It is requested that the witness speak louder.

PRESIDENT: Will you please speak loudly so everybody can hear.

Q Did you go by these tanks ?

A Yes

Q How many of them did you pass ?

A Four

Q What happened after you passed the last tank ?

A They started to machine gun.

Q At the time the firing started, where was your husband ?

A He was killed.

Q Before he was killed where was he ?

A He was with me.

Q Where was Mrs Colinet ?

A She was also with me.

Q Were you hit by the gun fire ?

A Yes, I was wounded.

Q How many times ?

A I had a bullet in each leg.

(Tombeux-direct)

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S 29 5

- Q Who else was hit there ?
- A Mrs Colinet and her father-in-law.
- Q Where did your husband fall ?
- A Right next to me.
- Q Where did Mrs Colinet fall ?
- A Also right next to me.
- Q What happened to your children ?
- A I was transported to the hospital together with my children.
- Q After your husband was hit by machine gun fire, did you talk with him ?
- A No
- Q Why ?
- A Because I was wounded and was transported to the hospital and I did not even know my husband had been killed.
- Q When did you learn that your husband had been killed ?
- A When I came back from the hospital.
- Q Do you know where your husband was killed ?
- A Yes.
- Q Where ?
- A In the emplacement of my home.
- Q What date was that ?
- A 18 December 1944
- Q At what hour ?
- A At about 9.15 in the morning .
- Q Did you see who was firing at you ?
- A No

CROSS EXAMINATION

QUESTIONS BY DEFENSE: (Mr STRONG)

- Q How did you know the tanks were German tanks ?
- A Because I recognized the black cross on them.
- Q Did you see any men in or on the tanks ?
- A Only on the outside.

(Tombeux-cross)

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Q What kind of uniform were they wearing ?

29 8 6

A The uniform had three different shades: one like an American uniform; another one blue-green; that is all.

Q Were you able to recognise of which particular units or regiment these men belonged ?

A No, I would not be able to say so.

Q Did you see any officers ?

A That I could not say any more.

(Tombeux-cross)

Q Before the panzers started to fire was there any artillery fire or any other kind of firing?

A After we had passed that we heard the machine gun fire.

Q If I understand you correctly, there was no firing previous to the shooting of the tanks?

A There had been firing but that had been earlier in the morning.

MR. STRONG: No further questions.

CROSS EXAMINATION (Cont'd)

QUESTIONS BY DR. LEER:

Q When were you wounded?

A The 18th of December.

Q At what time?

A Approximately 9:15.

Q Were the tanks which you saw the first tanks to arrive in that village?

A Yes, they were the first.

Q Were there any soldiers to be seen in the streets besides the soldiers you saw inside the tanks?

A That I didn't see.

Q Do you know the difference in sound between reports from a canon and from a machine gun?

A Yes.

Q Was there any shooting done before you left the house?

A No.

Q How long did the shooting continue after you were wounded?

A That I wouldn't be able to tell since I had been wounded.

DR. LEER: No further questions.

CROSS EXAMINATION (Cont'd)

QUESTIONS BY DR. HERTKORN:

Q Can you tell me why you left the house?

PROSECUTION: If the court please, I object to that question, that is immaterial and irrelevant. She testified she left the house and why has no bearing in this case.

PRESIDENT: The objection is overruled.

QUESTIONS BY DR. HERTKORN (Cont'd):

Q I will repeat my question: Why did Madam Tombeux leave the house at 9:15?

A Because there was a fire across the street.

Q Did you cross the street in front of the tanks?

A Yes.

Q Were the tanks moving?

A Yes, they were moving.

PROSECUTION: If the court please, I would like a clarification. Dr. Hertkorn represents Lt Freidrich Christ and Sergeant Heinz Hendel and I would like to inquire as to the relevancy of his cross examination of this witness. Nowhere has the prosecution offered evidence indicating that either Christ or Hendel are involved in this incident.

KERTKORN: Because according to the allegation of the prosecution Christ was one of these men who passed down orders to shoot the civilians and not to make any prisoners of war.

PROSECUTION: If the court please, the man whom we have indicated who committed this particular atrocity, Hennecke, isn't from the Second Company. He is from the First Company. And whether Christ passed on orders to Hennecke would be immaterial. We don't allege that he had passed on any orders to him.

DR. HERTKORN: According to the presentation of the prosecution some of the witnesses, it was implied that Christ was at least present at the cross-roads, that is had come forward from the rear so that the order of march had changed.

LAW MEMBER: So far the Court doesn't believe any material harm has been done by the examination out of turn by Dr. Hertkorn. However, it is suggested that the defense follow its original plan in cross examination so that we may have a more orderly procedure.

DEFENSE COUNSEL: May it please the court, this witness is being brought out of turn. We know nothing about what the prosecution contemplates proving at Stavelot. We know the prosecution stated that they did not wish to be bound by their bill of particulars. We are trying to release this witness by any possible questions.

PROSECUTION: If the court please, I only asked for a clarification. The only thing I want to know is whether all of these German counsel would be permitted to cross examination. If they are, I don't want to interpose any useless objection. That is the only thing I was trying to do.

LAW MEMBER: Well, the clarification is the same that the court ruled a few minutes ago. We will proceed according to the original plan as set before the court on the opening day of the trial, and in special cases the court will make a special ruling. At this time Dr. Hertkorn will be permitted to proceed with his questioning.

DR. HERTKORN: One further question, may it please the Court.

CROSS EXAMINATION (Cont'd)

QUESTIONS BY DR. HERTKORN:

Q Did you notice any German tanks or any tanks coming in as you left the house?

A German tanks.

Q I didn't understand the answer. Is that supposed to mean that you knew and noticed German tanks coming in?

A No.

DEFENSE COUNSEL: No further cross examination by the defense.

LT COL CRAWFORD: No redirect by the prosecution.

DEFENSE COUNSEL: And as far as the defense is concerned the witness may be excused.

PRESIDENT: Any questions by the court?

Colonel Rosenfeld.

EXAMINATION BY THE COURT

COLONEL ROSENFELD:

Q Who took you to the hospital after you were wounded?

A The Belgium Red Cross.

PRESIDENT: Any other questions by the court? There are apparently none. The witness is excused. That is correct, this witness is excused?

DEFENSE COUNSEL: Yes, sir.

PRESIDENT: The witness is permanently excused.

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

LT COL CRAWFORD: The prosecution calls as its next witness Herbert Kohles.

HERBERT KOHLES, a witness for the prosecution, was sworn and testified through an interpreter as follows:

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

DIRECT EXAMINATION

QUESTIONS BY LT COL CRAWFORD:

Q State your name.

A Kohles, Herbert.

Q Were you in the Eifel Offensive?

A Yes.

Q During the Eifel Offensive what was your rank?

A Corporal.

Q What was your organization?

A 10th Panzer Grenadier Company, Second Panzer Grenadier Reg-

iment.

Q Was the Second Grenadier Regiment a part of the Waffen SS?

A Yes.

Q Who was your company commander?

A Obersturmfuehrer Preuss.

Q What were your duties during the Eifel Offensive?

A I was a SPW driver.

Q For whom did you drive?

A For Obersturmfuehrer Preuss.

Q On what date did the Eifel Offensive begin?

A On the 16th December 1944.

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

A Yes.

Q Look at the defendants sitting to your left and see if he is among them?

A Yes.

Q What number is he wearing?

A No. 44.

PRESIDENT: No. 44 stand up--sit down.

(Whereupon the accused wearing No. 44 did as directed.)

QUESTIONS BY LT COL CRAWFORD (Cont'd):

Q During the Eifel Offensive did you reach Buellingen?

A Yes.

Q On what date and at what time?

A On the 17th in the morning at approximately 7 o'clock.

Q At the time you reached Buellingen who was riding in your

SPW?

A Obersturmfuehrer Preuss, Company Troop Fuehrer Berghaus, the first radio man Josef Kolbeck, assistant radio man Sturmman Oberdieck, then the orderly of Obersturmfuehrer Preuss, Gunther Jahrlig, then the first aid man Karl Hay, and myself.

Q Did you go beyond Buellingen?

A Yes.

Q Where did you go?

A We drove on--I didn't know the road since I didn't have any map.

Q What did you see?

A Approximately two or three km. beyond Buellingen we joined a truck convoy and drove on in its company.

Q What trucks were these?

A They were American.

Q How far did you follow in this column?

A Approximately 800 meters.

Q And then where did you go?

A Then we received fire from the rear and turned off left into the woods.

Q How long did you remain in these woods?

A We immediately came out of the woods again after the truck convoy had passed, and behind that SPWs were driving.

Q Where did you go then?

A We wanted to try to catch up with the other SPWs since we were all by ourselves. But since we were unable to reach them we drove off to the right into the woods.

Q How long did you remain in these woods?

A Approximately until 11 o'clock in the evening.

Q During the time that you were in these woods were the people who had been riding in your SPW present?

A Yes.

Q While you were in these woods did you see any American soldiers?

A Yes.

Q How many?

A One man.

Q How was he dressed?

A He was wearing a flying suit.

Q Under what circumstances did you see this American?

A Two men brought him in as a prisoner to our SPW.

Q Did you see anyone talking to this American prisoner when he was brought to the SPW?

A Yes.

Q Who?

A First Unterscharfuehrer Berghaus and then Obersturmfaehrer Freuss.

Q Did you see any insignia on this American prisoner?

A No, I didn't see it.

Q After Freuss talked to the American prisoner what happened?

A The flyer asked for his parachute which was brought to him, and then he stretched out next to the SPW to rest up.

Q At any time during that day did Obersturmfaehrer Freuss leave the SPW?

A Yes, after darkness broke in.

Q At the time Freuss left who was guarding the American prisoner?

A Unterscharfuehrer Berghaus.

Q Did anything happen to the American prisoner?

A Yes.

Q What?

A He was then shot by Unterscharfuehrer Berghaus.

Q Did you see Berghaus shoot the American?

A I didn't see the first shot.

Q Did you see any other shots?

A I saw the second shot.

Q Where was the American before the shooting started?

A He was lying next to the SPW.

Q Where was Berghaus?

A He was sitting next to him.

Q How far away?

A Approximately four or five meters.

Q What was the American prisoner doing before he was shot?

A He was lying there, and it seemed that he was resting.

Q After Berghaus shot the American prisoner what did he do?

A He fired three shots on him and after he left.

Q In what direction did he go?

A Approximately in the same direction Obersturmfuehrer  
Preuss had left previously.

Q Did you see Obersturmfuehrer Preuss and Berghaus that same  
evening?

A Yes.

Q Where?

A On the street there was a house and I saw them together in  
that house.

Q Did you overhear any conversation between Berghaus and Preuss?

A No.

Q In this house was there any conversation about the American  
flyer?

A Yes.

Q What was that conversation?

A Obersturmfuehrer Preuss sent for the flying suit.

Q Who did he send?

A I don't know now any more who that was, either Berghaus,  
Jahrling or Kolbeck.

Q Did you see that flying suit at any time that evening?

A Yes, when it was brought in.

Q Did you see any part of that flying suit the next day?

A Yes.

Q Where?

A When we drove on the next day to the next village I saw Obersturmfuehrer Freuss wearing the pants.

Q Prior to the time that Obersturmfuehrer Freuss left the SPW in the woods did he and Berghaus engage in a conversation?

A No, I can't recall that.

Q Is the same Obersturmfuehrer Freuss that you have been testifying about the same person that you have identified as wearing No. 44?

A Yes.

LT COL CRAWFORD: You may interrogate.

CROSS EXAMINATION

QUESTIONS BY MR. STRONG:

Q How much time would you say passed between the time Obersturmfuehrer Freuss left and the time this prisoner was shot?

A It was a short time, approximately five minutes.

Q If I understood you correctly, you did not see Berghaus fire the first shot?

A No.

Q What was the position of the prisoner-of-war's body after he was shot?

A I didn't see it since it was already dark.

Q Is it possible that the prisoner-of-war might have tried to escape when he was shot?

A No.

MR. STRONG: No further questions.

DEFENSE COUNSEL: Nothing further.

LT COL CRAWFORD: Nothing further, no redirect examination.

EXAMINATION BY THE COURT

COLONEL ROSENFELD:

(Kohles - Court)

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Q Was the American flyer killed?

A Yes.

Q Did you hear Freuss give orders to anyone that this prisoner of war would be shot?

A No.

PRESIDENT: Any other questions by the court? Apparently there are none. The witness is excused.

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

LT. COLONEL CRAWFORD: Prosecution calls as its next witness Rudi Knoblock.

ALBERT RUDI KNOBLOCK, called as a witness for the Prosecution was sworn 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 PROSECUTION (Lt. Colonel Crawford):

Q State your name.

A Albert Rudi Knoblock.

Q What rank did you hold between 15 December 1944 and 13 January 1945?

A I was an Oberscharfuhrer.

Q Of what organization were you a member during that period?

A I was a member of the 1st SS Panzer Division, Panzer Grenadier Regiment 2, 10th Company.

Q Are you at this time a prisoner of war of the United States?

A Yes.

Q Were you in the Eifel offensive?

A Yes.

Q What were your duties in the 10th Company?

A My personal duties were to lead the first leading platoon.

Q On what date did the offensive begin?

A On 16 December 1944.

Q During the offensive, who was your company commander?

A Obersturmfuehrer Preuss.

Q Would you recognize Obersturmfuehrer Preuss if you saw him again today?

A Yes.

Q Will you look at the defendants seated on your left and see if he is among them.

A Yes, he is present.

Q What number is he wearing?

A 44.

Q On what date did the 10th Company leave the assembly area?

A From the 15th to 16th December.

Q Were you with the 10th Company when it left the assembly area?

A Yes, I was with the 10th Company.

Q Did you leave the 10th Company during the offensive?

A Yes, I did leave.

Q On what date?

A On the 18th of the morning.

Q Where was the company when you left?

A In front of Stavelot.

Q Why did you leave the company?

A Because I was wounded.

Q Where were you wounded?

A On the upper lip.

Q What place were you in?

A At Buellingen.

Q Who was in command of the 10th Company when you left it for Stavelot?

A Untersturmfuehrer Aschendorff.

Q Where was Preuss?

A Obersturmfuehrer Preuss had remained in Buellingen.

INTERPRETER WOLFE: May I ask the witness what he means by

"verbleiben"?

PRESIDENT: Yes.

A I wasn't with the company any more after Buellingen.

Q When did you next see Preuss again?

A On 29 December 1944.

Q Where?

A In Petit Thier.

Q Did you have conversation with him at that time?

A I reported back to Obersturmfuehrer Preuss.

Q Will you relate that conversation to the court as best you can?

A Yes. First I reported back to Obersturmfuehrer Preuss then I asked Obersturmfuehrer Preuss where he had been after Buellingen. Obersturmfuehrer Preuss told me that he had lost himself near Buellingen and that he had taken cover in some woods and that he had been hiding in the woods. Then he told me that during that time they had taken prisoner an American flyer. This flyer was shot at a later date or later on. If Obersturmfuehrer Preuss said that he had killed him himself or he had given the order to shoot him, I can't recall any more.

Q Did you understand by this statement that Obersturmfuehrer Preuss had had something to do with the death of this flyer?

A Yes.

Q Did Obersturmfuehrer Preuss show you anything during that conversation?

A As far as I can remember he showed me at that time a pair of leather gloves, red-brown in color.

Q Did he make any statement concerning these gloves?

A Yes, he showed me the gloves and said these gloves are also from him.

Q Was that during the conversation about the American flyer?

A Yes, during the conversation.

LT. COLONEL CRAWFORD: You may inquire.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (Mr. Strong):

Q Did Preuss tell you under what conditions or for what reasons this flyer was shot?

A No, that he didn't tell me.

MR. STRONG: No further questions.

DEFENSE: No further cross.

LT. COLONEL CRAWFORD: No redirect.

PRESIDENT: There appear to be no questions by the Court.

Witness excused.

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

LT. COLONEL CRAWFORD: Prosecution calls as its next witness, Lieutenant Perl.

1st LIEUTENANT WILLIAM R. PERL, recalled as a witness for the Prosecution testified as follows:

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

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Lt. Colonel Crawford):

LT. COLONEL CRAWFORD: Lieutenant Perl, you are reminded you are still under oath. Are you the same Lieutenant Perl who has heretofore testified in this case?

A Yes, sir.

Q During the course of your assignment as investigator in the Malmedy case at IP Number 2, Schwabisch Hall, Germany, did you have occasion to interrogate one Georg Preuss?

A Yes, sir.

Q Is this man's name George?

A Georg, and I believe it is the same as George in English.

Q Is Georg Preuss one of the accused in the case now hearing before the Court?

A Yes, sir.

Q Can you identify him?

A Yes.

Q Take a look at the defendants at your left and see if he is among those present.

A He is present and his number is 44.

Q During the interrogation, did Georg Preuss make a statement to you?

A Yes, he did.

Q Was it oral or in writing?

A It was an oral statement first and the substance was taken into a written statement.

LT. COLONEL CRAWFORD: I hand the reporter a statement and ask it be marked Prosecution's Exhibit Number 74 for identification.

(Whereupon the document referred to was marked Prosecution's Exhibit Number 74 for identification by the reporter.)

Q Lieutenant Perl, I hand you statement that has been marked Prosecution's Exhibit Number 74 for identification and ask you what it is.

A Yes, it is the written statement by Preuss written and signed by him.

Q Is that in his handwriting?

A Yes, sir.

Q Was that statement taken under oath?

A Yes, sir.

Q Who administered the oath?

A I did.

Q Was any force used to obtain this statement?

A No, sir.

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

A No, sir.

LT. COLONEL CRAWFORD: Prosecution offers in evidence

statement that has been identified by the witness, which is marked Prosecution's Exhibit Number 74 for identification and asks that it be attached to the record and made a part thereof, and marked Prosecution's Exhibit 74.

MR. STRONG: The Defense objects to the admission on the grounds previously stated.

PRESIDENT: The objection is overruled. The exhibit offered by the Prosecution is admitted in evidence and will be marked Exhibit "P-74".

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution's Exhibit Number "P-74" and is attached hereto and made a part of the record.)

LT. COLONEL CRAWFORD: Prosecution hands the reporter an instrument and requests that it be marked Prosecution's Exhibit "P-74A".

(Whereupon the document referred to was marked Prosecution's Exhibit "P-74A".)

LT. COLONEL CRAWFORD: Prosecution offers in evidence statement that has been marked Prosecution's Exhibit "P-74A", as being a true and correct English translation of Prosecution's Exhibit "P-74".

DEFENSE: On behalf of the Defense, there is no objection.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted in evidence and will be marked Exhibit "P-74A".

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution's Exhibit "P-74A" and is attached hereto and made a part of the record.)

LT. COLONEL CRAWFORD: Prosecution requests permission to read Prosecution's Exhibit "P-74A".

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PRESIDENT: Granted.

LT. COLONEL CRAWFORD (Reading):

"I, Hauptsturmfuehrer Georg PREUSS, being duly sworn state the following:

"During the EIFEL offensive in December 1944 and January 1945 I held the rank of Obersturmfuehrer and was commander of the 10th Company III (Armored) 2 Pz Gr Rgt ISSAH.

"1. On the 15th December 1944, a conference of all company commanders of the battalion took place at the command post of the III (Armored) 2 Pz Gr Rgt ISSAH.

"The then Hauptsturmfuehrer Josef DIEFENTHAL who at that time was our battalion commander presided. Furthermore the following officers were present: Untersturmf Max DIEKE for the 9th Company; I, myself for the 10th company; Obersturmfuehrer Heins TOMHARDT for the 11th Company; Hauptscharf Joachim THIELE for the 12th Company; the Adjutant Karl Heins FLACKE and possibly also the Ordnance Officer Untersturmfuehrer KINDERMANN.

"At this meeting Hauptsturmfuehrer DIEFENTHAL delivered us a speech. In this amongst other things he expounded that a wave of fear and terror must precede our troops and that the resistance of the enemy had to be broken by terror. I don't know if these were the exact words but this was the meaning, that the resistance of the enemy had to be broken by terror. Further Hauptsturmfuehrer DIEFENTHAL declared "Prisoners of war are not being taken."

"I have prepared a sketch "A" on which I picture the gardner's house in which the conference with Hauptsturmfuehrer DIEFENTHAL took place.

- "The numerals on this sketch indicate:
1. Seat of Hauptsturmfuehrer DIEFENTHAL
  2. Seat of Obersturmfuehrer PREUSS
  3. Presumably seat of Unterstuf DIEKE
  4. Seat of Obersturmfuehrer TOMHARDT
  5. Seat of Hauptscharf THIELE
- A. Bench  
B. Table  
C. Chair

"That's how the order of seating is still in my memory so far.

"2. In the night of the same day therewith in the night from the 15th to 16th December 1944, to my estimation it was about midnight, I myself assembled my company for a company lecture in the woods which bordered on the Battalion Co.P. At this I ordered the men of my company that a wave of fear and terror had to precede our troops and ordered them in a sense that the resistance of the enemy had to be broken by terror, according to the order I had received myself from Hauptsturmfuehrer DIEFENTHAL. Furthermore I ordered "No prisoners of war are being taken."

"I have prepared a second sketch "B" on which I have put the place at which I delivered the speech to my company. The numerals indicate:

1. Spot where I stood
  2. Place where the company was
  3. Direction arrow to the Battalion C.P.
- A. Woods  
B. Forest paths.

"3. On the 17th December 1944 just about at day-break in my estimation between 0700 and 0800 hours, I rode with my company on the street near "BUELLINGEN" and received fire from an American truck column which I had gotten into against my will. I only rode alone with my SPW and turned to the left into the woods to withdraw from the fire. At that time I rode far ahead of my SPWs and didn't know if the others followed me; then I saw later down the street two of my SPWs pass me. However, at that time I was already in the woods. Then I came up again to the road to follow my SPWs and to stop them, but as the woods soon came to an end and the first houses were to be seen in which I expected Americans, I drove again to the right into the woods. I remained in these woods the whole day until late into the night. In the early afternoon hours of this day therewith in the early afternoon hours of 17 December my company troop leader Unterscharfuhrer Gunter BERGHAUS brought me an American prisoner of war. A flight officer; he was either second or first lieutenant.

"This prisoner of war when he was brought to me wore American Aviator's trousers and a leather jacket. He wore no headgear and was unarmed. I understand a little English and as well as I could I tried to interrogate the officer, but I could not find out anything of interest. I asked of him to show me his papers and he understood me. Out of his papers I learned his age, his name and his rank. He was about 24 years old as far as I can recall. I offered him coffee and bread as we were all eating something at that time. In the late afternoon of the same day it must have been about 1600 hours when I left with two of my men to go on reconnaissance, my company troop leader Unterscharfuhrer Gunter BERGHAUS asked me what we should do with the prisoner. I replied, "We just bump him off." I did not give this order because I liked his trousers.

"The reasons for my order for this were: (a) I had to leave the prisoner behind at my SPW with only three of my men, (b) it started to get dark and furthermore I feared that he could betray us if American patrols or Belgian civilians came near us.

"After I had given Unterscharfuhrer BERGHAUS this order I left to reconnoitre. It was already about 1900 or 2000 hours when I came back. I didn't go any more all the way to the place from where I had left but went at once into a house on the road about 400 meters or 500 meters away from the location of my SPW.

"Unterscharfuhrer HEY, one of the two men who had been with me on reconnaissance I sent to the SPW to bring the SPW up to the house. At that time it was clear to me

that no danger existed any longer at this location. Several minutes later BERGHAUS came driving up with the rest of the crew. At this occasion right when BERGHAUS arrived I asked him where the flyer was. BERGHAUS answered; "I have shot the flyer." I asked BERGHAUS how he had shot him. Unterscharfuhrer BERGHAUS replied "With shots in the head." I know that out of the words of Unterscharfuhrer BERGHAUS followed that he had killed the flyer with several shots in the head. He told me he had shot the American flyer while he (BERGHAUS) sat pretending playing with the rifle, and the flyer sat unsuspectingly or lay unsuspectingly on a blanket. Correspondingly Unterscharfuhrer BERGHAUS showed me several objects which he had taken off the dead flyer. Amongst these things were the American flyer's trousers which the flyer had worn, and a golden wedding ring. I ordered BERGHAUS to give me the wedding ring and also the flyer's trousers. As he handed me the wedding ring, I said "I need this one when I am getting married." The trousers were too short for me as the American flyer was much shorter than I. Therefore, I had a civilian that same night yet lengthen them and then put them on.

"When on the following day, on the 18th December 1944, I met my battalion commander in "Cheneux". I related the story with the flyer truthfully to him as I described it herein. However, not as explicitly.

"It is not correct that I told Hauptsturmfuhrer DIEFENTHAL that I shot this flyer either in a duel or that I was unexpectedly attacked by him, or he by me, and he (the flyer) had been shot in the course of this attack.

"The shooting of this flyer was later misrepresented in such a manner that I had the presence of mind to shoot an American when he attacked me, to make the proposal for my Ritterkreuz more attractive.

"These misrepresentations of the facts in the proposal for the Ritterkreuz were, however, not instigated by me.

"I have prepared a sketch "C" of the area where my SPW stood in the afternoon hours of 17 December.

"The numerals on this sketch indicate;

1. Location of the Observation post.
2. Location of the American.
3. Location of the guard.
4. Location of Unterscharfuhrer BERGHAUS as I gave him the order to shoot the flyer.
5. My location as I gave BERGHAUS the order.
  - a. Thick woods of young trees.
  - b. Sparsely growing fir tree wood.
  - c. Group of houses.
  - d. Road.

"I have been asked if I had ever commanded the 11th Company in the EIFEL offensive. To that I state: From the early morning hours of 22 December 1944 on, besides my own company, also the 11th Company, 2nd Pz Gr Rgt LSSAH was under my command as not only no officers but also no able Unterfuhrer of the 11th Company were on hand.

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"I then retained this position (provisional leader of the 11th Company) until the end of my presence in the EIFEL offensive, that is until January 6th 1945. However, after the 21st December I was not any longer in the offensive.

"I will have to put down the statement voluntarily and out of my own free will, uninfluenced by force, threats, or harsh treatment, and uninfluenced by promises of any kind.

"I swear before God that the facts stated in this statement are true and I am prepared to repeat them under oath before any court.

/s/ Georg FREUS  
Hauptsturmführer  
2 April 1946.

Witnessed  
RAPHAEL SHUMACKER  
CAPT. CMP

Sworn to and subscribed before me this second day of April 1946 at Schwabisch Hall, Germany.  
WILLIAM R. PERL  
1st Lt. M.I. O-555149  
Investigator-Examiner, War Crimes Branch, USFET

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(Whereupon the Court reconvened at 1030 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 Captain Shumacker, who is absent on business of the Prosecution, all the members of the Defense Counsel, with the exception of Lieutenant Colonel Dwinell and Dr. Lelling, who are absent on business of the accused, all the defendants, and the reporter are present.

If the Court please, we have a new interpreter to be sworn.

(Whereupon Gabriel Ujlsky, a German civilian, was duly sworn as court interpreter.)

LT. WILLIAM R. FERL, recalled as a witness for the Prosecution, testified through an interpreter as follows:

LT. COL. CRAWFORD: Lieutenant Ferl, you are reminded that you are still under oath.

(Whereupon Exhibit 74-A was read in the German language by the interpreter.)

LT. COL. CRAWFORD: Prosecution offers in evidence photo affidavits signed by Georg Preuss as Prosecution's Exhibits 74-B and 74-C, identifying the pictures of Josef Diefenthal and Heinz Tomhardt.

DEFENSE COUNSEL: On behalf of the Defense, there is no objection to the picture affidavits or necessity for reading the same. It is further agreed that they are the photographs of the accused Diefenthal and Tomhardt.

PRESIDENT: There being no objection, the exhibits offered by the Prosecution are accepted in evidence and will be marked Prosecution's Exhibits P-74-B and P-74-C respectively.

(Whereupon the documents referred to were marked Prosecution's Exhibits P-74-B and P-74-C, were received in evidence as Prosecution's Exhibits P-74-B and P-74-C respectively, are attached hereto and made a part of the record.)

LT. COL. CRAWFORD: You may cross examine.

DEFENSE COUNSEL: No cross examination on behalf of the Defense.

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

(Whereupon the witness was excused and returned to the Prosecution table in the courtroom.)

LT. COL. CRAWFORD: Prosecution calls as its next witness Karl Huebler.

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

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

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (LT. COL. CRAWFORD):

Q State your name.

A Huebler, Karl.

Q What rank did you hold from 16 December 1944 to 13 January 1944?

A Unterscharfuehrer, Sergeant.

Q What was your organization during that period?

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

Q Who was your company commander?

A 1st Lieutenant Preuss.

Q Would you know Obersturmfuehrer Preuss if you saw him

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A    Yes.

Q    Look at the defendants seated to your left and see if he is among those present.

A    Yes, he is here.

Q    What number is he wearing?

A    Number 44.

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

A    Yes.

Q    Were you in the Eifel Offensive?

A    Yes.

Q    What date did your company leave the assembly area?

A    December 16th.

Q    Did your company reach Buellingen?

A    Yes.

Q    What date and at what time of day?

A    On the 17th at about eight o'clock.

Q    In the morning or the evening?

A    In the morning.

Q    What did you see when you entered Buellingen?

A    On entering the town on the left side there was an air field, on the right side a hedge row. A tank Mark IV, which had been put out of action, was standing on the right in front of which four American soldiers with their hands raised above their heads were standing. Untersturmfuehrer Asendorf with his anti-aircraft tank and I with my tank turned towards the air field to make security towards the left. There I received the order to destroy seven single motor airplanes which were located on that field. Thereupon I returned to the street and joined the column.

Q    Where did the column go from there?

(Huebler-Direct)

A It went into Buellingen.

Q What happened?

A In the center of Buellingen there was a street going across. It turned to a sharp left and there we were attacked by aircraft. We had to leave the tanks promptly. I had the machine gun mounted on its mount and we continued to go on shortly thereafter.

Q Did you see anything else in Buellingen?

A Towards the end of Buellingen, already Rottenfuehrer Brecht came towards us with two American prisoners of war. He was coming from the direction of the gas dump which was located on the left near the exit from the town. Rottenfuehrer Brecht sent the two prisoners of war on a field and shot them in the back from a distance of about fifteen meters.

Q How were these two American prisoners of war holding their hands?

A They had them like this. (Indicating)

LT. COL. CRAWFORD: Let the record show that the witness holds both hands above his head.

THE WITNESS: There were four American soldiers, not two American soldiers.

QUESTIONS BY PROSECUTION (LT. COL. CRAWFORD):

Q Were there four or two that Brecht shot?

A Two.

Q How were the four American soldiers whom you had seen earlier in Buellingen holding their hands?

A They held them above their heads.

Q What company was Rottenfuehrer Brecht in?

A He was in the 10th Company too.

Q What firearms did these two American prisoners have?

A I didn't see any weapons on those soldiers.

Q Did you see these prisoners attempt to escape before Brecht shot them?

A No. When I saw them they were running ahead of them on the street.

Q Were they walking or running?

A They were walking.

LT. COL. CRAWFORD: You may inquire.

DEFENSE COUNSEL: No cross examination.

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

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

LT. COL. CRAWFORD: Prosecution calls as its next witness Ernst Koenler. This witness has previously testified and is being recalled.

ERNST KOEHLER, recalled as a witness for the Prosecution, being first duly sworn, testified further through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (LT. COL. CRAWFORD):

Q State your name.

A Koesler, Ernst.

Q Are you the same Ernst Koesler who has heretofore testified in this case?

A Yes.

Q In your former testimony you testified that you were in the Eifel Offensive.

A Yes.

Q On what date did your company leave the assembly area?

(Koenler-Redirect)

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A On the 18th of December 1944.

Q On that date who was your company commander?

A 1st Lieutenant Kremser.

Q What company were you in?

A In the 1st Company, SS Panzer Regiment, ISSAH.

Q Did your company come to Buellingen?

A Yes.

Q Was your company commander present when your company arrived in Buellingen?

A Yes.

Q Where was he?

A He was driving ahead of us.

Q What did you observe as you entered Buellingen?

A I saw Americans come out of a house about 100 meters ahead of us.

Q How many were there?

A Eight to ten.

Q How were they holding their hands?

A They were holding their hands above their heads.

Q What firearms did they carry?

A They were not bearing any arms.

Q Were any of the group carrying any objects?

A One of them was waving a white piece of cloth.

Q How large was this cloth?

A About 60 by 70 centimeters.

Q At the time these American soldiers came out of the house, did you see Company Commander Obersturmfuehrer Kremser?

A Yes.

Q Where was he?

A He was standing in the turret of his vehicle.

(Koehler-Redirect)

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Q What did he do?

A He motioned to the American soldiers.

Q Show the Court how he motioned.

A (Indicating)

LT. COL. CRAWFORD: Let the record show the witness

and tk 100

extends his right arm and brings it back to his right shoulder.

Sylvia P. follows

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Q What did the American soldiers do?

A They then ran towards his car.

Q What happened then?

A When they were about ten meters away from his vehicle, Kremser's vehicles opened fire with machine guns upon them.

Q How many bursts were fired?

A I couldn't observe any fire. I would say there were about 50 rounds.

Q What did the Americans do?

A They fell towards the front and remained lying there.

Q After they fell did the firing cease?

A No, they continued firing.

Q Did you see these Americans after the firing ceased?

A We continued to drive on right after that. I couldn't see them.

Q Did you hear any sounds coming from these Americans after the firing ceased?

A No, our motors were running while we were parked.

Q You stated that this place was Buellingen. How do you know it was Buellingen?

A We refueled in this same village shortly thereafter and the village where we refueled was Buellingen.

L.T. COL. CRAWFORD: You may inquire.

RECROSS EXAMINATION

(Ernst Koehler - Redirect)

QUESTIONS BY DEFENSE (MR. STRONG)

Q What duties did you have in the tank?

A I was the first gunner.

Q Did you have opportunity from the place where you were sitting to observe what you told us just before?

A Yes.

Q Isn't it a fact that you have only a very small slit through which you can see, that you have practically no observation possibility whatsoever?

A This slit, that is not a slit. It's some optical arrangement.

Q Did you ever leave your tank in Buellingen?

A While refueling, yes.

MR. STRONG: No further questions.

DEFENSE COUNSEL: Nothing further.

PRESIDENT: Anything further by the prosecution?

REDIRECT EXAMINATION (CONTINUED)

QUESTIONS BY PROSECUTION (LT. COL. CRAWFORD)

Q Koehler, will you describe this optical arrangement through which you saw these Americans?

A That is difficult.

Q How big an area can you see when you are looking through that optical arrangement?

A At a distance of ten meters I can see across the range of about 20 meters.

Q At a distance of 100 meters what is your range?

A About one eighth to one quarter of a full circle.

(Koehler - Redirect)

Q Is that optical arrangement movable or is it fixed?

A It moves along with a turret.

RE-CROSS EXAMINATION (CONTINUED)

QUESTIONS BY DEFENSE (DR. LEER)

Q What is the optical arrangement attached to?

A It is attached in front of my seat so that I can use it comfortably.

Q Is this optical arrangement which you are describing the aiming telescope?

A You can consider it to be an aiming telescope.

Q Besides that aiming telescope, is there any optical arrangement in the tank?

A The radio operator has some similar contrivance next to his machine gun.

Q But the first gunner has only this optical arrangement?

A Yes.

Q Did you yourself fire?

A No.

DR. LEER: Danke.

LT. COL. CRAWFORD: No further questions.

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

(Whereupon the witness was excused and withdrew.)

PROSECUTION: If the Court please, the prosecution calls as its next witness, Lt. Perl. Captain Byrne will present the next phase of the prosecution's case.

--- (Koehler - Recross)

Eik  
101,4sp

WILLIAM PERL, called as a witness for the prosecution, resumed the stand and further testified through an interpreter as follows:

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

REDIRECT EXAMINATION (CONTINUED)

QUESTIONS BY PROSECUTION (CAPT. BYRNE)

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

A Yes, sir.

Q In the course of your interrogation of witnesses at IP No. 2 at Schwaebisch Hall, did you have occasion to interrogate one Paul Ochmann?

A Not as a witness, as a suspect.

Q How often did you interrogate Ochmann as a suspect?

A Several times.

Q In the course of his interrogations, did he make any statements to you?

A Yes, sir.

Q Were these statements reduced to writing?

A Yes, sir.

Q By what method were they reduced to writing?

A I dictated the substance of his oral statements in his presence to Lt. Kramm and Lt. Kramm redictated it from his shorthand notes and he wrote it down in his own handwriting.

Q Who is Lt. Kramm that you have described?

A Lt. Kramm was the adjutant of the first  
(William Perl - Redirect)

101,5sp

battalion, first SS Panzer Regiment and as he knew shorthand we used him as a stenographer. I mean German shorthand.

CAPT. BYRNE: I hand the reporter an instrument and request that it be marked Prosecution Exhibit No. P-75 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-75 for identification by the reporter.)

QUESTIONS BY PROSECUTION (CAPT. BYRNE CONTD)

Q Lt. Perl, I hand you Prosecution Exhibit No. P-75 for identification and ask if you can identify it.

A Yes, sir, I can.

Q What is it?

A It's the written statement made by Paul Ochmann referred to by me before, written by him and signed by him.

Q Is that statement sworn to?

A Yes, sir.

Q Who took the oath?

A I did.

Q Was anyone else present at the time you interrogated Paul Ochmann?

A I certainly conducted the interrogation alone. I do not think that anyone else was present. A part of the interrogation Kramm was present.

Q Was this statement which you have identified made voluntarily by Ochmann?

A Yes.

(William Perl - Redirect)

101,6sp

Q Were any threats or promises made to secure the statement?

A No, sir.

Q Were any cruel or unusual methods used to secure the statement?

A No, sir.

Q Would you be able to identify the Paul Ochmann who wrote and signed this statement if you saw him again?

A Yes, sir.

Q Would you look in the prisoner's dock on your left and see if you can identify that man.

A Yes, sir. He is present and his number is 41.

PRESIDENT: Number 41 stand up. Sit down.

CAPT. BYRNE: The prosecution offers in evidence the statement of Paul Ochmann which has been marked P-75 for identification, requests that it be admitted in evidence, attached to the record and marked Prosecution Exhibit No. P-75.

MR. STRONG: The defense objects to the admission on the grounds which have been previously stated.

PRESIDENT: The objection is overruled. The exhibit offered by the prosecution is admitted into evidence and will be marked Prosecution Exhibit No. P-75.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-75 and is (William Perl - Redirect)

101,7sp

attached hereto and made a part of the record.)

CAPT. BYRNE: Prosecution hands the reporter an instrument and requests that it be marked Exhibit P-75-A for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-75-A for identification by the reporter.)

CAPT. BYRNE: Prosecution offers in evidence a true and correct English translation of the statement of Paul Ochmann and requests that it be marked Prosecution Exhibit P-75-A.

DEFENSE COUNSEL: No objection on behalf of the defense.

PRESIDENT: There being no objection the exhibit offered by the prosecution will be admitted in evidence and marked Prosecution Exhibit No. P-75-A.

(Whereupon the document referred to, was received in evidence as Prosecution Exhibit No. P-75-A and is attached hereto and made a part of the record.)

CAPT. BYRNE: Prosecution requests permission of the Court to read its exhibit P-75-A.

PRESIDENT: Granted.

CAPT. BYRNE: (Reading)

"I, Hauptscharfuehren Paul OCHMANN, being duly sworn, make the following statements.

"During the EIFEL Offensive in December 1944 and January 1945, I had at that time the rank of Oberscharfuehrer and belonged to Headquarters Company of the 1st Battalion, 1st SS Panzer Regiment, "LSSAH."

"On the evening of the 15th December 1944, Untersturmfuehrer Heinz BUCHHEIM of my company delivered a speech to our Company, to those members of Headquarters Company of the 1st Battalion, who participated in the EIFEL offensive. In this speech Untersturmfuehrer

BUCHHEIM pointed out, among other things, that the offensive ahead would be decisive. He also said that we should not take prisoners on account of the importance of the offensive as we did not have sufficient men to guard them.

"On the 17th December 1944 - it was just starting to get dark - I saw, near the village entrance in ENGELSDORF, about 8 American prisoners of war standing on the right side of the road in front of a house. All these prisoners wore American uniforms; however, they did not have steel helmets on any longer. Their hands were either clasped behind the neck, or raised about the head.

"Whether these prisoners stood in front of the driveway to a garage I cannot tell any longer. When I saw these prisoners, I went to an SPW, standing in the immediate vicinity of the house, in which sat Untersturmfuehrer HERING, Platoon Leader of the 9th Pz. P1. Company. When I saw the prisoners, I remembered that immediately before departing from ENGELSDORF, Sturmbannfuehrer POETSCHKE shouted something to me which I could not make out. When I saw the prisoners, the shout of Sturmbannfuehrer POETSCHKE, (which possibly could have meant that prisoners of war must be bumped off) occurred to me. I also recalled that Untersturmfuehrer BUCHHEIM said two days previously that we should not take any prisoners. Moreover, I was in a bad mood because I received from Untersturmfuehrer Kurt KRAMM, one hour before, the order to remain in ENGELSDORF to guard about 30 American vehicles captured in ENGELSDORF, as well as 8 American prisoners of war. These 8 prisoners of war, however, are not identical with those I saw at the village entrance and shot at the cemetery. The 8 prisoners which I received from Untersturmfuehrer KRAMM waited farther north of the village entrance; they were still there during the time when I shot the prisoners who I found at the village entrance.

"For these reasons I went to Untersturmfuehrer HERING and said to him, "Here are 8 prisoners, they should be shot, I need another man!" I know exactly that these were my words, I did not specifically mention Sturmbannfuehrer POETSCHKE or an order of Sturmbannfuehrer POETSCHKE as reason for this shooting. To this, Untersturmfuehrer HERING told me that I should go to the next vehicle, Sturmmann SUESS should go with me.

"Whether Untersturmfuehrer HERING hereby said something about target practice I do not know any longer. I only know that he nominated SUESS as my aid for this shooting.

"Thereupon I went to the SPW which stood behind the SPW of Untersturmfuehrer HERING and asked for Sturmmann SUESS. I said to Sturmmann SUESS he should come with me, the 8 prisoners were to be shot.

"SUESS stepped from his vehicle after having previously taken a weapon from the vehicle. I no longer know what kind of weapon it was. Together with SUESS I led the prisoners past the SPW of Untersturmfuehrer HERING over to the other side of the road. I cannot tell any longer exactly how far I led the prisoners but it was hardly more than 100 meters, possibly even less.

"Thereby I again went back a short distance on the road on which we came, therefore north in the direction towards MALMEDY.

"In the vicinity of the cemetery at a place where the terrain descends on the right of the street, I stopped the prisoners, who were marching one behind the other. (If I know say "right", I mean right as one goes in the direction towards MALMEDY). I formed them right at the edge of the road for I selected this location intentionally because there the bodies could drop right down the steep terrain without lying in our way.

"I then indicated to the prisoners with my hand that they should place themselves with their backs towards me and therefore with the face towards the slope, as I intended to kill them by a shot in the neck and I know that by a shot in the neck the victim falls forward.

"Thereupon, I first shot the first American prisoner of war into the neck from a distance of about 20 cm. The American was doubtlessly dead. From the motion he made I saw that he was hit in the neck and he fell forward, hit. Then again with my pistol I shot the second American prisoner of war in the same manner from a distance of about 20 cm. I shot him with a shot into the neck from the rear because I know from my service with the 'Totenkopf einheit' that this is the customary way to shoot people.

"Alltold, I myself shot and killed with my pistol in this manner 4 or 5 of these American prisoners of war. The others were shot in my presence by Sturmman SUESS of the 9th Pz. Pioneer Co. While I shot, SUESS also shot and after I shot 4 or 5, the others were already shot by SUESS. After I shot these prisoners, I walked on along the road towards MALMEDY, in my estimation about 500 meters because there were vehicles which I still had to mind. At this locality, therefore, about 500 meters north of the place where I and Sturmman SUESS shot the prisoners, stood another 8 prisoners of war. I believe that an officer was also among them. I brought these prisoners into a hotel located in the village because I was of the opinion that that enough prisoners of war were already bumped off. These 8 prisoners whom I brought to the hotel were still together with some other wounded American prisoners of war when I left the hotel around noon on the 18th December 1944.

"At the time of the shooting described by me above and executed by me in the vicinity of the cemetery of ENGELSDORF, I wore a black uniform and over it a long gray-green all-purpose coat. This coat was made of cloth and lined inside. On the head I wore different from the gray coat, a black visor cap. I wore high black boots. I was armed with a pistol which was attached to the belt.

"For a better understanding of my statement, I prepared 2 drawings. On the one marked "A" I drew the general layout of the entrance to ENGELSDORF. On the legend is meant: 1 House at which I first saw the prisoners of war; 2 hotel; 3 another house; 4 knocked-out Panther; 5 knocked out SPW; 6 SPW of Untersturmfuehrer HERING; 7 SPW of Sturmman SUESS; 8 Route of the American prisoners of war; 9 place of the shooting; 10 cemetery; 11 American vehicles; 12, 8 prisoners of war which were turned over to me by Untersturmfuehrer KRAMM; 13 amphibious vehicle of Sturmman WALLA; 14 a cafe.

"On drawing "B" I drew a portion of the locality shown in drawing "A", the place where I first saw the prisoners and also the location where I together with STURMMANN SUESS shot the prisoners. The explanation thereto: 1 House at which I first saw the prisoners; 2 a cafe; 3 another house; 4 knocked-out Panther; 5 knocked-out SPW; 6 SPW of Untersturmfuehrer HERING; 7 SPW in which Sturmman SUESS rode; 8 location of shooting; 9 cemetery; 10 route of prisoners.

"I made this statement voluntarily and of my own free will, uninfluenced from duress, threats and harsh treatment, as well as uninfluenced from promises of any kind.

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

(signed) Paul OCHMANN  
SS Hauptscharfuehrer  
29 March 1946

Witnessed:

(Signed) Raphael Shumacker  
Capt CMP

Sworn to and subscribed to before me  
this twenty-ninth day of March 1946 at  
SCHWABISCH HALL, GERMANY

(signed) WILLIAM R. PERL  
1st Lt M.I. O-555149  
Investigator - Examiner  
W.C.B. USFET"

(Whereupon the statement was read in German.)

CAPT. BYRNE: You may cross examine.

MR. WALTERS: May it please the Court and counsel for the Prosecution:

RECROSS EXAMINATION (Continued)

QUESTIONS BY DEFENSE (Mr. Walters):

Q Lt. Perl, how many times was Ochmann interrogated?

A I do not know the exact number, but I would guess between five and seven times.

Q And was anyone present with you at the time you interrogated him?

A Not as my recollection, except, in the very last phase, Kramm.

Q Lieutenant, isn't it true that there was another member of the interrogation team there part of the time on the occasion when the statement was taken?

A I don't think so.

Q Isn't it true, Lt. Perl, that Mr. Harry Thon was there part of that time?

A I don't think so.

Q You would not say he was not there?

A No.

Q When you first interrogated Ochmann, did he not deny that he had ever shot American prisoners of war or civilians?

A Yes, he did.

Q And did he not deny that on several occasions?

A Yes.

Q And what procedure did you take to obtain this confession from him?

A We had him giving up already from the point of the investigation when we found out that there were two eyewitnesses to the Ligneuville killing and those two eyewitnesses described Ochmann in all details. I then confronted him with those two eyewitnesses, and he confessed. I believe, but I am not certain, that I confronted him also with a witness

who was not bona fide in order to impress him with three witnesses.

Q Then you did confront him with a witness who was not bona fide?

A Yes, I did.

Q And was it immediately after that that he made a statement?

A That I do not remember.

Q Did not Oehmann tell you that he had taken eight prisoners to the hotel in Engelsdorf?

A Yes, he did.

Q And did he not consistently deny the shooting of the other eight that you described?

A He denied it until he was confronted with those two or probably three witnesses.

Q Was he told by you that if he would make the statement, that nothing would happen to him?

A No.

Q Did you not tell him that his punishment would be small since the orders to shoot came from his superior?

A No.

Q Did you not suggest to him that he would get only eight to ten months' imprisonment if he made the statement?

A No.

Q Now, on the occasion when you obtained this statement, who was in the cell with you when Oehmann came in?

A Do you mean the final written statement?

Q Yes.

A I couldn't say any more. He might have been in the cell already when I entered.

Q On that occasion was there anyone in the cell besides yourself and Oehmann?

A When I dictated the statement, there was certainly Kramm. I don't think there was anybody else.

Q Why did you dictate it to Kramm?

A Because Kramm was the only man in the house, as far as we knew, who knew German shorthand, and the investigation section wanted the statements -- War Crimes wanted the statements -- handwritten, and it took a very long time to be present when somebody writes a statement.

Q Do you remember, Lt. Perl, whether one of the interrogations was on the 5th day of March?

A No, I do not.

Q Would you remember whether that was the day when Mr. Thon was present in the cell?

PROSECUTION: If the Court please, the witness has testified that he doesn't recall anybody being present, and this question is asked the third time now, whether anybody was present.

PRESIDENT: The objection is sustained.

MR. WALTERS: May I say something? If your Honor please, I believe the witness definitely answered me on one question that he would not say that Mr. Thon was not present.

LAW MEMBER: He also said that, to the best of his recollection, Mr. Thon was not present.

MR. WALTERS: That is quite true, your Honor, but my next question was could he definitely say he was not present, and he said no, he could not say that.

LAW MEMBER: Well, that establishes it sufficiently for the Court.

Q How long did the interrogation last on the date when the statement was taken?

A The day the statement was taken there was no actual interrogation any more, as far as I remember. As far as I remember, it was dictated to Kramm, but this dictation developed into a kind of interrogation because Ochmann wanted quite a number of details stated in this statement, and they were taken into the statement.

Q During the periods between his various interrogations, can you state whether or not he was denied some of his meals?

A I would not know about it.

Q Was he, on one occasion, placed on a footstool with a cord around his neck?

A No.

Q And was he not asked his last desires?

A At none of the interrogations.

Q Did he on one occasion, when asked what his last desires were, did he request that he be allowed to see his parents?

A He was never asked by me for his last desire, and never in my presence, and he therefore never mentioned his last desires.

Q My question was did he not ask to see his parents on that occasion?

A I don't remember that he ever asked to see his parents.

Q To refresh your memory, Lieutenant, didn't he ask to see his parents, and it was answered to him that he was a war criminal and that wish could not be fulfilled?

A I don't remember.

PROSECUTION: If the Court please, the question has been asked, I think this is the third time, and I think he has answered it now the third time. I object on this ground.

LAW MEMBER: The objection is to be sustained for this reason, Mr. Walters: The question you asked was when he was asked if he wanted any last wish, did he ask for his parents. Now, the witness answered that on no occasion, in his presence, was he asked if he wanted any last wish. Now, you are still persisting in asking the same question. If you wish to ask on any occasion did he simply ask to see his parents, the Court will permit it.

MR. WALTERS: May I say to the Court that I prefaced that last question in order that I might refresh Lt. Perl's memory. That is quite a different situation on cross examination, I believe.

LAW MEMBER: Suppose you rephrase your entire question now.

Q On one occasion when you were interrogating Ochmann and he consistently denied shooting the eight prisoners, was he dressed only with his boots, trousers and shirt, at which time he was struck in the mouth and blood came from his mouth?

A I do not remember the way he was dressed any more, but I know for certain that he was never struck.

Q By your last answer, do you mean to say that he was never slapped in the face or struck in the abdomen, stomach or chest?

A He was never hit in any way in my presence, and I was conducting his interrogation.

DEFENSE: Nothing further for the Defense.

PRESIDENT: Any questions by the Prosecution?

CAPT. BYRNE: No redirect.

PRESIDENT: Any questions by the Court?

Apparently there are none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

CAPT. BYRNE: The Prosecution calls Maria Lochen.

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

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Byrne):

Q What is your name?

A Maria Lochen.

Q And where do you live?

A In Ligneuville.

Q What country is Ligneuville in?

A In Belgium.

Q Do you speak and understand both French and German?

A German better.

Q Were you living in Ligneuville on the 17th of December, 1944?

A Yes.

Q What troops were occupying Ligneuville on that day?

A Americans.

Q How long did the Americans remain in Ligneuville? -- Did the Americans move out of Ligneuville on the 17th?

LT. WAHLER: If the Court please, the witness hasn't answered the previous question.

LAW MEMBER: Well, the Court and everyone realizes that the witness is nervous. We will allow some leeway, but please do not lead the witness.

A There was combat taking place there.

Q Did the combat last all day?

A No. Forty-five minutes.

Q About what time of the day was that?

A About 2:15.

Q Did you see any other troops in Ligneuville on the 17th of December?

A The German Waffen SS.

Q About what time of the day did you see them?

A They arrived at about 2:15.

Q With reference to the highway from Malmedy, where is your home located?

A On the right side going toward Malmedy.

Q Is it in the center of the village, or toward the edge of the village?

A Somewhat toward the edge of the village.

Q Calling your attention to the late afternoon of the 17th of December, did anything unusual happen in the vicinity of your home?

A Yes.

Q What was it?

A American prisoners were shot.

Q Did you see them shot?

A Yes. I saw as the three last ones were shot.

- Q Do you know how many were shot?
- A Eight.
- Q How do you know that?
- A I saw the shots and saw them right there afterwards.
- Q About what time of the day did this occur?
- A At about four thirty.
- Q Do you know who did the shooting?
- A Yes.
- Q Who was it?
- A Two of them. One of them was in charge and the other one did the shooting. They were from the Waffen SS.
- Q When you say Waffen SS, do you mean German soldiers?
- A Yes.
- Q How do you know they were Germans?
- A Well, they had captured the Americans there.
- Q Could you tell us how they were dressed?
- A Yes.
- Q Will you describe it, please.
- A Grey uniforms with a patch Leibstandarte Waffen SS Adolf Hitler here (indicating).
- Q Did you observe the men who were doing the shooting?
- A Yes.
- Q Can you tell the Court how they were dressed?
- A The Germans?
- Q Yes.
- A Grey, the way German soldiers are uniformed -- in grey.
- Q What kind of coat, if any, did they wear?
- A I can't really say that exactly.
- Q With reference to your home, where were these Americans shot?
- A On our side -- on the right side of our house.
- Q About how far away from the house?
- A Five or six meters.

Q Was it anywhere near the highway?

A Yes.

Q About how far?

A The edge of the road.

Q Can you describe the edge of the road?

A Yes.

Q What does it look like?

A What it looks like?

Q Well, is it level?

A Yes.

CAPT. BYRNE: The Prosecution hands the reporter a photograph to be marked Prosecution Exhibit P-76 for Identification.

(Whereupon the photograph was marked Prosecution Exhibit No. P-76 for Identification by the reporter.)

Q The Prosecution shows you what has been marked Prosecution Exhibit No. P-76 for Identification and asks you if you can identify it.

A Yes.

Q Can you tell the Court what it is?

A Yes.

Q What is it?

A This is where the American prisoners were lying while they were being dug up from under the snow.

Q Do you recognize the house in the background of the picture?

A Yes.

Q Whose house is it?

A That is the house next to the post office.

Q Is this a picture taken anywhere near your home?

A Yes.

Q Now, looking at the picture, can you recognize the highway?

A Yes.

Q Where is it?

A Here (indicating).

CAPT. BYRNE: Let the record show that the witness indicated the left side of the photograph.

Q Now, is the place where you have indicated the American soldiers lay when they dug them out of the snow at the same level as the highway?

A No.

Q What is the difference?

A There is a ditch there, and a ditch here, and this out here in the field (indicating).

CAPT. BYRNE: Let the record show that the witness indicated the right-hand side of the photograph when referring to the ditch.

CAPT. NARVID: If it please the Court, I object because we cannot determine what she is indicating.

LAW MEMBER: Somebody get around there and watch it. That is the proper procedure.

CAPT. NARVID: Have you a copy of it?

CAPT. BYRNE: I have, but I can't give you a copy until it is in evidence.

CAPT. NARVID: For identification?

CAPT. BYRNE: Oh, yes.

The Prosecution offers in evidence Prosecution Exhibit No. P-76 for Identification, and requests that it be admitted in evidence, attached to the record, and marked Prosecution Exhibit No. P-76.

CAPT. NARVID: No objection.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted in evidence and will be marked Prosecution Exhibit No. P-76.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution Exhibit No. P-76 and is attached hereto and made a part of the record.)

Q You have testified that you did not see the first shots fired. Is that right?

A Yes.

Q Did you hear those shots fired?

A Yes.

Q Where were you at the time?

A In the barn.

Q Did you remain in the barn?

A No.

Q When did you come out of the barn?

A A short while afterwards.

Q Was the shooting still in progress when you came out?

A Yes.

Q How long did the bodies remain at the place you have indicated?

A About six weeks.

Q Were you present at the time they were removed?

A Yes.

CAPT. BYRNE: The Prosecution hands the reporter a document to be marked Prosecution Exhibit No. P-77 for identification.

(Whereupon the document was marked Prosecution Exhibit No. P-77 for identification by the reporter.)

Q I show you what has been marked Prosecution Exhibit No. P-77 for identification and ask if you can recognize it.

A Yes.

Q What is it?

A This is our house (indicating).

Q What are you pointing to as indicating "our house"?

A That is where I live.

Q Is there a number in the place you are indicating?

A Yes.

Q What is it?

A No. 1.

Q And, indicating the long lines that have been drawn on the paper, what do they represent?

A The edge of the road.

Q Do you know where that road goes?

A To Malmedy.

Q Do you know who prepared this sketch?

A Yes.

Q Who was it?

A I put the numbers in.

Q When was that done? Do you remember?

A In March.

Q Is this your signature that appears on the instrument?

A Yes.

Q What does the number 2 as shown on the sketch indicate?

A The bakery.

Q And what do the numbers 4, 5 and 6 on the sketch indicate?

A Where the American prisoners who had been shot were lying.

Q And what does the number 7 indicate?

A Hotel Rupp.

Q Did you see any other prisoners of war on that same day?

A Yes.

Q Where were they?

A In front of the bakery next to the walls leading to the cellar door.

Q Is there a number on the sketch at that point?

A Yes.

Q What is it?

A No. 3.

CAPT. BYRNE: The Prosecution offers in evidence a sketch, identi-

fied by the witness, which has been marked Prosecution Exhibit No. P-77 for Identification, and requests that it be admitted into evidence, attached to the record, and marked Prosecution Exhibit No. P-77.

MR. WALTERS: The Defense objects on the grounds that the witness herself did not draw the sketch, and there is no groundwork laid to show that the sketch even approximates the dimensions and distances on the actual ground as shown on the sketch.

CAPT. BYRNE: I believe the witness, in the course of her testimony, has indicated that certain marks that are on the sketch have been placed there by her to identify certain spots. The sketch, in and of itself, does not purport to be an accurate portrayal of the place that it describes. It is only offered in evidence to assist the Court in visualizing the locale.

MR. WALTERS: Now, if the Court please, the Prosecution, by his own answer, has shown that the sketch is inadmissible, because he admits, if your Honor please, that there are no distances shown. There is no possible way from the sketch to show the relative positions of these spots. Further, if the Court please, all that the witness put on there -- admits she put on -- was certain numbers indicating certain spots and objects, and if the sketch was not made or attempted to be made according to scale of any kind, the Prosecution, admitting that, admits that the sketch is not admissible to show the circumstances and the lay of the ground around there. Such a sketch, finally, if your Honor please, will be very prejudicial to any defendants that may be involved in this incident, because the Court or any reviewer cannot possibly get from this sketch any true picture of what distances were and where these various objects lie in relation to each other.

CAPT. BYRNE: If the Court please, may I ask one further question.

Q Miss Lochen, does this sketch which I have shown you -- is it a reasonable portrayal of your home, what you have described as the bakery, the street, and the places where you have testified you found the bodies?

MR. WALTERS: Just a minute, before she answers. Tell her not to answer. We object to that question, your Honor, because there has been no groundwork laid here to show that this witness has any ability whatever to make a sketch or to say that this sketch could come anywhere near the dimensions on the ground there. Only such a person as a surveyor or an architect or an engineer would be able to show this to be a proper sketch. That, your Honor, I believe is a proper rule of evidence.

CAPT. BYRNE: The objection was raised to the last question, your Honor.

LAW MEMBER: The objection is overruled. On behalf of the Court, I will make a ruling on the sketch at the present time. Approximately thirty-five sketches and diagrams have already been admitted in evidence to aid the Court in showing a reasonable picture of the location being described. The Prosecution has asked the witness the very question the Court was going to ask the witness -- if this sketch represents a reasonable diagram of the area involved -- and if the witness answers in the affirmative, the sketch will be admitted to aid the Court. The Court will determine the value.

Q Is that a reasonable portrayal of the area indicated as your home, the bakery across the street, and the highway which runs in front of your home?

A Yes.

PRESIDENT: The exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution Exhibit No. P-77.

(Whereupon the document referred to, having previously been marked and identified, was received in evidence as Prosecution Exhibit No. P-77 and is attached hereto and made a part of the record.)

CAPT. BYRNE: You may cross examine.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (Capt. Narvid):

Q Mrs. Lochen, you testified that you saw the Germans who did the shooting?

A Yes.

Q How many did you see?

A Two.

Q Could you recognize any of them?

A No.

Q How far away is the barn from the place where the shooting occurred?

A Ten or twelve meters.

Q And where were you standing at the time the shooting occurred?

A In front of my house.

Q How far is the house from the place where the shooting occurred?

A Five or six meters.

Q I show you Prosecution Exhibit No. P-76 and ask you if this is the house in front of which you stood.

A No.

Q What is that?

A That is a house of the neighbors, of the post office.

CAPT. NARVID: I have no further questions.

QUESTIONS BY DR. LEER:

Q Is it correct that you said that you saw one man shoot while the other one was in charge?

A Yes.

Q How did you determine that one of them was in charge?

A I heard it.

Q What did he say, or what did he do?

A "Let's go."

Q Do you know this order, "Let's go," as an order to shoot?

A They had to march across the road and stand there, and then the other one shot them. I saw that with my own eyes.

Q Did you hear any other shots before those shots which allegedly killed those soldiers?

A Yes.

Q How long before then did these shootings occur?

A Well, I was standing in my barn and I heard the shots, and as I walked out the three last ones were just being walked over there and shot.

Q That wasn't my question. I asked whether you heard any shots before those shots which killed those prisoners.

A Well, before those prisoners were shot there was some combat, but that was all over. There wasn't any more fighting.

Q Did you hear any other shots prior to these shots? You said during the fighting. Now, when did you hear these shots? One hour before then, or five minutes before then, or what?

A Several minutes.

Q When did you first read this patch on the sleeve?

A All Waffen SS had that.

Q I asked you when you first read this patch on the sleeve, and how do you know that it says on there Leibstandarte Adolf Hitler?

A When I saw the Waffen SS for the first time.

Q Did he stick his arm out to you so you could see the patch?

A One could see that.

Q Your house is across from the bakery?

A Yes.

Q Did you see a tall man with a yellow jacket shortly after the arrival of the German troops?

CAPT. BYRNE: If the Court please, I think they are going a bit afield. The witness has testified to nothing with reference to any yellow jacket or any other dress on direct examination.

DR. LEER: Might I comment upon that. The witness testified as to the time. The marching route would be essential for the determination of time, and that, as the Court will realize, is the purpose of my question.

PRESIDENT: The objection is overruled.

Q I will repeat my question to you. Did you see a man in a yellow jacket?

A No.

DR. LEER: No further questions. Thank you.

MR. WALTERS: If it please the Court, may I ask the witness a few more questions?

QUESTIONS BY MR. WALTERS:

Q I hand you the photograph identified as Prosecution Exhibit No. P-76, in which you have identified a house as being that of your neighbor.

A Yes.

Q In relation to that house of your neighbor, where does your house stand on the photograph?

A Over here.

MR. WALTERS: The witness points away from the lower right-hand corner of the photograph.

Q How far is your house from the spot where the two figures are standing, with apparently two figures lying down in the photograph?

A Well, I can't say as exactly as all that. Several meters.

Q Was your home as far away toward the lower right-hand corner of the picture from that spot where the two figures are as the home of your neighbors?

A No.

Q There is apparently a fence corner in the photograph, to which I am pointing. Was your house as far away from the figures as that fence corner?

A It might be about that.

Q Perhaps farther?

A Yes.

Q Showing you the sketch marked as Prosecution Exhibit No. P-77,

will you point on the sketch and mark where the neighbor's house is located that is shown on the photograph?

A The one of the neighbor that is on here?

Q Yes.

A You can't get it on here.

Q It would be beyond the right-hand side of the sketch then?

A Yes.

MR. WALTERS: That is all.

DEFENSE: Nothing further for the Defense.

LAW MEMBER: Does the Defense care to have this witness appear before the Court again?

DEFENSE: It is entirely contingent on whether they are through with the Engelsdorf incident.

CAPT. BYRNE: We are not. We do not contemplate sending this witness for a few days, sir.

PRESIDENT: Fine. Any questions by the Court?

Apparently there are none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

MR. WALTERS: If it please the Court, could the Defense request that the Prosecution make a copy of the sketch, that we might use it?

PRESIDENT: All right.

MR. WALTERS: Thank you.

PRESIDENT: The Court will adjourn until 0830 Friday morning.

(Whereupon the Court adjourned at 1235 hours 29 May 1946, to be reconveyed at 0830 hours 31 May 1946.)

Zuk. Unterecho: Friedel Bode, geht vorerst vorwärts kämpfend  
beendet folgendes an.

Während des Eifel-Einsatzes im Dezember 1944 war ich  
Gruppenführer der 1. Gruppe des 2. Zuges des 3. Pz.-P. Kp.  
des ~~1. Pz. Div.~~ 1. Pz. Pi.-Btl. LSSAH.

Mein Zugführer war Unterecho: Max Kretzer, mein  
Kp.-Chef O. Stf. Franz Liewers.

Zu meiner Eigenschaft als Gruppenführer unterstan-  
den mir 2 SPWs jedoch bereits am 16. Dez. 1944  
übernahm mein Kp.-Chef O. Stf. Liewers ein Fahrzeug  
das zu meiner Gruppe gehörte da sein eigenes SPW  
ausgefallen war und dieses Fahrzeug meiner Gruppe ein  
spezielles Funk-Gespräch-Gerät hatte, welches  
mein Kp.-Chef benötigte.

Zeit den Nachmittagsstunden des 16. Dez. 44 stand  
dabei praktisch mir ein Fahrzeug unter meinem  
Befehl als Gruppenführer. Dieses Fahrzeug war ständig  
unter meinem Befehl bis zu meiner Verwundung  
am 22. Dez. 44 in der Nähe La Floire.

Während dieser gesamten Zeit hatte dieses Fahrzeug  
das unter meinem Befehl verblieb folgende Mannschaften:

Ich selbst als SPW-Kommandant, Htm. Herbert  
Losenki als Gruppenführer (stellv. Gruppenführer).

Htm. Friedel Hies (Mot.-Schütze) Otto Birkhorst  
der zu dieser Zeit Htm. oder Schütze war (Gewehr-  
schütze), Johann Wasenberger der zu dieser Zeit  
entweder Schütze oder Htm. war (Gewehrschütze)

2

Robert Munkel (fahrer) und möglicherweise auch  
noch Stam. oder ähnliche Künstler.

Die Auswahl der Leute meiner Besatzung war größer  
als es für einen SPW üblich ist. Deshalb sollte  
einige Leute zu mir nahen die sonst auf dem andern  
in der meinen Befehl stehenden SPW führen.

Ich habe diese Aussage freiwillig und aus eigenem Willen  
gemacht im Beeinflusst von Zwang, Drohungen oder  
Hörten und im Beeinflusst von Versprechungen irgend.  
welcher Art.

Ich schwöre bei Gott das die Angaben die ich in dieser  
Aussage machte wahr sind und ich bin bereit diese vor  
jeder Gericht unter Eid zu wiederholen.

WITNESSED:

Raphael Thumacker  
Capt CMIP

Friedel Bode  
44-Wehr:  
12. 4. 1946.

Sworn to and subscribed  
to before me this 12<sup>th</sup> day of April 1946  
at Schweebach-Wehr, Germany

William R. Deil  
US Ct No 0555149  
Juv. Examiner  
W-C-B. Ulfert

000725

### TRANSLATOR'S AFFIDAVIT

I, George Miller assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Friedel BODE

taken on 12 April 1946 at Schwäbisch Hall, Germany.

before WILLIAM R. PERL, 1st Lt., M.I.

consisting of 2 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. German is my native tongue.
2. I spent the first twenty years of my life in Germany and went to elementary school there.
3. I came to the United States in 1928.
4. I had two years of English in secondary school in Germany. My other knowledge of English has been derived from study by myself.
5. I have been married for the past six years to a British subject and speak English continually at home. My wife does not speak German.
6. I have been in the United States Army for the past 2-1/2 years, having been discharged in November 1945 and have been employed by the War Department as a German-English interpreter since January 1946.

P  
EX  
52A

*George Miller*

Sworn and subscribed to before me this 22<sup>nd</sup> day of April 1946 at Schwäbisch Hall, Germany.

*Raphael Zumacher*  
War Crimes Branch, USFET

*Capt. CMP*

*P-529*

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000726

I, Unterschar, Friedel BOE, being duly sworn state the following:

During the EIFEL Offensive in December 1944, I was Group Leader of the 1st Group of the 2nd Platoon of the 3rd Panzer Pz Co. 1st SS Pz Pz Btl.

My platoon leader was Unterschar, Max BEUTNER; my Co. Commander, Ostuf, Franz SIEVERS.

In my capacity as group leader, two SPW's were under my command although already on 16th December 1944, my Co. Commander Ostuf, SIEVERS took over a vehicle which belonged to my group because his own SPW had dropped out and this vehicle of my group had a special radio telephone equipment which was necessary to my Co. Commander.

Since the afternoon hours of 16th Dec 1944 therefore, practically only one vehicle stood under my command as group leader. This vehicle was continuously under my command until I was wounded near LA GLEIZE on 22nd Dec 1944.

During this whole time this vehicle which remained under my command had the following crew: I, myself as SPW commander, Strm Herbert LOSENSKI as troop leader (2nd in command as squad leader), Strm Friedel KLES (MG Gunner) Otto BURKHARDT who was at that time Strm or Schuetze (rifleman) Johann WASENBERGER who was at that time either Schuetze or Strm (rifleman) Rottf MUNKEL (driver) and also possibly Strm or Schuetze HUBBEL.

The number of men in my crew was larger than is customary for an SPW because I took several men to me who otherwise rode in the other SPW under my command.

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

I swear before God that the statements which I made in this deposition are true and am prepared to repeat same under oath before any court.

(signed) Friedel BOE  
SS Uscha.  
12. 4. 1946.

Witnessed:  
RAPHAEL SHUMACKER  
CAPT. CMP.

Sworn to and subscribed to before me this 12th day of April 1946 at Schwabisch Hall, Germany.

WILLIAM R. BERL  
1st Lt. M. I. O-555149  
Inv. Examiner  
W.C.B. USFET

99

000727



I, Friedel Bode, being first duly sworn, make the following statement under oath:  
Ich Friedel Bode, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Sturm Friedel KIES mentioned by me in my affidavit, dated 12 April 1946.

Die obigen zwei Photographien sind Photographien desselbigen Sturm Friedel Kies von mir in meiner eidesstattlichen Aussage genannt, datiert 12. April 1946.

Friedel Bode  
First Name (Vorname) Last Name (Zuname)

77-Unterscharführer  
Rank (Dienstgrad)

S. P. P. I 44 P. 2. Rot. L 44 H.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 15<sup>th</sup> day of April, 1946.

Joseph W. Stumacher  
Officer administering oath  
Rank Capt. Arm or Service EMF

100

0. 526

Ich, Friedrich Bode mache folgende Erklärung unter Eid, nachdem ich eidungsgemäß vereidigt wurde.

Während des 2. Welt. Offensiv im Dezember 1944 war ich Mitglied des II. Zg. 3. Pz. Pi. Kp. L.H.H.

Am 17. Dezember 1944 erreichten wir von Billingen kommend eine große Stachsenkaserne, die sich ungefähr 4 Km. nördlich von Bugelsdorf befindet. An dieser Stachsenkaserne führten wir links um die Kaserne nach Bugelsdorf zu und hielten auf der rechten Stachsenkaserne vor einer großen Wiese an, auf der sich ungefähr 80-100 amerikanische Kriegsgefangene befanden.

Ich war ausserdem als deutsche Soldaten das unter zahlreich Mitglieder meines Zuges auf diese amerikanischen Gefangenen schorrek.

Diese Aussagen bestehend aus einer handgeschriebenen Karte wurde von mir freiwillig gemacht unbeeinflusst von Zwang, Drohung, Härte, Nachsicht oder Versprechen irgendwelcher Art.

Ich schwöre bei Gott, dass diese Aussagen die ich hier gemacht habe wahr sind und bin bereit selbige vor jedem Gericht der Gerichtsbarkeit zu wiederholen.

Sworn to and subscribed before me this 4th day of April 1946 at Schumburg, N. C. by  
Willaum R. Paul

Friedrich Bode  
11-Uscha:  
11. 4. 1946.

10 / 453 Fred. W. E. Com. W. C. B. 4404

p. 53

000726

### TRANSLATOR'S AFFIDAVIT

I, Walter A. Hart assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Friedel BODE

taken on 11 APRIL 1946 at Schwäbisch Hall, Germany,

before WILLIAM R PERL, 1st Lt. M.I.

consisting of 1 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I studied English for seven years in school in Berlin, Germany.
3. I lived in England from 1935 to 1937 and in the United States from 1937 to 1944.
4. From March 1944 to November 1945, I served as an interpreter with the office of Military Government.
5. Since 3 December 1945 I have been assigned to the War Crimes Branch, U.S.F.E.T. as a civilian German-English interpreter.

P  
EX  
53A

Walter A Hart  
WALTER A. HART

Sworn and subscribed to before me this 23<sup>rd</sup> day of April 1946 at Schwäbisch Hall, Germany.

Dagbald Thumacker  
War Crimes Branch, USFET  
Capt. CMP  
P-539

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000730

I, Friedel BODE, being duly sworn make the following declaration under oath:

During the EIFEL Offensive in December 1944 I was a member of the 2nd Platoon, 3rd Pz. Pi. Co. ISSAH.

On 17 December 1944, coming from BUELLINGEN, we reached a big road-crossing which was located about 4 km north of ENGELSDORF. At this road-crossing we took the left turn around the curve towards ENGELSDORF and stopped on the right side of the road in front of a big pasture on which were about 80 to 100 American prisoners of war.

I was present when German soldiers, among them numerous members of my platoon shot at these American prisoners of war.

This deposition consisting of one handwritten page was made by me voluntarily, uninfluenced by force, duress, threats or promises of any kind.

I swear before God that these statements which I have made here are true and I am prepared to repeat same before any court of justice.

/s/ Friedel BODE  
SS Uscha.  
11 Apr 1946.

Sworn to and subscribed to before me this eleventh day of April 1946, at Schwabisch Hall Germany

WILLIAM R PERL  
1st Lt. M. I. O- 555149  
Investigator-Examiner  
W.C.B. USFET

103



hinn Einseln Gefallen, selbst ihr  
 solches Eintem begagnen, ein ihre Schicksale  
 in der ihren Hörsen pflichten, was  
 kein Einseln auf sie trifft. Ihr was  
 in diesem Einseln keine Dinge gefangen  
 waren.

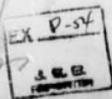
schonend das Gefallen zu behalten ist es  
 ein auf pflichten Stellen, das man keine  
 Dinge gefangen musste. Das man nicht  
 bloß an einer Stelle war, was ich selbst  
 das selbst bekam, einen Dinge gefangen  
 zu sein.

Es war am Montag den 19. 4. in dem ersten  
 Aufnahmestunden, als wir in

Strassenstrassen von dem <sup>SW</sup> ~~SW~~  
 Gang abließ man ist. An diesem Strassen-  
 Strassenstrassen war, was die  
 für den Markt, was wir auf dem  
 hatten, links in dem Markt  
 Engländer zu. Als wir links in

Wichtig

105



die Mitternachtsfeier auf der  
 rechten Straßenseite aus fünf Punkten  
 dieser Seite <sup>auf</sup> der rechten Seite der  
 Straße war eine Schrift, war aber nicht  
 auf der rechten Straßenseite angedruckt.  
 Dabei handelte es sich um die  
 größte <sup>im</sup> Anzahl von Leuten  
 durch Land an dem in diesem  
 Dinge gesungen waren <sup>zu</sup>.

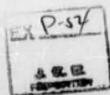
Es mußte hienach das diese Dinge  
 gesungen bereits auf der Seite liegen.

Unter d. h. W. Aufschrift war zu die für Zeit  
 was folgt; Unterpfeifen für (siehe S. 10)  
 Stimmlichkeit) Stimmlich

Stimmlich

Stimmlich

Und auf alle Stimmlich  
 sind alle Stimmlich die auf  
 Seite von Stimmlich.





mit die String gefangen war, die um  
 dieser Strafzinssträngig lug war,  
 gefesselt fater, gewerf werfz infrikt  
 mife mit bestimmet freit zu fang war,  
 rein diese Seite fater.

Wenn diese mife fater diese fater  
 werfz war, fater werfz werfz mife fater  
 fater fater.

diese diese fater, fater fater diese fater  
 werfz werfz werfz fater fater  
 mife fater fater werfz werfz  
 werfz, fater fater fater werfz werfz  
 fater fater fater.

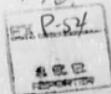
Das fater fater, das die fater fater,  
 diese in dieser diese fater fater  
 fater, fater fater in der fater fater  
 fater fater fater fater fater fater  
 die fater fater zu fater fater.

Subscribed and read to the  
 on this 16th day of April 1946

Robert E. Payne  
 1st Lt USAO

108

Joseph H. Rosenberg  
 16 April 1946



000736

### TRANSLATOR'S AFFIDAVIT

I, Joseph Kirchbaum assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Johann WASSNERBERGER

taken on 16 April 1946 at Schwäbisch Hall, Germany.

before Robert E. Byrne, 1st Lt., JAGD

consisting of 5 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I learned English through study of the language for 2 hours in High School, one year in college, and eight months of evening classes, all in Vienna.
3. I have spoken English continuously since September 1939, when I came to the United States. In September of 1941 I joined the United States Army.
4. From February until the latter part of April 1943, I attended the IPW course at Camp Ritchie, Maryland, conducted by the Military Intelligence Training Center.
5. From June 1944 until September 1945, I served continuously as an IPW interrogator, in which capacity I was constantly required to translate German into English, and vice versa.
6. Since January 1946, I have been assigned to the War Crimes Branch, U.S.F.S.E. as a civilian German-English interpreter.

EX 548

*Joseph Kirchbaum*

Sworn and subscribed to before me this 28<sup>th</sup> day of April 1946 at Schwäbisch Hall, Germany.

*Saphael Thumacker*

War Crimes Branch, USFET

*Capt. CMP*

*PSYA*

109.

†, Johann WASENBERGER, having first been duly sworn, upon oath make the following statement:

At the time of the EIFEL campaign in December 1944, I was Pioneer in the 2nd platoon, 3rd Panzer Pioneer Company (TN-3rd Armored Engineering Co.) 1st SS Panzer Pioneer Battalion (TN-Armored Engineering Bn) "LSSAH".

Shortly prior to the EIFEL campaign in December 1944 the platoon leader of the 1st Platoon 3rd Pz. Pi. Co. gave a company orientation in our assembly area which was in a big forest in the vicinity of BLANKENHEIM. He said at that the following:

"The importance of this coming campaign is tremendous. We will receive support for it of all possible weapons. We also will have air superiority at our disposal. Troops in American uniforms will precede us and create confusion among the enemy. Should you encounter such people who wave their steel helmets over their heads then you will not open fire at them. In this campaign you will not take any prisoners of war."

During the EIFEL campaign I experienced at various places that no prisoners of war were taken. However, I only remember one place where I myself received the order to shoot one prisoner of war.

It was on 17th December 1944, in the early afternoon hours when we reached a crossroads about 4 km. north of ENNELSDORF. At this crossroads coming from BULLINGEN, where we had reueled, we turned left at the curve towards ENNELSDORF. When we drove left around the curve there was on the righthand side of the road a house; next to this house on the righthand side of the road was a pasture in front of which we stopped on the righthand side of the road. I then noticed that at this pasture were a great number of American prisoners of war, part of them dead and some of them alive. I would like to state that these prisoners of war were already lying on the ground. At this time our SPW crew was as follows: Unterscharfuehrer BODE (SPW Commandant), Sturmann LOSENSKI, Pioneer JIRASSEK, Pioneer KIES, and I myself, Pioneer WASENBERGER. Those are all the names which today I am still able to remember.

After Unterscharfuehrer BODE, Sturmann LOSENSKI, and Unterscharfuehrer BEATNER had spoken for a short while, Unterscharfuehrer BODE suddenly opened fire at the prisoners who were still lying on the ground and thrashing around.

Thereupon LOSENSKI pointed with the hand at one prisoner of war who was still alive and ordered me to give this man the mercy shot. I had to carry out this order and shot with my carbine 98 at this prisoner. I am certain that this prisoner didn't continue to suffer and that he was dead, because afterwards he did not move any longer. This is the only time during the EIFEL campaign that I received the order to shoot at prisoners of war. I would like to add that other German soldiers as well shot at this place at

American prisoners of war who were lying at this crossroads. However, I am not able to say any more with certainty the names of these people.

Immediately after this shooting was over we drove on in the direction of ENNESDORF.

This statement consisting of 5 pages was made by me voluntarily uninfluenced by any duress, threat, coercion or promise of any nature.

I swear to God that the facts I have stated in this statement are true and I am ready to repeat same under oath before any court of justice.

(signed) Johann WASENBERGER  
16 April 1946

Subscribed and sworn to before me  
this 16th day of April 1946

Robert E. BYRNE  
1st Lt. JAGD

///

000736



I, JOHANN WASENBERGER, being first duly sworn, make the following statement under oath:  
 Ich JOHANN WASENBERGER, nachdem ich erst redt-  
 mäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same UNTERSCHARFUHRER  
BODE mentioned by me in my affidavit, dated 16 APRIL 1946.

Die obigen zwei Photographien sind Photographien desselbigen UNTERSCHARFUHRER  
BODE von mir in meiner eidesstattlichen Aussage genannt,  
 datiert 16 APRIL 1946.

Johann Wassenberger  
 First Name (Vorname) Last Name (Zuname)

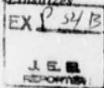
SS Mann  
 Rank (Dienstgrad)

3 Pz Div, 1. ABT, LSSAH  
 Organization during Elbef Offensive  
 Einheit während des Elbef-Einsatzes

Sworn to and subscribed before me this  
22nd day of April, 1946.

Robert E. Byrne  
 Officer administering oath

Walter J. AGD  
 Rank Arm or Service



P 54 B  
 SP

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P  
 EX  
 54B



Besprechungen mit Bezug auf die Kriegsführung im bevorstehenden Einsatz sagte: „Auch ein schlechter Ruf verpflichtet.“ Was die anderen Offiziere unter „schlechter Ruf“ verstanden haben, weiß ich nicht, ich persönlich habe mich hierbei an einen Fall in Russland erinnert, bei dem wir ein ganzes Dorf von zirka 2000 Einwohnern anzünden und die gesamte Zivilbevölkerung auf Befehl erschossen müssten, da diese Tat hat sicherlich zur Begründung desjenigen, was man unter schlechtem Ruf der 49 versteht, beigetragen.

Ausser dieser Äußerung Peipers weiß ich mich auch noch daran zu erinnern, dass Stufaf. Postschke schon während der Planspiele oder der darauf folgenden Offiziersbesprechungen etc. klärte, dass im kommenden Einsatz kein Pardon gegeben wird. Es wurden auch noch andere Äußerungen in selbster Sinne von Stufaf. Peiper und Stufaf. Postschke bereits zu dieser Zeit gemacht, aber an die Worte weiß ich mich nicht zu erinnern.

Zu dieser Zeit bereits war es zumindest klar, dass die Absicht bestand unsere militärische Unterlegenheit dadurch wett zu machen, dass wir beim Feinde Terror und Schrecken verbreiten, indem wir uns in einer Weise verhalten, welche in Weiten bisher nicht angewendet worden waren, ER

2a) Die sog. formelle Befehlserteilung, betreffend die Anwendung von Terrormethoden, erfolgte am 12. oder 13. Dezember 1944 auf dem Rgt. Gef. Stab. in Weikersdorf. Ich wurde damals zum Gefechtsstand vorgeladen. Dort wurde ich vom <sup>Ordnenurs-offizier</sup> D. O. P. an dessen Namen ich mich nicht mehr erinnern empfangen. Der <sup>Ordnenurs-offizier</sup> D. O. P. legte mir einen schriftlichen geheimen Rgt's. Befehl vor, und ich las ihn in seiner Gegenwart durch.

Der Inhalt dieses Befehls war folgender: Die gepanzerte Gruppe hat den Auftrag durchzustopfen und nach der Tiefe Raum zu gewinnen, die Feuer- und Stoßkraft ist stark, infanteristisch ist die gepanzerte Gruppe schwach. Deshalb muss die gepanzerte Gruppe auf jeden Fall ihre Kräfte zusammenhalten und darf auf keinen Fall ihre Kräfte zer-splittern. Alle anderen Aufgaben wie z. B. Bewachung von Kriegsgefangenen, Säuberung von Dörfern, fallen der die gepanzerte Gruppe begleitenden bzw. ihr unmittelbar folgenden Infanterie zu. Es kann deshalb die Lage eintreten, dass Kriegsgefangene erschossen werden müssen, und nötigenfalls ist der Widerstand durch Terror zu brechen.

Dies sind die Worte des Befehls, soweit ich mich erinnere. Es ist natürlich möglich, dass noch ein oder ein anderes Wort dabei stand <sup>durchgedacht ist</sup> <sup>ER</sup> <sup>ER</sup> <sup>ER</sup> <sup>ER</sup> dass die Worte stimmen, auf jeden Fall habe ich mit meinen Worten den Sinn dieses Befehls wiedergegeben.

Während ich den Befehl las, trat der Oststuf. Joachim Peiper, der Kdr. der gepanzerten Gruppe, in den Raum, in dem ich stand <sup>ER</sup> <sup>ER</sup> <sup>ER</sup> <sup>ER</sup> und den Befehl las. Er warf einen Blick auf das Papier und wiederholte dann mit leichtem Lächeln, was er schon früher gesagt hatte. Er sagte: „Auch ein schlechter Ruf verpflichtet.“

Oststuf. Peiper setzte dann hinzu: „Sagen Sie auch Ihren Männern und schärfen Sie ihnen ein, dass keiner zurückbleiben darf, weil jeder Mann und jedes Fahrzeug benötigt wird, damit Sie kein Gaske erleben.“

Ich musste, als ich den Gefechtsstand damals verties unterschreiben, dass ich von den Teilen des Befehls, der sich auf die Anwendung von Terrormethoden und

möglicher Verlesung von Kriegsgefangenen Bericht, zu niemanden sprechen werde, ausser zu denjenigen, die es dienstlich wissen müssten. Meiner Meinung nach war das eine vorübergehende Massnahme für den Fall der Gefangennahme. Wohl auch aus demselben Grunde ist dieser Befehl niemals schriftlich an meine Kompanie ergangen. Ich habe ihn nur zu lesen erhalten.

Ich habe zum besseren Verständnis dieser unter 2a festgelegten Aussage eine Skizze gemacht, welche ich dieser Aussage beifüge. Sie ist mit A bezeichnet und zeigt die Lage des Rgt. Gef. Hq. in Walkowitz. Die mit B beigefügte Skizze zeigt den Gefechtsstand selbst. Hier bedeuten (auf Skizze B)

- I - Zimmer des Ostufstuf. Peiper
  - II - Zimmer des Rgt. Chef. H. Stuf. Grunke, in dem ich den Befehl las.
  - III - Zimmer des Ordnungsoffiziers und Rgt. Gewächtszimmer
  - IV - Küche
- a - Tisch ; b - Couch ; c - Schrank

2 b.) An demselben Tage, nachdem ich den unter 2a beschriebenen Befehl unterschrieb, kam auch ein schriftlicher Befehl des Rgt's zu meiner Kompanie. Dieser Befehl sollte den Männern der Kompanie vor Beginn des Einsatzes vorgelesen werden. Er forderte die Männer zum vollständigen Einsatz auf. Bezüglich der Kriegsgefangenen sagte dieser Befehl verblümt das gleiche, was der von mir unterschriebene Geheimbefehl gesagt hatte. Dieser vor der Kompanie vorzulesende Befehl erwähnte u.a. an die Frauen und Kinder, welche durch die amerikanischen Bomber getötet worden waren, und er sagte, dass in diesem Einsatz die deutschen Soldaten, und vor allem die Männer des Westens, die Gelegenheit hätten Rache zu üben für die Bombardements. Ich weiss ferner sicher, dass dieser schriftliche und von mir vorzulesende Befehl ausdrücklich

erkläre, dass dieser Ruf unser zu Schwächen unserer Feinde uns vorauseilen müsse. Ob dieser Rgt's. Befehl Kriegsgefangene ausdrücklich erwähnte, weiss ich nicht mehr. Ich bin dessen sicher, dass dieser vorzulesende Befehl nicht ausdrücklich sagte, dass keine Kriegsgefangenen gemacht werden dürfen, bin aber dessen eben so sicher, dass durch die Beziehungen auf die Bombardierungen, im Zusammenhang mit der Aufforderung, dass uns unser Ruf zu Schwächen unserer Feinde vorauseilen müsse, jeder Mann daraufhin inforniert war, dass für den Fall, dass er Kriegsgefangene erschiesst, dies in der Linie dessen liegt, was genehmigt ist.

- 3) Den unter 2b beschriebenen Rgt. Befehl habe ich am 13. Dezember 1944 im Schulgebäude Badorf-Ekelorf meiner versammelten Kompanie vorgelesen. Ferner habe ich bei dieser Gelegenheit meine Männer dahingehend belehrt, entsprechend dem ausdrücklichen Befehl O'Stauf. Peiper's, dass die Wagen und Männer zusammen zu bleiben haben. Bezüglich Kriegsgefangenen habe ich dem schriftlich vorgelesenen Befehl nichts hinzugefügt. Mir wurde beim Verhör mitgeteilt, dass Männer meiner Kompanie behaupteten, ich hätte einen ausdrücklichen Auftrag gegeben, nachdem keine Kriegsgefangenen gemacht würden. Diese Männer irren sich. Wie ich schon sagte, ist aus dem Befehl, den ich vom Rgt. erhielt und ohne Kommentierung vorlas, hervorgegangen, dass vom Rgt. aus die Anwendung von Terrormethoden erwünscht sei und offenbar haben Leute meiner Einheit ihre eigenen Schlüsse aus demselben Befehl jetzt als Befehl von mir angenommen.

## II

Erchiessungen von Kriegsgefangenen vor der  
Strassenkreuzung bei Engelsdorf.

- 1.) Büllingen. Unterscharführer Leo Lier vom II. Zug der 9. Panzer-Pi. war mit seinem und wahrscheinlich noch einem 2. S. P. W. einer der Kompanien der gepauzerten Gruppe als Pionier zugeteilt. Welche Kompanie das war, weis ich nicht mehr. Jedenfalls war es eine der Kompanien, welche an den Kämpfen um Büllingen teilgenommen hat.
- Am 18. Dezember brachte mir Lier eine lederne amerikanische Fliegerkombi, welche ich für meine alte Uniform umtauschte. Hierbei meldete mir Lier: "In Büllingen wurden keine Gefangenen gemacht. Auf dem Flugfeld, vor wo ich die Fliegerkombi habe und in den Gärten von Büllingen haben wir amerikanische Kriegsgefangene erschossen."
- 2.) Gleichfalls in Büllingen hat U'Soja. Gaas von der S-Gruppe der 9. Panz. Pi. nach seiner eigenen Aussage in den Gärten einige amerikanische Soldaten erschossen. Gaas sagte mir: "Ich habe in den Gärten von Büllingen noch Amerikaner gefunden und sie umgelegt." Gaas fuhr mit mir gleichzeitig in Büllingen ein. Zu dieser Zeit war in Büllingen keine Kampfaktivität mehr und Gaas ist ohne Befehl von mir in die Gärten gegangen um dort nach versteckten Amerikanern zu suchen. Hierbei hat er wahrscheinlich Leute seiner S-Gruppe mitgenommen. Wer diese Leute waren, weis ich nicht. Gaas erstattete mir die oben beschriebene Meldung, als ich am Westausgang von Büllingen war und er war offensichtlich erfreut, dass er die Amerikaner umgelegt hatte.

## III.

Die Ereignisse an der Strassenkreuzung  
vor Engelsdorf.

Ich kam, von Büllingen kommend, gegen Mittag an der Strassenkreuzung an, an welcher die Straße scharf links nach Engelsdorf abbiegt und von der es noch ca. 3 Km bis Engelsdorf sind. Hierbei fuhr ich als Spitzentruppe desjenigen Teils meiner Kompanie, der nicht bestimmten Einheiten als Divisionen zugeteilt waren. Dieser mir direkt verbleibende Teil machte beiläufig ein Drittel meiner Kompanie aus.

Die Besatzung meines Fahrzeuges bestand aus:

W'scha. Walter Kopf; Kompanietruppführer.

W'scha. Karl-Geinz Hagstedt; Funk-Unterführer.

Rottf. Richard Weck; Melder und U.G.-Schütze,

Strau. Veil; S. p. W. - Fahrer.

Unterstützungsführer Günther Gering, der eigentlich nicht zu meinem Fahrzeug gehörte, war jedoch von Büllingen mit uns mitgefahren. Unmittelbar nach uns, vielleicht eine halbe Minute oder ähnlich, kamen die nächsten Fahrzeuge meiner Kompanie an. Der Reihenfolge dieser Fahrzeuge weiss ich mich nicht mehr zu erinnern. Es müssen aber Fahrzeuge meines I. Zuges gewesen sein. Zur Zeit meiner Ankunft an dieser Strassenkreuzung stand vielleicht 40 Meter vor der Strassenkreuzung entfernt auf der Straße gegen Engelsdorf ein Panzer IV. Dieser stand auf der rechten Straßenseite.

Bei dem Haus, welches sich an der Kreuzung befindet, standen zwei Personenkraftwagen, es ist möglich, dass dieses schon früher von uns eroberte Fahrzeuge waren. Jedenfalls hatten diese Fahrzeuge deutsche Fahrer,

die offenbar schon mit ihnen angekommen waren.

Ich weiss mich nicht zu erinnern bereits zur Zeit meiner Ankunft irgendwelche Kriegsgefangenen gesehen zu haben, doch ist es möglich, dass dies meiner Erinnerung entzogen ist. Ich blieb an dieser Straßenkreuzung stehen, an welcher zu dieser Zeit noch keine Verkehrsstockung bestand. Die Straße war frei. Während ich hier stand und noch in meinem S.p.W. war, ging U'Stuf. Gering zu dem vorher beschriebenen Panzer **IV** auf der rechten Straßenseite hinter der Kurve stehend und sprach mit dem Kommandanten. Wer der Kommandant des **PIV** war, weiss ich nicht mehr. Zum besseren Verständnis der Lage an dieser Stelle z.Zt. meiner Ankunft habe ich eine Skizze, die ich mit **C** bezeichnet habe, angefertigt und gleichfalls dieser Aussage beigelegt. Auf dieser Skizze bedeutet:

- A - Amerikanische Soldaten im Feld  
 1 - Panzer **IV**, mit dem Kommandanten Gering sprach  
 2 - 2 bis 3 Männer der I. Abt. mit M. Pi., wahrscheinlich die Wache  
 3 - zwei Personenwagen; 4 - ein Soldat in schwarzer Uniform  
 5 - zwei oder drei amerikanische Lastwagen  
 6 - Meine eigenen S.p.W.  
 7 - ankommende Panzer- und S.p.W.-Kolonne.

Von dem Augenblick an, <sup>E.R.</sup> ~~fach~~ indem ich angehalten hatte, fuhren Panzer, welche bisher hinter mir gewesen waren, an mir vorbei, von denen einige an der Kreuzung oder vor dem Felde, das sich südlich von dem Hause befindet, anhielten. Innerhalb der ersten Minuten an dieser Stelle stiegen Männer von meiner Kompanie, jedoch nicht von meinem Wagen, aus und gingen zu dem Felde hin, welches sich südlich des Hauses an der Straßenkreuzung befindet und in welchem später

Die Gefangenen erschossen wurden. Einzelne dieser Männer kamen zurück und kamen auch an meinen S.p.W. vorbei, und sie sprachen davon, dass im Felde beim Gauss eine große Anzahl Kriegsgefangener stehe. Dadurch erfuhr ich überhaupt erst, dass Gefangene im Felde oder überhaupt in der Nähe des Gausses waren. Kurz nachdem ich diese Äußerungen von Leuten meiner Kompanie - an deren Namen ich mich nicht mehr erinnern - gehört hatte, sah ich den Obersturmführer Friedrich Lföist, den Kp. Lfd. der 2./Panz. Rgt. 1 "L49 AH" auf das Gauss an der Straßenecke zugehen. Ich weiß mich noch zu erinnern, dass ich erstaunt war ihn dort zu sehen, denn die 2. Panzer-Kompanie war meines Wissens noch nicht an dieser Stelle. Ich dachte damals, dass er mit einem der Personenzüge gefahren war. Wenige Minuten später, insgesamt etwa 5 Minuten nach meiner Ankunft, ging ich zu O'Stuf. Christ, welcher gerade an der Straßenecke in Gespräch mit einem anderen Offizier stand. Ich glaube dieser zweite Offizier war ein Untersturmführer und gehörte der Versorgungskompanie an. Der letztere Umstand ist mir deshalb in Erinnerung, weil wir uns über das von ihm zu bewältigende Problem der Versorgung mit Brennstoff unterhielten. Auch jetzt habe ich die Kriegsgefangenen nicht selbst gesehen, denn von der Stelle aus wo ich mit den beiden Offizieren sprach, waren sie nicht sichtbar und ich weiß auch deshalb nicht, wer die Gefangenen bewachte. Ich wußte allerdings zu dieser Zeit bereits, dass Kriegsgefangene im Felde hinter der Ecke standen.

Übersturmführer Christ sagte mir nun in Gegenwart des Untersturmführers der V-Kp.: Kamerad Kempf, können Sie mir nicht einpaar Männer geben. Es ist nur für einen Augenblick." Ich sagte: "Selbstverständlich", und ging zu meinem S.p.W. um ihm 2-3 Mann zu schicken. Als ich noch meinem S.p.W. vorbeiging, dachte ich mich um und fragte O'Staf. Christ: "Wieviel Männer brauchen Sie?" Christ erwiderte: "Eine Gruppe genügt." Darauf rief ich den Oberstabsführer Dörr, den Galbzugführer des I. Zuges, zu mir. Während O'Staf. Dörr auf mich zukam, sagte mir O'Staf. Christ, dass meine Leute bei einem Soldaten sich melden sollten, dessen Name der O'Staf. Christ hierbei nannte, doch habe ich diesen Namen vergessen. Ich glaube, dass der Rang dieses Mannes, bei dem meine Gruppe sich melden sollte, Rottenführer war.

In der Zwischenzeit kam Dörr zu mir und fragte ich ihn auf, zu dem Rottenführer zu gehen und sich bei demselben zu erkundigen, was es denn eigentlich für ein Auftrag sei. Bis dahin wusste ich nämlich nicht, was dieses von mir zu stellende Kommando tun sollte. Doch war ich bereits misstrauisch von dem Augenblick an, als O'Staf. Christ eine ganze Gruppe verlangte, denn ich vermutete dass diese Gruppe vielleicht für die Entlassung von Kriegsgefangenen verwendet werden sollte. Nach etwa 2-3 Minuten kam Dörr zu mir zurück und teilte mir mit: "Dieser Mann sagt mir, dass ich Kriegsgefangene erschiesen soll." Hierbei machte er Gebärden, die zeigten, dass er über dieses Aussehen imput war. Ich habe daraufhin zu Dörr gesagt: "Das müssen Sie nicht tun, gehen Sie zu Ihrem S.p.W. zurück."

Mir wurde beim Verhör mitgeteilt, dass Dörr einem Panzerkommandanten einen Auftrag, die Kriegsgefangenen zu erschossen, weitergeleitet respektive übertragen haben soll, um so selbst aus der Sache heraus zu kommen. Ich nehme an, dass Dörr, ehe er zu mir zurückkam, und mir empfahl sagte, dass er die Kriegsgefangenen erschossen solle, den Befehl bereits weitergeleitet hatte, in der Annahme, dass ich wahrscheinlich auf die Durchführung des Befehls bestehe.

Ich habe zum besseren Verständnis meiner Aussage eine weitere Skizze an der Waffenkammer verfertigt und mit D bezeichnet und der Aussage beigelegt. Sie gibt die Lage zu der Zeit wieder, als ich O'Sha. Dörr auftrag sich bei dem von O'Staf. Christ bezeichneten Rollenführer zu melden.

hier bedeutet:

- 1 - Stelle, an der sich O'Staf. Christ um Männer bat
- 2 - mein S.p.W., an dem ich Dörr den Auftrag gab
- 3 - S.p.W. meiner Kompanie, etwa 4 oder 5.
- 4 - langsam vorbeifahrende Panzer- und S.p.W.-Kolonne
- 5 - haltender S.p.W., wahrscheinlich Schutzmacher 11./S.p.W. Kp.
- 6 - etwa 10-12 Männer in grauer, einige in schwarzer Uniform
- 7 - haltender Panzer IV.
- 8 - Einzelne Männer von meiner Kompanie, die teils zum Feld gehen und von dort zurückkommen

Es war auch in dieser Zeit, dass U'Staf. Gaus<sup>23</sup> Genesche, von der 1./44. Panz. Rgt. 1 L99AH, mit einem oder zwei Panzer IV um die Ecke fuhr. Ich weiß mich zu erinnern, dass einer dieser zwei oder drei von Genesche Kommandierten PE unmittelbar am Gaus bei Beginn des Feldes stehen blieb, doch kann ich nicht angeben, ob dies U'Staf. Genesches Panzer war oder einer der zwei oder drei seines Zuges. Ich sah auch U'Staf. Erich Münchener, von der 7./47. Panz. Rgt. 1 L99AH mit einem Panzer IV langsam um die Ecke fahren, doch weiß ich nicht mehr, ob der Panzer U'Staf. Münchener's hinter der Ecke stehen blieb. Das alles war unmittelbar, bevor die Erschüßung begann.



Als ich das Feld bereits passiert hatte, nahm der Panzer der am Nordende des Feldes stand, das Feuer auf. Beiläufig sah ich <sup>ER</sup> an der Stelle, an der ich mich befand, als der Panzer am Nordende <sup>ER</sup> war, dann noch etwa 100 Meter vom Süden <sup>zu mir</sup>, einen amerikanischen Kriegsgefangenen <sup>zu mir</sup> parallel mit dem Straßengraben gegen die Straßensperre gehen, und ich sah, wie er <sup>hinter sich</sup> seine Hände vor seiner Brust fallete entweder zum Gebet oder um Gnade bitten. Ich weiß nicht aus eigenem Wissen, was aus diesen lebenden Gefangenen wurde.

Zu dieser Zeit fuhr ich wieder als erstes Fahrzeug meiner Kompanie und die anderen Fahrzeuge folgten hinter mir.

#### IV.

##### Erzählungen im oder bei Stromont.

- 1) Obersturmführer Franz Sievers<sup>19</sup>, Kompaniechef der 3./Pz. Btl. 1 L 99 AH erzählte mir am Abend des 21. Dezember auf dem Wege von Stromont nach La Gleize, dass er um ein Schloss bei Stromont gekämpft habe, welches von den Amerikanern hartnäckig verteidigt wurde. Hierbei sagte er mir auch, dass in manchen Räumen des Schlosses Amerikaner waren, welche laut schreiend zu erkennen gaben, dass sie sich ergeben wollten. Er habe jedoch seine Leute mit Panzerfäusten in diese Räume hinein lassen, in denen die Amerikaner waren, die sich ergeben wollten. Ich weiß mich wohl zu erinnern, dass O'Stuf. Sievers diesen Bericht in prächtiger Weise vorbrachte und daß er gleichfalls prächtiger Weise hinzufügte: „Ich habe ihnen gesagt was es heißt, den alten Sievers zu reizen.“ Es ist auch möglich, dass er statt 'reizen' sagte, was es heißt, den alten Sievers aus dem Haus herauszuschmeißen zu wollen. O'Stuf. Sievers erzählte mir auch, dass er in diesem Schloss etwa 40 Mann, darunter 2 oder drei Offiziere, gefangen.





Aus Ostufaf Peiper's Bemerkung hatte ich den Eindruck, daß nicht nur die Erschossen wurden, die sich geweigert hatten, <sup>zu arbeiten</sup> sondern zur Warnung für die Anderen eine größere Anzahl von Kriegsgefangenen erschossen wurde.

3) Am gleichen Abend, an welchem Ostufaf. Peiper diese Erklärung abgegeben hatte, daß er einen Teil der Kriegsgefangenen habe erschossen lassen, weil sich einige geweigert hätten zu arbeiten, sah ich ihn in freundschaftlichem Gespräch mit einem Gefangenen amerikanischen Major. Ostufaf. Peiper zeigte sich, im Gegensatz zu seinem Verhalten den anderen Kriegsgefangenen gegenüber, überaus freundlich und unterhielt sich stundenlang mit ihm. Dieser Major zeigte sich über den Verbleib der anderen Kriegsgefangenen und über die Art, wie sie untergebracht <sup>waren</sup> sehr besorgt, und Ostufaf. Peiper, der sich sehr beherrschen kann gab mit erstem und ruhigen Gesicht beruhigende Antworten. Überdies fragte der Major auch, ob diejenigen amerikanischen Soldaten, die im Kampf gefallen waren, auch ordnungsgemäß bestattet wurden und mit dem gleichen ersten Gesicht antwortete ihm Ostufaf. Peiper: „Natürlich, eine der Erkennungsmarken kommt in das Grab, die andere wird am Kreuz befestigt.“

Ich stand damals mit einigen anderen Offizieren um den Major herum und wir konnten uns das Lachen verhalten, denn wir wussten ja, daß die amerikanischen Gefangenen erschossen worden waren. Ich weiß mich auch noch zu erinnern, daß Ostufaf. Peiper <sup>dem Major nach</sup> seinen Namen und Heimatsanschrift fragte, und ich weiß auch, daß Hauptsturmführer Hünke Namen und Heimatsanschrift des amerikanischen Majors aufschrieb. In seinen Namen weiß ich mich noch zu erinnern, er hieß Mac Gaw. Der amerikanische Major fragte dann auch Ostufaf. Peiper nach seinem Namen. Ostufaf. Peiper lächelte darauf freundlich, gab jedoch seinen Namen nicht.

## VI

Abschließend möchte ich noch bemerken, dass auf der von uns benutzten Vormarschkolonne keinerlei der gepanzerten Gruppe oder nachfolgende Infanterie uns begleitet hat oder nachgefolgt ist, sodass der Hinweis, dass die Bewachung von Kriegsgefangenen durch die begleitende Infanterie normalerweise durchgeführt werden sollte, von vornherein im Kluff war. Dieser "Normalfall" konnte überhaupt nicht eintreten.

Ich habe diese Aussagen freiwillig und aus eigenem Willen abgelegt, unbeeinflusst von Zwang, Drohungen oder Gärten und unbeeinflusst von Versprechungen irgend einer Art.

Ich schwöre bei Gott, dass die Tatsachen in dieser Aussage wahr sind und ich bis heute diese vor jedem Gerichtshof unter Eid zu wiederholen.

WITNESSED:

Raphael J. J. J. J.  
Capt C14P

Friz Rumpf  
1st. Obersturmführer, 22.3.1946

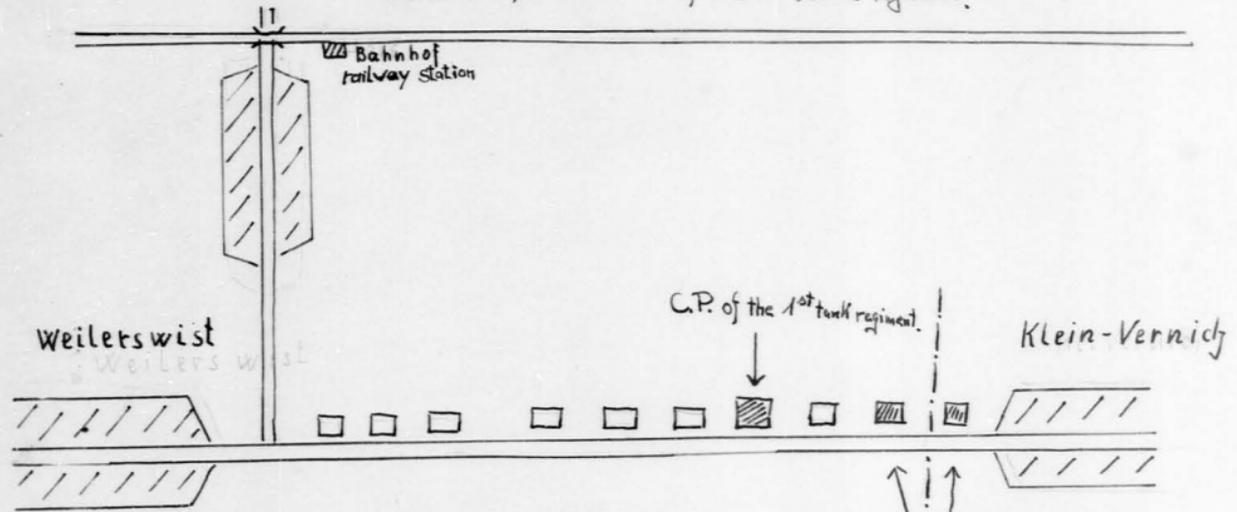
Sworn to and subscribed  
before me this 22<sup>nd</sup> day of March  
1946 at Schwabish-Hall,  
Germany.

William R. Paul  
1<sup>st</sup> Lt MIO-555149  
Investigator-Examiner  
War Crimes Branch  
USAF.

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A

Lage des Rgt. Gef. Std. in Weilerswist.  
 Position of the C.P. of the 1st tank regiment.



Zwei Privathäuser welche  
 ebenfalls als Geschäfte  
 zimmer benutzt wurden

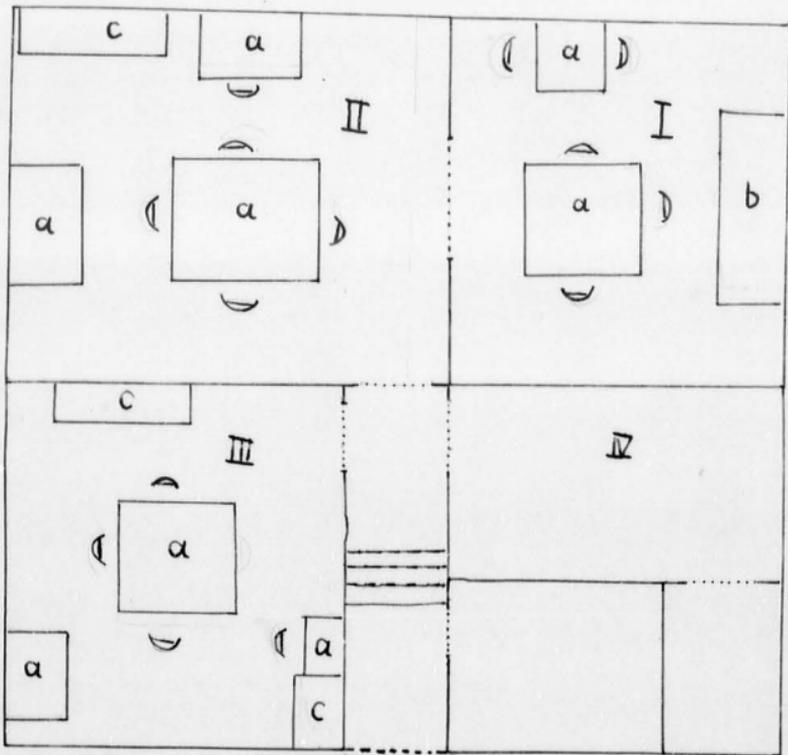
Two civilian houses which  
 were used for headquarters offices  
 of the 1st tank regiment, too.

Friz Rupp, 22.3.1946



B

Rgt. Gef. Std. Weilerswist  
 C.P. of the 1<sup>st</sup> tank regiment.



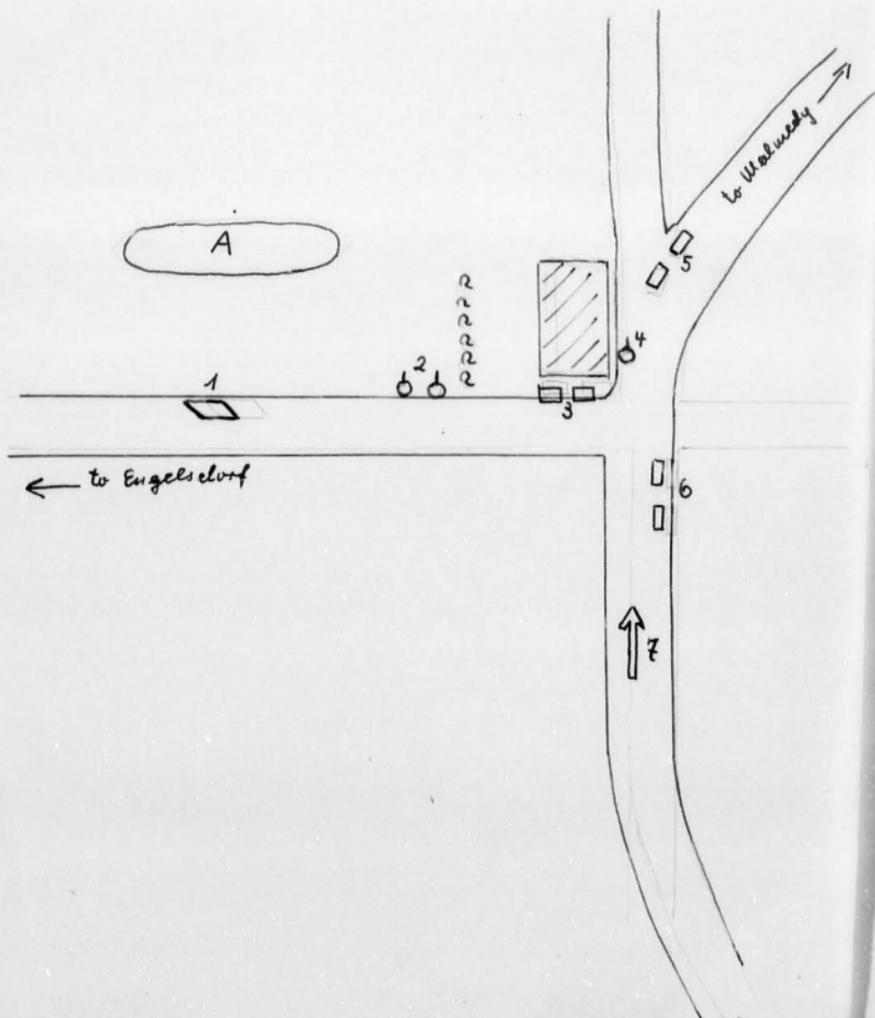
Strape  
 Road

Freig Reinf  
 22. 3. 1946

000756

Lage an der Straßenkreuzung bei Ankunft.  
Position at the road junction, when I arrived there.

C



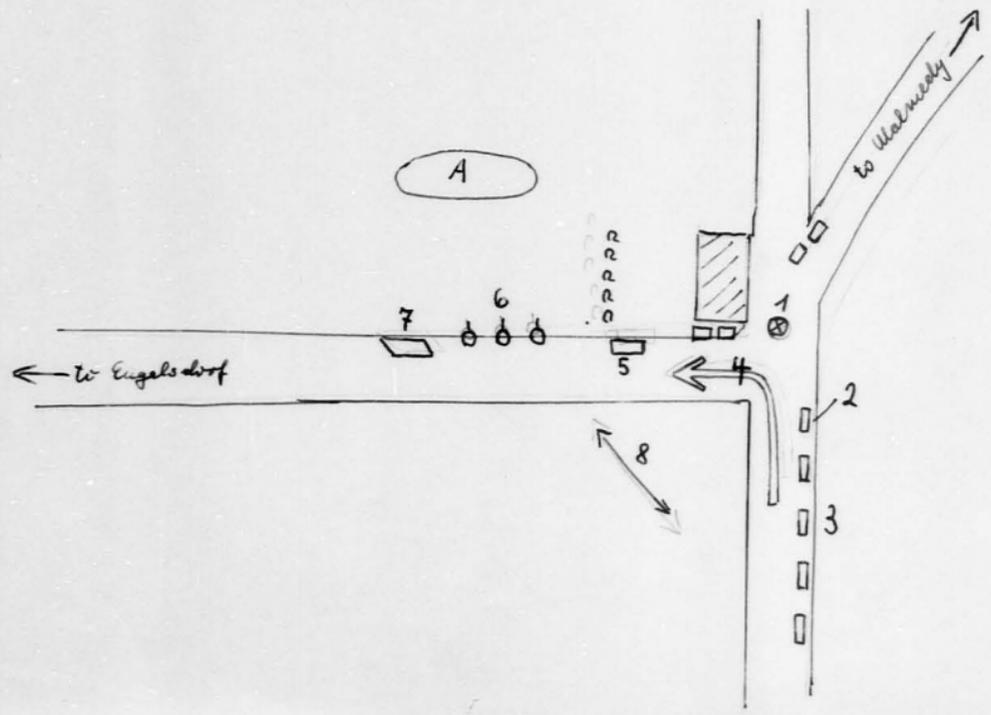
132

Georg Rumpf  
22.3.1946

133

Kreuzung bei Engelsdorf bei der Rückkehr des O'scha. Dörr  
Position at the road junction when O'scha. Dörr returned to me.

D



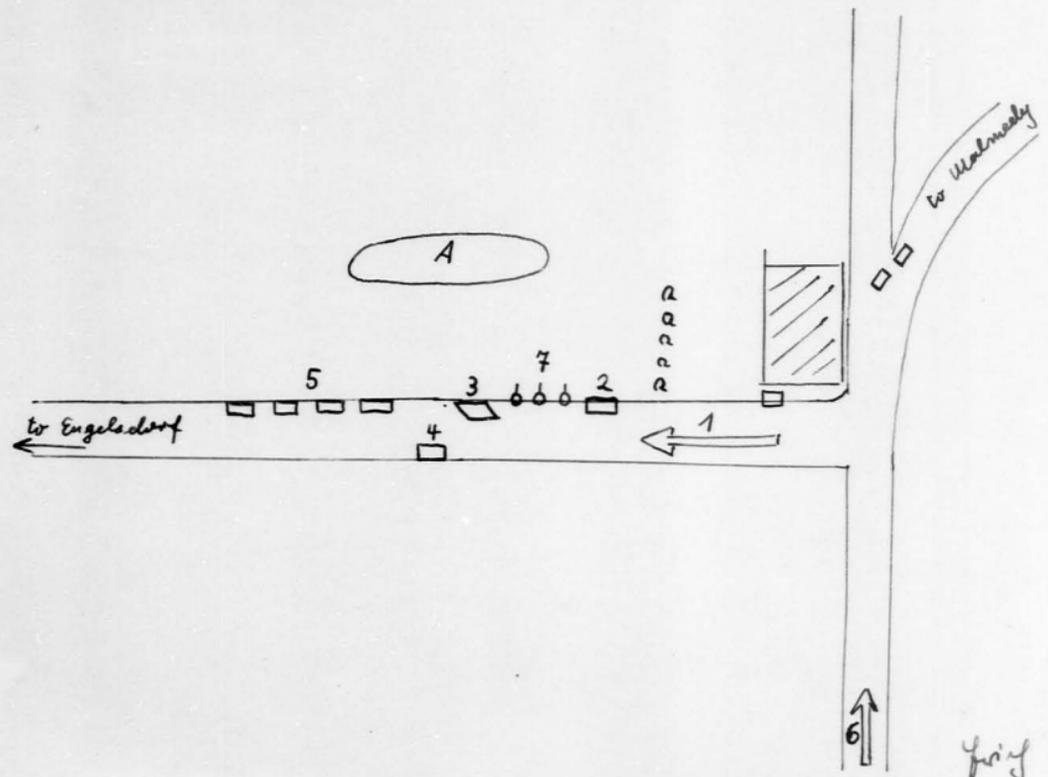
Fritz Rumpf  
22.3.1946

0907610

134

Lage an der Straßenkreuzung als sich die Kreuzung verließ.  
position at the road junction when I left the junction.

E



090761

Gisg Ruff  
22. 3. 1946

000765

### TRANSLATOR'S AFFIDAVIT

I, PAUL REITZER assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Erich RUMPF

taken on 22 March 1946 at Schwäbisch Hall, Germany.

before WILLIAM R. PERL, 1st Lt., M. I.

consisting of 17 pages, into English.  
and 5 sketches

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I have spoken English for seven years.
3. I studied English for four years at school in VIENNA, Austria.
4. I lived in England from 1939-1940.
5. I lived in the United States from 1940 until I left the United States with the American Army in May 1944.
6. Since the 4th of February 1946, I served as interpreter with the War Crimes Branch in Wiesbaden, Germany.

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Paul Reitzer  
Paul Reitzer

Sworn and subscribed to before me this 29<sup>th</sup> day of March 1946  
at Schwäbisch Hall, Germany.

Raphael Thumacker  
War Crimes Branch, USFET

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I, Erich RUMPF, Obersturmfuehrer, after first being duly sworn, make the following statement under oath:

During the EIFEL offensive I was Company Commander of the 9th Panzer Pioneer, 1st SS Panzer Regiment, L.S.S.A.H. which was assigned to the Armored Group, commanded by Joachim FEIPER, then Obersturmbannfuehrer.

Ever since May 1944 I was under the command of Obersturmbannfuehrer FEIPER as my company belonged to the 1st SS Panzer regiment L.S.S.A.H.

I make the following statement about the events during the EIFEL offensive.

I

Order pertaining to application of terror methods in regard to shooting of prisoners of war.

1.) Before the start of the EIFEL offensive in November and the first days of December 1944, the first SS Panzer Regiment was stationed in the area of WEILERSWISL.

Already at that time it was made clear to us that on account of the importance of the coming offensive, the rules of warfare which up to then had been followed in the west, would not be strictly adhered to. These deviations from the rules which up to then were adhered to in the west already became apparent at the sand-table exercises by remarks of Obersturmbannfuehrer FEIPER and Sturmbannfuehrer FOETSCHKE, commander of the 1st battalion.

Formal orders along these lines were not issued at that time, but the policy to be followed was already apparent. I know that Obersturmbannfuehrer FEIPER said among other things, during the sand-table exercises or during the following officers' meetings in regard to the conduct of warfare in the coming offensive, "Also a bad reputation has its commitments". I don't know how the other officers understood "bad reputation". I personally recall a case in RUSSIA in which we had to set fire to an entire village or about 2000 inhabitants, and had to shoot the whole civilian population on orders. This crime certainly contributed to the foundation of what is meant by the bad reputation of the SS.

Besides this remark of FEIPER I can also remember that Sturmbannfuehrer FOETSCHKE already declared either during the sand-table exercises or the following officers' meetings that no pardon would be granted in the coming offensive. Also, other remarks having the same sense were made by Obersturmbannfuehrer FEIPER and Sturmbannfuehrer FOETSCHKE at that time, but the words I do not remember any longer.

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In order to make up for our military inferiority, it was already clear at that time that the intention existed to spread among the enemy terror and fright, and that we were to carry on in a way which up to then was not followed in the west.

2a. 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 WELLSWIST. 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. The contents of this order were as follows:

"The armored group has the mission to break through and gain space in depth, the fire-power and 'punch' are strong; the armored group is weak from an Infantry point of view, therefore, the armored group has to keep its strength together by all means, and under no circumstances should split up its power. All other missions such as guarding of prisoners of war, mopping up of villages belong to the Infantry accompanying the armored group, or directly following it. Therefore, the situation can arise when prisoners of war have to be shot and if necessary the resistance has to be broken by terror."

These are the words of the order as far as I can remember. Naturally, it is possible that one or another word was added. However, I believe that the words are correct and, in any case I have quoted in my own words, the sense of this order.

While I was reading this order, Joachim PEIPER, the Commander of the Armored Group, entered the room in which I stood. He glanced at the paper and then repeated with a slight smile what he already said before. He said: "Also a bad reputation has its commitments".

Obersturmbannführer PEIPER then added, "Also, tell your men and impress upon them, so you don't experience a failure, that no one must stay behind because every man and every vehicle are needed."

Before I left the command post at that time I had to sign that I would not talk to anyone about the parts of the order which referred to the employment of terror methods and the possible shooting of prisoners of war except to those who had to know it in line of duty. In my opinion this was a preventive action in case of capture. Possibly for the same reason this order never went to my company in writing. I only got to read it.

To better understand part 2a of this statement I have made a sketch which I attach to this statement. It is marked with "A" and shows the position of the regimental command post at WELLSWIST. The attached sketch marked "B" shows the command post proper.

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Hereon means (on Sketch "B"):

- I. Room of Obersturmbannfuhrer PEIPER.
- II. Room of Regimental Adjutant Hauptsturmfuhrer GRUHLE in which I read the order.
- III. Room of Ordnance Officer and Regimental Office.
- IV. Kitchen
  - a) Table
  - b) Couch
  - c) Closet

2b.) On the same day on which I signed the order described in 2a, also a written regimental order arrived at my company. This order was supposed to be read to the men of the company before the beginning of the offensive. It demanded of the men complete exertion of their efforts. In regard to the prisoners of war this order said figuratively the same as was said in the secret order signed by me. This order which was to be read to the company reminisced, among other things, about the women and children who were killed by the American bombers, and it said that in this offensive, German soldiers and especially the men in the west would have the opportunity to take revenge for the bombardments. Furthermore, I know for sure that this written order which I had to read expressly stated that our reputation must precede us to terrorize our enemies. Whether this regimental order specifically mentioned prisoners of war, I do not recall any longer. I am sure of it that the order which had to be read did not specifically say that it was not allowed to take prisoners of war. However, I am just as certain that by mentioning the bombardments in connection with the appeal, that our reputation had to precede us to terrorize our enemies, conveyed to every man, in effect, that in case he did shoot prisoners of war, this would be in line with what is permitted.

3.) The regimental order described in 2b I read on 13 December 1944 to my company assembled in the school building in BADRUFKIDURF. Furthermore, I instructed my men on this occasion in accordance with the expressed order of Obersturmbannfuhrer PEIPER to the effect that the vehicles and men had to keep together. In regard to prisoners of war I did not add anything to the order read. At the interrogation I was told that men in my company claim I gave an explicit order according to which no prisoners of war would be taken. These men are mistaken. As I already said, it appeared from the order which I received from the regiment, and which I read without comment, that the use of terror methods was desired by the regiment, and evidently some men in my regiment drew their own conclusions from this order and accepted it as an order given by me.

## II.

### Shooting of Prisoners of war before the Cross-roads near ENGELSDORF.

1.) BUELLINGEN, Unterscharfuhrer Leo SIER of the 2nd Platoon, 9th Panzer Pioneer was with his SPW and probably a



second SPW assigned to one of the companies of the armored group as pioneer. Which company it was I do not know any longer. Anyhow, it was one of the companies which participated in the battles for BUELLINGEN.

On the 18th December, SIER brought me an American leather combination flying suit which I exchanged for my old uniform. Hereby SIER reported to me: "No prisoners of war were taken in BUELLINGEN. At the airport where I got the combination flying suit, and in the houses of BUELLINGEN, we shot American prisoners of war."

2.) Also in BUELLINGEN Unterscharfuhrer HAAS from the penal group of the Panzer Pioneers did, according to his own statement, shoot some American soldiers. HAAS told me, "I still found Americans in the houses in BUELLINGEN and bumped them off." HAAS drove into BUELLINGEN together with me; at this time there was no more action in BUELLINGEN any more and HAAS entered the houses without an order from me to search for hidden Americans. Hereby he probably took men along from his penal group. Who these men were I do not know. HAAS made the report to me described above when I was at the western exit of BUELLINGEN and he was apparently pleased to have bumped off the Americans.

### III

#### The Events at the Cross-roads before ENGELSDORF.

Coming from BUELLINGEN I arrived about noon at the cross-roads where the street turns sharply left towards ENGELSDORF, and from where it is about 3 kilometers to ENGELSDORF. Hereby I drove in the leading vehicle of that part of my company which had no definite units of pioneers attached. This remaining portion left to me comprised about one-third of my company. Other than myself, the crew of my vehicle was composed of:

Unterscharfuhrer Walter KORF - Company troop leader  
 Unterscharfuhrer Karlheinz HAGSTEDT - Radio Unterfuhrer  
 Rottenfuhrer Richard WECK - Messenger and machine gunner  
 Sturmmann VEIL - SPW driver.

Untersturmfuhrer Gunther GERING, actually not belonging to my vehicle, drove, however, from BUELLINGEN with me. Immediately behind me, maybe one-half minute or so later, the next vehicles of my company arrived. The sequence of these vehicles I cannot recall any longer. It must have been vehicles of my 1st Platoon though. At the time of my arrival on these cross-roads a Panzer IV stood perhaps 40 meters away from these cross-roads on the road towards ENGELSDORF. It stood on the right side of the road.

At the house located at the crossing stood two personnel vehicles. It is possible that these were jeeps, captured by us previously. Anyhow, these vehicles had German drivers who apparently had arrived with them.

I do not recall to have seen any prisoners of war right at the time of my arrival. However, it is possible that this has

slipped my memory. I remained standing at those cross-roads where at that time there was yet no traffic jam. The road was open. While I stood there, still in my SPW Untersturmfuehrer HERING went to the Panzer IV, described previously, which stood at the right side of the road behind the curve, and talked with the commander. Who the commander of this Panzer IV was I don't know any longer. For a better understanding of the situation of this locality at the time of my arrival, I have made a sketch which I have marked "C" and also attach it to this statement. On this sketch is meant:

A. American soldiers in field.

1. Panzer IV with the commander of which HERING talked.
2. 2-3 men of the 1st battalion with machine pistols, probably the guards.
3. Two personnel vehicles
4. A soldier in black uniform
5. 2 or 3 American trucks
6. My own SPW
7. Arriving tank and SPW column

From the moment I stopped, tanks which were up till then behind me, passed me some of them stopping at the crossing or else in front of the field which is situated south of the house. Within the first minutes, men of my company dismounted at this place - however, none from my vehicle - walked towards the field which is located south of the house at the cross-roads, and where later on the prisoners were shot. Some of these men returned and also passed my SPW, saying that in the field by the house, there were a great number of prisoners of war standing. Only by that did I learn that there were prisoners at all in the field or near the house. Shortly after I heard these remarks made by the men of my company - the names I do not recall any longer - I saw Obersturmfuehrer Friedrich CHRIST, company commander of the 2nd Company, 1st Panzer Regiment, L.S.S.A.H. walking towards the house at the cross-roads. I still can remember that I was astonished to see him there because the 2nd Panzer Company was, to my knowledge not yet at this place. At that time I figured that he had driven in one of the personnel vehicles. A few minutes later, in all about 5 minutes after my arrival, I went to Obersturmfuehrer CHRIST, who just had a conversation with another officer standing at the cross-roads. I believe this second officer was an Untersturmfuehrer and belonged to the service company. The latter circumstance remained in my memory because we conversed about the problem of gasoline supplies which was up to him to tackle. Even now I, myself, did not see the prisoners of war, because from the position where I was talking with the two officers they were not visible and therefore, I do not know who was guarding these prisoners. At this time, however, I already knew that prisoners of war stood in the field behind the corner. Obersturmfuehrer CHRIST now

said to me in the presence of the Untersturmfuehrer of Service Company, "Comrade RUMPF, couldn't you give me a few men? It is only for a moment." I said, "Of course", and walked to my SPW in order to send him 2-3 men. Before I reached my SPW I turned around and asked Obersturmfuehrer CHRIST, "How many men do you need?" CHRIST answered, "One group is enough." Thereupon, I called Oberscharfuehrer DÖRR, the section leader of the first platoon to me. As Oberscharfuehrer DÖRR approached me, Obersturmfuehrer CHRIST told me that my men should report to a soldier whose name Obersturmfuehrer CHRIST mentioned at that occasion; however, his name I have forgotten. I believe that the rank of this man to whom my men were to report was Rottenfuehrer.

In the meantime DÖRR came to me and I ordered him to go to the Rottenfuehrer and inquire of him what kind of an order it was. Up to then I did not know what this detail furnished by me had to do. However, I was already suspicious when Obersturmfuehrer CHRIST requested an entire group as I sensed that this group would probably be used for the shooting of prisoners of war. After about two to three minutes DÖRR returned to me and told me, "This man tells me that I should shoot prisoners of war." Hereby he made gestures which indicated, that he was indignant about this intention. I then said to DÖRR, "This you don't have to do, you go on back to your SPW."

At the interrogation I was told that DÖRR passed on to a Panzer Commander an order to shoot the prisoners of war (respectively handed over the order; Trans. note) in order to get out of this thing.

I assume that DÖRR, before he returned to me and indignantly told me that he was to shoot prisoners of war, already had passed on the order with the assumption that I would probably insist on the execution of the order.

For a better understanding of my statement I have made an additional sketch of the cross-roads, marked it "D" and attach it to this statement. It reproduces the situation at the time when I ordered Oberscharfuehrer DÖRR to report to the Rottenfuehrer designated by Obersturmfuehrer CHRIST.

Hereon means:

1. Position where Obersturmfuehrer CHRIST asked me for men.
2. My SPW where I gave the order to DÖRR.
3. SPW's of my company, about 4 or 5.
4. Column of slowly passing Panzers and SPW's.
5. SPW's stopping, probably SCHUMACHER, 11th SPW Co.

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6. About 10-12 men in grey, some in black uniforms.
7. Panzer IV stopping.
8. Individual men of my company, some walking towards the field, some returning from there.

It was also at this time that Untersturmfuehrer Hans HENNECKE of the 1st Co., 1st Panzer Regiment L.S.S.A.H. drove around the corner with one or two Panzer V's. I can recall that one of the two or three Panzer V's commanded by HENNECKE stopped directly at the house at the beginning of the field; however I cannot state whether this was Untersturmfuehrer HENNECKE's Panzer or one of the two or three of his platoon. I also saw Untersturmfuehrer Erich MUNKEMER of the 7th Co., 1st SS Panzer Regt., L.S.S.A.H., drive slowly around the corner in a Panzer IV. However, I don't know any more whether Untersturmfuehrer MUNKEMER's Panzer stopped behind the corner. All this happened immediately before the shooting started.

After I talked with Oberscharfuehrer DÖRR for the second time I went to the American truck indicated with #5 on sketch "C" as I did not want to watch the shooting about to take place.

During all this time my SPW's, totalling 4 or 5, stood on the road directly before the crossing on the road leading to the crossing; also, some other SPW's and Panzers drove slowly around the corner. Which units these Panzers and SPW's belonged to I don't know any longer, with one exception that I saw Unterscharfuehrer SCHUMACHER of the 11th Company 3rd Armored Battalion running around at the crossroads, and later saw him walking in front of a slowly moving SPW. Anyhow, this Unterscharfuehrer SCHUMACHER was around the time of the shooting at this location.

After I stood for about one or two minutes at the truck indicated with 5 on Sketch "C", and watched as men unloaded "K" Rations, the firing at the prisoners of war, standing next to the house began, which I could hear but did not see. A great number of weapons fired; machine guns, rifles and pistols, perhaps also machine pistols. This shooting lasted about one-half minute or a little less. Immediately following it, some single shots were fired. About three minutes after the first big shooting was over I left the American truck and went to my SPW - I shouted to my men, "Let's go - we move out." About one minute later we drove off in the direction towards ENGELSDORF when I passed a field where the picture which I have shown on sketch "K" presented itself, and which I have attached to this statement:

Hereon is meant:

- 1 - My company driving up
- 2 - A stationary SPW
- 3 - A Panzer IV which shortly afterwards opened fire, with the turret towards the dead soldiers.

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- 4 - An SPW on the left side of the street
- 5 - About 4 SPW's halting
- 6 - Panzer and SPW column coming towards the crossing.
- 7 - About 10 soldiers mostly all in grey uniforms.

When I was already past the field, the Panzer standing at the northern end of the field opened fire. Approximately at the place where I was when the Panzer at the northern end fired, therefore about 100 meters from the south end, I saw an American prisoner of war walking parallel with the road ditch towards the crossroads and I saw as he knelt down folding his hands before his chest either to pray or to beg for mercy. I do not know out of my own knowledge what became of this single prisoner.

At this time I again drove as first vehicle of my company, and the other vehicles drove behind me.

## IV

Shootings in or near STOUMONT.

1.) Obersturmfuehrer Franz SIEVERS, Company Commander of the 3rd Company, 1st Pioneer Battalion, LSSAH related to me on the evening of the 21st December on the way from STOUMONT to LA GLEIZE that he fought for a castle near STOUMONT which was stubbornly defended by the Americans. Hereby he also told me that in some rooms of the castle were Americans who, shouting loudly, proclaimed that they wanted to give themselves up. He, however, let his men shoot with the "Panzerfausten" into these rooms in which the Americans were who wanted to give themselves up. I still can remember that Obersturmfuehrer SIEVERS related this account in a bragging manner and that he also boastfully added, "I have shown to them what it means to irritate the old SIEVERS". It was also possible that he said, instead of "irritate", "What it means to want to throw the old SIEVERS out of the house." Obersturmfuehrer SIEVERS also related to me that he captured about 40 men in this castle, among them two or three officers. Whether he shot them I do not know.

2.) Men of my company whose names I don't recall any longer informed me at my Company Command Post in STOUMONT on the 20th or 21st December that they saw when Untersturmfuehrer KOCH, the platoon leader of the 1st Platoon of the 2nd Company, 1st SS Panzer Regiment L.S.S.A.H. shot four or five American prisoners of war. I cannot remember any longer whether they expressly stated that KOCH shot the prisoners himself. However, I know, after I talked with these men of my company that I was under the impression that Untersturmfuehrer KOCH did not have the prisoners shot but shot them.

## V.

Shooting of Prisoners of War in LA GLEIZE

- 1) On the evening of 21 December 1944, about 9 or 10 o'clock,

I am pretty sure that time and date as given here are correct, I arrived in LA GLEIZE and reported to the Command Post of the 1st Battalion. It was located in a cellar of the school building. There I received from Obersturmbannfuhrer PEIPER some tactical pointers. Also Sturmbannfuhrer FOTSCHKE was present. After I had already left this Command Post Untersturmfuhrer Hans HENNECKE of the 1st Co., 1st SS Panzer Pioneer Regiment L.S.S.A.H. came after me and said to me, "PEIPER ordered that prisoners of war are to be shot. You should furnish a shooting detail." I am also sure that he added, "Send them over here to this place." Hereby he pointed at the place in front of the school house. Even before Untersturmfuhrer HENNECKE gave me this order, shootings must have taken place in LA GLEIZE because the drivers of my company informed me on my arrival that American prisoners of war were shot.

After I received the described orders from Untersturmfuhrer HENNECKE, I went to the cellar in which was part of my men. I went into the cellar and said, "I need some men for the shooting of prisoners of war." Thereupon Unterscharfuhrer Erich MAUTE, 9th Panzer Pi. Company Medic, with three or four other men emerged from the cellar. I believe that I there designated these men. I know that one of these men was Unterscharfuhrer MAUTE, my Company Medic; I assume that another one was Sturmmann SCHIMMEL and I know that the others were SPW drivers. However, it could be that also a member of the 1st platoon, who was not an SPW driver, was among them. I then ordered Unterscharfuhrer MAUTE, who was the only Unterfuhrer among the men, what I myself was ordered; therefore, I said to MAUTE, "You go to the place in front of the church - prisoners are to be shot." Also I am pretty sure that I said to MAUTE that he and his men would be told what to do by the 1st company. I can no longer remember if MAUTE reported to me after the shooting, probably he did not do that as for one thing it was already late in the evening and I went into another house to sleep. Besides, during the time of action one is not very formal, and what is more, this shooting detail had received particulars from the 1st Company, and I only sent it to the first company in accordance with orders.

2) On the next day, therefore on 22nd December 1944, I myself was present when Obersturmbannfuhrer PEIPER declared at the command post of the 1st Battalion in LA GLEIZE, "Some American prisoners of war refused to work for us, thereupon I had part of the prisoners shot. This will be the best lesson for the remaining ones." These were the words as far as they are in my memory. He could have said one or two more words, but substantially this is the wording of the remark and certainly it is the meaning of his remark.

From Obersturmbannfuhrer PEIPER's remark, I got the impression that not only those who refused to work were shot, but as a warning to the others, a greater number of prisoners were shot.

3) On the same evening on which Obersturmbannfuhrer PEIPER gave this declaration that he had a part of the prisoners shot because some had refused to work, I saw him in friendly conversation with a captured American Major. Obersturmbannfuhrer PEIPER showed himself contrary to his behavior towards the other prisoners of war, exceedingly friendly, and conversed with him

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for hours. This major showed himself to be very anxious about the whereabouts of the other prisoners of war and about the way in which they were housed; Obersturmbannfuhrer PEIPER who can well control himself gave, with a serious and quiet face, reassuring answers. Furthermore, the Major also asked whether those American soldiers who fell in the battle would be buried according to regulations, and with the same serious face Obersturmbannfuhrer PEIPER answered him, "Naturally, one of the identification tags goes into the grave, the other will be fastened on the cross."

At that time I stood together with some other officers around the Major, and we had to keep from laughing as we knew that the American prisoners were shot. I also can still remember that Obersturmbannfuhrer PEIPER asked the Major for his name and home address and I also know that Hauptsturmfuhrer NUSKE wrote down the American Major's name and home address. I can still remember his name was MacGAW or something similar. The American Major then also asked Obersturmbannfuhrer PEIPER for his name. Obersturmbannfuhrer PEIPER smiled friendly at this; however, did not give his name.

In closing I would like to remark that no infantry accompanied or followed us on the route or advance used by us; therefore, the reference that the guarding of prisoners of war should normally be conducted by accompanying infantry was a bluff from the beginning. This "Normalfall" (Translator's note: "normal case") did not have a chance to occur at all.

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

I swear before God that the facts in this statement are true and I am prepared to repeat them under oath before any court of justice.

(signed) Erich RUMPF  
SS Obersturmfuhrer, 22.3.1946

Witnessed:

(signed) RAPHAEL SHUMACKER  
Capt CMP

Sworn to and subscribed before me  
this 22nd day of March 1946 at  
Schwabisch Hall, Germany.

William R. PERL (signed)  
1st Lt M.I. 0-555149  
Investigator-Examiner  
War Crimes Branch  
USFET

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RECORDS

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I, ERICH RUMPF, being first duly sworn, make the following statement under oath:  
Ich Erich Rumpf, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

EX 556

The above two photographs are photographs of the same OBERSTURMBANNFÜHRER PEIPER mentioned by me in my affidavit, dated 22. MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmbannführer Peiper von mir in meiner eidesstattlichen Aussage genannt, datiert 22. März 1946.

Erich Rumpf  
First Name (Vorname) Last Name (Zuname)

44-Obersturmführer  
Rank (Dienstgrad)

9<sup>th</sup> Pz P. 1<sup>st</sup> SS Pz Regt. G.S.S.A.N.  
Organization during Elbe Offensive  
Einheit während des Elbe-Einsatzes

Sworn and subscribed before me this 5<sup>th</sup> day of April, 1946.

Daphail Thumacker  
Officer administering oath

Capt CMP  
Rank Arm or Service

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I, ERICH BUMPF, being first duly sworn, make the following statement under oath:  
 Ich Erich Rumpf, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

EX 550

The above two photographs are photographs of the same OBERTURMFÜHRER FRANZ SIEVERS mentioned by me in my affidavit, dated 22 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmführer SIEVERS von mir in meiner eidesstattlichen Aussage genannt, datiert 22. März 1946.

Erich Rumpf  
 First Name (Vorname) Last Name (Zuname)

Obersturmführer  
 Rank (Dienstgrad)

9A Pz Bn 1st SS Pz Regt 4 SS AH  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 5th day of April, 1946.

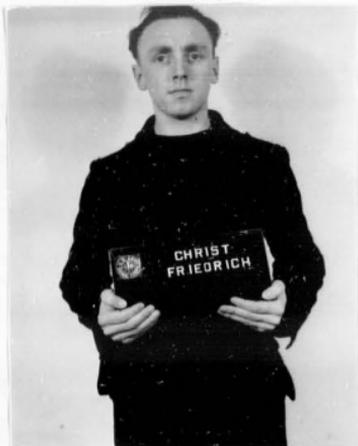
Daphault Thumacher  
 Officer administering oath

CAPT CMP  
 Rank Arm or Service

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I, EAICH RUMPF, being first duly sworn, make the following statement under oath:  
Ich, Eric Rumpf, nachdem ich erst rechtmäßig eingestworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSTURMFUEHRER FRIEDRICH CHRIST mentioned by me in my affidavit, dated 22 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmführer Friedrich Christ von mir in meiner eidesstattlichen Aussage genannt, datiert 22. März 1946.

Eric Rumpf  
First Name (Vorname) Last Name (Zuname)

Obersturmführer  
Rank (Dienstgrad)

9<sup>th</sup> Pz Div. 1<sup>st</sup> SS Pz Regt L. S.S.A.M.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to, and subscribed before me this 5<sup>th</sup> day of April, 1946.

Raphael Thumacker  
Officer administering oath

Capt CMP  
Rank Arm or Service

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I, ERICH RUMPF, being first duly sworn, make the following statement under oath: Ich Erich Rumpf nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same UNTERSTURMFÜHRER MÜNCKEMER mentioned by me in my affidavit, dated 22 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Untersturmführer Munkemer von mir in meiner eidesstattlichen Aussage genannt, datiert 22. März 1946.

Erich Rumpf

First Name (Vorname) Last Name (Zuname)

Untersturmführer

Rank (Dienstgrad)

9th Pz Div. 1st Ss Pz Regt L-SSA.M.

Organization during Elze Offensive Einheit während des Elze-Einsatzes

Sworn to and subscribed before me this 5th day of April, 1946.

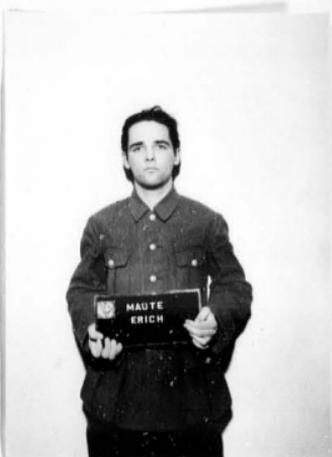
Daphael Thumader  
Officer administering oath

Rank CMP  
Rank Arm or Service



149

000777



I, Erich Rumpf, being first duly sworn, make the following statement under oath:  
Ich Erich Rumpf, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same UNTERSCHAH FÜHRER ERICH MAUTE mentioned by me in my affidavit, dated 22 MARCH 1946

Die obigen zwei Photographien sind Photographien desselbigen Untersturmführer Erich Maute von mir in meiner eidesstattlichen Aussage genannt, datiert 22. März 1946.

Erich Rumpf  
First Name (Vorname) Last Name (Zuname)

Obersturmführer  
Rank (Dienstgrad)

9<sup>th</sup> Pz Div 1<sup>st</sup> Pz Regt 255AH  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 18<sup>th</sup> day of April, 1946.

Naphtal Thumader  
Officer administering oath

Capt C. M. P.  
Rank Arm or Service

150

7  
P-55  
J.E.E.  
COLLECTOR

000776

8

UNITED STATES VS. VALENTIN BERSIN ET AL  
(THE MALMEDY CASE)

PROSECUTION EXHIBITS P. 56 thru P. 74-C

CLASSIFICATION CANCELLED  
By authority of JAG ltr  
4 Aug 1950.

8



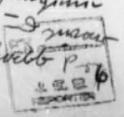
Hier fanden an der Wand die Türen, in der Mitte die Öffnung der Treppe liegt.  
Auf der Höhe selber ungefähr fanden ungefähr 30 Personen, die die Gefangenen,  
den meisten die Hände gefesselt hatten → Personen, die die Gefangenen  
auf Nummer. Die Gefangenen hatten keine Waffen → Handen nicht frei.  
Einige Personen waren keine Gefangenen, die Gefangenen insilagen.

Unmittelbar nach dem Fall, in der oben genannten Richtung der Türen  
mit Oberflächenspitzen Rumpff sorgfältig untersucht wurden, gab es eine  
folgendem (Befehl: "Lege die Gefangenen ...") Die hier nicht weiter als diesen  
Höhe weg zu bewegen, aber in irgendeiner Weise nicht möglich.

Darauf vertrieben wurde der Feuer auf die Gefangenen →  
gleichzeitig die Aufführungsmittel der Polizei → S.P.W. nach auf  
Hinter Mauer auf dieser Seite fanden. 2) persönlich über 6-7 Stufen  
mit unmissbar Verabreichen auf die Gefangenen abgegeben. Die hier nicht  
von Rieder abgegeben werden nicht möglich ist, weil heute ist  
möglich ist zu sehen dass auf die Gefangene Höhe.

Comand, die hier → Prioste waren ebenfalls mit ihnen verbunden  
auf die Gefangenen → Oberflächenspitzen verbleibt mit der Pistole.  
Die auch auf die Oberflächenspitzen Rumpff in die Gefangene Höhe.  
Die sah früher die Unterflächenspitzen Gegend mit seiner Aufführungsmittel  
in die Gefangenen Höhe.

Karsten die Gefangene zu Boden gestürzt, nachdem gingen wir zu einem  
S.P.W → hier auf. Die Gasse bleibt ziemlich auf der Höhe  
→ ist es von einem S.P.W unter, mit Gasse vorwärts, zwischen  
den Gefangenen in Richtung → die am Boden liegenden Gefangenen  
Höhe. Ein Fall ist mit anderen Mann in Kommunikation →  
hat es sich immer am Boden liegen → totgeglaubten habe  
aufgegriffen.



Ich habe die auf mich gerichtete I. nicht nur dem Gendarm, als  
 wenn er die selbsten nicht gewesen wäre, diesen kann Herr Guas  
 schenke mit seiner Klappmesser, Holz- etc.

Kauf von der Polizei für den Kaufmann, auch, außerdem nicht dem Befehl  
 von Oberstleutnant. Rumpf in die Kaufmann.

Ich habe die Erlaubnis der Polizei der Polizei-Verpflichtung,  
 die ich bestimme die Erlaubnis der Polizei-Verpflichtung  
 gemacht.

Diese Erlaubnis bestimme die Erlaubnis der Polizei-Verpflichtung  
 persönlich gemacht, ohne Zwang, Gelder, Anordnungen, Durchführungen  
 irgendwelcher Art.

Ich habe die Erlaubnis der Polizei-Verpflichtung, die ich bestimme  
 gemacht, und sind die Erlaubnis der Polizei-Verpflichtung  
 meine Erlaubnis der Polizei-Verpflichtung zu wiederholen.

Herrn Guas

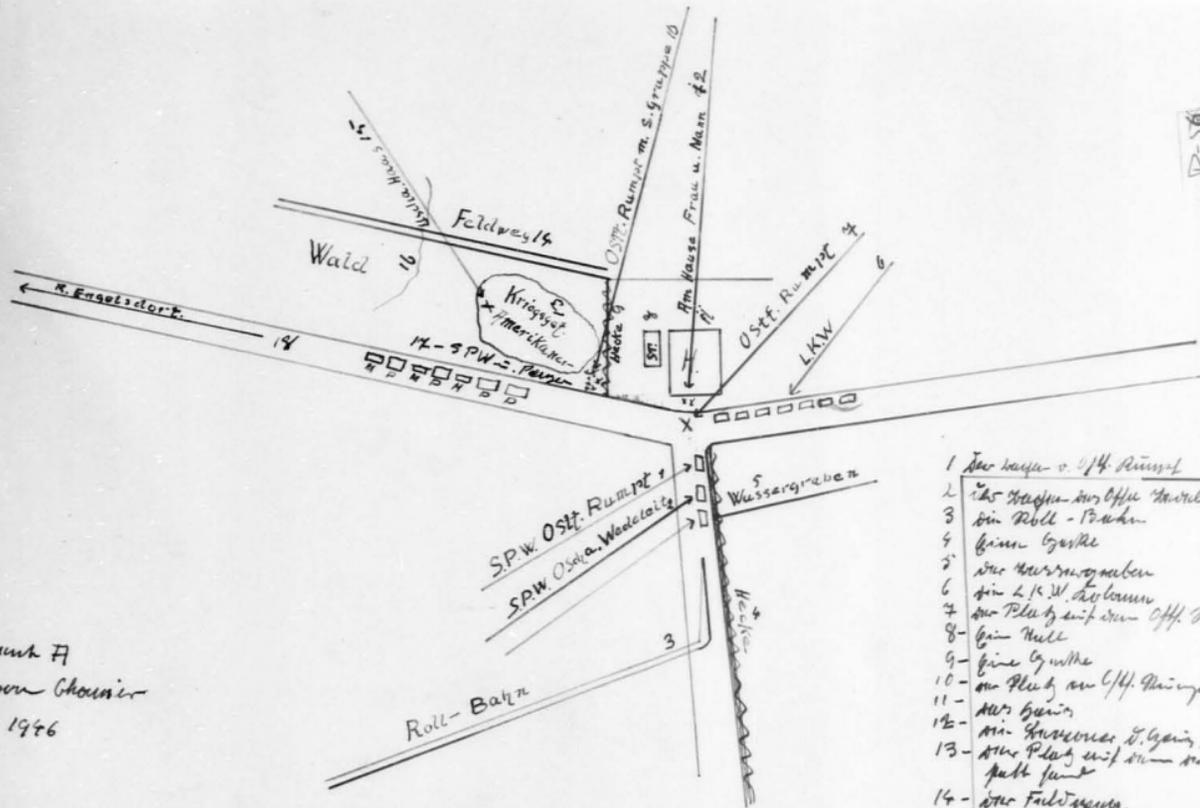
21.3.1946

I have read and subscribed  
 before me this 21st day  
 of March 1946 at  
 Schwabisch Hall, Ger.

Raphael Thumacher  
 Capt. CMP



R 50



- 1 Am Hause v. 14 Rumpel
- 2 im Hofen der Offizier Baracken
- 3 im Roll - Bahn
- 4 beim Garten
- 5 über Wassergreben
- 6 im LKW, 2 Personen
- 7 im Platz mit einem Offizier, 2 Personen
- 8 beim Hecke
- 9 beim Garten
- 10 im Platz am Offizier Rumpel - d. S. Gruppe
- 11 Am Hause
- 12 im Hofen, 2 Personen
- 13 im Platz mit einem Offizier, 2 Personen
- 14 über Feldweg
- 15 über Offizier Baracken gegenüber Hecke
- 16 im Hecke
- 17 mit einem Offizier, 2 Personen
- 18 im Hofen auf Engelstork

Kochmann H  
 Hilli von Chausier  
 21.3.1946

000785

000782

### TRANSLATOR'S AFFIDAVIT

I, Paul Rosenthal assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Willi VON CHAMIER

taken on 21 March 1946 at Schwäbisch Hall, Germany,

before RAPHAEL SHUMACKER, Captain, CMP

consisting of 3 pages, into English.  
and 1 sketch

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. German is my native tongue.
2. I have spoken English for nine years.
3. I studied English for three years in school in VIENNA, AUSTRIA.
4. I lived in England since June, 1939. I have been employed by the U.S. War Department as a German-English interpreter since June 1945.

*Paul Rosenthal*  
Paul Rosenthal

Sworn and subscribed to before me this 26<sup>th</sup> day of March 1946  
at Schwäbisch Hall, Germany.

*Raphael Shumacker*  
War Crimes Branch, USFET

*Capt*



EX  
56A

I Willi von CHAMIER, after first being sworn make the following statement:

During the EIFEL offensive in December 1944 I was with the penal group, 9th Panzer Pioneer Company, 1st Panzer Regiment L.S.S.A.H. My rank was that of an Unterscharfuehrer.

We left our assembly area in the early morning hours of 16 December 1944 for the attack.

During our advance we passed through several villages the names of which I do not know anymore.

We reached a big cross-road about mid-day of the following day, 17 December 1944, approximately 4 kilometers north of ENGELSDORF. On the right side of the street, coming from BUELLINGEN, before one turns left into the main street towards ENGELSDORF, stood Obersturmfuehrer RUMFF's S.P.W. Our SPW which carried the following mentioned crew stopped approximately six meters behind RUMFF's SPW:

The Gruppenfuehrer		Oescha	WEDELEIT
The Asst "		Uscha	HAAS
The MG Gunner	I	Rottf	KATCHER
The MG Gunner	II	Uscha.	Von CHAMIER, Willi
Rifleman	I	Uscha	PIOTTA
Rifleman	II	Schuetze	RIEDER
Rifleman	III	"	CORZIENI

We stood there awhile when Obersturmfuehrer RUMFF motioned us to come to him. At that time he stood in front of a house which stood directly on the corner of the right-hand side of the street, coming left around the bend traveling to ENGELSDORF. We had not yet arrived when he shouted to us to get our weapons and to follow him right away. He led us, meaning the whole crew of the SPW of Oberscharfuehrer WEDELEIT to a pasture which was immediately south of the house. We stood on the north side of this pasture, on the corner next to the street. On this pasture approximately 30 American prisoners were standing with their hands raised, and wearing American uniforms which I know. The prisoners had no arms and stood there quietly. In my opinion there was no reason to bump those prisoners off. Immediately thereafter, Obersturmfuehrer RUMFF gave us the following order after we had arrived at the abovementioned corner of the pasture with him, "Bump the prisoners off". I am not sure whether those exact words were used, but the meaning is correct. Thereupon we opened fire on the prisoners of war and at the same time, the machine guns of the tanks and SPW's that stood on this street at this pasture. I personally fired 6 shots at the prisoners with my carbine. I don't know how many shots RIEDER fired, but I heard and saw that he did shoot at the prisoners.

CORZIENI, KATCHER and PIOTTA did also shoot with their rifles into the prisoners, and Oberscharfuehrer WEDELEIT with the pistol. I also saw how Obersturmfuehrer RUMFF shot into the prisoners. I also saw Unterscharfuehrer HAAS shoot into the prisoners with his machine pistol.

We returned to our SPW's and mounted after the prisoners had fallen to the ground. Only HAAS remained on the pasture and I saw from our SPW HAAS walking once more amongst the prisoners and shooting the prisoners lying on the ground. One case I remember especially clearly, namely one of those lying on the ground and believed to be dead, raised himself half-way up. He pointed to the rear part of his body which gave me the



impression that he was wounded there. This man was also shot dead by HAAS with his machine pistol.

After the shooting was over we received an order from Obersturmfuehrer RUMPF to proceed on our march.

To clarify the above statement, I have made a sketch, marked it Exhibit "A", and made it a part of my statement.

This statement consisting of 3 pages and one sketch was made of my own free will without force, duress, threats, promises of any kind.

I swear before God that the facts which I made in this statement are true and am willing to repeat my statement under oath before any court of justice.

(signed) Willi Von CHAMIER  
21. 3. 1946.

Sworn to and subscribed before me this  
21st day of March 1946, at SCHWABISCH HALL,  
Ger.

RAPHAEL SHUMACKER  
Capt. CMF.



## TRANSLATION OF LEGEND TO EXHIBIT "A" DRAWN BY

Uscha WILLI VON CHARMIER on 21 March 1946.

LEGEND

- 1.) Obersturmfuhrer RUMFF's vehicle
- 2.) Oberscharfuhrer WEGELEIT's vehicle
- 3.) Busy traffic Road
- 4.) A Hedge growth
- 5.) The water ditch
- 6.) The LKW column
- 7.) The place at which Obersturmfuhrer RUMFF waved
- 8.) A stable.
- 9.) A hedge growth
- 10.) The place of Obersturmfuhrer RUMFF and the S group
- 11.) The house
- 12.) The inhabitants of the house
- 13.) The place on which the shooting took place
- 14.) The field path
- 15.) Where Unterscharfuhrer HAAS shot again
- 16.) The wood
- 17.) SPW's and tanks lined up on the way
- 18.) The road to ENGELSDORF.



000790



I, WILHELM VON CHAMIER, being first duly sworn, make the following statement under oath: Ich Willi von Chamier nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSTURMFÜHRER KUMPF mentioned by me in my affidavit, dated 21 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmführers Kumpf von mir in meiner eidesstattlichen Aussage genannt, datiert 21. März 1946.

Willi von Chamier  
First Name (Vorname) / Last Name (Zuname)

Unterscharführer  
Rank (Dienstgrad)

9TH Pz. Pz. Co., 1ST SS Pz. Regt., LSSAH  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 3rd day of April, 1946.

Sepphard Thumacher  
Officer administering oath

Capt C.M.P.  
Rank Arm or Service

EX-16-B  
47746  
J.E.B.

P.S.B

PS-16-B  
47746

000791



P-56-C

I, WILLI VON CHAMIER, being first duly sworn, make the following statement under oath:  
Ich Willi von Chamier, nachdem ich erst recht-mäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same SCHÜTZE  
RIEDER mentioned by me in my affidavit, dated 21. März 1946.

Die obigen zwei Photographien sind Photographien desselbigen SCHÜTZE  
RIEDER von mir in meiner eidesstattlichen Aussage genannt, datiert 21. März.

Willi von Chamier  
First Name (Vorname) Last Name (Zuname)

Unterscharführer  
Rank (Dienstgrad)

9<sup>th</sup> Pz. B. Co. 1<sup>st</sup> SS Pz. Regt. LSSAH  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this  
3<sup>rd</sup> day of April, 1946.

Russell Thumacker  
Officer administering oath

Capt. CMP  
Rank Arm or Service

EX-106  
8/27/46  
Small official stamp

P-56-C  
8-7-46  
148

P-56-C





<sup>MR</sup>  
Zeichnung

Ich habe eine ~~Zeichnung~~ dieser Stelle, die  
ich mit 7 Zeichnungen gemacht, mir ist  
keine dieser Zeichnungen bei. weil ich bedauere!  
1. Unter 5 Pfd 2. Amerikanische Schütz, von  
dem Unteroff. Haus Kopf. 3. Straken Graben aus dem  
die Amerikaner - sprachen 4. Haus auf Kopf sei  
grüßen. 5. Haus in Hornfeld.

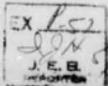
2 A) Gegen 11 Uhr Vormittags um 17. Dezember.  
arrivieren mir die Offizier Brilleger.  
Im Übergang da das Blut über die 2. Arm.  
Unsere gesamte Mannschaft sollte dem  
Wege, mir in dem indischen Haus um  
Hilfen zu helfen. Ich ging zuerst <sup>MR</sup> ~~erst~~  
mit Stimmann Kitzengel, Stimmann Kraft,  
<sup>RM</sup> ~~1~~ oder zwei andere Kommandanten die eier,  
im unsere Fortschrittung recht gelagere  
indische Amerikanische Hüfte zu, in  
Welcher mir Kopf zu senden wird freudee.  
Im diesem Haus habe ich niemanden getroffen.  
Auch für mich ist in der Zeit da gegen  
Wahrscheinlich haben viele Gefährlichen (Haus  
gemeinsam mit Unteroff. Kopf, der  
Auch auf dieses Haus mich zu refer.  
in der Karte des Hauses refer <sup>MR</sup>

539  
5/27/46

eine Frau, die offenbar alleine im Haus  
 zurück geblieben war, eine zirka 40 jährige  
 Frau. Als mir die Fräulein besah, sahen mir  
 sie in die Mitte der ~~Räume~~<sup>Räume</sup> und  
 unter dem Haus fragte sie, ob immer noch  
 Soldaten im Haus seien. Die Frau zeigte  
 mit ihrem Kopf: „nein“.

„Dabei frage dich nach mir!“ Richtig,  
 lauf die Frau mir.“

Ich war mit einem Gerät beauftragt,  
 welches ich jetzt auf die Frau ansetzte.  
 Hier bei Haus zirka 2 Meter von der  
 Frau entfernt mit meinem Gerät ihren  
 Geist gegenüber. Als die Frau sah,  
 dass ich auf sie ansetzte, sprang sie  
 zurück auf, blieb aber stehen, im selben  
 unendlichen Platz in der Luft, wobei  
 ich genau auf die Mitte der Stirn  
 zielte. Das Land meines Laufs war  
 um zirka 1 Meter von der Frau  
 entfernt, und ich habe gesehen die  
 Helle getroffen auf die in Ziel.  
 Ich feuerte einen Pfeil ab, auf dem  
 für die Frau war tot geworden.



Dinge. Ich habe mich denn in ihr fernste  
 gebüht, mir zu zeigen, ob sie tot ist,  
 Wenn denn sie nicht tot gewesen wäre,  
 hätte ich nach 2. Schritt auch sie abgefeuert,  
 doch nun aber nicht notwendig, wenn  
 ich stellte fest, dass die Frau vielleicht  
 tot war. Ich stellte bei dieser Untersuchung  
 auch fest, dass die Krüge die für Form bei  
 der Stirn eingetragenen hat, <sup>MR</sup> fasten beim  
 Hinabköpfen fortwährendem nur, und  
 dass im Hinabköpfen der Leiche ein großes  
 Loch war, also dass das Gehirn flüssig  
 darauf für gering ist zu meinen S.P.W  
 zürück, <sup>nach</sup> <sup>dem</sup> <sup>Staub</sup> <sup>der</sup> <sup>ist</sup> <sup>im</sup> <sup>Haus</sup>  
 blieb, ~~also~~ <sup>so</sup> <sup>zu</sup> <sup>überprüfen</sup>.  
 Meiner Meinung nach hat die Frau  
 bei der Leiche gegeben, als sie sie  
 erlösen werden sollte. <sup>MR</sup>

Bei S.P.W. hielt ich denn Faser, Spitze abgezogen,  
<sup>MR</sup> <sup>aus</sup> <sup>dem</sup> <sup>Staub</sup> <sup>der</sup> <sup>ist</sup> <sup>im</sup> <sup>Haus</sup>  
~~fest~~ <sup>und</sup> <sup>nach</sup> <sup>zwei</sup> <sup>ein</sup>  
 Firtelstirne ging ich denn in ein  
 andres Haus, aus Welden ich eine  
 Amerikaner Freisung mit Reisparfüm  
 nahm, doch habe ich in diesem andern  
 Haus nirgend hingeleht.

Ich habe eine Zeichnung mit Collidial  
 gemacht, und sie mit B bezeichnet R52  
281  
 die mit B bezeichnete Zeichnung R52  
281





Unmittelbar vor dem Abfassen dieser letzten  
Feier haben sich nach diesem, habe ich die  
Livalisten nicht mehr helfen gelöst.

Haben dann dann gleich zu unserem Wagon  
zwecks sind im Aufsteigen, ich mir gerade  
im Begriff war zu fahren waren, sagte  
Hans: „jetzt habe ich nicht Livalisten  
eingelöst.“

Demnach für alle Hoes neues Minuten  
in der Mayezin:  
Ich habe eine Skizze auch dieser Lokalleit  
Verfertigt und diese mit D bezeichnet. auf  
diese Skizze, die ich gleich als meine Auslage,  
beilage, bedeutet: 1 Uhr 5 PW. 2 5 PW  
Hornung. 3 Haus. 4 Hauptpunkt für Hoes. Haus  
5 Hauptpunkt für Strimmern Post & Hauptpunkt  
der Belgischen Livalisten. 3 ist meine Meinung das  
letzte Haus in Anilungem.

3) Gegen 1 <sup>24.12</sup> Mittwoch, der gleiche Tag, also gleich  
am 17. Dezember, kamen mir an eine Straßen-  
kreuzung, an welche mir für einen Pfosten  
Strake auf eine gute Strake kamen, und an  
welcher mir nach links abzubiegen hatten.  
Von dieser Straßenkreuzung ist es nach etwa  
3 km nach Geychdorf.

An der Straßenkreuzung stand ein Haus. auf der  
rechten Seite der Strake und ganz nach dem  
Pfosten Haus. Es muss nach links in die  
Richtung Geychdorf hinüber, steht das Minister-



Erich Prinz, Kommandant der 8 P. Pi Komp.  
 wurde gef. L. 50 A. H. S. P. W. fast alle die Straßens-  
 kreuzung. Meiner S.P.W. blieb zirkulär 5 m hinter  
 dem Fahrzeug des Oberleiters Prinz. Stefan.  
 So wie wir stehen blieben, stieg ich aus meiner  
 Fahrzeug ein, und bin und wird die anderen Leute  
 meines Fahrzeuges Rechte zu helfen. Ich war  
 nunmehr glücklich der Kreuzung auf der Straßens-  
 einige Amerikanische Leutnants. Glück des  
 Hauses, daß ich bei der Straßenskreuzung befindet,  
 und welcher unmittelbar von der Kreuzung  
 auf der rechten Seite der jenseits Straße steht,  
 die glücklich nach Engländer führt, ist ein  
 Feld.

Als ich zu dem Amerikanischen Leutnant  
 ging, stand meine Kommandant, Oberleiters  
 Prinz gerade an der Straßenskreuzung,  
 und weil ich mich zu erinnern war,  
 nur er zu dieser Zeit allein dort. Aufmerksam  
 am dunklen Haus bei der Kreuzung ist auf  
 der rechten Seite der Straße, die nach Engländer  
 führt, ein Feld. Auf diesem Feld haben wir  
 bereits zu dieser Zeit zirkulär 10-12 Amerikanische  
 Kräfte gelagert. Alle Frägen Amerikanische  
 Uniformen sind hatten die Hände über ihrem  
 Kopf erhoben.

Als ich einige Minuten später mit dem  
 Ratgeber beladen für dem Amerikanischen  
 Leutnant zu meinem S.P.W. zurück gefahren,  
 Oberleiters Prinz bereits bei dem Haus.

EX-111  
 J. E. B.  
 REPORTER





Herrn am Bundeskanzleramt <sup>1878</sup> in Berlin ich <sup>schreiben</sup> <sup>die</sup> <sup>meinem</sup>  
 4 Pfund auf Herrn am Bundeskanzleramt <sup>am</sup> <sup>ersten</sup> <sup>September</sup>  
 Genüßlicher Soldaten abgab. Dem ersten Schickung  
 sah ich, daß ich ihn mißbeabsichtigt  
 getroffen hatte, denn er wird in der Nähe  
 nach Hinterp, welche Tribüne ist für Leute  
 die einen Kuppelstift erhalten. <sup>8.11</sup> <sup>1878</sup> <sup>in</sup> <sup>der</sup> <sup>Stadt</sup>  
 Amerikane nur zweifellos ist.

Ich sah auch nach folgenden Angehörigen  
 meine Kompanie mit der Gelung  
 pflicht: Nur Kompanie Staff abstrahieren  
 pflicht, der mit meine Pistole in die  
 gelungener Hoffe. Ich kann nicht mehr sagen,  
 nicht Hoffe er fesselt, beim aber <sup>1878</sup> <sup>in</sup> <sup>der</sup> <sup>Stadt</sup>  
 Nichter, daß ich in <sup>1878</sup> <sup>in</sup> <sup>der</sup> <sup>Stadt</sup>  
 Wille für Kampf, für die <sup>1878</sup> <sup>in</sup> <sup>der</sup> <sup>Stadt</sup>  
 ich wird einen <sup>1878</sup> <sup>in</sup> <sup>der</sup> <sup>Stadt</sup>  
 in die Amerikane <sup>1878</sup> <sup>in</sup> <sup>der</sup> <sup>Stadt</sup>  
 Nichter sah. Nicht Hoffe für Kampf  
 Fesselt nicht ich will <sup>1878</sup> <sup>in</sup> <sup>der</sup> <sup>Stadt</sup>  
 daß er beiläufig wird Hoffe abstrahieren  
 nie ich. Ich sah <sup>1878</sup> <sup>in</sup> <sup>der</sup> <sup>Stadt</sup>  
 Nichter in die Amerikane <sup>1878</sup> <sup>in</sup> <sup>der</sup> <sup>Stadt</sup>  
 Hoffe, <sup>1878</sup> <sup>in</sup> <sup>der</sup> <sup>Stadt</sup>  
 meine Kompanie. Nicht Fesselt in die  
 Gelungener mit <sup>1878</sup> <sup>in</sup> <sup>der</sup> <sup>Stadt</sup>  
 Nichter in die

Fama sah ich <sup>1878</sup> <sup>in</sup> <sup>der</sup> <sup>Stadt</sup>  
 Hoffe <sup>1878</sup> <sup>in</sup> <sup>der</sup> <sup>Stadt</sup>

J. E. S.



Offener mit zur Hand hatte, ist  
 1. Ein Jungs mit einer seiner  
 Leute reichte ihm ein Jungs  
 und er half auf dieser Gefangen  
 zu es gut, ab Haas Netz, Feine  
 auf dem Gefangenen erst <sup>gehenden</sup> reise  
 waren wir zwick 40 m km <sup>gehenden</sup>  
 entfernt. Haas sagte das Magazin  
 auf diesen Amerikaner aus, es sah  
 wie der Amerikaner zu Boden stieg,  
 ob Gefangen oder es es sah, mir  
 Deutung zu nehmen, was es  
 war. Im dem 5. Hof, die Haas  
 absteige, Feinste es 3 auf dem Bericht  
 um Bodenliegenden Gefangenen ab.  
 Beileufiger zu gleichen Zeit ist es  
 recht im moren 1 P/W beide Straßen  
 geben einen Amerikaner  
 Kruppgefingenen trübt. Es sah  
 wie die diese offener Gefangen  
 kumpen zusammen mit. Doch  
 kann es nicht sagen, ob Haas  
 noch, da auf dieser Gefangenen  
 Hof.

Im Schwimment, ab mir am  
 Fage das erste mal nach Schwimment



Kommen, auf ihr Werkstätten  
 Hirnmann von, da G. Pümpel, Pi. King Pümpel  
 Pfl. N. L. S. S. A. H. einen Amerikanischen  
 Krüppelwagen abgeben. Über Hirnmann  
 ist am nächsten Tage ein Kumpelgefallen.  
 Ich habe diese Aussage freiwillig mit dem  
 eigenen Willen gemacht, unbeeinflusst  
 von Druck, Drohungen oder sonst  
 und unbeeinflusst von besterger  
 irgend welcher Art.

Ich schwöre bei Gott, dass die Fahrer  
 der ich in dieser Aussage Angegeben  
 habe, nach und nach bereit  
 sind jede Zeit für jedermann  
 meine Eid zu erfüllen.

Witnessed in the  
 presence of:  
 Morris Elowitz  
 Cir. Insurgent  
 WCB, USFET

max Riether  
 Hirnmann  
 26 März 1840

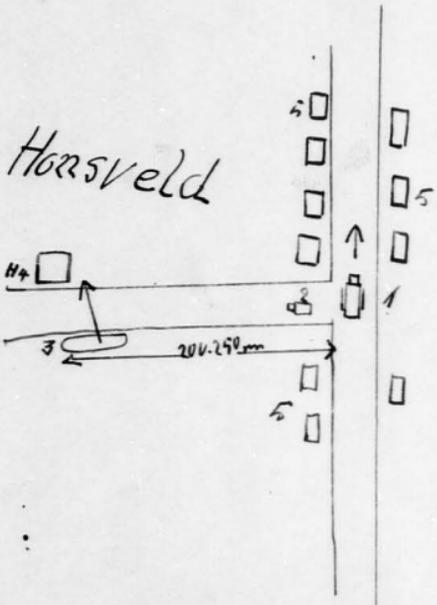
Sworn to and subscribed to before  
 me this twentieth day of March 1846 at  
 Schwabish Hall, Germany.

EX-157  
 J.E.B.  
 REPRODUCTION

William R. Paul  
 1846 MI 0-555149  
 Swedish-Freemason War aims Branch Uslet



27/1/46



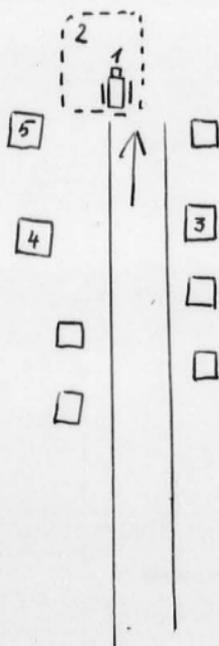
max Lichte  
26 maart 1946

008007

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Bällingen

B

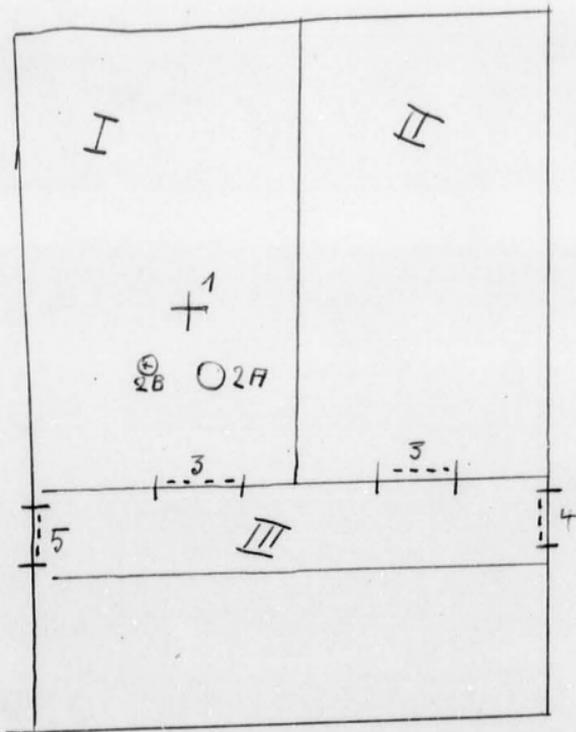


max Rüter  
26. März 1946

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6

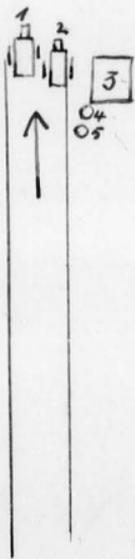


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more River  
20 May 1940

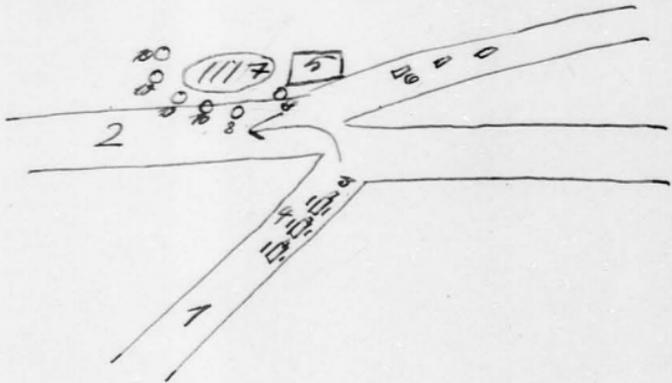
000810

10



mit Riedern  
26 März 1940

E



von Richter  
 26 März 1940

000816

## TRANSLATOR'S AFFIDAVIT

I, Paul Rosenthal assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Max RIEDER

taken on 26 March 1946 at Schwäbisch Hall, Germany.

before WILLIAM R. PERL, 1st Lt., M. I.

consisting of 15 pages, into English,  
and 5 sketches

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. German is my native tongue.
2. I have spoken English for nine years.
3. I studied English for three years in school in VIENNA, AUSTRIA.
4. I lived in England since June, 1939. I have been employed by the U.S. War Department as a German-English interpreter since June 1945.

*Paul Rosenthal*

Paul Rosenthal

Sworn and subscribed to before me this 3rd day of April 1946  
at Schwäbisch Hall, Germany.

*Joseph D. Thumacher*  
War Crimes Branch, USFET

000813

I, Sturmann Max RIEDER, after first being duly sworn make the following statement under oath. During the EIFEL offensive in December 1944 I belonged to the penal group of the 9 P. Pi. Company, 1 SS Panzer Regt., L.SS.A.H.

On the 16th December 1944, we drove from the BLANKENHEIM woods and on the 17th December during the early morning hours started the offensive. The following shootings of American soldiers - prisoners of war and civilians - during this offensive, I partly saw myself, partly actively participated in, as I describe in the following statement:

1.) On the 17th December 1944 around 8 or 9 o'clock in the morning my SPW reached the village of HONSFELD. In my estimation, HONSFELD had already been taken about one hour previous by another German unit. Our vehicle stopped at the beginning of the village a few minutes, as the column came to a halt. On this spot I saw how an American soldier stepped out of a ditch of a road leading towards our road approximately 200 to 250 meters distance and walk on the street with his hands above his steel helmet. This American walked slowly and as far as I could see from the distance, he was unarmed.

My impression was that he climbed out of the ditch to give himself up. When Unterscharfuhrer HAAS of the penal group of the 9 P. Pi. Company, 1st Panzer Regiment L.SS.A.H. saw this, he aimed his machine pistol at the prisoner and fired a burst at the prisoner; in my estimation about 10 shots. Thereafter I saw the prisoner fall to the ground. Whether he was hit I do not know as the distance was too great.

About two minutes later I saw three Americans jump out of the same ditch and run towards the house situated nearby. These Americans did not have their hands raised above their steel helmet and it was my impression that they wanted to run away on account of what they saw happened to their comrade who wanted to surrender.

I saw no one shoot at these three Americans apparently because they disappeared too quickly and because we already started on our way. At this time the crew of my SPW consisted of the following men:

Unterscharfuhrer BIOTA, Unterscharfuhrer HAAS, Sturmann BARTH, Sturmann RUGRIGEL, Schuetze BOERGALEK, and myself.

I have made a sketch of this place which I have marked "A" and attach it to this statement. On it is meant: 1. our SPW. 2. American Jeep in front of which Unterscharfuhrer HAAS shot. 3. Road ditch out of which the Americans jumped. 4. House towards which they ran. 5. Houses in HONSFELD.

2.A.) About 1100 hours in the morning of 17 December 1944, we reached the village of BUELLINGEN. At the exit of this village our SPW's stopped, our whole crew left the vehicle in order to look around in the nearby houses. I first walked with Sturmann RUGRIGEL, Sturmann BARTH or with one or two others of my



comrades towards a deserted American kitchen which was located right from our direction of travel and in which we found cocoa and drank same. In this house I did not shoot anybody. Thereupon, I walked into a house which was across the street together with Unterscharfuhrer HAAS who suggested walking through the house. In the kitchen of this house we saw a woman about 40 years old who was apparently left behind in this house. When we entered the kitchen we saw her standing in the middle of the room and Unterscharfuhrer HAAS asked her whether there were American soldiers in the house. The woman motioned with her head "No".

Thereupon HAAS said to me, "RIEDER, bump this woman off."

I was armed with a rifle which I then aimed at this woman. Thereby I stood approximately two meters away from this woman, my face opposite her face. When the woman saw that I aimed at her she screamed with fright, remained standing though. At the same moment I already shot aiming exactly at the center of the forehead, the end of my barrel only about one meter away from the woman and I hit exactly the same spot I aimed at. I fired one shot after which the woman immediately collapsed dead. I then bent down to her to see whether she was dead because if she would not have been dead I would have fired a second shot at her, but this was not necessary because I established that the woman was dead without doubt. I also established at this examination that the bullet which penetrated the forehead came out the back of the head and that there was a big hole in the back of the head from which the brains flowed out. Thereupon I returned to my SPW, while HAAS still remained in the house evidently to search through it. In my opinion this woman gave no cause for which she should be shot.

At the SPW I helped the driver Schuetze BOHREALEK refuel gasoline and approximately a quarter of an hour later I entered another house out of which I took an American fatigue suit with zipper. However, in this other house I did not bump off anybody.

I made a sketch of this locality and marked it "B". The sketch marked "B" shows the position of the house wherein I shot the woman. On this sketch signifies:

- 1. Our SPW. 2. Gasoline dump, probably on the market place.
- 3. American kitchen. 4. House in which I shot the woman.
- 5. House from which I collected the American fatigue suit.

The sketch marked "C" shows the house in which I shot the woman. On this sketch which I also attach to my statement signifies: I. Kitchen. II. Living room. III. Hall. 1. Place where the woman stood. 2a. Place where I stood. 2b. Place where Unterscharfuhrer HAAS stood. 3. Door. 4. Entrance door to the living quarters. 5. Exit door (2b) from the living quarters. 6. Street. - After our SPW drove from the spot 1 indicated on sketch "B" we drove about 200 meters further. There we stopped again after we had covered the approximate 200 meters on the spot where Unterscharfuhrer HERING's SPW stood. On this place

EX-251A  
 5  
 J.E.B.  
 7/46  
 JGN

approximately 7 Belgians civilians stood in front of a house - men and women - I do not know any more whether there were also children amongst them. I also do not know how many of the civilians were men or women. I now saw Unterscharfuhrer HAAS or the Penal Group dismount from our SPW. Unterscharfuhrer HAAS placed himself by the side of the house and I now saw how he aimed his machine pistol at the civilians quick as lightning and started shooting right away. Unterscharfuhrer HAAS was at that time about 80 meters distant from the civilians. The civilians themselves were at that time hidden from my view as the corner of the house was in between it. However, I had only a few seconds before seen the civilians standing south of this place and nobody else was in the vicinity. Next to Unterscharfuhrer HAAS stood Sturmman BARTH of my company. BARTH, who had an American .45 pistol, fired simultaneously with HAAS into the civilians.

Even though I did not see how the civilians were hit I know that they were hit because I heard them scream with fright and I heard them moan as it is common among people who are hit. Unterscharfuhrer HAAS first fired two or three short bursts in my estimation altogether approximately 25 shots. BARTH fired also several shots. The moment when HAAS opened fire I heard the civilians for the first time scream with fright and between the bursts I heard moaning.

After HAAS had fired these two or three bursts BARTH returned to my SPW and the commandant of our SPW, Unterscharfuhrer BIGOTA shouted, "Come on, climb up, we move on." HAAS replied, "One moment." Immediately after HAAS said that he aimed his machine pistol once more in the same direction and fired an additional burst. Immediately before the firing of this large burst, and afterwards, I did not hear the civilians moan any more.

HAAS then returned to our vehicle right away and he said while climbing up as we were just about to drive off, "Now I have again bumped off civilians."

After that HAAS filled his magazine with new ammunition.

I also made a sketch of this locality and marked it with "D". On this sketch which I also attach to my statement is meant: 1. Our SPW. 2. HERING's SPW. 3. House. 4. Place where Unterscharfuhrer HAAS stood. 5. Place where Sturmman BARTH stood. 6. Place where the Belgian civilians stood. 3. Is in my opinion the last house in BUELLINGEN.

3.) Around 1300 hours of the same day, therefore, also on the 17th December 1944, we arrived at a crossroads on which we travelled from a bad road onto a good road, and where we had to turn left. From these crossroads it was still about 3 kilometers to ENGELSDORF.

On these crossroads stood a house. On the right side of the street and that was still on the bad road before one turns left in the direction of ENGELSDORF stood the SPW of Obersturmfuhrer Erich RUMPF, Company Commander of the 9 P. Pz Company Panzer Regiment I L.S.S.A.H. almost on the crossroads. My SPW stopped approximately 5

EX-157  
3  
JEB  
46  
1944

meters behind the vehicle of Obersturmfuehrer RUMPF. As we stopped I got off my vehicle to fetch some loot for myself and the other men of my vehicle, because I saw north of the crossroads a few American trucks standing on the road. South of that house situated near the crossroads and which stands directly at the crossroads on the right side of that road that leads south towards Engelsdorf, is a field.

When I went to the American trucks my Company Commander, Obersturmfuehrer RUMPF stood just at these crossroads and as far as I remember he was there alone at this time. Adjoining this house on the crossroads is a field on the righthand side of the road which leads towards ENGELSDORF. On this field were already at that time about 60-70 American prisoners of war. All of them wore American uniforms and had their hands raised over their heads.

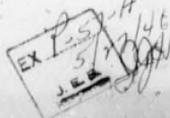
When I returned to my SFW a few minutes later loaded with 10 in 1 rations from the American trucks Obersturmfuehrer RUMPF already stood in front of the house.

Directly behind the crossroads, I no longer remember whether there were still other officers or men in his vicinity, Obersturmfuehrer RUMPF called to me, "RIEDER, you or all the people are in need of it, get your rifle. You want to shoot without cartridge pouch?"

The "You of all the people are in need of it" referred to the fact that I wanted to sneak away from the shooting of the prisoner or that the getting of the rations was more important to me because at the time when I returned with the rations, the other members of the Penal group were already in front of the prisoners. Unterscharfuehrer HAAS ran about amongst the prisoners in the field and the others stood dispersed at the ditch of the road. It was clear to me that the prisoners were to be shot. I then went on account of the request back to my vehicle and fetched my rifle. Sturmann BARTH of my company was in the vehicle and told me at that occasion that he just shot an American soldier in the ditch of the road who lay unarmed in the ditch with his face in the water and pretending to be dead though actually was alive.

After I had taken my rifle out of my SFW, I went to the field. At this time Obersturmfuehrer Erich RUMPF stood no longer in front of the house but south of the house a little in front of the field with the prisoners. Besides the following members of the 8th group were posted in front of the field: Oberscharfuehrer WEDELEIT, Unterscharfuehrer HAAS, Unterscharfuehrer BIOTA, Unterscharfuehrer CHAMIER.

I stood across the field towards the north end and near the house and looked at the prisoners who stood with their hands folded above their heads in the field. A short time after we arrived there Obersturmfuehrer RUMPF gave the order to bump off the prisoners. Thereby he either used the words "Bump the prisoners off" or "Shoot into them."



000817

I do not know whether at this time there were any other vehicles standing near the field. I did not pay any attention to it. I know, however, that all the members of the Penal Group shot into the prisoners and I also had fired five shots. All my shots I had aimed at the same prisoner. This American stood near the right edge of the field and only about 6 meters away from me. He was of medium size and stocky. I aimed all shots at the head of the American and I saw that he collapsed already after the first shot. I then emptied my magazine into the one lying on the ground in shooting another four shots into the American soldiers lying on the ground. From the beginning of the first shots I saw that I hit him as intended because he fell back in such a way which is common for people who receive a shot through the head. This American undoubtedly was dead.

I also saw the following members of my company shooting at the prisoners: Our Company Commander Obersturmfuehrer RUMPF who shot into the prisoners with his pistol. I cannot say any longer how many shots he fired; however, I am quite sure that I saw him fire. Unterscharfuehrer Willi Von CHAMIER of the Penal group who I saw on this spot shoot with the rifle into the American prisoners of war. I do not know any more how many shots Von CHAMIER fired; however, I believe he fired the same number of shots as I did. I further saw HAAS with his machine pistol shooting into the American prisoners of war, also Unterscharfuehrer BIOTTA of the Penal group or my company. BIOTTA fired into the prisoners with his rifle or machine pistol.

Furthermore, I also saw Oberscharfuehrer WEDELEIT of the Penal group, 9 P. Pi. Company Panzer regt. I., L.SS.A.H. standing on the field with his pistol in the hand and as the whole penal group shot I am sure that he also shot into the prisoners. However, I cannot state with certainty that I saw how he shot.

Obersturmfuehrer RUMPF was at that time about 5 meters away from me.

After I had fired my five shots I again returned to my SPW.

I also have placed this locality on a sketch and marked it with "L". It is attached to my statement and on it is meant: 1. Bad road on which we arrived. 2. Good road towards ANGES-DUEF. 3. Obersturmfuehrer RUMPF's SPW. 4. Our SPW. 5. House at the crossing. 6. American trucks. 7. American prisoners. 8. My position at the shooting. 9. Position of Obersturmfuehrer RUMPF. 10. Approximate position of the rest of the members of the Penal group.

4. Immediately after we had driven past the field, with the American prisoners of war then dead (scene described in number 3), I saw how Unterscharfuehrer HAAS shot at a prisoner of war who with raised hands came down towards the field from the pasture. I still know how HAAS, who apparently did not have his machine pistol at hand called out, "A rifle", and one of our men handed him a rifle and he shot at this prisoner.

EX-52A  
5/22/48  
JEB

At the time when HAAS opened fire at the prisoner we were about 40 meters distant from the prisoner. HAAS emptied the magazine on this American. I saw how the American fell to the ground. Whether he was hit or whether he did so to take cover I do not know. Of the five shots HAAS fired he fired three at the prisoner already lying on the ground. At about the same time I also saw an American prisoner of war kneeling right from my SPW near the ditch on the road. I also saw how this one apparently hit slowly collapsed. However, I cannot say whether it was HAAS who shot at this prisoner.

5. In STOUOMONT when we arrived during the day for the first time in STOUOMONT I saw how Unterscharfuhrer STURMANN of the 9th Panzer Pioneer Company, Panzer Regt. I. L.SS.A.H. shot an American prisoner of war. Unterscharfuhrer STURMANN fell in battle the following day.

I made this statement voluntarily and of my own will un-influenced by force, threats or duress and uninfluenced by promises of any kind.

I swear by God that the facts I have stated in this deposition are true and I am prepared to repeat them under oath at any time before any court.

(signed) Max RIEDER  
Sturmann  
26 March 1946

Witnessed in the presence of:  
(signed) Morris ELOWITZ  
Civ. Investigator  
WCB, USFET

Sworn to and subscribed to before me this  
twenty-sixth day of March 1946 at  
Schwäbisch Hall, Germany

(signed) William R. FERL  
1st Lt. M.I. O-555149  
Investigator-Examiner  
War Crimes Branch USFET

EX-1257-A  
3/27/46  
J. S. [initials]

000816

TRANSLATION OF LEGEND ON EXHIBIT "A"

TO AFFIDAVIT OF

Max RIEDER

Dated 26 March 1946

\*\*\*\*\*

1. Our SPW
2. American jeep in front of which Unterscharfuhrer Haas shot.
3. road ditch out of which the Americans jumped.
4. House towards which they ran
5. Houses in HONSFELD

---

TRANSLATION OF LEGEND ON EXHIBIT "B"

TO AFFIDAVIT OF

Max RIEDER

Dated 26 March 1946

\*\*\*\*\*

1. Our SPW
2. Gasoline dump probably on the market place.
3. American kitchen
4. House in which I shot the woman
5. House from which I collected the American fatigue suit.

---

TRANSLATION OF LEGEND ON EXHIBIT "C"

TO AFFIDAVIT OF

MAX RIEDER

Dated 26 March 1946

\*\*\*\*\*

- I. Kitchen
- II. Living Room
- III. Hall
  1. Place where the woman stood
  - 2a. Place where I stood
  - 2b. Place where Unterscharfuhrer HAAS stood
  3. Door
  4. Entrance door to the living quarters
  5. Exit door (2b) from the living quarters
  6. Street

EX-1598  
5/27/46  
J. E. H.

000820

TRANSLATION OF LEGEND ON EXHIBIT "D"

TO AFFIDAVIT OF

Max RIEDER

Dated 26 March 1946

\*\*\*\*\*

1. Our SPW
2. HENNING's SPW
3. House
4. Place where Unterscharfuehrer HAAS stood
5. Place where Sturmman BERFT stood
6. Place where the Belgian civilians stood

3. Is in my opinion the last house in  
BUELLINGEN.

---

TRANSLATION OF LEGEND ON EXHIBIT "E"

TO AFFIDAVIT OF

Max RIEDER

Dated 26 March 1946

\*\*\*\*\*

1. Bad road on which we arrived
2. Good road towards ENGELSDORF
3. Obersturmfuehrer RUMPF's SPW
4. Our SPW
5. House at the crossing
6. American trucks
7. American prisoners
8. My position at the shooting
9. Position of Obersturmfuehrer RUMPF
10. Approximate position of the rest of the members  
of the Penal group.



000821



I, MAX RIEDER, being first duly sworn, make the following statement under oath:  
 Ich MAX RIEDER, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Obersturmführer Rumpf mentioned by me in my affidavit, dated 26 March 1946.

Die obigen zwei Photographien sind Photographien desselbigen Operativen Führers Rumpf von mir in meiner eidesstattlichen Aussage genannt, datiert 26 März 1946.

Max Rieder

First Name (Vorname) Last Name (Zuname)

Stür 222 a 2222

Rank (Dienstgrad)

9th Pz Bn 1st SS Pz Regt L. SSA. 11

Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

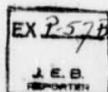
Sworn to and subscribed before me this 10 day of April, 1946.

Thomas B. Crawford

Officer administering oath

1st Lt. W. W. Taylor

Rank Arm or Service



000822



EX 57C

I, MAX RIEDER, being first duly sworn, make the following statement under oath:  
Ich Max Rieder, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Unterscharführer Willi von CHAMIER mentioned by me in my affidavit, dated 16 MARCH 1946

Die obigen zwei Photographien sind Photographien desselbigen Uzterstharführer Willi von CHAMIER von mir in meiner eidesstattlichen Aussage genannt, datiert 16 März 1946.

max Rieder  
First Name (Vorname) Last Name (Zuname)

Stür 2222 2207  
Rank (Dienstgrad)

9th Bn P. 1st SS P. Regt 4 SS A.H  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 10 day of April, 1946.

Harold B. Crawford  
Officer administering oath  
1st Col. Air Corps  
Rank Arm or Service

EX 57C  
J.E.B.  
IDENTIFICATION

Ich Herr Herrliche Oberstürmer für  
 wählte an Eidesstatt:

Im Dezember 1944 war ich bis für über die  
 1. Bürger 1 Kompanie 44 Panzerregiment 1.  
 L. 44. P. H. und an dieser Stelle nachher bei  
 dieser Zeit hat an der Offensive in den  
 Hochlinien. Am 17. Dezember 1944 fuhr ich  
 mit meiner Kompanie in Richtung  
 Engelsdorf. Umgefahr um 2 - 1/3 Uhr  
 am Nachmittage kam ich an der Kreuzung  
 ungefähr 5 km vor Engelsdorf an, welches  
 an der Straße die ich gezeichnet habe, und  
 welche beigefügt ist, zu sehen ist. Mein Panzer  
 und die Panzer von Kurt Dowfater Richards  
 kamen an der Kreuzung alleine an, wie  
 ich zwischen Kosteln und Billingen in Folge  
 Verhinderung der Bewegung und weil ich in Hausfeld  
 aufgestellt habe, meine Kompanie verloren  
 habe. Als ich mich der Kreuzung nach Engelsdorf  
 wendete, konnte ich mit meinem Panzer  
 einen S.P.W. der an der <sup>rechten</sup> Straßenseite <sup>seitlich vor der Kreuzung</sup> stand,  
 an der linken Seite an. Ich nehme an dass  
 es der Panzerwagen von Oberstürmerführer Rumpf  
 9. 44 P. H. war, weil Oberstürmerführer Rumpf

P  
 EX  
 58



bei mir gefangen kann als ich seinen S. p. W.  
 gesammelt hätte und dabei einen Mann  
 verletzte, der an der Seite des S. p. W. gestanden  
 hatte. Oberkörperlicher Kampf war sehr heftig,  
 und schimpfte mich ein wegen des Auffalls.  
 Als ich an der Seite des S. p. W. stand, beobachtete  
 ich ein oder 2 Männer die aus Maschinen gewunden  
 standen und davon arbeiteten. Es sah so  
 aus, als ob sie es nicht mehr sehr aus konnten.

Ich fuhr im Schritt Tempo weiter, hinter=  
 schweiflicher Richtungsfolge mir, und sah bald  
 keine anderen deutschen Fahrzeuge in der  
 Nähe. Als ich an dem Haus, welches an der rechten  
 Seite der Straße liegt (wie auf meiner Skizze  
 eingezeichnet), stand ich im Türen meines  
 Panzers und sah in meine Fahrt nach hinten,  
 und hinter mir Ernst Rock, mein hoch=  
 schütze, stand hinter mir auf dem Motor  
 meines Panzers. Es war an dem Platz vorläu=  
 fährten an dem die amerikanischen Kriegs=  
 gefangenen lagen. (wie auf meiner Skizze ein=  
 gezeichnet ist), auf hinter mir Ernst Rock mir an  
 hinter mir fuhr, da liegen hinter Tote. Ich  
 drehte mich herum und sah rechts im Feld  
 15-20 amerikanischen Tote liegen. Ich sah sie auf

einem Haufen liegen und an der Art und  
 Weise wie sie liegen konnte ich sehen, daß  
 sie nicht von Gefechts gefallen waren. Es lagen  
 keine Waffen bei ihnen. Rock war einem  
 Moment später. Wollen wir nicht anhalten?  
 Schwachte nicht darauf, weil ich sehen wollte  
 in Falowtrich hing sah und auf die Straße  
 schaute. Einem Moment später hörte ich  
 hinten mir <sup>44</sup> eine M. Pi. Feuerstöße. Ich drehte  
 mich herum und sah Rock mit einer M. Pi.  
 in der Hand. Die M. Pi. lag <sup>44</sup> immer noch  
 mir griff bereit auf dem Rücken. Ich nehme  
 an das Rock nie ohne daß ich es sah, aufgemer-  
 hat, als wir dort vorbeifuhren. Ich rief Rock zu:  
 haß das sein, das jetzt uns nichts an, wir fahren  
 weiter. Rock legte daraufhin die M. Pi. wieder auf  
 den Rücken.

Der Vorfall mit den Feuerstößen die ich oben  
 beschreiben haben, bestand aus einigen Feuerstößen  
 mit kleinen Stößen dazwischen. Ich schätze die  
 Dauer der Stöße auf 2-3 Sekunden. Aus der Richtung  
 in der Rock die M. Pi. hielt nehme ich an daß es in Richtung der Kriegs-  
 geschichte <sup>44</sup> war.  
 Nach diesem Vorfall setzten wir unseren  
 Weg in Richtung fuyelsdorf fort.

Ich mache diese Botschaft nach fuyelsdorf  
 ohne Lösung und Disziplin, oder Versprechungen  
 eines Soldaten.

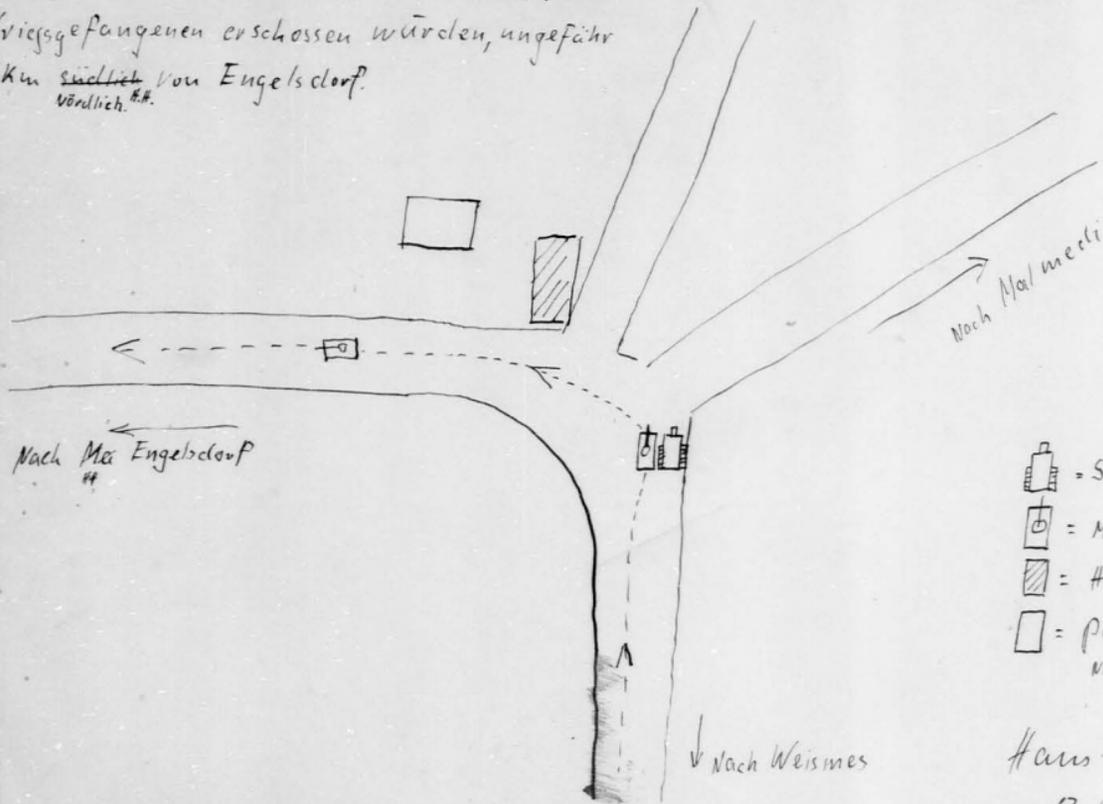
Given to and subscribed  
 before me this 17<sup>th</sup> day of Jan. 1946. -  
 Captain *Stumacher*  
 CAPT. C.M.T.

Hans Heurich  
 17. Jan. 1946



Skizze des Ortes wo die amerikanischen  
Kriegsgefangenen erschossen wurden, ungefähr  
5 Km südlich von Engelsdorf.  
Vordlich. #8.

EX 138  
J.C.B.  
1946



-  = SPW von Rumppf
-  = Mein Panzer
-  = Haus
-  = Platz der Toten: amerikani-  
schen Kriegsgefangenen

Hans Herricke

17. Jun. 1946.

000827

*main motion incident*

### TRANSLATOR'S AFFIDAVIT

I, ROBERT E. HECHT, Jr. assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

HANS HENNECKE

taken on 17 JANUARY 1946 at Schwäbisch Hall, Germany.

before RAPHAEL SHUMACKER, CAPT., C.M.P.

consisting of 3 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. Native tongue: English
2. Was born 3 June 1919 and learned German from a German governess from 1924 to 1929.
3. Studied in German speaking school INSTITUT SCHMIDT at ST. GALLEN, SWITZERLAND from 1932-1933.
4. Continued the use and study of German with a seminar conducted by Professor FEISE of JOHNS HOPKINS UNIVERSITY in BALTIMORE, Maryland from 1933 to 1937.
5. Took seven semesters of German language and literature in HAVERFORD COLLEGE, at HAVERFORD, Pa., from 1937 to 1941.
6. Lived in MUNICH, Germany, May-September 1939. Studied German language and literature at University of Munich from June to September.
7. Since December 1945 I have served with War Crimes Branch USFET, as a German-English interpreter.

7  
21  
58A

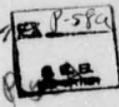
*Robert E. Hecht, Jr.*

Sworn and subscribed to before me this 9<sup>th</sup> day of February 1946  
at Schwäbisch Hall, Germany.

*Raphael Shumacker*

War Crimes Branch, USFET

*Capt., C.M.P.*



000828

I, Hans HENNECKE, Untersturmfuehrer, declare under oath:

In December 1944, I was Platoon Leader of the 1st Platoon, 1st Company, SS Panzer Regiment 1, LSSAH and in this capacity took part in the ARDENNES offensive. On the 17 December 1944, I was going with my company in the direction of ENGELSDORF. Between 2:00 and 2:30 P.M. I arrived at the cross-road about three kilometers before ENGELSDORF (which appears on the attached sketch which I have drawn). My tank and Unterscharfuehrer RICHARDT's arrived alone at the cross-roads because between LOSHEIM and BUELLINGEN I lost my company as a result of a traffic jam and fueling in HONSFELD. As I approached the cross-road which leads to ENGELSDORF, I sideswiped with my tank, the left side of an SPW which was standing on the right side of the street near the corner. I assume that this was the tank of Obersturmfuehrer RUMFF, 9th Co., SS Panzer Regiment I, because Obersturmfuehrer RUMFF came running up to me when I had sideswiped his SPW and wounded a man who had been standing alongside the SPW. Obersturmfuehrer RUMFF was very angry and "bawled me out" because of the accident. When I was standing alongside of the SPW, I observed one or two men standing by the machine gun and working on it. It appeared that they were cleaning it or repairing it.

I drove very slowly farther; Unterscharfuehrer RICHARTS followed me, and I saw no other German vehicles in the vicinity. As I was passing the house which lies on the right side of the street (as indicated on my sketch), I stood on the turret of my tank and was looking in the direction I was going, and Sturmmann Ernst ROCK, my loader, stood behind me on the engine of my tank. When we went by the place where the American P.W.'s lay (as indicated on my sketch) Sturmmann ROCK called to me, "Untersturmfuehrer, there lie some men and they are all dead." I turned around and saw that fifteen or twenty dead Americans were lying to my right in the field. I saw them lying in a heap, and from the manner in which they were lying I could see that they had not fallen in combat. No weapons were lying near them. ROCK cried out a moment later, "Shouldn't we stop?" I paid no attention to that because I was looking ahead and watching the street. A moment later I heard machine pistol bursts behind me. I turned around and saw ROCK with a machine pistol in his hand. The machine pistol was always lying to my right, within easy reach, on the turret, I assume that ROCK picked it up without my seeing it when we passed by there. I shouted to ROCK, "Lay off, that doesn't concern us, we are going ahead. ROCK thereupon laid the machine pistol down on the turret again.

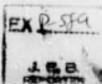
The event with the bursts, which I have described above consisted of several bursts with short intervals between. I estimate that the intervals consisted of two or three seconds. Judging from the direction in which ROCK was holding the machine pistol, I assume that he shot in the direction of the P.W.'s. After this incident, we continued on in the direction of ENGELSDORF.

I make this statement of my own free will, without coercion, threats or promises of reward.

(signed) Hans HENNECKE  
17 January 1946.

Sworn to and subscribed before me  
this 17 day of January, 1946

(signed) RAPHAEL SHUMACKER,  
Captain CMP



000820

TRANSLATION OF SKETCH ATTACHED TO

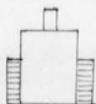
AFFIDAVIT OF

Hans HENNECKE

Dated 17 January 1946

\*\*\*\*\*

Sketch of the spot where American prisoners of war  
were shot, about 5 km. north of ENGELSDORF



- RUMPF's SPW



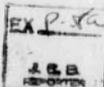
- My tank



- House



- Place where the dead American prisoners of  
war were taken.



000830



I, HANS HENNECKE, being first duty sworn, make the following statement under oath:  
Ich Hans Hennecke, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Obersturmführer Rumpf mentioned by me in my affidavit, dated 17 Jan. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmführer Rumpf von mir in meiner eidesstattlichen Aussage genannt, datiert 17. Jan 1946.

Hans Hennecke  
First Name (Vorname) Last Name (Zuname)

44 Untersturmführer  
Rank (Dienstgrad)

1. Komp. 1. 44 Pioneer Regiment L. 44 Hn  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 16th day of April, 1946.

Robert B. Byrne  
Officer administering oath  
1st Lt AAGD  
Rank Arm or Service



Ich werde diese Briefe immer gerne sofort verschäftsamtlich  
beide folgendes an

Ich war während des Lebensjahres im Jg. 1944 Angehöriger  
des 1. Jg. des 1. Bg. 1. 71 Pz. Rgt. L 44 AH. Mein Jg. führer war Ober-  
Schwef. Hans Gummel. Mein Kompanieführer war Ober. Kurt Kammper.

P  
EX  
59

1.) Am 11. 12. 1944 war ich im Kompanie in einer Stellung  
in der Nähe von Pöchlarn. In einem Wald bei Friesheim 2 Bd.  
als wir dort in Friesheim verblieben waren, also ebenfalls war am  
11. 12. 1944 habe ich, der gewöhnlichen Kompanie Ober. Gummel war der  
Führer. In dieser Aufstellung hatte Ober. Gummel u. a. daß wir diesen  
den Wald sollen daß die Soldate ab. herausnehmen die Dummheit, die wir in  
während der Nacht mit Aufbruch ab. herausnehmen haben und das wir nicht  
früher herausnehmen sollen. Es habe mich u. a. alle was wir vorher haben  
kommen wird unmöglich. Ich muß mich, ob Ober. Gummel für die Führung  
für mich nicht möglich hat, daß was aus dem Kompanie Ober. Kammper  
ist, daß wir nicht in den Kompanie Führung sind in den Kompanie  
Führungsgangern herausnehmen sollen, mit der Hilfe der Kompanie wurde wir die  
sollen.

2.) Am 17. 12. 1944 wurde ich in den Wald von Pöchlarn  
an einer Barackenbelegung in der Nähe von Egelst. In dieser Baracke  
bringt, wenn man von Egelst kommt. Die Baracke hat auf dem  
nach Egelst dort ab, befindet die dortbelegung der Baracke, mit der ich dann,  
nach Egelst fuhr. In der Barackenbelegung sind es noch ca 300  
bis Egelst dort.

Ich war zu dieser Zeit Kommandant des Jg. 114. Auf dieser  
Dienstzeit: 1. Kompanie 1. Jg. wurde abgeführt. Die Mannschaften dieser Kompanie  
(Zusatz Jg. Nr. 5) wurden mit uns mit folgen dem Kompanie. Ober.  
Rudi, Ober. (Lafkar). Ober. Grotz (Lafkar). Ober. Kammper (Lafkar) und  
Ober. Grotz (Lafkar).

Pro.  
#59  
Ad







Und ich solle ihnen das nicht tun. Ich sah diese Männer ebenfalls  
zu dem Zeitpunkt mit meinem Namen und mir selbst zu mir nicht gegeben  
sind, aber ich weiß, daß ich auf ein mir unbekanntes Wasser der Gefahr  
des Todes werden werden.

Mir ist es klar, was ich machen mußte, nämlich mich zu wehren, denn  
jemandem gehört und dem. Dieser sagte mir auch, daß er im Haus sein  
sollte, aber zu dieser Zeit habe ich. Es lag auf mich, daß ich sehr  
schlecht in der Hand gefühlte.

Ich sah eine Zeitung vor mir, und sah, daß die Zeitung  
hängen hat die in meine Hand, aber die Zeitung hat die Zeitung  
sah. Die Zeitung sah ich mit A. In der Zeitung sind die  
beiden:

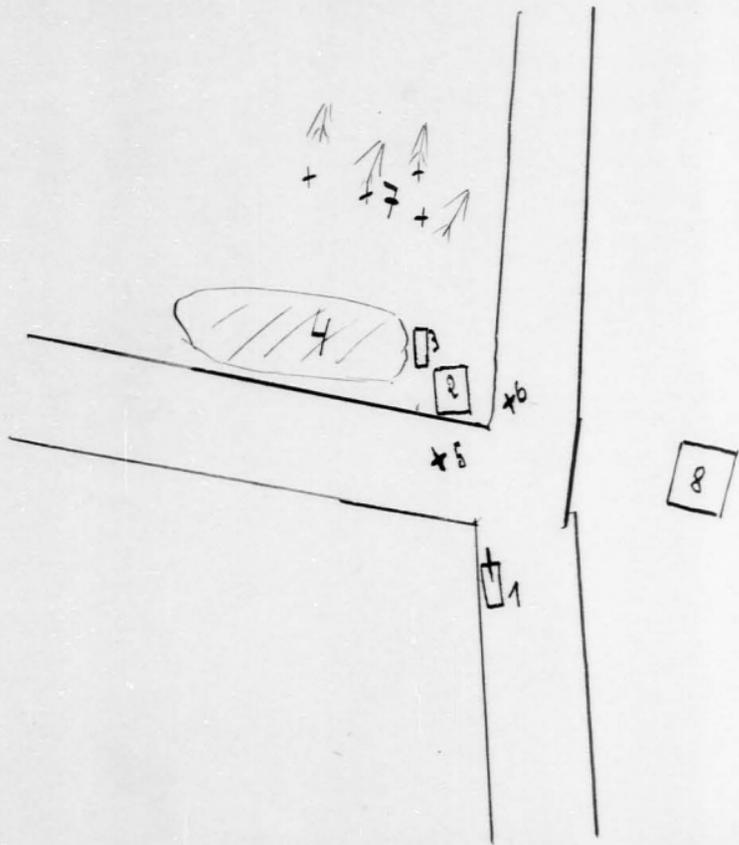
1. Mein Name
2. Haus neben dem Hotel
3. Spinnerei
4. Adresse des Hauses
5. Welle von der ich auf die  
am Boden liegende  
saher mit dem M. G. Kopf.
6. Welle von der ich  
auf die auf der  
Spinnerei liegenden  
Anwendung Kopf.
7. Die aus der Spinnerei  
ausgehenden  
Anwendung
8. Die Haus der ich mit  
meiner Nummer

5.) Ich sah in der Nacht vom 17. zum 18. d. 1944 einen  
Mann in der Nacht mit mir zu sprechen. Ich glaube, ich  
sah den Mann in der Nacht. Ich sah den Mann in der Nacht  
sah ich auf einen Mann, der mich mit mir in der Nacht  
sah. Ich sah den Mann in der Nacht.

6.) Am 19. d. 44 sagte mir der Mann, der mich  
in der Nacht sah, daß er mich in der Nacht sah. Ich sah  
den Mann in der Nacht. Ich sah den Mann in der Nacht  
sah ich auf einen Mann, der mich mit mir in der Nacht  
sah. Ich sah den Mann in der Nacht.



A



Kurt Priesmeister  
D. 3. April 1946

000837

### TRANSLATOR'S AFFIDAVIT

I, George Miller assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Kurt BRIESEMASTER

taken on 4 April 1946 at Schwäbisch Hall, Germany,

before William R. Perl, 1st Lt., M.I.

consisting of 5 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

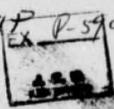
1. German is my native tongue.
2. I spent the first twenty years of my life in Germany and went to elementary and secondary school there.
3. I came to the United States in 1928.
4. I had two years of English in secondary school in Germany. My other knowledge of English has been derived from study by myself.
5. I have been married for the past six years to a British subject and speak English continually at home. My wife does not speak German.
6. I have been in the United States Army for the past 2-1/2 years, having been discharged in November 1945 and have been employed by the War Department as a German-English interpreter since January 1946.

P  
E  
A  
57A

*George Miller*

Sworn and subscribed to before me this 23<sup>rd</sup> day of April 1946 at Schwäbisch Hall, Germany.

*Raphael Thumacher*  
War Crimes Branch, USFET  
*Capt. CMF P-59a*



000836

I, Uscha Kurt BRISSELMASTER being duly sworn state the following:

During the EIFEL offensive in December 1944, I was a member of the 1st platoon, 1st company, 1st SS Panzer Regt. LSSAH. My platoon leader was Untersturmf. Hans HENNECKE. My company commander was Ostuf. Karl KREMSER.

1. Until the 11.12.1944 our company was stationed in FRIESHEIM, near Cologne. At the time we were still stationed in FRIESHEIM therewith before the 11.12.1944. Ostuf HENNECKE delivered to us, the whole company, a speech in woods near FRIESHEIM. Amongst other things Ostuf HENNECKE said in this speech that we should remember that the brothers and relatives of the Americans we were going to see have thrown bombs on Germany and that we should take revenge for that. Amongst other things he also said "Everything that comes before our barrels will be bumped off". I don't know if Ostuf HENNECKE mentioned prisoners of war especially at that. However, from his words, it was clear to be seen that we should also take revenge on the prisoners of war in the coming offensive, and that no prisoners of war should be taken.

2. In the late afternoon hours of the 17.12.1944 I came to a cross-roads in the vicinity of ENGELSDORF. At this place coming from BUELLINGEN the street turns sharply to the left to ENGELSDORF, while the continuation of the street on which I came leads to MALMEDY. From this cross-roads it is still about 3 kilometers to ENGELSDORF. At that time I commanded Tank 114. These numerals indicate: 1st Company, 1st Platoon, 4th vehicle. The crew of this tank (of my Mark IV tank) consisted besides me of the following persons. Uscha Rudi STORM (Driver), Rtf Josef HESS (Radio-operator) Schtz NUBCHTER (Loader) and Stm. THIELIKE (Gunner)

I had steering damage on my tank and therefore stopped exactly at the cross-roads described, and it was about 10 meters in front of the crossing of the street which comes from BUELLINGEN. At this spot I parked my tank at the left side of the street. Hereby I turned the gun barrel to 9 o'clock.

To my estimation it was about 1530 in the afternoon. However it might have been also a little earlier or later, anyway it was still completely light.

At first we repaired the damage on our tank which took about 15 minutes. During this time no one had left the tank or the immediate vicinity of the tank.

On the other side of the street crossing and therewith in the direction of the street leading to ENGELSDORF a house stood directly at the cross-roads and a field was adjacent to this house, in which to my estimation lay about 50 to 60 American prisoners of war who were evidently wounded by being shot at, and the greatest part was apparently dead already.

As soon as we were finished with repairing the vehicle, Uscha STORM and Rtf HESS went into the field in which the prisoners lay. Before they went away they said "We are going to have a look if some are still alive and are going to deliver mercy shots to the ones who are still alive." Then I saw Uscha STORM and Rtf HESS walking amongst the Americans in the field firing mercy shots at the Americans who were still moving. Right thereupon Schutz NUBCHTER, and Stm. THIELIKE came also into the field (NUBCHTER and THIELIKE had gotten on an American truck for several minutes to get chocolate there). In the meanwhile also I had come to the field. However I didn't go into the field but remained

standing at the road-ditch near the house and then also saw NUCHECHTER as well as THIELIKE walk around between the prisoners in the field. Hereby Schtz NUCHECHTER as well as Strm THIELIKE held their pistols in their hands but I don't remember having seen as NUCHECHTER and THIELIKE shot. However I saw Uscha. STORM as well as Rttf HESS shoot with their pistols at the prisoners who were still moving. I don't know any longer how many shots each one of them fired.

Thereupon I went back to my tank and dismantled the radio-operator's M.G. This is an M.G. 34. Strm NUCHECHTER aided me with the dismantling of the M.G. because I had said "I want to direct a little strafing fire at the Americans" Together with Strm NUCHECHTER I then carried the dismantled M.G. from my tank to the road-ditch before the field in which the American prisoners of war lay. Then I shot about 70 to 80 shots into the Americans lying on the ground while NUCHECHTER held the M.G. on his shoulder. The other men of my tank crew had naturally by that time come out of the field. I didn't see the shots land in the ground and therefore assumed that at least the largest part hit the bodies of the Americans lying on the ground.

3. Immediately thereupon, my men, which ones I don't know, set the barn afire which bordered directly to the field with the prisoners, and apparently belonged to the larger house situated next to it. I didn't know yet at that time that American prisoners of war from the field had fled into this house to be smoked out in this manner. Only when I saw unarmed American soldiers run out of this house I knew that prisoners had kept themselves hidden in this barn. There were 6 to 7 in my estimation. They ran towards the woods, and I now shot at the American prisoners of war who were running away, with the M.G. which again at that time I had laid on the shoulder of Strm NUCHECHTER. I didn't call "Halt" to them before I shot but started shooting right away. I don't know if I hit the Americans. I believe that all succeeded to get away into the woods. Thereupon I went back to my tank and remounted the M.G.

4. Before I drove off I turned the cannon barrel towards the house situated at the street northwards of the street fork and shot into the house with my 75 mm cannon, from a distance which I don't know any more exactly. However, I estimate it as about 150 meters. There was no battle activity of any kind at that time and also from the house there was no motive given to shoot. I did that more or less out of fun.

It hit the house in its lower part. Thereupon two men came running to me and told me they were Germans and I shouldn't do anything to them. Thereupon I gave these men a paper with my name and field post number and told them that they should contact my company commander for the reimbursement of the damage. Hereby to my knowledge no civilians were killed by my shooting and afterwards Strm NUCHECHTER told me that he had shot a civilian woman in the house next to the field. He then also said "This woman had a pistol in her hand."

I have prepared a sketch on which I have pictured the cross-roads and the localities mentioned in my statement. I have marked the drawing with "A". The numerals on it indicate:

- 1. My tank
- 2. House next to the field
- 3. Barn
- 4. Field with prisoners of war
- 5. Spot where I shot with the M.G. at the Americans lying on the ground.
- 6. Spot from where I shot at the Americans who ran out of the barn.
- 7. The American prisoners of war who ran out of the barn.
- 8. The house at which I shot with my cannon.

000840

5. In the night of 17th to 18th December 1944 in STAVELOT, I shot an American soldier with my pistol, but I don't believe that he was a prisoner of war. I entered a house and to my surprise an American opened the door for me. I don't know whether he carried any weapons. After a short exchange of words I shot him with a shot aimed at the chest.

6. On the 19th Dec 44 the then Rttf and later Unterscharfuhrer Willi BARNES told me that in STAVELOT on the previous day he had fired a Panzerfaust into a room in which were civilians. Likewise Hans HENNECKE told me that BARNES was a great guy and mentioned at the same time that BARNES had shot his Panzer-faust into a room with civilians.

7. On account of the mentioned reasons I fled from the American prisoner of war camp ELATING on the 21st Oct 1945. On the 28th March 1946 I have been apprehended again in ALT TELLIN near DEHNIN in the Russian Zone of Germany. At that time I was already reviewer in the committee in the in the Communistic Youth Movement "Free German Youth" and responsible for propaganda, radio, and indoctrination. Upon my apprehension, as reason for my escape from the American prisoner camp, I told the Russian officers that the Americans were evidently planning a new war against Russia and that we SS men should apparently be used in it. I also said for these reasons in the American prisoner camps, the officers were wearing their rank insignia again and that the SS men are being organized in battalions and companies in the SS camps in the American Zone. Why I told the Russians these untruths I don't know anymore.

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

I swear before God that the statements which I have made in this affidavit are true and I am prepared to repeat them under oath before any court.

Kurt BRIESEMEISTER  
SS Unterscharfuhrer  
4 April 1946.

Witnessed:

Raphael SHUMACKER  
Capt. CMP

Sworn to and subscribed to before me  
this fourth day of April 1946 at  
Schwabisch Hall, Germany

William H. Ferl  
1st Lt. M.I. Q555149  
Investigator-Examiner  
W.C.B. - USFET

Erzählung über die Geschichte der Arbeit über.

Die Arbeit über, nachdem sie einmündig gemacht  
eingesprochen wurde, wurde sie unter die folgende Unterteilung:

Die im 27. Jahre alt sind sind im 44. Jahr 1938.

Weißend das Befehlswort im August 1944 war es  
in der 6. K. Kom. d. 44. 4. 4. I. Div. im Dienstverhältnis zum  
Oberstleutnant. Es war im zweiten Jahr Kommandant der  
Kommando No. 625, im Kommando 4. Mein Kommandant  
war zur Zeit 44. Oberstleutnant Herrmann Jänker und  
mein Zugsführer war 44. Oberstleutnant Cing. der Zug-  
führer der 6. Kom. Zug war 44. Unterleutnant  
Heimiger. Die Befehlswort wurde Kommando unter mit  
wären sein folgt:

- 44. Htm. Gröfzky Martin Riefstich
- 44. Htm. Gföfzky (Wendner) Leberstich
- 44. Gföfzky von O. Gföfzky (Wendner) Leberstich
- 44. Htm. Kunig (Wendner) Jänker
- 44. Htm. Kunig (Wendner) Jänker

Es war wie in den Dienstverhältnissen  
in den 1944, wurde Leberstich gegen, das die  
I. 44 K. Abt. Gföfzky von 44. Htm. Kunig Kommando Riefstich  
in Dienstverhältnis. Am 10. 11. war H. August 1944  
auf 44. Htm. Kunig Kommando Riefstich alle Kommandanten.  
und unter zu einer Befehlswort zustimmen. Diese  
Befehlswort wurde in einem Brief geschrieben  
Dienstverhältnis und Dienstverhältnis Gföfzky. Auf der von  
Kommandanten unter allen Offizieren der Abt.  
der Befehlswort bei, mit Befehlswort unter, die auf  
unter Dienstverhältnis Gföfzky Kommando Riefstich

PA 60

EX 60  
JEB



„Ich wollte schreiben, dass ich mich in der  
kommenden Offizier versetzt habe.“

Die Offiziere haben mich in diesen Bereichen mit 16 bis  
mich diesen Umständen unterworfen kann ich mich  
befreien.

Am 16. Dezember versammelte sich die  
unserer Abteilung mit meine Kompanie im Theater  
in der Umgebung Leningrad. Am Morgen  
des 15. Dezember, gegen 4- Uhr frühzeitiger Jünger<sup>29</sup>  
zu den Männern der Kompanie. Die Männer haben  
den Boden im Falle mit mir ein Stück fort.  
Jünger hat mich mit dem Gefolge zu  
den Männern. Zu Jünger's Linken haben die Offi-  
ziere der Kompanie, einschließlich der Kommissar,  
Hörner und mich. In dieser Lage gegen mich  
wie folgt:

„Es wird in diese Lage der Angriff.  
Kann ich mich über Morgen in der Lage  
kommen. Ich habe mich ein Stück über Kommissar  
mich mit diesen Hilfe, so wird es möglich.  
Keine Rückfrage wird kommen.“

Ich weiß mich ab mich gegen ein anderer Offizier  
mit einer Aufgabe der mit Jünger's<sup>29</sup>  
folgte, als ich bereit für zu meinen Partner mich  
im einige kleine Befehle zu verstehen.

Am nächsten Morgen den 16. Dezember 1944  
bevor der Angriff begann, gegen 4- Uhr frühzeitiger  
Jünger<sup>29</sup> mich zu den Männern der Kompanie.  
Ich gegen im verantwortlichen Befehl, als dem Partner,  
mit der Befehle, dass er Befehle meine  
Befehle mich wie geben werden.

Wegsam 44. Obersteinfurter Jücker seine Erde besetzt  
hatte, besten die Mäurer zu Frau abgeben Zug.  
Müllern zu rick. Und gleich darauf Freitag 44. Ober.  
Steinfurter Zug zu rick zu den Jücker Zug. Es  
nimmt mich, dass es im Westen liegen wie folgt Freitag.

„Es werden mich die Befehle verfahren die  
Es erhalten habe. Es werden Instruktionen der  
von Frau Rosa kommt verfahren, wie müssen  
Befehlen sind <sup>mit rick</sup> verfahren. Ökonomie  
Freigen werden verfahren in Anwesenheit  
Uniform der rick sein. Es werden die alle rick  
sichere Befehle bekommen, indem die von Frau  
selbst von Frau rick sind damit, rick  
werden, selbst wie rick rick. Keine Mühle  
wird den Jücker oder Ökonomie  
vorgesehen verfahren werden, <sup>H. H.</sup> ~~aber~~ <sup>H. H.</sup>  
~~mit~~ <sup>H. H.</sup> ~~verfahren~~, aber Es mit <sup>H. H.</sup> verfahren  
sein mich <sup>H. H.</sup> ~~mit~~ Ökonomie Freigen zu verfahren,  
die in Anwesenheit Uniform sein werden.“

Am 16. Dezember, zwischen zwei und drei  
Uhr, hatte ich Motzpfaden im Panger sind mit  
wie der Kolonne mit fallen. Der Kopf der Komman-  
dante vermittelt. Nachdem ich die notwendigen Komman-  
danten mit rick, rick Billingen zwischen 1900  
und 1400 von 17. Dezember 1944. Es hatte zwischen  
1500 und 15<sup>30</sup> wieder Motzpfaden in rick  
Panger. Die Gefolge zwischen Billingen sind  
wichtig der Truppenführung von Engelbert,  
wie ich rick Anwesenheit Befehle mit dem  
selbst rick hat, wie sie verfahren werden sind.

Diese Königinnung entspricht einer Längsachse der Zentral-  
 sprünge, 1. 100. 1000, G. S., G. S., N=0 4416, Absteigeform, S. 1  
 unter Druckverhältnissen 81. 5-02. Als ich zu dieser Hohlform  
 Königinnung kam, stand dort ein Konger 5 und unter  
 Aufsichtiger Form war der feine dieser Konger, stand  
 mit der Hohlform daneben. Als ich nun diese Königinnung kam,  
 was ich mit dem Fröhen die Linie fortwährend  
 und Form dachte mit der, <sup>H.H.</sup>zufallen. Ich brachte den  
 Konger zum Nafu und bringe Form walden Das ist  
 einseitigen Fall gerade mit über nach links.

Es zeigte mir die Drehung nach links zu führen.  
 Unter Aufsichtiger Form zeigte mir, dass es sonst von links  
 einen Seite gefallten sah, <sup>H.H.</sup>geköniginnung <sup>H.H.</sup>und der  
~~Bringeführer~~ <sup>H.H.</sup>Stige als <sup>H.H.</sup>Grund <sup>H.H.</sup>N=0 6 mit der  
 brühiganden Stige, welche ich in Lönwipstrik, A" bemerkt  
 habe. Diese Stige ist ein Teil dieser <sup>H.H.</sup>festhalten  
 Lokalisierung und feine bringeführer. <sup>H.H.</sup>Ich kann betonen ich die Hohlform.  
 Königinnung und bey links ein sind betonen <sup>H.H.</sup>minnen Konger zum

fall dem Punkte <sup>H.H.</sup>geköniginnung <sup>H.H.</sup>bring ein <sup>H.H.</sup>Parfenk mit dem  
 drückfaben A mit dem <sup>H.H.</sup>gym <sup>H.H.</sup>nennenden <sup>H.H.</sup>Bringeführer  
 mit dem <sup>H.H.</sup>brühiganden <sup>H.H.</sup>Lönwipstrik, A". Vor dem Felder sind  
 mit der <sup>H.H.</sup>ersten <sup>H.H.</sup>Seite der <sup>H.H.</sup>Hohlform <sup>H.H.</sup>stand ein <sup>H.H.</sup>Lönwipstrik  
 L. R. D. <sup>H.H.</sup>Rechner in <sup>H.H.</sup>festhalten <sup>H.H.</sup>bringeführer, diese L. R. D.'s  
 werden <sup>H.H.</sup>bring <sup>H.H.</sup>brühiganden <sup>H.H.</sup>Zwischen <sup>H.H.</sup>dem <sup>H.H.</sup>Lönwipstrik, A" <sup>H.H.</sup>ge-  
 Königinnung. Als ich nun <sup>H.H.</sup>Konger <sup>H.H.</sup>von der <sup>H.H.</sup>Königinnung  
 zu dem <sup>H.H.</sup>Punkte <sup>H.H.</sup>angebracht <sup>H.H.</sup>bring <sup>H.H.</sup>der <sup>H.H.</sup>Rechte, A" <sup>H.H.</sup>brühiganden  
 Form's <sup>H.H.</sup>Konger <sup>H.H.</sup>läufe <sup>H.H.</sup>war. Ich <sup>H.H.</sup>brühiganden <sup>H.H.</sup>Form's <sup>H.H.</sup>Konger <sup>H.H.</sup>bring  
 Nafu, weil mit dem <sup>H.H.</sup>Grund <sup>H.H.</sup>geköniginnung <sup>H.H.</sup>als <sup>H.H.</sup>N=0 6  
 mit <sup>H.H.</sup>brühiganden <sup>H.H.</sup>Stige die <sup>H.H.</sup>brühiganden <sup>H.H.</sup>verfallten.

Ich bringe <sup>H.H.</sup>den <sup>H.H.</sup>war

Ich bringe <sup>H.H.</sup>den <sup>H.H.</sup>minnen <sup>H.H.</sup>Konger <sup>H.H.</sup>festhalten <sup>H.H.</sup>sind  
 als ich mit der <sup>H.H.</sup>Hohlform <sup>H.H.</sup>stand <sup>H.H.</sup>walden <sup>H.H.</sup>der <sup>H.H.</sup>Rechner <sup>H.H.</sup>den  
 Konger. Die <sup>H.H.</sup>Nafu <sup>H.H.</sup>weiter <sup>H.H.</sup>nicht <sup>H.H.</sup>brühiganden <sup>H.H.</sup>mit <sup>H.H.</sup>dem <sup>H.H.</sup>brühiganden  
<sup>H.H.</sup>fallten

mit Berücksichtigung von Anmerkungen Colletten die mit  
 der Probe ausgehen von der Strafe liegen mit dem An-  
 schein erwarteten Fort zu sein. In welchem man einen Punkt  
 nicht hing ein guter Natur zurück in die Richtung  
 Bewegung, gestirnte zwei der Anmerkungen Fortsetzung,  
 in Betracht der Geben sind betrad die Probe von der  
 Anmerkungen Colletten mit dem Leben liegen.  
 dass Weg von ist ungeschickig hing, ist durch Strafe mit  
 Punkte (---) abkürzungsweises in der einen ungeschickten  
 Vorrichtung der Anmerkungen „F.“ von Weg von  
 Beispiel hinsichtlich ist durch eine Punktweise Linie ge-  
 kündigt. In gleicher, dass ~~mit dem Punkte~~ <sup>u. u. der</sup> nur zwei  
 Anmerkungen Colletten mit dem Leben liegen, <sup>u. u.</sup> ~~ist~~ <sup>ist</sup> ~~schon~~  
 ungeschickig in den Reihen 38 und 39 mit der einen  
 ungeschickten Vorrichtung mit dem Anmerkungen „F.“  
 eines Weg mit seinem Gefüge sind durch zur Erde,  
 seinen Weg nach drei- weiten Gefüge sind mit  
 seinen fiktiven Nord- Ostlich zur Bewegung. Sein Gefüge  
 sind kein Weg nisten mit seinen Anmerkungen. Ein anderer  
 Colletten liegt mit seinem Weg Nord- Ostlich sind mit  
 seinen fiktiven Nord- Ostlich, beim Linie gegen über dem  
 Beispiel der Colletten unter ihm. In Betracht mit seinem  
 Anmerkungen dass oberen Colletten, vorwärts der Antere  
 seine Anmerkungen sind kein Weg ungeschickig eingez. Ob  
 die fiktiven Anmerkungen Colletten Anmerkungen, muss es  
 mit leben, dass es weg lebt, leben dass es ein Leben  
 vorwärts. In Betracht mit dem sind gestirnte Spur  
 von der Bewegung mit seinem Punkten über fikt,



Alt ist die zwei Gefisse verfeinerte, lang vorher  
 Ammiranten mit seinen Kindern zur Erde.  
 Wenn feierte ist den letzten Gefisse direkt mit  
 die Mitte seiner Hütte. Die Form erinnert lang-  
 jährigen Dienstzeit in der drittem Armee sehr ist  
 viele viele Völkern wie Feindliche aber seinen  
 Gebete, die jedoch überbringt kein Zweifel besage, das  
 dieser Völkern sehr war, weshalb ist diese Gefisse mit  
 ihm abgeleh.

Zur Zeit alt ist <sup>die</sup> Ammiranten <sup>die</sup> 1743  
 war er unbeschäftigt und wurde beinahe verjagt.  
 Sie von <sup>seiner</sup> Gefangenen zu entlassen. Am seiner  
 Ammiranten erkannte ist, das er ein Ammiranten Völkern  
 war. Alt ist die Gefisse mit dem Ammiranten Völkern  
 ab geht, war ist mit seiner Kette verjagt  
 einen Meter von diesen Ammiranten Völkern  
 entfernt. Das gilt für alle Gefisse die ist feierte.  
 Ich erinnere mich daran, das ist ein seiner Gefisse  
 nach unterrichteten waren, dass ist dem <sup>offen</sup> Gefisse in seinen  
 Worten feierte.

Gewisse alt ist das Gefisse beendete, wurde  
 von einem M G erinnert bezeugt gegeben. Dieser  
 M G war <sup>7,5 cm</sup> das Hütte M G, nachfolgend sind ge-  
 lebe das Ammiranten im Hütte verjagt ist. Die Form  
 ist sehr, war er verjagt mit 3 30<sup>er</sup> Gefisse. Die





Waschen in Dofirter und Eifen in befohlen  
 sollte zu runderen Kragen zu runderen, ging  
 in mit dem Feld und übergrünte den Gorden.  
 Vom Tag in 47. Untergründigen Kragen mit  
 wasche in seinen Finte & R 20 fragen, das mit der  
 Wasche finter seinen Kragen befohlen sollte.  
 Es seien mir Kragen & R 20 befohlen, das in  
 will mich fragen, das ~~besten~~ keine anderen  
 fufgrünge aufstete werden. Untergründigen  
 Kragen fang mich mit der ~~besten~~, und in  
 Untergründigen, das mit Untergründigen  
 befohlen sind es fragen mich, das es finter  
 finter finter dem finter Kragen befohlen  
 das in mit dem Feld ging und das seinen  
 Untergründigen das ~~mit~~ mich ~~mit~~ wasche  
 die ~~besten~~ finter, ob das mit ~~besten~~ mich  
 Kragen sind fragen mich. Befohlen ist das Ge-  
 fragen mit Untergründigen Kragen befohlen  
 ging in wieder zu seinen Kragen, befohlen  
 ihn und wie fragen ~~besten~~.

Das in mit dem Feld wasche, ging in  
 die ~~besten~~ finter Kragen befohlen, befohlen  
 mit seiner finter Kragen befohlen sind seine  
 finter Kragen befohlen sind der finter Kragen  
 finter Kragen. Die ~~besten~~ Kragen seinen  
 befohlen finter die ~~besten~~ befohlen, das in



mit welche ich mich in dieser Anstalt befragen  
 habe; Sie zeigt richtig, das Jahr n=0 6 von der Herrsch.  
 Herrschaft, von Beginn an wese das Jahr, die Jahre  
 von Wöchigen Ende der Woche sind das Jahr alle  
 nur die Anmerkungen behaupten mit dem Ende  
 wegen. Ich kann mich nicht mit die anderen  
 fürstet die mit dieser Tage verfahren verfahren.  
 Ich will mich befragen, das Sie mich davon wissen,  
 das das Sie mit der Tage nicht richtig eingezogen  
 werden, werden ich kann mich nicht mit an  
 irgend ein Jahr, ~~und~~<sup>p.4</sup> mit Anmerkungen  
 von Jahr n=0 6, verfahren, als ich mit mit  
 der ersten Seite der Woche sind im Jahre nach  
 sind ich dem ungeordneten Gebirge keine  
 Beschreibung begeben.

Zur Zeit dieser Offensiven ist zur  
 Zeit dieser unternommenen Operationen sind ich  
 nicht nur mit dem Abtrübnungskommando  
 sondern auch <sup>in</sup> dem Kommando ~~Sturmkommando~~  
 Kämpfer sondern mich mit dem Kommando  
 Abtrübnungskommando <sup>29</sup> mit Kämpfern  
 das Stärke die ich hauptsächlich von der  
 Kommando zur ersten Kommando werden.  
 Nur dem Angriff verfall ich von Sturmkommando  
 Kämpfer sind Abtrübnungskommando <sup>29</sup> Befehl  
 keine Milde zu zeigen sind alles was vor  
 dieser Kommando zu verfahren; Als ich  
 verfahren sind wiederum lebenden Anmerkungen  
 behaupten im Jahre bei der Herrschaft sind, verfahren

Ihre, von meinem Kommandanten für Oberstleutnant  
 Jäger Jänke<sup>29</sup> und meinem Abteilungs-Kommandanten  
 Herrn Leutnant Jäger zu bezeugen, dass ich ein  
 guter Soldat bin und Ihre Befehle genau befolge.  
 Ferner, obwohl ich in Folge dessen keinen Verdienst  
 in Unteroffiziersrang für Verdienst in dem Ansehen  
 für das künftige Bist erhalten habe, dass ich diesen  
 Ansehen nicht verachte. Ich wollte, dass Sie das wissen,  
 damit Sie das zum Kommandanten und Abteilungs-  
 Kommandanten bezeugen, dass ich Ihre Befehle  
 genau befolge, dass ich ein tüchtiger Soldat bin. Ich wünsche  
 diesen Ansehen erhalten zu sehen, um  
 den Befehl<sup>30</sup> von der Abteilungs-Kommandanten  
 Jäger und Oberstleutnant Jänke<sup>29</sup> erfüllt,  
 Befehle zu befolgen, um nachher die Befehle  
 des Obersten nach der nächsten Befehls-Kommandanten  
 ob Zivilisten oder Soldaten, ob Sie sich ergeben  
 haben oder nicht, dass ein solches Befehl nach dem  
 Leben ist und nicht im Krieg kommt, wird  
 verfahren.

Diese Urkunde besaß mit 15 Zeilen  
 + handschriftliche „A“ wurde von mir freiwillig und  
 mit freier Hand in meiner eigenen Hand  
 schrift gemacht. Keine Fälschung oder Fälschung ist von  
 diesem die mir besagt haben angenommen worden,  
 keine Verfassungen mit Belohnung, Zinnermittel

der Verfolgung der Angelegenheiten ist ganz sicher  
 der würdigen Gemüths.

Ich schreibe mir Gott, dass diese Anträge die  
 Befriedigung sind, und dass ich vertritt die die Rechte  
 unter Sie in jedem Grade der Gerechtigkeit  
 zu unterstützen.

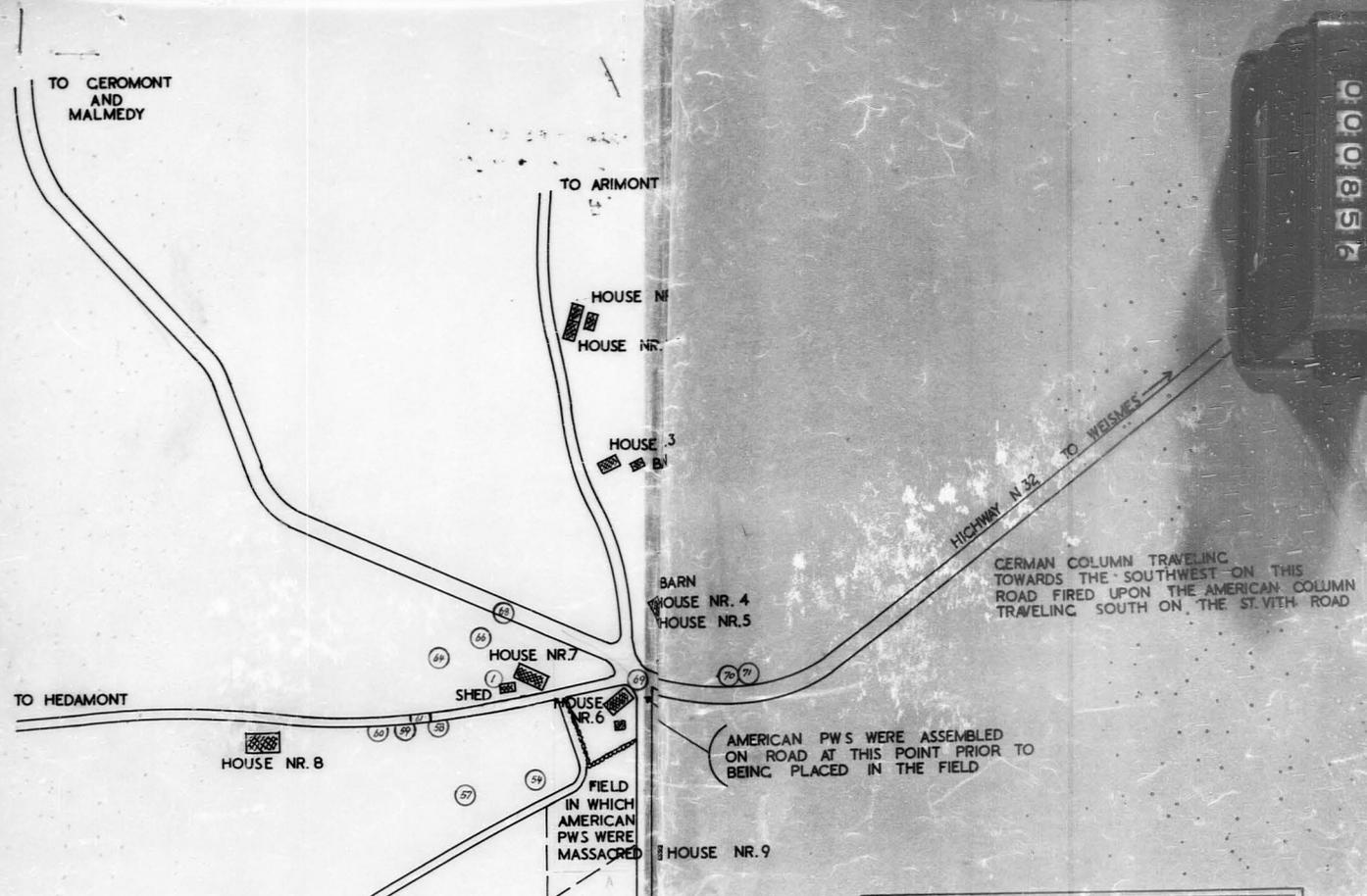
Lieber Lieber

16. Februar 1946.

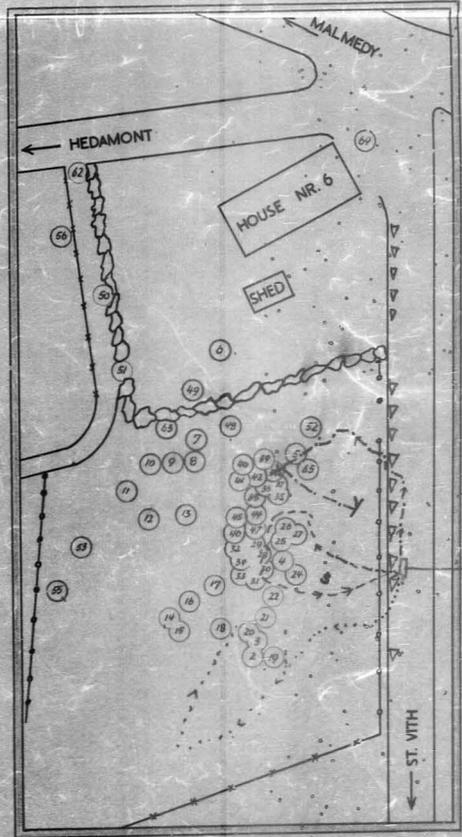
I have to and subscribed  
 before me this 16<sup>th</sup> day  
 of February 1946 at  
 Schwabisch Hall, Ger.

Raphael Thumacke  
 Capt C.M.P.

000651



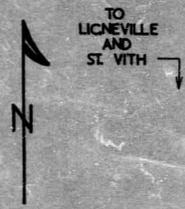
DETAIL OF GREEN BORDERED AREA



**KEY TO HOUSES**

<b>HOUSE NR. 1</b>	JOSEPH NICOLET LOUISE NICOLET WIFE
<b>HOUSE NR. 2</b>	MARIE MATONET HILLARD FELZ HIREDBOY AGE 14
<b>HOUSE NR. 3</b>	HENRI PIERRY ALCA PIERRY
<b>HOUSE NR. 4</b>	STEFFON LEJOLY VITORINE LEJOLY
<b>HOUSE NR. 5</b>	HENRI LEJOLY AGE 44
<b>HOUSE NR. 6</b>	FRAU ADELE BODARIVE WIDOW AGE ABOUT 55
<b>HOUSE NR. 7</b>	HENRI LEJOLY AGE 50 JOHANNA LEJOLY WIFE MADELEINE LEJOLY PALCTHER AGE 20

CONVOY OF BTRY. 'B'  
285 TH. F.A. OBSN. BN.  
WAS SPREAD OUT  
ON THIS ROAD.  
TRAVELING SOUTH.  
WHEN FIRED UPON  
FROM THE NORTHEAST  
BY GERMAN COLUMN  
ON WEISMES ROAD.



SCALE: 1:3000

①②③ INDICATES LOCATION OF BODIES BY NUMBER OF EACH

*Linnitsville, F.  
Frederick J. ...  
10. February 1940.*

HOUSE NR. 10



### TRANSLATOR'S AFFIDAVIT

I, JOSEPH KIRSCHBAUM assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

HUBERT HUBER

taken on 16 February 1946 at Schwäbisch Hall, Germany.

before RAPHAEL SHUMACKER, Captain, CMP

consisting of 15 <sup>AND ONE SKETCH</sup> pages into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I learned English through study of the language for two years in High School, one year in college, and eight months of evening classes, all in VIENNA, Austria.
3. I have spoken English continuously since September 1939 when I came to the United States. In September of 1941 I joined the United States Army.
4. From February until the latter part of April 1943 I attended the IPW course at Camp Ritchie, Maryland, conducted by the Military Intelligence Training Center.
5. From June 1944 until September 1945, I served continuously as an IPW interrogator, in which capacity I was constantly required to translate German into English and vice versa.
6. Since January 1946 I have been assigned to the War Crimes Branch, U.S.F.E.T. as a civilian German-English interpreter.

P  
EX  
60A

*Joseph Kirschbaum*

Sworn and subscribed to before me this 28 day of February, 1946 at Schwäbisch Hall, Germany.

*Raphael Shumacker*  
War Crimes Branch, USFET

*Captn EMR P60A*

JEB  
RECORDED

AFFIDAVIT OF HUBERT HUBER

I, Hubert HUBER, first being duly sworn, make the following statement under oath:

I am 27 years of age and have been in the SS since 1938. During the EIFEL offensive in December 1944, I was in the 6th Panzer Company, 1st SS Panzer Division LAH, with the rank of Oberscharfuhrer. I was Tank Commander of Tank No. 625, a Mark IV, in the second platoon. My company commander at this time was SS Obersturmfuehrer Benoni JUNKER, and my platoon leader was SS Obersturmfuehrer SIEG. The Platoon Leader of the First Platoon was SS Untersturmfuehrer STEINIGER. The members of my tank crew other than myself were as follows:

SS Sturmmann GRISCHATZ, Martin	- Gunner
SS Sturmmann SCHRODER, (FNU)	- Loader
SS Schutze or Oberschutze SCHREIER (FNU)	- Radio Operator
SS Sturmmann RAUCH, Josef (?)	- Driver

Prior to moving to the assembly area in the woods near BLANKENHEIM, the 1st SS Panzer Battalion, commanded by SS Sturmbannfuhrer POETSCHKE, was located in FLIESHEIM. On either the 10th, 11th or 12th of December 1944, SS Sturmbannfuhrer POETSCHKE called a meeting of all the Tank Commanders. This meeting was held in a villa between FLIESHEIM and FRIESHEIM. In addition to the Tank Commanders, all officers in the Battalion attended this meeting except those who were not available by reason of other duties. Insofar as the Officers in my Company are concerned, I remember definitely that these were present;

SS Obersturmfuehrer JUNKER
SS Untersturmfuehrer STEINIGER
SS Obersturmfuehrer SIEG
SS Untersturmfuehrer ASMUSSEN

I do not believe that SS Obersturmfuehrer STERNEBECK was present there. In the room where the meeting was held there was a large sand-table where we were briefed on the area of attack, and so forth. POETSCHKE spoke substantially as follows:

"The attack will start within the next few days, and I believe that we will go back to the old battle ground from which we retreated. When we enter this area we will shoot out of all barrels, and anything that shows itself, whether soldier or civilian, will be bumped off. No mercy will be shown towards anybody. I do not know exactly when the attack will start - it might be within a few hours or it might be within a few days."

After making this statement, he continued to say that if any of us showed any consideration for the enemy or the civilians, no consideration would be shown such a soldier by him. SS Sturmbannfuhrer POETSCHKE'S method of not showing any consideration to his Tank Commanders caused him to force them to stand exposed to the dangers on the back ends of their tanks during the attack.

Prior to the formal statement by POETSCHKE, each Tank Commander had to sign a statement, reading substantially as follows:

"I hereby declare that I shall commit myself wholeheartedly in the coming offensive."

000856

The Officers were sitting in the same room, but if they signed the same forms, I can't say.

On the 15th of December, our Battalion and my Company were assembled in the woods in the vicinity of BLANKENHEIM. On the afternoon of the 15th of December, Obersturmfuehrer JUNKER gave a speech to the men in the Company. The men were seated on the ground in a semicircle around a fire. JUNKER stood back of the fire, facing the men. To JUNKER'S left sat the Officers in the Company, including STEINIGER, ASMUSSEN, STERNEBECK and SIEG. At this meeting, JUNKER spoke as follows:

"It will start shortly. The order might come through today or tomorrow morning telling us to attack. If a civilian or an American so much as appears before you, he will be bumped off. No consideration will be shown."

I do not know if any of the other Officers spoke to the men following Obersturmfuehrer JUNKER'S statement, as I left immediately thereafter to do some work on my tank.

The next morning, 16 December 1944, before the attack started, Obersturmfuehrer JUNKER again spoke to the men in the Company. He told us substantially the same thing as he had the day before except that he mentioned the support that we would have. After SS Obersturmfuehrer JUNKER finished talking, the men returned to their respective platoon locations, and shortly thereafter, SS Obersturmfuehrer SIEG talked to us of the Second Platoon. I remember that he said substantially as follows:

"You will not forget the orders that have been given you. You will shoot everybody in front of your barrels. We must spread terror and panic before us. SKORZENY will have troops dressed in American uniforms ahead of us. You will know that they are our own soldiers because if you encounter them they will take off their steel helmets and wave them. No mercy will be shown towards civilians or prisoners of war, but you will be careful not to shoot at SKORZENY'S troops who will be in American uniforms."

On the 16th of December, between two and three o'clock, I had motor trouble with my tank and had to fall out of the column. The rest of the Company went ahead. I arrived in BUELLINGEN, after making the necessary repairs, around 1300 or 1400 hours, the 17th of December 1944. Around 1500 or 1530 hours, I again had some more motor trouble with my tank. This was between BUELLINGEN and the cross-roads north of ENGELSDORF, where I later saw American soldiers who were lying in a field where they had been shot. This cross-road is shown on a Map of Central Europe, 1:100,000, G.S., G.S., No. 4416, BONN, Sheet S.1, at coordinates 81.5 - 02. As I approached this cross-road, there was a Mark V Tank on the right hand side of the road, and Unterscharfuhrer STORM, Commander of this tank, was standing out in the road beside it. As I approached this intersection, I was sitting on my turret, with my feet outside and STORM motioned me to stop. I stopped the tank, and inquired of STORM which way I should go, straight ahead or to the left. He told me I was to make a left turn. Unterscharfuhrer STORM told me that he had received fire from behind a house, designated as House No. 6 on the attached sketch which I have marked as Exhibit "A". This sketch is made a part of this affidavit and is attached hereto. I then entered the intersection, made a left turn, and stopped my tank at the point shown by a rectangle with the letter "A" on the green

bordered enlargement on said Exhibit "A". In front of the field and on the right hand side of the road headed towards ENGELSDORF was a parked column of American trucks. These trucks have been designated by triangular symbols on Exhibit "A". As my tank moved from the intersection to the point indicated by the rectangle "A", STORM'S tank moved forward. I couldn't see STORM'S tank because the house indicated as No. 6 on the attached sketch obstructed the view.

I dismounted from my tank and as I stood up out on the road, SCHREIER got out of the tank. We did not see anything except what appeared to be the dead bodies of American soldiers lying in the pasture on the right hand side of the road. I left my tank, walking a few meters back towards the intersection passed between two of the American vehicles, crossed the ditch and entered the pasture where the American soldiers were on the ground. The approximate path I took is shown by a dot-dash (. . - -) line in the green bordered enlargement on Exhibit "A". The path taken by SCHREIER is shown by a dotted line. At a point which I believe was approximately at circles 38 and 39 in the green bordered enlargement on Exhibit "A", two American soldiers lay on the ground. One lay with his face and stomach down, with his head pointed southwestwardly and his feet northeastwardly towards the intersection. His face and head were resting on his arms. Another soldier lay with his head northwestwardly and his feet southeastwardly with his legs across the body of the soldier beneath him. I touched the above soldier with my foot, and the one beneath moved slightly pulling in his head and hands. When this soldier moved, it was apparent to me that he was still alive but was playing dead. I then stooped over, grabbing him by the clothing around his back or neck, and told him to get up. He stood up in front of me and showed no evidence of having been wounded. The first thing I did was to tell him and show him by gestures that he was to take off his field jacket. This jacket was not the type with a zipper in front, but had buttons. It was dark green and had three or four pockets. This soldier took off the jacket and handed it to me. I took the jacket from him and dropped it to the ground beside me. I believe, although I am not sure, that the next thing I took from him was the wrist watch. Then I told him to take off his overshoes. He already had one of his overshoes off and had the other one unbuckled and was getting it off his foot by holding the heel of the overshoe against the toe of the shoe on the other foot. As he was doing this, I turned him slightly so that his back was towards me. Then I fired with my Belgium nine millimeter pistol into the back of his neck. This shot came out of the soldier's mouth. Then he fell backwards. I might have fired more than one round before he fell as the pistol was an automatic. After he fell to the ground, I fired one shot into his heart and another shot directly above it, into his chest. When these two shots were fired, this American was lying on his back, on the ground. Then I fired the final shot directly into the center of his forehead. During my years in the German army, I have seen many dead soldiers, both enemy and our own, and there is absolutely no question but that this soldier was dead after I fired these shots at him.

At the time I shot this American soldier, he was unarmed and made no attempt whatever to escape from my custody. I knew he was an American soldier by his uniform. At the time the shots were fired, I judge that my pistol was approximately one meter distance from this American soldier. That applies to all of the shots that I fired. I remember distinctly that I took first one step backwards before I fired the first shot into the back of his neck.

Just as I had finished firing, there was firing from the machine gun of my tank. This machine gun is the turret machine gun that is mounted alongside and parallel to the 7.5 centimeter cannon in the turret. At the time it was fired, it was pointed at approximately 3:30 o'clock. Approximately 25 or 30 rounds were fired, according to my estimate, in one burst. I could not see who was actually firing this machine gun in my tank as it is impossible to do so, but I know that the gunner, GRISCHATZ, and the loader, SCHROEDER, were still in the tank, and normally it takes two men to operate the machine gun, one to load and the other to aim the machine gun and fire it by pressing a foot pedal. As soon as I heard the firing, I shouted that they should stop that crazy shooting. Immediately thereafter, SCHROEDER came out of the tank and entered the field. I have indicated SCHROEDER'S path by a line of dashes ( - - - ).

Then I picked up the field jacket and the overshoes, and about at this time Unterscharfuhrer STORM came through the hedge at the north end of the field. If I remember correctly, he was accompanied by another German soldier, no doubt a member of his crew. When STORM approached me, he asked me if I had done the shooting. I told him I had, and explained that the American soldier had moved, and that I had shot him. Then I left, walking across the field in the direction of my tank. After I had taken three or four steps in the direction of my tank, I heard two or three pistol shots behind me. No one was standing behind me at that time except Unterscharfuhrer STORM and the soldier who I believe was with him, both of whom had pistols in their hands when I turned my back and started walking towards my tank. I do not know whether it was STORM or the other man, nor did I see what they were shooting at.

On Exhibit "A" I have indicated by an "X" the approximate spot where I shot the American soldier. When I reached the point indicated by the letter "Y" on Exhibit "A", I turned to my right rear, and told SCHROEDER and SCHREIER to return to the tank. At that time SCHROEDER was standing at the point indicated by the letter "S", and I saw him fire a pistol shot in the general direction that would be indicated by a line drawn from the letter "S" to the Circle 22. I do not mean that he fired at a soldier who was lying at the spot indicated by Circle 22, as I could not tell, but that was his approximate aim. His arm was extended in front of him, the pistol muzzle pointed at the ground. According to my best recollection, SCHROEDER only fired this one shot, but I am not sure. He might have fired more than one.

After I had told SCHROEDER and SCHREIER to return to our tank, I continued on out of the field and crossed the ditch. Then I saw SS Untersturmfuhrer KRAUSE standing up in his communications SPW, which had stopped on the road behind my tank. KRAUSE'S was the only SPW that I noticed, but I would not swear that there were not others behind his. Untersturmfuhrer KRAUSE asked me what was going on, and I told him that Unterscharfuhrer STORM had stopped me, told me about having received enemy fire from behind the house, and that I had gone in the field and had shot an American who was not dead. He inquired if there was anything else wrong, and I told him no. As soon as I finished talking with Untersturmfuhrer KRAUSE, I proceeded to my tank, mounted, and we started off.

When I was in the field, I was dressed in the regular black Panzer uniform, consisting of black wool trousers and a black leather jacket, and the regular black wool cap. The other men in my crew had the same uniform, but I can no longer remember whether they actually had on their leather jackets at the time or not. At the time I was in the field, the only other non-commissioned officer present was Unterscharfuhrer STORM, and he came in the field after I had shot the American soldier. The only tank parked on the road in front of the field was my tank. Before I went over to talk to Untersturmfuhrer KRAUSE, I had told my tank crew to start the motor of my tank. I did not hear or see any shooting other than I have described in this statement, but it is possible that there were other shots that I did not hear.

The watch that I had taken from the American either had four sides or six sides, it had a leather strap and it was gold or only gold-plated. I do not remember the make of the watch but my recollection is that it was a "US" on the back of it.

Exhibit "A", which bears my signature, was not drawn by me but it is a correct and accurate drawing of the road crossing to which I have referred in this statement; it correctly shows House No. 6 at the intersection, the small shed near the house, the hedge at the north end of the pasture and the field itself, where the American soldiers lay on the ground. The other houses shown on this sketch, I do not recall. I do not mean that they were not there or that the sketch does not properly designate them, but I simply do not remember any house except house No. 6, as I was only on the right side of the road and in the field, and I paid no attention to the surrounding terrain.

At the time of this offensive and at the time of this particular shooting, I was on bad terms not only with the Battalion Commander, Sturmbannfuhrer POETSCHKE, but also the Company Commander, Obersturmfuhrer JUNKER. As a matter of fact, I had been transferred from the Supply Company to the 6th Company, as punishment. Prior to the offensive, I had received orders from Sturmbannfuhrer POETSCHKE and Obersturmfuhrer JUNKER to show no mercy and to shoot everything before my barrel. When I found this American soldier unwounded and still alive, in the field at the cross-roads, I shot him to prove to my Company Commander, Obersturmfuhrer JUNKER, and my Battalion Commander, Sturmbannfuhrer POETSCHKE, that I was a good man and that I obeyed their orders. Furthermore, just as soon as I arrived in ENGELSDORF I told Unterscharfuhrer WRABEETZ, in the presence of Schuetze Kurt DETHLEFS, that I had shot this American. I wanted them to know it because I wanted the word to get to my Company Commander and my Battalion Commander that I was obeying their orders and that I was a good man. I had to shoot this American soldier in obedience to the order that I had gotten from Sturmbannfuhrer POETSCHKE and Obersturmfuhrer JUNKER, because when they said that everything that showed itself before our guns was to be shot, that meant civilians and soldiers, whether they had surrendered or not, -- simply everything that was alive and that appeared before us.

This statement consisting of fifteen pages plus Exhibit "A", in my own handwriting, was given by me voluntarily and of my own free will. No force or duress was used by those who interrogated me, and no promises of reward, immunity from

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prosecution or threats of any kind were made.

I swear before God that this statement is the truth, and I am prepared to repeat same under oath in any court of justice.

(Signed) HUBERT HUBER  
16 February 1946

Sworn to and subscribed before  
me this 16th day of February  
1946 at Schwaebisch Hall, Ger.

/s/ RAPHAEL SHUMACKER  
Capt. CMP

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For the WAR CRIMES OFFICE

Judge Advocate General's Department - - War Department

United States of America

In the matter of introduction to medi- Perpetuation of Testimony of Col. cal evidence in the case referred to - Rosser L. Hunter, O-5741 as the Malmedy Massacre.

Taken at: Office of the Inspector General, First United States Army, Fort Jackson, S. C.

Date: 28 August 1945

In the Presence of: Lt. Col. Alvin E. Welsch, O-238440, Lt. Col. John C. Rappleyea, O-230492, both IGD, First United States Army and 1st. Lt. Raymond D. Czapko, O-1053351, Office of the Provost Marshal, Fort Jackson, S.C.

Reporter: Virginia M. Krell, Office of the Provost Marshal, Fort Jackson, S. C.

Questions by: 1st. Lt. Raymond D. Czapko

- Q. Would you state your name, rank, and serial number?
A. I am Col. Rosser L. Hunter, O-5741, Inspector General's Department, Army Inspector General, First United States Army.
Q. Please state the date and place of your birth and length of service with the Army?
A. I was born in Washington, D. C. on 4 September 1891, and have had more than 29 years service as an officer of the United States Regular Army. My home home address is c/o Adjutant General, Washington, D. C.
Q. Will you state the extent of your education, including degrees obtained?
A. I am a graduate of the Emerson Institute and have an L.L.B. degree from George Washington University, 1916.
Q. Did you hold your present assignment in December, 1944 and January 1945?
A. I did.
Q. As Army Inspector General, First United States Army, did you have any connection with the death of Americans who were in German hands at the time of the Ardennes offensive in 1944?
A. I did.

I was Inspector General during the campaigns in Europe in 1944 - 45, and exercised general supervision over the investigations into the death of Americans who had been captured by German forces at the time of the German break-through in the Ardennes on 16 December 1944. Investigation, under my supervision, by officers of the Inspector General Section, First Army, established that on 17 December 1944, approximately one hundred and fifty (150) American officers and enlisted men, who had been captured by the Germans, were placed in a field near a cross-road approximately two (2) miles southeast from the town of Malmedy in Belgium and near the small village of Geromont; that fire from German armored vehicles on the adjacent road was directed into the group of prisoners of war; that thereafter, the armored vehicles left the vicinity; that thereafter, a group of German soldiers, who had been left at a road block in the vicinity, went among the prostrate Americans, shooting those who showed signs of life. Some of the American's, approximately 35, who despite their wounds were able to travel, escaped from the field mostly after dark.

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Efforts were made by Officers of the Inspector General's Section to visit the scene, but it was in German hands and these efforts were unsuccessful until 14 January 1945 when the field was recaptured. Prior to this time, officers of this section had made reconnaissances of the field but were never able to actually get on it. Shortly after 17 December 1944, the snows commenced and the field was covered in from two (2) to five (5) feet of snow. For that reason, those conducting reconnaissances could not determine the conditions on the field.

On 14 January 1945, Officers of the Inspector General Section followed the assault waves of the Thirtieth Division into this field. It was deemed necessary to search the field for mines and booby traps before searching the field for bodies inasmuch as it had been the German practice in that vicinity and at that time to booby trap the equipment of dead American's. Following the search by the engineers for mines and booby traps (none were found) Officers of this section, with details of laborers to clear the snow, and details of Graves Registration Personnel, accompanied by a medical officer and Signal Corps Photographic Personnel, conducted a thorough search of the field. The field was covered with snow of from two (2) to five (5) feet and the surface of the snow did not show evidence of traffic. However, there were a few places where artillery shells had recently fallen in the field. The entire field was closely searched, including removal of the snow over bodies. Each body, as found, was placarded with a number and photographs were taken of the bodies showing the number and their position in the field.

All bodies found were frozen hard and stiff and were generally in piles or rows. In some cases, the bodies had become frozen to each other and frozen to the ground.

Bodies were removed from the field by hand and carried under defilade to a point on the Geromont-Malmedy Road where they were placed in a truck and carried to Malmedy and placed in a building that had previously been heated by wood-burning stoves. In this building, the bodies were placed in the rooms until they thawed sufficiently to remove the clothing.

Each body was examined by a medical officer, an Inspector General and members of the Graves Registration Service. Thorough search was made of the clothing and the body for identification, and the medical officer, examined the body for cause of death. There were also Signal Corps Photographic Personnel present and photographs were made of bodies showing unusual wounds. During this examination, the number placards placed on the bodies in the field were still attached to the clothing except in the three or four cases where they had become detached in the journey. After the search for identification, examination by the medical officer and, in some cases, the photographing of the bodies, they were placed in bed sacks and transported under the supervision of the Graves Registration Service to the cemetery.

At all times, from the time the snow was removed from on top of the bodies in the field until they were sent to the cemetery for interment, they were under the supervision of the Inspector General. As previously stated, each body was frozen hard and stiff and remained in that condition at least until the examination in the house in Malmedy. The bodies were not entirely thawed even at that time. The bodies, when examined by the medical officers in the house in Malmedy, were in exactly the same condition in all respects as when discovered in the field.

From personal observation, the condition of the bodies when found in the field and when examined by the medical officers, was that, with some exceptions, they showed multiple wounds from small arms fire in the face, chest and stomach. Some bodies showed wounds from small arms in the temple, forehead, and behind the ears. In these cases, generally there was but one wound on the body. In one of these single wound cases, the skin area around the wound in the temple showed obvious powder marks. A few bodies, recovered near the shell craters in the field, showed evidence of post mortem laceration from shell fragments. With respect to the condition of the bodies when found, none showed any signs of decomposition. Upon removal of certain bodies from the

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field, it was observed that their eyes had been enucleated, and snow had filled the empty eye sockets. Upon examination in the house in Malmedy, this observation was verified. In one instance, the back of the head had been completely crushed. The medical officer who was on the field during the first part of the time the bodies were being removed was Capt. John N. Snyder. The medical officers who performed the detailed examination of the bodies in the house in Malmedy was Major Giacomo G. Morrons, and Captain Joseph A. Kurz. Capt. Snyder, after leaving the field, also performed detailed examinations in the house in Malmedy.

In the Report of Investigation concerning this case, there is included a detailed report of the examination of these bodies, their condition at that time and evidence of their identification.

The search of the clothing in the house in Malmedy disclosed that, in general, the bodies had not been robbed. American or Belgian money was found on most bodies; a number of wrist watches were found either on the wrist or still clasped in the hands. Only a few of the bodies were clothed in an over-coat, but all had on outer clothing, field jackets, combat jackets or sweaters. All had on shoes. In a few cases, cigarettes were found on the body. When found, (and also when examined by the medical officers) a considerable number were frozen in a position with both hands raised above their heads.

In the Report of Investigation, of this matter, there is included a full description of the condition of each body, property found on the body, description of wounds, and photographs and a sketch of each body in the field, photographs showing the handling of the bodies and photographs showing wounds in certain cases.

*Rosser L. Hunter*  
Rosser L. Hunter, O-5747  
Colonel, IGD

State of: South Carolina )  
County of: Richland ) SS

I, Rosser L. Hunter, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

*Rosser L. Hunter*  
Rosser L. Hunter, O-5747  
Colonel, IGD

Subscribed and sworn to before me this 29th day of August 1946.

*Raymond D. Szapko*  
RAYMOND D. SZAPKO, 1st. Lt.  
O-1053351, CMP  
Summary Court.

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by authority of Lt. Hq. U.S.F.F.T.  
100-1053351-27 June 1964  
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REPOSTER

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by AUTHORITY ~~CONFIDENTIAL~~ *Jan*  
file AG 000.5 GBI-AGO, 27 June 1946

C E R T I F I C A T E

I, Raymond D. Czapko, 1st. Lt., O-105355L, Office of the Provost Marshal, Fort Jackson, S. C., certify that on 28 August 1945, personally appeared before me Rosser L. Hunter, Colonel, 1GD, O-5741, and gave the foregoing answers to the several questions set forth; that after his testimony had been transcribed, the said Rosser L. Hunter read the same and affixed his signature thereto in my presence.

Place: Fort Jackson, S. C.

*Raymond D. Czapko*  
RAYMOND D. CZAPKO, 1st. Lt.  
Military Police Detachment, Sec. 1  
1458, SCU, Fort Jackson, S. C.

Date : 29 August 1945

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file AG ~~CONFIDENTIAL~~ 000.5 GBI-AGO, 27 June 1946

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Captain JOSEPH A. KURZE, O-501599, Medical Corps, 44th Evacuation Hospital, after being duly sworn, testified as follows:

That on 14, 15 and 16 January 1945 at Malmedy, Belgium, he examined bodies brought into Malmedy under the supervision of Inspectors General, First U. S. Army; that the bodies were disrobed for the purpose of this examination; that the identifications indicated were made at the time of his examination from identification tags, pay cards, and other evidences in the clothing; that the tag numbers referred to are those placed on the bodies by Inspectors General before removal from place of discovery; and that the bodies when delivered to him for examination were still in a frozen state with some snow still adhering to them.

Tag No. 2

Identified as: RALPH J. INDELICATO, 17133271, Corporal, Med. Det., 285th FA Obsn. Bn.

Personal effects found: One comb, one pair scissors, wallet containing photographs, stamps, AGO card, one 20,000 mark note, and 56 German marks.

Description and condition of outer clothing before being disrobed: Soldier was dressed in OD sweater, OD shirt and trousers, overshoes. Clothing was torn, and frozen to the body.

Medical diagnosis: Both arms elevated to level of the head. Face: Both eyes are gone. Examination reveals bilateral enucleation with a sharp instrument. The skin edges show definite knife marks. The eye sockets are cleanly evacuated. (Opinion: Enucleation mechanical, performed by a sharp instrument. Presence of blood in the region of the sockets and the ragged appearance of the skin substantiates the opinion that it was performed while soldier was still alive and it was done by an inexperienced person.) Pistol shot wound, face, entrance left upper lip, exit right cheek at the level of the right lower lip. Wound, lacerating, severe, of the left shoulder with complete tearing away of the skin and underlying structures down to the shoulder joint and almost to the region of the neck, caused by machine gun fire. Wound, severe, lacerating, of the left elbow and the left lower third of the arm, with fracture compound comminuted of the left humerus, caused by machine gun fire. Multiple perforating wounds of the left hand and wrist with fracture compound comminuted of wrist and hand bones caused by multiple bullet wounds.

Tag No. 3

Identified as: LUKE S. SWARTZ, 33497309, T/5, Btry B, 285th FA Obsn. Bn.

Personal effects found: One fountain pen, two pencils, one chain, one New Testament, one comb, letters, one pocket knife, one wallet containing 55 German marks, one good luck charm.

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Description and condition of outer clothing before being disrobed: Overcoat, field jacket, sweater, CD shirt and trousers, leggings, and overshoes. T/5 insignia on overcoat. Identification band on right wrist, blood on the right trouser leg in the region of the knee.

Medical diagnosis: The arms are raised above the head. Old blood on face. Bullet wound perforating right knee, with fracture compound comminuted of the right knee joint. Bullet wound, left side of head, penetrating the left forehead just above the eye, with the wound showing definite powder burns. (Opinion: Wound of head inflicted by a pistol bullet at close range.)

Tag No. 4 and 23

Identified as: JOHN J. CLYBIRE, 16011838, Pfc, 86th Engr. Bn. (MP).

Personal effects found: One comb, one fountain pen, one religious medal, one ring, one Bulova wrist watch, wallet containing 520 Belgian francs, FM identification card.

Description and condition of outer clothing before being disrobed: CD shirt with First Army insignia on left shoulder, CD trousers, leggings, combat shoes.

Medical diagnosis: Both hands are raised above the head. Head: Wound, severe, fracture compound comminuted, lacerating with loss of all the cranial bones plus loss of the forehead, and loss of brain tissue. Careful examination reveals that the high explosive missile entered from the back and caused the damage described above. Penetrating wound, severe, of the left upper chest also caused by a high explosive missile.

Tag No. 7

Identified as: SYLVESTER V. HERCHELROTH, 33497232, Cpl., Btry B, 285th FA Obsn. Bn.

Personal effects found: one comb and case, one pencil - wooden, one New Testament, 10 Belgian francs, one automatic pencil, one fountain pen, one leather case with four small drills, one note book, photographs, soldier's pay book, one broken comb, one wallet with photographs, 3 Belgian 20-franc notes, 3 Belgian 10-franc notes, 1 Belgian 5-franc note.

Description and condition of outer clothing before being disrobed: Not taken on this body.

Medical diagnosis: The hands were raised above the head. GSW, perforating wound, bullet, skull, with entrance left occipital region, exit face. Fracture compound comminuted right maxilla. Lacerated wound, bullet, hand, left, with traumatic amputation fourth and fifth fingers at mits carpo - phalangeal joints, entrance

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posterior. Lacerated wound severe, nose, right eye. Lacerated wound severe, shell fragment, HE, upper third left thigh anterior surface, 12 cms x 6 cms, with fracture compound comminuted left femur post mortem.

Tag No. 8

Identified as: HOWARD C. DESCH, 33487538, Pfc, Btry B, 285th FA Obsn. Bn.

Personal effects found: One nail file, one automatic pencil, one soldier's pay book.

Description and condition of outer clothing before being disrobed: Not taken on this body.

Medical diagnosis: Bullet wound, penetrating, severe, of head, entrance forehead with powder burns at the region of entrance of the missile. (Opinion: Pistol bullet wound inflicted at close range.) Penetrating wound, severe, right eye, with powder burns, severe. Machine gun wound, severe, lacerating, of the lower abdomen, entrance from the left side, with evisceration. Wound, machine gun bullets, left hip, lacerating, severe, with fracture compound comminuted of the left hip. Wound, machine gun bullets, left knee, lacerating, severe, with fracture compound comminuted of the left knee. Wound, machine gun bullets, right knee, lacerating, severe, with fracture compound comminuted of the right knee.

Tag No. 12

Identified as: ROBERT (NMI) COHEN, 33477788, Pfc, Btry B, 285th FA Obsn. Bn.

Personal effects found: One comb, one flashlight, one pocket knife, one small chain, thirteen assorted coins, two cigarette lighters, one box needles, one tooth brush, one fountain pen, one pay book, one book in Hebrew, letters, wallet containing 100 Belgian francs, 101 German marks.

Description and condition of outer clothing before being disrobed: Not taken on this body.

Medical diagnosis: Machine gun wounds, perforating, right upper chest with entrance posteriorly and exit anteriorly. GS's perforating, head, entrance right forehead, exit posteriorly. Wound, entrance right temporal region, exit left temporal frontal region. Powder burns present at the entrance region of both wounds of the forehead. Wound, shrapnel, HE, right hand, traumatic amputation of whole hand at the wrist, post mortem. (Opinion: Wound of head inflicted by pistol bullet at close range.)

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Tag No. 15

Identified as: RICHARD B. WALKER, 33530488, Pfc, Btry B, 285th FA Obsn. Bn.

Personal effects found: Ring on left hand, two combs, one identification bracelet, one Bible, one fountain pen, one pencil, one key, one wallet containing photographs, driver's permit, 119 German marks, soldier's pay book.

Description and condition of outer clothing before being disrobed: Field jacket, sweater, OD shirt and trousers, leggings and overshoes. First Army insignia on jacket. Bullet was found on chest between shirt and sweater.

Medical diagnosis: Arms raised to level of the head. Wound, perforating the left chest wall in the region of the heart. The missile (bullet) was found on the shirt and a large amount of blood was found on the anterior chest wall. (Opinion: The missile, after hitting the left chest wall, perforated the heart, making its exit, the soldier dying of severe hemorrhage.)

Tag No. 16

Identified as: JOHN D. COLLIER, 33522138, Pfc, Btry B, 285th FA Obsn. Bn.

Personal effects found: Ring on left hand, pocket knife, one chain, coins, one comb, paybook, fountain pen, wallet, 1/2 German mark.

Description and condition of outer clothing before being disrobed: Overcoat, field jacket, OD shirt, trousers, sweater, leggings, shoes, overshoes.

Medical diagnosis: Bullet wound, perforating left chest wall, entrance anterior, left side chest, just below the mid-portion of the clavicle, exit left posterior chest wall in the region of the inferior angle of the scapula, slightly lateral to the midline. Wound, perforating, head, entrance on the left side in the region of the right occipital bones. Wound, severe, lacerating of the right posterior side of the lower chest, about 10 cm's lateral to the midline. Cause, high explosive shell fragments, post mortem wound. Medical opinion: The soldier was first shot from the front in the region of the clavicle, dropping down to his right side, with the right knee being flexed, the left leg stretched out, the arms in front of the body. The position of the head wound indicates that he was shot with a pistol while in a recumbent position on his right side. Bullet wound, perforating, with fracture compound comminuted of third and fourth metacarpals of left hand.

Tag No. 18

Identified as: SAMUEL P. BURNETT, 33522138, Pfc, Btry B, 285th FA Obsn. Bn.

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Personal effects found: Soldier's paybook, prayer book, pocket knife, cigarette lighter, ring on left hand, pocket watch, letters, cigarette case, one chain, wallet.

Description and condition of outer clothing before being disrobed: Overcoat, field jacket, OD shirt and trousers, sweater, leggings, overshoes, wool knit cap.

Medical diagnosis: Bullet wound perforating left shoulder, entrance anterior, exit posterior. Wound, head, perforating, bullet, entrance left side of the head, just above the pinna of the ear, exit right side of the face in the region of the lobule of the right ear. Wound, bullet, penetrating right hip. Wounds, multiple, penetrating and lacerating, of the back in the region of the left hip bone, middle of the back, about the second lumbar vertebrae. Also in the region of the first and second thoracic vertebrae, caused by high explosive shell fragments. Examination reveals that these shell fragment wounds were post mortem. Medical opinion: The position in which the body was found indicates that the soldier fell on his right side after being hit by the bullet in the hip, the reason is the flexion of the left knee and the outstretched arms. It is further believed by the medical officer that the head wound was fired at close range after the soldier was in a recumbent position on his right side, because of the position of the wound in relation to the other wounds of the body. Since the area is covered with hair, it is impossible to identify any positive powder burns.

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Tag No. 19

Identified as: WILMER W. WALD, 20326296, Pfc., Med. Det., 200th FA Bn.

Personal effects found: Medical brassard, pen knife, fountain pen, comb, assorted coins, pencil, paybook, wallet containing one ten dollar bill, one two dollar bill, and 40 Belgian francs.

Description and condition of outer clothing before being disrobed: Mackinaw, field jacket, sweater, OD trousers and shirt, paratrooper's boots.

Medical diagnosis: Hands above head. Medical brassard securely attached to the left arm, definitely visible. High explosive missile wounds. Head: Lacerating wound of the head, involving occipital, parietal, and the frontal bones of the right side with complete loss of the brain tissue. Wound, perforating, left axilla caused by bullet. Wound, lacerating and perforating of the left hand caused by bullet. Opinion: The head wound appears to have been caused by a heavy missile; the wounds of the left axilla by bullets. Severe wound, lacerating, of the left hip, left upper thigh. This wound is caused by HE shell fire, and medical opinion is that it occurred after the soldier's death, no evidence of old blood being found.

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Tag No. 21

Identified as: HALSEY J. MILLER, 32561864, Cpl., Btry B, 285th FA Obsn. Bn.

Personal effects found: Two rolls film, one chain, letters, prayer book, one fountain pen, soldier's pay book, wallet containing one dollar bill, 1 and 1/2 German marks, 5 French francs, 8 coins, one screw driver.

Description and condition of outer clothing before being disrobed: CD shirt and trousers, leggings, shoes, overcoat, wool knit cap, gloves.

Medical diagnosis: Bullet wound penetrating left anterior chest wall slightly lateral to the midline and on the level of the nipple line. Wound, perforating, of head. Entrance posterior, in the region of the left parietal occipital bones. Exit, right forehead, slightly above and lateral to the eyebrow. Wound, lacerating, severe, of the right posterior surface of the knee, with fracture compound comminuted of the right knee joint. No powder burn could be found in the region of the entrance of the bullet in the head wound, however, it is the opinion of the medical officer that it was a close range shot, because the soldier was lying on his face at the time he was shot. The reason for soldier falling on his face was the wound described in the chest wall. The wound of the right knee is a post mortem wound, caused by high explosive shell fragments.

Tag No. 22

Identified as: JOHN H. SHINGLER, 33570509, Pvt., Btry B, 285th FA Obsn. Bn.

Personal effects found: One German belt buckle, wallet, letter, soldier's pay book.

Description and condition of outer clothing before being disrobed: Field jacket, sweater, CD shirt and trousers, shoes, overshoes, and gloves.

Medical diagnosis: Machine gun bullet wounds, multiple, perforating, of the chest, entrance right side, exit left side. Bullet wound penetrating head, entrance posterior, no sign of gun powder burn. Bullet wound, perforating, right lower back, entrance posterior, exit anterior.

Tag No. 26

Identified as: Max Schwitzgold, 32954422, T/5, Btry B, 285th FA Obsn. Bn.

Personal effects found: One whistle, one pen and pencil set, wallet containing 1100 German marks, 2 twenty-dollar bills, one ten dollar bill, one 10-shilling note, one pound note, 100 Belgian francs, 10 French francs, PX ration card.

Description and condition of outer clothing before being disrobed: Field jacket, CD trousers, shirt, gloves, scarf, leggings, shoes and overshoes. First Army insignia on jacket.

EXHIBIT F

92

CLASSIFICATION CANCELLED  
by authority of E.O. 11652, U.S.F.S.  
File AG 000.5 GBI/AGO, 27 June 1948

MURCE

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**SECRET**

Medical diagnosis: Bullet wound, head, perforating, entrance right eye, exit posterior, in the region of the left occipital bone. Bullet wound, penetrating, of the right chest. HE shell fire wound of the right abdominal wall, severe, and from examination it appears to have been incurred from a high explosive fragment after the soldier was dead. HE shell fire wound of the right knee, lacerating, severe, incurred after the soldier was dead. Arms in front of body.

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Tag No. 29

Identified as: CARL H. BLOUCH, 33497061, T/5, Btry B, 285th FA Obsn. Bn.

Personal effects found: Pocket knife and chain, one comb, one fountain pen, wallet containing 150 Belgian francs, soldier's pay book.

Description and condition of outer clothing before being disrobed: Field jacket with First Army insignia on left sleeve, CD shirt and trousers, leggings, shoes, and overshoes.

Medical diagnosis: Right arm above head, left arm next to body. Machine gun bullet wounds, lacerating, severe, left knee, lower part of thigh with fracture compound comminuted of the lower third of the femur. Wounds perforating right knee, severe. Medical opinion is that soldier bled to death.

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Tag No. 32

Identified as: GEORGE R. ROSENFELD, 12103408, T/5, Btry B, 285th FA Obsn. Bn.

Personal effects found: One pair scissors, glasses and case, one pocket knife, soldier's pay book, two keys, two coins, wallet containing 50 Belgian francs.

Description and condition of outer clothing before being disrobed: Field jacket, CD shirt and trousers, scarf, shoes, and overshoes.

Medical diagnosis: Head wound, HE missile, severe, perforating. Point of entrance left eye and left forehead. Exit, posterior wall of cranial vault causing severe laceration of the scalp, complete destruction of the brain tissue and severe fracture of the complete cranial vault.

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Tag No. 38

Identified as: THOMAS E. McDERMOTT, O-1018686, 1st Lt., Recon Co., 32nd Armd. Regt.

Personal effects found: Cigarette lighter, one comb and case, one fountain pen, one prayer book, one First Lieutenant's bar, one Armored collar insignia.

CLASSIFICATION CANCELLED

By Authority of Air Force Security Council  
File AG 000.5 GB, AGO 27 June 1954

EXHIBIT F

93

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Description and condition of outer clothing before being disrobed: Trenchcoat, field jacket, OD trousers, and shirt with first lieutenant's bar and Armored insignia on collar, shoes, and overshoes. Right leg of trousers covered with blood.

Medical diagnosis: The hands were raised above the head. GSW of the head, penetrating, left forehead, with definite signs of powder burn. Bullet wound perforating right thigh, lower third, moderately severe. (Opinion: The perforating wound of right thigh caused soldier to drop. GSW of head inflicted at close range when soldier was in recumbent position.)

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Tag No. 41

Identified as: BENJAMIN LINDT, 38009681, Sgt., Det. A, 200th FA Bn, V Corps Mil. Govt. Police Force Bn.

Personal effects found: Two fountain pens, letters, tweezers, two coins.

Description and condition of outer clothing before being disrobed: Field jacket, sweater, OD shirt and trousers, combat shoes with leather tops, overshoes. Sergeant's stripes on jacket.

Medical diagnosis: The hands were raised above the head. MCF insignia securely attached to the left arm. Head: Wound, lacerating, right ear, right cheek, right lip, caused by bullet. Wound, penetrating right upper chest, caused by bullet. Wound, lacerating, left knee, posterior, caused by high explosive missile.

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Tag No. 45

Identified as: PAUL R. CARR, 33549192, Pvt., Btry B, 285th FA Obsn. Bn.

Personal effects found: Soldier's pay book, one Bulova wrist watch, one comb, one prayer book, ten coins, wallet containing PX ration card, 175 German marks.

Description and condition of outer clothing before being disrobed: Not taken on this body.

Medical diagnosis: The hands were raised above the head. Wound, machine gun bullets, penetrating left knee, entrance posterior, exit anterior, with fracture compound comminuted of the left knee and severe wound, lacerating, of the anterior portion of the left knee. GSW, penetrating, bullet, left chest anterior surface in the region of the left nipple.

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Tag No. 50

Identified as: JOHN BLUKAVY, 3686

CLASSIFICATION CANCELLED  
by authority of 18 USC 2205, E.O. 12958  
AG 090.5 GBI-AGO 27 June 1946

EXHIBIT F

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Personal effects found: Cigarette lighter, one ring on left hand, wallet containing photographs, address book, Bible, one comb.

Description and condition of outer clothing before being disrobed: Combat jacket and trousers, sweater, shirt, leggings, shoes.

Medical diagnosis: The hands are over the head. Face: Left eye partially enucleated. Definite evidence of the lower lid and part of the upper lid showing ragged cuts due to a sharp instrument. Right eye, enucleation started but not finished. The lower lid completely excised. GSW left knee, lacerating. GSW right lower chest, penetrating. Opinion: Due to blood presence in the region of the eyes, and the ragged appearance of eye lids, I feel that this is a deliberate ante mortem enucleation.

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Tag No. 57

Identified as: CHARLES R. BREXN, 33568030, T/5, Btry B, 285th FA Obsn. Bn.

Personal effects found: Black leather wallet containing photographs, PX ration card, cards, 50 mark note.

Description and condition of outer clothing before being disrobed: Field jacket, fatigue trousers, leggings and combat shoes.

Medical diagnosis: Wound contused, severe, of the right side of the head and forehead with fracture of all the bones on that side apparently caused by blow over that portion of the head with a heavy object. Wound lacerated, right elbow, caused by a bullet. In my opinion, the blow over the head was severe enough to cause death.

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Tag No. 62

Identified as: CARL H. RULLMAN, 33409511, Cpl., Btry B, 285th FA Obsn. Bn.

Personal effects found: One rifle marksmanship medal, two German belt buckles, one pocket knife, one German pin, one German pen, one fountain pen, one wallet containing 100 French francs, 9 German marks, 8 coins, one paybook, two rings on left hand.

Description and condition of outer clothing before being disrobed: Woolen headgear, overcoat, gloves, OD trousers and shirt, sweater, scarf, leggings, shoes and over-shoes.

Medical diagnosis: The hands are in position covering up the face. The face itself is covered with blood. Bullet wound (pistol) head, penetrating right forehead just above the eye. Bullet wound (pistol) penetrating left thigh. Bullet wound perforating right knee. Opinion: The bullet (pistol) wound of the forehead indicates that the soldier has been shot at close range. There were no powder burns present because the soldier's cap was pulled over the area through which the bullet entered. Therefore, the bullet first entered through the cap, then through the head. The

EXHIBIT F

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CLASSIFICATION CANCELLED  
by authority of the U.S. SECRETARY OF DEFENSE  
TAG DATE 01-ASCR 27 Jun 81

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appearance of the body with the position of the hands over his face seems to indicate that the soldier covered his face as a means of protection from a close range shot.

Tag No. 63

Identified as: LLOYD A. JAMES, O-1018164, 2nd Lt., Recon Co., 32nd Armd Regt.

Personal effects found: One silver dollar, one wedding band on left hand, fingernail cleaner, 2nd lieutenant's bar, cavalry collar insignia, fountain pen, key, ring on right hand, fingernail file, comb, wallet, medical register.

Description and condition of outer clothing before being disrobed: Sweater, OD trousers and shirt, combat shoes, wool headgear.

Medical diagnosis: Bullet wound, perforating and lacerating of the upper abdominal wall with evisceration. Wound, perforating, of upper part of forehead, midline, perforating the brain and scalp. This wound shows definite powder burn at the area of entrance on the anterior surface of the forehead, cause bullet. Opinion: Wound of head inflicted at close range by pistol bullet.

Tag No. 67

Identified as: PETER R. PHILLIPS, 13186081, Pvt., Btry B, 285th FA Obsn. Bn.

Personal effects found: One pencil, pencil lead, one ring, two pocket knives, soldier's pay book, letters, one pocket watch.

Description and condition of outer clothing before being disrobed: Overcoat, OD shirt and trousers, mackinaw, shoes, overshoes, and sweater.

Medical diagnosis: Eyes: There are definite findings which indicate that a mechanical enucleation was performed on both sides. Close examination of eye sockets: The skin is ragged, cut by a sharp instrument - old blood present. Eye sockets completely emptied. Opinion: Enucleation of eyes ante mortem by a sharp instrument. Severe laceration, with traumatic amputation of both legs in the region of the knees, caused by high explosive shell fragments. The findings indicate that this had occurred after the soldier's death. Wound, lacerating and perforating of the right hand, caused by bullets with traumatic amputation of the fourth and fifth fingers. Wound, penetrating and lacerating of the head, posterior surface, severe, with laceration of the brain. Opinion: This wound was caused by a succession of bullets hitting the same area of the head.

CLASSIFICATION CANCELLED

Authority of Ig 144, the  
the 1010005 GBH-AGG, 27 June 1966

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EXHIBIT F

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Tag No. 68

Identified as: PAUL L. PADEN, 354172L7, Pfc, 575th Ambulance Company.

Personal effects found: One comb, one pencil, one fountain pen, 11 coins, one key, wallet containing photographs.

Description and condition of outer clothing before being disrobed: Field jacket, combat trousers, sweater, shoes, First Army insignia on jacket.

Medical diagnosis: Pistol bullet wound perforating head. Point of entrance right forehead, slightly to the right of the midline of the forehead just below the hairline. Exit, posterior occipital area. Close examination of the point of entrance shows definite marks of powder burn. This suggests that the soldier was shot with a pistol at close range while lying flat on his back. This is the only wound found on the body. Close examination of the whole body could not reveal any signs or findings of any other injury. There were no bruises found.

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Tag No. 69

Identified as: CHARLES E. HALL, 33549251, Pfc, Btry B, 285th PA Obsn. Bn.

Personal effects found: None.

Description and condition of outer clothing before being disrobed: Field jacket, sweater, OD shirt, one legging, one overshoe.

Medical diagnosis: The body is completely mutilated, the only member of the body present is the arm attached to a severely mutilated torso. It is the opinion of the medical officer that the body has been destroyed partly by high explosive shells after the soldier's death. The man had black hair; moderate distribution of hair over the chest. One identification tag was found about the neck.

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No Tag

Identified as: HOMER S. CARSON, 33569714, Pfc, Btry B, 285th PA Obsn. Bn.

Personal effects found: Collection of photos, photo holder, coins, pen knife with chain, fountain pen, two indelible pencils, note book, letters, soldier's pay book, pass to Paris dated 9 December 1944, receipt from the American Red Cross for \$45.00, Social Security card and collection of cards, one wrist bracelet, comb, PX card, 10 French francs and one German mark.

Description and condition of outer clothing before being disrobed: Field jacket, OD trousers, leggings, combat shoes.

CLASSIFICATION CANCELLED

by authority of the Joint Chiefs of Staff  
on 000.5 GBI ACO, 27 June 1946

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EXHIBIT F

MURCH

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Medical diagnosis: Wound, severe, lacerating of the right side of the neck, right jaw, causing compound comminuted fracture of the right jaw. Head: Wound lacerating with fracture compound comminuted of the cranial bones of the right side of skull. Opinion of the examiner is that the wound was caused by a series of bullets fired in the same area. Wound, penetrating with fracture, compound comminuted of the left posterior hip caused by high explosive shell fragment. Opinion of the medical examiner, that this was incurred post mortem.

Not Tagged

Identified as: CHARLES E. SWEENEY, O-1325716, Inf., 2nd Lt., Co. B, 120th Inf. Regt.

Personal effects found: 2nd lieutenant's bar, infantry collar insignia, glasses and case, one silver dollar, one small magnifying glass, one coin, one note book, one prayer book, one address book, one pencil.

Description and condition of outer clothing before being disrobed: Short trench-coat or mackinaw, OD shirt and trousers, shoes.

Medical diagnosis: Arms in front of body. CSW penetrating head, right parietal region.

Tag No. C

Identified as: JAMES H. COATES, 33519636, Pvt., Btry B, 285th FA Obsn. Bn.

Personal effects found: One pocket watch, two pocket knives, one spoon, one fork, scissors, one rosary, one chain, coins, wallet, 190 Belgian francs, paybook, letters, comb, two fountain pens, ring on each hand.

Description and condition of outer clothing before being disrobed: Field jacket, OD shirt, trousers, overshoes, leggings, shoes.

Medical diagnosis: Bullet wound, perforating, entrance lower right side of back, in the region of the second lumbar vertebrae, about 8 cm's lateral to the midline, exit left lower chest, in the anterior axillary fold, about the level of the nipple line.

Subscribed and sworn to before  
me this 22 day of January 1945.

*Woodward C. Gardner*  
WOODWARD C. GARDNER,  
Major, I. G. D.,  
Assistant Army Inspector General.

CLASSIFICATION CANCELLED  
by authority of the HQ. U.S.F.E.I.  
AG 0005 (S) AGO, 22 June 1976

~~SECRET~~

*Joseph A. Murcy*  
JOSEPH A. MURCY,  
Captain, Medical Corps,  
44th Evacuation Hospital.

EX P-62  
J.E.E.  
STANDARD

99  
SECRET P

000880

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Captain JOHN W. SWYDER, O-1694275, Medical Corps, 44th Evacuation Hospital, after being duly sworn, testified as follows:

That on 14, 15 and 16 January 1945 at Malmedy, Belgium, he examined bodies brought into Malmedy under the supervision of Inspectors General, First U. S. Army; that the bodies were disrobed for the purpose of this examination; that the identifications indicated were made at the time of his examination from identification tags, pay cards, and other evidences in the clothing; that the tag numbers referred to are those placed on the bodies by Inspectors General before removal from place of discovery; and that the bodies when delivered to HMA for examination were still in a frozen state with some snow still adhering to them.

Tag No. 1

Identified as: JOHN D. OSBORN, 37022567, S/Sgt., Ptry B, 285th PA Obsn. Bn.

Personal effects found: White metal ring on 4th finger right hand, 599 German marks, 100-franc Belgian note, 50-franc Belgian note, 10-franc Belgian note, and white metal bracelet.

Description and condition of outer clothing before being disrobed: Field jacket with First Army insignia, OD shirt and trousers, leggings, GI shoes. All clothing appeared to be in good condition, except right pant leg which had been cut away, exposing dressing on the left knee.

Medical diagnosis: GSW, perforating wound, left knee, posterior, no visible evidence of fracture. Abrasion, left cheek, forehead and scalp, possible fractured skull. There is no bullet wound found which would cause death. Dressing on left knee.

Tag No. 5

Identified as: OSCAR R. JORDAN, 33569686, Cpl., Ptry B, 285th PA Obsn. Bn.

Personal effects found: Money belt, empty; billfold, assorted photos, one 1-franc coin, one English shilling, 26 German marks, PX ration card, several letters, miscellaneous papers, 25 air mail stamps, cards, one First Army insignia, four T/4 stripes, soldier's paybook, Bull Durham, one cigarette lighter, Eversharp fountain pen, and one automatic pencil.

Description and condition of outer clothing before being disrobed: Soldier was wearing GI raincoat, field jacket with First Army insignia, GI sweater, OD trousers and shirt, leggings, and overshoes. Raincoat and pants torn, apparently by shrapnel.

Medical diagnosis: GSW, perforating wound, left knee, posterior, no visible evidence of fracture. Perforating wound of left eye, perforation of left eye exit right upper posterior.

CLASSIFICATION CANCELLED  
by authority of the AG 000.5 GB FACO (7 June 1964)

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EXP 63 7 6.3  
J.E.B. SWYDER  
REPORTER

99 EXHIBIT G

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with eyeball and both lids missing and no evidence of fracture of left orbit. Shrapnel wounds, extensive, to left knee and right leg, apparently post mortem.

Tag No. 10

Identified as: CARL R. GERTNER, O-1544092, 1st Lt., 575th Amb. Co.

Personal effects found: White metal ring on right hand, 45 cal. bullet on compass chain, compass (US issue), leather cigarette case, Hensch and Lomb sunglasses, comb, 1st Lt. bars, billfold, AGO card, ten 1000-franc Belgian notes, five 100-franc Belgian notes, one 50-franc Belgian note, and 80 francs in small Belgian notes.

Description and condition of outer clothing before being disrobed: Field jacket, combat trousers, paratrooper boots, GI sweater and underclothing. The left sleeve of field jacket had a Red Cross brassard pinned on it. Bullet hole in right arm of jacket, sweater, and shirt.

Medical diagnosis: CSW, penetrating, bullet, right temporal region. Perforating wound, bullet, right arm. Considerable bleeding from nose which could have been due to a blow to the face.

Tag No. 11

Identified as: DONALD J. FLACK, 33569746, Pfc, Btry B, 285th PA Obsn. Bn.

Personal effects found: Billfold, English half crown, 100 mark German note, 50 mark German note, one silver American dollar, small leather pouch, 24 air mail stamps, PX ration card, photographs, draft card (DSS Form 2), assorted cards, soldier's paybook, GI glasses, pipe, small scissors, cigarette case and lighter, fountain pen, white metal identification plate on white metal wrist chain.

Description and condition of outer clothing before being disrobed: Soldier was wearing field jacket, OD shirt and trousers, OD gloves, overshoes. OD underclothing. Clothing in good condition.

Medical diagnosis: GST, bullet, perforating, skull. Entrance through right eye, exit left mastoid region. No obvious powder burn.

Tag No. 17

Identified as: WILLIAM T. McGOVERN, 33419739, T/Sgt., Hq Btry, 285th PA Obsn. Bn.

Personal effects found: Finger nail clip, pen and pencil set, eye glass case, soldier's paybook, pocket knife, cigarette case.

CLASSIFICATION CANCELLED

By authority of the U.S. S.F.E.T.  
The AGO 000.5 GBI AGO 27 June 1946

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EXHIBIT G

SNYDER

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Description and condition of outer clothing before being disrobed: Field jacket with First Army insignia was worn by soldier. CD shirt and trousers, CD gloves, overshoes, and GI sweater.

Medical diagnosis: GSW, perforating, chest. Wound of entrance left side of chest, posterior. Wound of exit lower end of sternum. Perforating wound, bullet, wound of entrance right inguinal region; wound of exit right loin. Possible bullet wound right eye.

Tag No. 27

Identified as: WESTER H. WILES, 33530531, T/5, Btry B, 285th FA Obsn. Bn.

Personal effects found: Soldier's paybook, comb, wrist watch, pocket knife, cigarette lighter, wallet, driver's permit, American dollar bill and American silver dollar, photographs.

Description and condition of outer clothing before being disrobed: Soldier was wearing field jacket, GI sweater, GI gloves, GI shirt and trousers, GI overshoes, and leggings. Trousers torn by shrapnel.

Medical diagnosis: GSW, perforating wounds left chest. One wound of entrance left mid-axillary line, level of left nipple, with exit wound left chest, posterior, in mid-scapular line. One wound of entrance one inch above the left lower costal margin in anterior axillary line, with bullet wound of exit right buttock, upper third. Flood on face found but no bullet wounds seen and no fractured skull. (Shrapnel wound left thigh, lower, third, lateral aspect, 4 inches by 2 inches, with no blood found on clothing at site, post mortem.)

Tag No. 31

Identified as: OSCAR SAYLOR, 6666317, Pvt., Btry B, 285th FA Obsn. Bn.

Personal effects found: Billfold, photographs, 13 air mail stamps, address book, four letters, assorted coins.

Description and condition of outer clothing before being disrobed: Field jacket, CD shirt and trousers, wool knit cap, and overshoes.

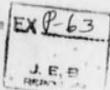
Medical diagnosis: Perforating wound, bullet, entrance right chest, posterior; exit, abdomen, upper anterior, blood found. Perforating wound, bullet, abdomen, post mortem, no blood found. Perforating wound, bullet, left knee; wound of exit left thigh, lower third, post mortem, no blood found. In the opinion of the medical officer, the chest wound was the cause of death which accounts for the subsequent wounds causing very little if any bleeding.

EXHIBIT C

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CLASSIFICATION CANCELLED  
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AG 0005 GB 1002 June 1970

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SNYDER

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Tag No. 34

Identified as: LAWRENCE MARTIN, 33530508, Opl., Btry B, 285th FA Obsn. Bn.

Personal effects found: Two pocket knives and chains, comb, celluloid cigarette case and packages of cigarettes, Evans cigarette lighter, assorted coins, and one pair of wirecutting pliers.

Description and condition of outer clothing before being disrobed: Field jacket with First Army insignia and corporal stripes, OD shirt and trousers, leggings and overshoes.

Medical diagnosis: GSW, penetrating wound, bullet, skull, right frontal region, two wounds of entrance about 2cm in diameter with extensive fractured skull. Two perforating wounds right forearm, wounds of entrance dorsal surface, upper third of right forearm; exit ventral surface, upper third, right forearm with fracture compound comminuted right radius and ulna. Man in position with head in right elbow and knees drawn up. Face, hair, and right sleeve covered with blood.

Tag No. 35

Identified as: IRVIN M. SHEETS, 33497089, T/4, Btry B, 285th FA Obsn. Bn.

Personal effects found: Billfold, two French 5-franc notes, one 10-shilling note, 98 German marks, soldier's paybook, comb, Medical Department form 52-b indicating soldier had been treated for trench-foot at 649th Clearing Company on 15 November 1944, two handkerchiefs, two pocket knives, one automatic pencil, one notebook, one letter.

Description and condition of outer clothing before being disrobed: Soldier was wearing GI overcoat with First Army insignia on left sleeve, GI sweater, OD shirt and trousers, leggings, overshoes, OD gloves, and scarf. Outer garments in good condition.

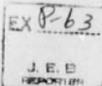
Medical diagnosis: GSW (multiple) perforating wound, bullet, skull, entrance left eyebrow; exit parietal region, midline. Perforating wound abdomen (bullet) three wounds of entrance, one at right loin, one right side of abdomen front, one left side of abdomen front; three wounds of exit, two upper right thigh, posterior; one wound of exit lower third, left thigh, anterior. Apparently this man was shot once in the skull and twice in the abdomen from front and once in the back from behind. All wounds severe enough to prevent patient from walking.

Tag No. 36

Identified as: THOMAS W. OLIVER, 33521852, Pfc, Btry B, 285th FA Obsn. Bn.

EXHIBIT G

CLASSIFICATION CANCELLED  
by authority of *AG 000.5 GRI* AGO 27 June 1946  
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SNYDER

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Personal effects found: Soldier's paybook, letter, 91 German marks, 5 French francs, billfold; assorted coins, notelook, rifleman's badge, one coin heart, comb, and good luck charm.

Description and condition of outer clothing before being disrobed: Soldier was wearing field jacket, two GI sweaters, one civilian sweater, one shirt, leggings, and overshoes.

Medical diagnosis: This man shows large hematoma right side of neck extending up to the ear. GSW, penetrating wound, bullet, right parietal region, one inch to the right of the mid-line. Penetrating wound, bullet, left shoulder pointing downward and forward. Large lacerated wounds, shrapnel, loins and buttocks, right thigh, with no blood on underclothing at these sites, indicating that they occurred following death.

Tag No. 39

Identified as: WALTER A FRANZ, 35212249, Sgt., Btry B, 285th PA Obsn. Bn.

Personal effects found: New Testament, one American dollar bill, billfold, PX ration card, miscellaneous papers, small key, one coin, 217 German marks, 40 French francs, Army driver's permit.

Description and condition of outer clothing before being disrobed: Field jacket with First Army insignia and sergeant's stripes, OD trousers and shirt, leggings, shoes, and undershirt and shorts. Clothing torn by entrance of bullets, otherwise in good condition.

Medical diagnosis: GSW, perforating wound, bullet, right thigh. Perforating wound right leg with fracture compound comminuted right tibia and fibia with odor of gas gangrene. Perforating wound left thigh, perforating wound left leg. Skin seems to be jaundiced and it appears patient tried to bear weight on right leg. All wounds GSW.

Tag No. 40

Identified as: JAMES G. MCGEE, 13077568, T/3, Recon Co., 32nd Armored Regiment.

Personal effects found: Three 2-franc French notes, one 1/2-mark German note, two combs, pocket watch of small locket type bearing name of Argentan, pocket knife, photographs, assorted cards, and white metal chain.

Description and condition of outer clothing before being disrobed: Soldier was wearing combat suit over OD trousers and shirt, field jacket, and rubber overshoes.

Medical diagnosis: The head showed extensive loss of ~~skull~~ brain tissue, and face. It is hard to say what the cause of this might be. The ~~skull~~ is lacerated from the

by authority of Lt. J. H. Ties. Bel. is lacerated from the  
file AG 000.5 GBI-AGO, 27 June 1946

EXHIBIT C  
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SNYDER

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left malar bone to a point  $1\frac{1}{2}$  inches in front of the right ear, and to a point on the right cheek with the nose and maxilla laid back, exposing the base of the skull. There is a blast skull wound with the whole scalp and skull fragments hanging by a small pedicle made up of the skin of the forehead. The cerebrum is entirely missing. GSW, penetrating wound, bullet, neck at midline, anterior, two penetrating bullet wounds, chest, anteriorly and three penetrating wounds, bullet, chest, posterior. No definite exit wounds seen. Blast wound, shrapnel, head, face, severe, with destruction of skull, cerebrum and most of face, apparently post mortem.

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Tag No. 42

Identified as: L. M. BURNEY, 38450179, 575th Amb. Co.

Personal effects found: Half can of tobacco, handkerchief, small key, one pearl bead, white metal religious medal, pocket knife, three wooden pencils, celluloid cigarette case, and one photograph in a billfold.

Description and condition of outer clothing before being disrobed: Field jacket with First Army insignia on sleeve, OD shirt and trousers, OD sweater, GI shoes with leather tops, GI underwear. Right trouser leg torn by shrapnel, otherwise clothing undamaged.

Medical diagnosis: GSW, perforating wounds, bullet, head. Three wounds of entrance, two at the chin, left, one, left of base of nose. Three exit wounds, right mastoid region. Extensive shrapnel wounds to right leg, fracture compound comminuted tibia and fibula, post mortem.

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Tag No. 43

Identified as: WILLIAM J. DUNBAR, 35056576, Pvt., Btry B, 285th FA Obsn. Bn.

Personal effects found: Soldier's paybook, one fountain pen, pocket knife, comb, wallet containing four 20-mark German notes, two 100-mark German notes, one 10-mark German note, and pictures.

Description and condition of outer clothing before being disrobed: Soldier was wearing GI overcoat, OD trousers and shirt, GI sweater, field jacket, gloves, leggings, and overshoes.

Medical diagnosis: GSW, penetrating wound, bullet, skull, right parietal region with wound of entrance one inch above and one inch behind right ear. The tract courses anterior. Penetrating wound left chest, posterior, just below scapula.

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Tag No. 44

Identified as: ROBERT J. SNYDER, 33421105, Sgt., Btry B, 285th FA Obsn. Bn.

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EXHIBIT G

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Personal effects found: New Testament, Parker pen, 20 German marks, photographs, assorted cards, two coins, yellow metal wedding ring on left hand, yellow signet ring on right hand.

Description and condition of outer clothing before being disrobed: Overcoat, sweater, OD shirt and trousers, field jacket, GI shoes with leather tops, overshoes, gloves, and wool knit cap. Bullet holes in jacket and shirt, right trouser leg apparently torn by shrapnel.

Medical diagnosis: GSW, perforating wounds, bullet, left chest, one entrance wound at level at fifth rib, other at level of the lower costal margin, anterior. One wound of exit left chest, posterior, opposite third dorsal spine. Extensive lacerations right thigh and right leg varying in size from 2cm to 8cm in diameter without blood stain. Fracture compound comminuted right femur and right fibula, post mortem. In the opinion of the medical officer, the chest wounds were fatal.

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Tag No. 46

Identified as: JAMES E. LUERS, 33034725, T/5, Btry B, 285th FA Obsn. Bn.

Personal effects found: Handkerchief, one chain for knife, one tin (small) box, paybook, cigarettes, Spiritual Almanac for Wartime, billfold, French 5-franc note, assorted coins, photographs, and various cards.

Description and condition of outer clothing before being disrobed: Field jacket, GI sweater, OD shirt and trousers, leggings, and overshoes. Holes in clothing caused by bullet penetration.

Medical diagnosis: GSW, penetrating wound, bullet, right temporal region, into brain. Perforating wound, abdomen, entrance abdomen in front, exit left chest, posterior. Perforating wound, bullet, entrance penis and abdomen, anterior, and exit left chest, posterior.

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Tag No. 48

Identified as: DAYTON E. WUSTERBARTH, 36258533, T/5, 546th Amb. Co.

Personal effects found: Billfold, photographs, Medical Department identification cards, paybook, one 1000 Belgian franc note, one 100 Belgian franc note, one 20 Belgian franc note, one 5 Belgian franc note, assorted coins, Hit Kit Song Sheet, 2 packages of cigarettes, one pocket knife, one Morrison pen and pencil set, one comb, two handkerchiefs, one Red Cross brassard on arm.

Description and condition of outer clothing before being disrobed: This soldier was processed on 14 January 1945 and on that day no clothing descriptions were taken.

by authority of Lt. Hq. U.S.I.E.I.  
file AG 000.5 GBT-AGO, 27 June 1946  
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EXHIBIT G

SNYDER

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**SECRET**

Medical diagnosis: GSW, perforating wound (bullet) right chest. No bleeding from wound. Contusion frontal area of the skull with bleeding from mouth and nose and ecchymosis about eyes. Probable fracture of skull. Penetrating wound, skull (bullet) through the frontal bone, right.

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Tag No. 70

Identified as: RAYMOND A. HEITMANN, 37403877, T/5, 197th AAA AW Bn.

Personal effects found: Bone handled pocket knife with one side broken off, one small pocket knife, Conklin fountain pen, white metal Eiffel Tower souvenir ring, billfold, two miscellaneous coins, one American dollar bill, one American silver dollar, paybook, 605 Belgian francs, two photos (very small), Army driver's permit, EM identification card.

Description and condition of outer clothing before being disrobed: Field jacket, coveralls over OD underclothing. Pants legs and jacket torn in a number of places, apparently from shrapnel. OD gloves also worn, left shoe, right shoe had been removed.

Medical diagnosis: There are a number of shrapnel wounds of the left chest, abdomen, and right leg, rather extensive in nature, with intestinal contents protruding through a gaping wound of the abdomen, 5 inches in diameter. GSW, penetrating wounds, bullet, chest, three in number with entrance wounds left ventro lateral and right ventro lateral. Penetrating wounds, bullet, abdomen, five in number, with entrance wounds left side anterior. Penetrating wound at forehead, shrapnel (?), left side of neck, left chest, mid-axillary line, super-public region, and lower third right thigh. Large piece of shrapnel was found in one of the chest wounds. In my opinion death was due to multiple bullet wounds of chest and abdomen.

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Tag No. A

Identified as: JOHN S. MUNZINGER, O-1184554, 1st Lt., Btry B, 285th FA Obsn. Bn.

Personal effects found: Wallet, two 100 mark notes, one 10-mark note, three 1-mark notes, two 2-mark notes, AGO card, Shaefer fountain pen, photographs, pocket knife, three keys, letters, 1st lieutenant's bar, FA insignia.

Description and condition of outer clothing before being disrobed: Soldier was wearing officer's mackinaw, field jacket, GI sweater, rubber boots, gloves, scarf, combat suit, and OD pants, also knit cap and hood. Clothing in good shape except hood which had hole in it.

Medical diagnosis: This man has the entire face and head covered with blood. There is a greenish discoloration of the chest and abdomen. Penetrating wound, bullet,

EXHIBIT B

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by authority of the AGO, U.S. Dept. of the Army, AGO 000.5 GBI-AGO, 27 June 1946  
**SECRET**

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SNYDER

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**SECRET**

right parietal region, one inch above and one inch behind right ear, about 1cm and a half in diameter, with bone fragments outside the wound. No entrance wound seen about face even though face is covered with blood. This wound might have been caused by bullet which had first penetrated the helmet. A hole in wool hood man was wearing shows bullet hole 1 cm in diameter in same region.

NOT TAGGED

Identified as: DAVID T. O'GRADY, 31304038, Cpl., Btry B, 285th FA Obsn. Bn.

Personal effects found: Billfold, comb, roll of black tape, German belt buckle, soldier's paybook, photographs, address book, two coins, piece of aluminum, pipe, cigarette lighter, two Army A's, rosary, Parken pen, pocket knife, plastic whistle, miscellaneous papers, 31 German marks, two books air mail stamps.

Description and condition of outer clothing before being disrobed: Field jacket, OD trousers and shirt, leggings, overshoes, OD gloves, and GI underclothing. Clothing in good shape with exception of bullet holes in shirt and jacket.

Medical diagnosis: GSW, perforating wound, bullet, left arm with fracture compound comminuted left humerus. Perforating wound, bullet, left elbow with fracture compound comminuted upper end of ulna. Penetrating wound, bullet, left chest just above level of costal margin in anterior axillary line, about 3cm in diameter with what is apparently abdominal contents (omentum) presenting in the wound.

NOT TAGGED

Identified as: DONALD L. BLOOM, 33569720, Pvt., Btry B, 285th FA Obsn. Bn.

Personal effects found: Billfold, PX ration card, photographs, miscellaneous cards, white metal wrist chain, Parker pen, pocket knife, key chain, 16 cents in American coins, miscellaneous coins, soldier's paybook, two letters, and white metal ring on left hand.

Description and condition of outer clothing before being disrobed: OD trousers and shirt, sweater, leggings, and overshoes.

Medical diagnosis: GSW, bullet, penetrating, wound, skull, right temporal region. The tract runs toward right eye, the lids of which are very echymotic. No other wounds of entry or exit seen.

NOT TAGGED

Identified as: HOWARD W. LAUFER, 33444793, T/5, Btry B, 285th FA Obsn. Bn.

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CLASSIFICATION CANCELLED  
by authority of Lt. Col. U.S. F.F.T.  
HAG 001508E-AAC 27 June 1945

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SNYDER

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**SECRET**

Personal effects found: White metal ring on left hand, pocket knife, billfold, miscellaneous photos, blood soaked papers, cigarette lighter, fountain pen, tooth brush, two First Army insignias in pocket, address book, Army driver's permit, 22½ German marks, 60 Belgian francs, 9 French franc notes, Social Security Card 206-01-1535, American Legion membership card.

Description and condition of outer clothing before being disrobed: Driver's mackinaw, sweater, OD shirt and trousers, under clothing, shoes and socks.

Medical diagnosis: GSW, perforating wound, left shoulder, bullet. GSW, perforating wound, right heel (bullet). Contusions, multiple, face and neck. In my opinion blows to the face contributed to cause of death.

*John N. Snyder*  
JOHN N. SNYDER,  
Captain, Medical Corps,  
44th Evacuation Hospital.

Subscribed and sworn to before  
me this 22 day of January 1945.

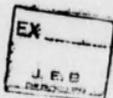
*Woodward C. Gardiner*  
WOODWARD C. GARDINER,  
Major, I. G. D.,  
Assistant Army Inspector General.

EXHIBIT G

107

CLASSIFICATION CANCELLED  
Authority of Executive Order 11652, E.O. 11652  
11c G 000.9 GB1 A 10.7 June 1945  
**SECRET** *dur*

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SNYDER

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**SECRET**

Major GIACENTO C. MORRONE, O-269079, Medical Corps, 44th Evacuation Hospital, after being duly sworn, testified as follows:

That on 14, 15 and 16 January 1945 at Malmedy, Belgium, he examined bodies brought into Malmedy under the supervision of Inspectors General, First U. S. Army; that the bodies were disrobed for the purpose of this examination; that the identifications indicated were made at the time of his examination from identification tags, pay cards, and other evidences in the clothing; that the tag numbers referred to are those placed on the bodies by Inspectors General before removal from place of discovery; and that the bodies when delivered to him for examination were still in a frozen state with some snow still adhering to them.

Tag No. 6

Identified as: ROGER L. MILLS, O-391465, Capt., Hq Btry, 285th FA Obsn. Bn.

Personal effects found: Brown leather wallet, zipper type, cigarette lighter, two mechanical pencils, fingernail clipper, note book, comb, 325 $\frac{1}{2}$  German marks, 6 pence, registered mail receipt #340, yellow gold wedding band on third finger left hand, fingernail file, and miscellaneous cards.

Description and condition of outer clothing before being disrobed: Trench coat, gloves, overshoes, OD trousers.

Medical diagnosis: Examination reveals a penetrating wound of the skull in the region of the center of the right parietal bone. This wound is about one and one-half centimeters in diameter, apparently caused by small arms fire.

Tag No. 9

Identified as: WAYNE L. SCOTT, 35371540, Pvt., 575th Amb. Co.

Personal effects found: Pay book with the name Benjamin Lindt, 38009681, cigarette lighter, pass for Pvt. Samuel B. Dobyns, 575th Ambulance Company.

Description and condition of outer clothing before being disrobed: Not taken on this body.

Medical diagnosis: Apparently shot through the mouth; mouth filled with blood clots. Apparently struck on the left side of chin with solid object as there is a dislocation of the jaw to the right.

Tag No. 13

Identified as: GILBERT R. FITTMAN, 3560418, Pvt., Btry B, 285th FA Obsn. Bn.

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CLASSIFIED  
by authority of  
AG 0005 GPO: 1962  
27 June 1946

**SECRET**

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Tag No. 24

Identified as: DONALD E GEISLER, 33569696, S/Sgt., Btry B, 285th FA Obsn. Bn.

Personal effects found: Soldier's pay book, photographs, stamps, triangle, First Army patch, three letters, three pencils, chain with whistle and three keys, cigarette lighter, Army driver's permit, brown leather wallet, collection of cards, registration card in wallet, two coins, English and Netherland, ring class of 1939, address book, 12 1/2 German marks and PX ration card.

Description and condition of outer clothing before being disrobed: Field jacket, OD suit, combat shoes.

Medical diagnosis: Perforating wound of left arm. Fracture of humerus. There is a perforating wound of the abdomen posteriorly. This wound extends inwardly about three inches. There is a bullet wound of the forehead just above the outer edge of the right eye lash. There is no blood around this area which gives some indication that this may have been inflicted post mortem. Perforating wound dorsum, left hand. It appears that after this man was shot in the left arm, apparently turned on his left side bringing his right hand up to his face and it is my opinion that while lying in this position the hole in his forehead was caused by small arms fire.

Tag No. 37

Identified as: CHARLES F. HAINES, 33497239, T/5, Btry B, 285th FA Obsn. Bn.

Personal effects found: Identification bracelet on right wrist, yellow gold wedding band on third finger right hand, letters, brown leather wallet, one American dollar and one two-dollar bill, New Testament, soldier's paybook, photographs, gold medal and fountain pen. Collection of foreign coins.

Description and condition of outer clothing before being disrobed: OD trousers and overshoes.

Medical diagnosis: Examination of the chest reveals a large stellate wound. The wound of entrance in the left is at about the fourth interspace, wound of exit, which is stellate, extends from about the fourth rib down to about the level of the umbilicus and through the sternum to the mid axillary line. It is my impression that this may have been caused by a high explosive type of shell. Examination of the neck shows a hole one and one-half centimeters in diameter on the right side of the neck. There is another hole in the forehead just above the right eyebrow and powder marks around this hole give some indication that this wound in the forehead was caused by small arms fire at close range and apparently inflicted post mortem.

Tag No. 44-B

Identified as: CARL M. STEVENS, 31996239, ~~CR1~~ Btry B, 285th FA Obsn. Bn.

CLASSIFICATION BY NEE/280th FA Obsn. Bn. EX P-64  
by authority of Ltr. Hq. U.S.F.E.T.  
MAG 0005 CB-1 AGO 27 June 1950  
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J.F.E.  
MORRONE

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Personal effects found: Pictures, soldier's pay book, address book, two pen knives, fountain pen, pliers, can opener, four coins, black leather wallet containing PX ration card and miscellaneous cards, 28 German marks, wedding ring.

Description and condition of outer clothing before being disrobed: Field jacket, OD trousers, overshoes.

Medical diagnosis: This patient shows that he has been given first aid treatment, there is a bandage on the upper third of his left arm (this is a compressor type bandage usually carried in a first aid kit). Upon removal of the bandage there is a penetrating wound into the left shoulder joint. The wound is about one inch in diameter, somewhat oval in shape and the edges of the wound are black. I don't believe these are powder marks. There is a fracture, compound comminuted of the head of the humerus. There is a bullet wound in the posterior axillary line. This wound is about one-half inch in diameter, has apparently entered the abdominal cavity just above the edge of the crest of the ileum. There is another perforating wound of the left buttock. This wound measures about one-half inch in diameter. I don't believe this wound entered the pelvis. There is on the right side of the parietal region a wound about one inch in length. Further examination shows a perforating wound through the skull penetrating the outer and inner tables. Fracture compound of the skull.

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Tag No. 47

Identified as: THOMAS F. WATT, 37337935, T/4, Btry B, 285th FA Obsn. Bn.

Personal effects found: Soldier's pay book, pay book case, five photographs, brown leather wallet with zipper, miscellaneous photographs, PX ration card, letters.

Description and condition of outer clothing before being disrobed: Field jacket, OD trousers, overshoes.

Medical diagnosis: Examination reveals perforating wound of the chest at the ninth interspace. This wound gives the appearance of having been caused by small arms fire at close range. This wound is devoid of blood giving the appearance of having been inflicted post mortem. The left side of the chest shows a large abrasion with some blood clots. This case shows evidence of blood clots in mouth and both nostrils. However, there is no evidence of any bullet holes around the face. Cause of death in this case possibly due to the bullet wound of right chest which may have gotten one of the large pulmonary vessels or the heart.

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Tag No. 49

Identified as: JOSEPH A. BROZOWSKI, 33460680, Cpl., Btry B, 285th FA Obsn. Bn.

Personal effects found: Diary (1943), pocket comb, two fountain pens, Bible, Soldiers and Sailors Manual, cigarette lighter, leather case, black leather wallet, pass, receipt made out to his name. Miscellaneous collections, PX ration card, by authority of AFMAG, 1 June 1946.

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metal cigarette case, photographs, several letters and a Rosary. Also a collection of coins.

Description and condition of outer clothing before being disrobed: Not taken on this body.

Medical diagnosis: Shot in the face. Nostrils and mouth filled with blood clots. Gun shot wound in left leg, penetrating wound. Perforating wound of right arm about four inches above the elbow joint with compound comminuted fracture of the humerus.

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Tag No. 52

Identified as: PERRY L. REARDON, O-1164931, 1st Lt., Btry B, 285th FA Obsn. Bn.

Personal effects found: Pass to Verviers from 1800 to 2300, 9 December 1944, signed by Capt. Leon T. Scarbrough. One yellow gold wedding ring, brown leather photo folder containing picture of wife and baby, several letters, one cigarette lighter, plastic cigarette case, Parker fountain pen, Eversharp fountain pen, automatic pencil, comb, note book, collection of Belgian coins, 27 $\frac{1}{2}$  German marks, 20 franc Belgian note and a Field Artillery pin.

Description and condition of outer clothing before being disrobed: Field jacket, OD trousers and overshoes.

Medical diagnosis: Penetrating wound of right knee with considerable blood clots about this area. Hair is filled with blood clots. Examination of the head does not reveal any evidence of bullet wound, however, there is indication of considerable hemorrhage from the left ear which may indicate fracture of the base of the skull and in all likelihood this may have been caused by a blow on the head. I believe the injury to the head is secondary to the gun shot wound of the knee.

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Tag No. 53

Identified as: PAUL G. DAVIDSON, 33419745, T/Sgt., Btry B, 285th FA Obsn. Bn.

Personal effects found: Money belt, soldier's pay book, letters, pen knife, American coins, American dollar bill, cigarette lighter, small screw driver, fountain pen, Pocket Treasury (religious book), black leather wallet containing papers, air mail stamps, Army driver's permit, photographs, 25 German marks.

Description and condition of outer clothing before being disrobed: Field jacket, OD trousers and overshoes.

Medical diagnosis: Examination of the back reveals two perforating wounds; one on the right side about the level of the eleventh rib which extends into the chest cavity for about six inches. This wound measures four inches by one and one-half inches

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CLASSIFICATION CANCELLED  
By authority of the Director  
in accordance with GPO-AGC 27 June 1946

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REPRODUCTION

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and has jagged edges. There is no sign whatsoever of any blood on the skin. The wound on the left side is a jagged wound which extends into the chest cavity for about three and one-half inches. This wound measures about three inches by one inch. No evidence of any blood on the skin. The mouth and nostrils show evidence of blood clots. The right arm is bent at the elbow, right hand is touching the nose and is covered with blood clots. There is evidence of bleeding from the left ear. Cause of death undetermined.

Tag No. 54

Identified as: CARL E. FITT, 33577679, Cpl., Btry B, 285th FA Obsn. Bn.

Personal effects found: Several letters, two fountain pens, mechanical pencil, two keys, brown leather wallet containing photographs, cards, 40 German marks.

Description and condition of outer clothing before being disrobed: Field jacket, OD trousers.

Medical diagnosis: Perforating wound of the left leg about six inches below the knee joint. There is a large perforating wound of the right forearm with fracture, compound comminuted of the ulna and radius. There is a perforating wound of the right side of the skull, about two inches above the upper edge of the right ear. There is some blood around the hair. The appearance of this wound is that it was inflicted at close range. Apparently this patient was still alive at the time when the head wound was inflicted.

Tag No. 55

Identified as: SELMER H. LEU, 36291027, T/4, Btry B, 285th FA Obsn. Bn.

Personal effects found: Brown leather photo folder, soldier's prayer card, card (station hospital), military service certificate, soldier's pay book, black leather wallet containing cards and photos, coins, USA pin with T/4 insignia, 170 German marks.

Description and condition of outer clothing before being disrobed: Field jacket.

Medical diagnosis: This body shows the following: A bullet hole in center of forehead which is pointed upward. Most of the nose, mouth and right cheek missing; edges of the skin in this area appear to be rather smoothly cut out. The entire right arm is missing, right chest and right side of the abdomen is missing down to the vertebrae; the entire pelvis is missing; lungs, heart and abdominal viscera is missing; both legs are missing except for short stump of left leg which is held by skin. The edge of the skin about the chest appears very smooth and gives some indication that an attempt was made to dismember the body. It is possible that most of this damage may have been caused by shell fire, however, the smooth edges of the skin indicate a sharp instrument was used. Both feet are severed from the body and are encased in overshoes.

CLASSIFICATION CANCELLED

by authority of Lt. Hq. U. S. E. F.

file AG 005 GB1 AGO 27 June 1946

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Tag No. 56

Identified as: ALFRED W. KINSMAN, 31018229, Sgt., Btry B, 285th FA Obsn. Bn.

Personal effects found: Soldier's pay book, letters, newspaper clippings, Pocket Treasury (religious book), comb, fountain pen, mechanical pencil, church booklet, German phrase book, surveyors note book, black leather wallet, cards, photographs, and an American penny.

Description and condition of outer clothing before being disrobed: Raincoat, OD trousers, leggings, overshoes.

Medical diagnosis: Fracture, compound comminuted of the left ulna and radius extending from the wrist up to the elbow joint. Complete severance of all the vessels, nerves and most of the muscles. On the lateral aspect of the right thigh there is a wound extending from the knee joint up to about the junction of the lower and middle third of the thigh. This wound is about six inches in diameter. It extends down to the femur, however, the femur seems to be intact. This wound seems to be one caused by a shell fragment.

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Tag No. 58

Identified as: SAMUEL A. HALLMAN, 33558625, Pvt., Btry B, 285th FA Obsn. Bn.

Personal effects found: Letters, key ring with several keys, coins, black leather wallet with photographs, two small photos and holders, 100 French francs, 152 German marks.

Description and condition of outer clothing before being disrobed: Field jacket, OD trousers, overshoes.

Medical diagnosis: Left thigh shows wound extending from the knee to mid thigh; knee joint is destroyed. About five inches of the lower end of the femur is missing. The left leg shows a small perforating wound on the upper third. The right thigh shows a lacerating wound about two and one-half inches in length apparently caused by a bullet. There is a perforating wound of the abdomen about one-half inch in diameter located about three and one-half inches to the right of umbilicus. There is a large wound of the chest and abdomen on the right side measuring about six by three inches which has fractured the ninth, tenth and eleventh rib. This wound extends into the chest cavity. There is a perforating wound of the chest in posterior axillary line on the left side. The left arm has been severed at the level of the lower and middle third.

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Tag No. 59

Identified as: CARL B. FREY, 33497298, Pfc, Btry B, 285th FA Obsn. Bn.

Personal effects found: Letters, plastic cigarette case, brown leather picture holder with cards and pictures, soldier's pay book, mechanical pencils, brown

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CLASSIFIED BY AUTHORITY OF NSA  
Dec AG 000.5 GBR AGO 27 June 1948

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fountain pen, pen knife, key ring with keys, finger nail clipper, 43 German marks, three coins and yellow gold ring.

Description and condition of outer clothing before being disrobed: Combat jacket, OD trousers, leggings, overshoes.

Medical diagnosis: Examination reveals a bullet wound at inner cantus of right eye. Examination does not reveal any injury to the eyeball itself. A probe was inserted into this tract for about two inches. There is blood around eye and nostrils. It appears that this went into the skull. The left leg shows a severe perforating wound with fracture, compound comminuted at the middle third of the tibia and fibula. This patient died with his hands up above his head.

-----  
Tag No. 61

Identified as: ROBERT L. MCKINNEY, 35622305, T/6, Btry B, 285th FA Obsn. Bn.

Personal effects found: Leather cigarette case, pictures, picture holder, soldier's pay book, mechanical pencil, coins, key ring with two keys, small nail file, bond order receipt, WD Form 38 receipt for \$75.00, black leather wallet, Army driver's license, 455 German marks, Virginia State motor vehicle operator's license.

Description and condition of outer clothing before being disrobed: Field jacket, OD trousers, overshoes.

Medical diagnosis: This case shows the head to be flattened out, skull fractured. This apparently was caused by a truck going over the body. It is impossible to determine any gun shot wounds. Examination shows perforating wound of right inguinal region about three-quarter inches in diameter. This wound enters the pelvis. On the left side there is a perforating wound with the wound entrance in the femoral region and the wound of exit in the inguinal region. There is a fracture of the pubic bone. There is another penetrating wound on the outer third of the thigh about two inches below pouparts region. There is another perforating wound which apparently struck the anterior superior spine of the ileum.

-----  
Tag No. 64

Identified as: STANLEY P. PIASECKI, 35893689, Pvt., Btry B, 285th FA Obsn. Bn.

Personal effects found: EM identification card, fountain pen, cigarette lighter, small pocket knife, key chain, collection of keys, small pair of tweezers, note book, brown leather wallet, Form 38 WD receipt, PX ration card, 1520 Belgian francs, money order receipt No. 3827 for \$30.00 to wife, papers, small notes, yellow gold wedding band.

Description and condition of outer clothing before being disrobed: Mackinaw jacket, OD trousers, overshoes.

EXHIBIT H

116

CLASSIFICATION CANCELLED  
~~SECRET~~  
BY AUTHORITY OF LTJG J. E. B. JUNE 1946  
EX P-64  
J.E.B.  
1946-11-10

MORRONE

000898

SECRET

Medical diagnosis: Examination reveals blood clots in both nostrils and mouth. There is a bullet hole just below the right mandible entering the floor of the mouth. This wound is about one and one-half inches from the center of the jaw. There is a perforating wound of the right hand at the base of the thumb.

Tag No. 66

Identified as: KESTON E. MULLEN, 38465574, Pvt.,

Personal effects found: Photographs, photo folder, coins, two fountain pens, comb, pen knife, one letter, black leather wallet with stamps and photos, Army driver's permit, cards, miscellaneous papers, newspaper clipping of German officers, soldier's pay book, 70 Belgian francs and one German mark. Yellow gold ring.

Description and condition of outer clothing before being disrobed: Field jacket, leggings, OD trousers.

Medical diagnosis: Perforating wound of the neck extending into the floor of the mouth. The wound is about two inches by one and is located below and to the left of the symphysis mentis. There is a bullet wound on the right cheek about one inch anterior to the ear. There is some blood around this wound. Chest shows a perforating wound about two inches above the right nipple extending into the chest cavity. There is a compound comminuted fracture of the left fibula and tibia with an avulsion of the entire skin and muscles.

Tag No. 71

Identified as: CECIL J. CASH, 37403983, T/4, 197th AAA AW Bn.

Personal effects found: Pair of glasses with case, black leather wallet with Social Security card, soldier's pay book, 20 francs in Belgian currency, comb, two pen knives, letters, fingernail clip, and two keys.

Description and condition of outer clothing: Field jacket, fatigue trousers, leggings, overshoes.

Medical diagnosis: Examination reveals perforating wound through the right parietal region causing compound comminuted fracture of the skull. The wound of entrance measures about one-half inch in diameter. This patient was shot through the helmet and liner and bled profusely, the helmet liner was filled with large amounts of blood clots.

Not Tagged

Identified as: DELBERT J. JOHNSON, 3928520, Pvt.

CLASSIFICATION CANCELLED  
by authority of the Department of Defense  
file AG 000.5 GBL AGO-27

EX P-64

J. E. B.

MORRONE

EXHIBIT H

117

SECRET

000896

**SECRET**

Personal effects found: Fountain pen, diary, brown leather wallet, several letters and photos, California operator's license, key in pocket book, notes and pay book, Army driver's permit, 410 Belgian francs, 10 French francs, American dollar bill.

Description and condition of outer clothing: Field jacket, OD trousers, overshoes.

Medical diagnosis: Examination revealed mouth and nostrils filled with blood clots. There are no indications of any bullet wounds. Frontal bone on the right side appears to have been pushed in by some solid object.

*Giacinto C. Morrone*

GIACINTO C. MORRONE,  
Major, Medical Corps,  
44th Evacuation Hospital.

Subscribed and sworn to before  
me this 22 day of January 1945.

*Woodward C. Gardiner*

WOODWARD C. GARDINER,  
Major, I. G. D.,  
Assistant Army Inspector General.

CLASSIFICATION CANCELLED  
by authority of Lt. Hq. U.S.F. Ex.  
AG 0005 GBI-AGO, 27 June 1946

**SECRET**

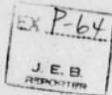


EXHIBIT H

- 10 - *Star*

MORRONE

118

000900

TESTIMONY OF: Pvt Max Drechsner (PW)  
11th Company, 3d Bn,  
999th Brigade,  
FPN 27445D.

TAKEN BY: Captain Alfred T. Bogen  
CAG, Acting Assistant  
Army Inspector General,  
First U. S. Army.

INTERPRETER: 2nd Lt. Jerry I. Schultz,  
PWI Detachment, G-2,  
First U.S. Army.

DATE: 29 January 1945.

TAKEN AT: Master Interrogation Center.

IG: I am here to get further information concerning atrocities committed against Allied personnel.

- 1. Q. Do you understand the sanctity of an oath?  
A. Yes.
- 2. Q. Do you object to taking an oath?  
A. No.

The witness is sworn.

- 3. Q. State your name, rank, organization, and serial number?  
A. Max Drechsner, Private, 11th Company, 999th Brigade, 3d Battalion, FPN 27445D.
- 4. Q. Have you ever seen any atrocities committed against allied prisoners of war?  
A. I have not seen any being committed against them.
- 5. Q. Have you heard of any, or seen the result of any?  
A. Yes, I heard of them and saw the result in Hansfeld.
- 6. Q. Do you know the approximate date when this happened?  
A. On the 17th or 18th December 1944 they were committed. I saw the bodies 14 days after that.
- 7. Q. Do you know who shot these prisoners?  
A. According to the testimony of civilians it was the SS.
- 8. Q. Do you know what organization?  
A. I do not know.
- 9. Q. Do you know the names of any of the officers who ordered these executions?  
A. No, sir.

EX 65

EXHIBIT A

CLASSIFICATION CANCELED  
by authority of Lt. Hq. U.S. FEET  
file AG 000.5 GR1-AGO, 27 June 1945  
EX 7-65

JAN 29 1945

J.S.B.  
1945-01-29

DRECHSNER

000901

~~SECRET~~

I certify that Max Drechsner (PW) Private, FPN 27445D, 11th Company, 3d Battalion, 999th Brigade, testified before me, under oath, through 2nd Lt. Jerry I. Schultz, PWI Detachment, G-2, First U. S. Army, as given in Questions 1 to 19, Pages 1 to 2, on the 29th day of January 1945, at Master Interrogation Center.

*Alfred J Bogen*

ALFRED T. BOGEN,  
Captain, C. A. C.,  
Acting Assistant Army Inspector General,  
Headquarters First U.S. Army.

CLASSIFICATION CANCELLED  
by authority of Lt. Hq. U.S.F.E.  
file AG 000.5 GBI-AGO, 27 June 1945

EX-1065  
JAN 30 1945  
U.S.F.E.  
CONFIDENTIAL

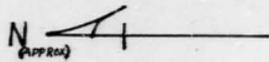
EXHIBIT A.

120

*Jan - 3 -*

DRECHSNER *71*

↑ TO HEPPENBACH



# Village of HANSFELD

(Not to Scale)

Village Cemetary  
Where Victims Were  
buried by PW

EX P.L.S.  
J.E.B.  
REPORT ON

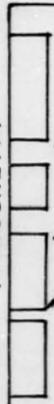
Village Well  
or  
Watering Point

Creek

14 Bodies found Here  
by PW

21 Km To BILLINGEN

↑ TO LOSHEIM



House # 1

Abandoned  
American  
Field Artillery  
Pieces



House #2  
Farmer who Wittnessed  
Shooting Lives Here

Unknown Number  
of Houses of  
the Village

CLASSIFICATION CANCELLED  
by authority of the U.S. F. I.  
The AG OODS, GBI, AGO, 27 June 1976

JEB

0161010

000903

~~SECRET~~

TESTIMONY OF: Pvt Wolfgang Weinfurtner (PW) TAKEN BY: Captain Alfred T. Bogen,  
11th Company, 3d Battalion, EAC, Acting Asst. Army  
999th Brigade. Inspector General.  
FPN 27445D. First U.S. Army.

INTERPRETER: 2nd Lt. Jerry I. Schultz, DATE: 29 January 1945.  
PWI Detachment, G-2,  
First U.S. Army

TAKEN AT: Master Interrogation Center.

IG: I am here to get further information concerning atrocities committed against Allied prisoners of war.

1. Q. Do you understand the sanctity of an oath?  
A. Yes.
2. Q. Do you object to taking an oath?  
A. No.

The witness is sworn.

3. Q. State your name, rank, serial number and organization?  
A. Wolfgang Weinfurtner, Private, FPN 27445D, 11th Company, 3d Battalion, 999th Brigade.

4. Q. Have you ever seen any atrocities committed against Allied prisoners of war?  
A. I have not seen any myself.

5. Q. Did you help bury American prisoners who were murdered in Hansfeld?  
A. No sir, I was not in the deal.

6. Q. Did you see any American prisoners of war who had been murdered?  
A. I saw six bodies in the open and also indications that more were under the snow.

7. Q. Were there indications that these men had been murdered?  
A. The bodies laid with the hands over the heads and gave the impression that they were murdered, all six men that were in the burying detail were convinced that they were murdered.

8. Q. Do you know the organization that did this?  
A. It was SS, but I do not know the number of the unit.

9. Q. Do you know the names of any of the people who might have been

EX 66

EX-9-66  
J.E.B.  
1945-2917-1

CLASSIFICATION CANCELLED  
by authority of E.O. 13526, U.S.C.  
118 AC 000.5 GBI-VSC-27 June 1946

~~SECRET~~

122  
EXHIBIT B

WEINFURTNER

000904

~~SECRET~~

TESTIMONY OF: Pvt Wolfgang Weinfurtner (PW) TAKEN BY: Captain Alfred T. Bogen, CAC, Acting Asst. Army Inspector General. First U.S. Army.

INTERPRETER: 2nd Lt. Jerry I. Schultz, PWI Detachment, G-2, First U.S. Army DATE: 29 January 1945.

TAKEN AT: Master Interrogation Center.

IG: I am here to get further information concerning atrocities committed against Allied prisoners of war.

- 1. Q. Do you understand the sanctity of an oath?  
A. Yes.
- 2. Q. Do you object to taking an oath?  
A. No.

The witness is sworn.

3. Q. State your name, rank, serial number and organization?  
A. Wolfgang Weinfurtner, Private, PPN 27445D, 11th Company, 3d Battalion, 999th Brigade.

4. Q. Have you ever seen any atrocities committed against Allied prisoners of war?  
A. I have not seen any myself.

5. Q. Did you help bury American prisoners who were murdered in Hansfeld?  
A. No sir, I was not in the deal.

6. Q. Did you see any American prisoners of war who had been murdered?  
A. I saw six bodies in the open and also indications that more were under the snow.

7. Q. Were there indications that these men had been murdered?  
A. The bodies laid with the hands over the heads and gave the impression that they were murdered, all six men that were in the burying detail were convinced that they were murdered.

8. Q. Do you know the organization that did this?  
A. It was SS, but I do not know the number of the unit.

9. Q. Do you know the names of any of the people who might have been

EX 66

EX 266  
J.E.B.  
INSPECTOR GENERAL

CLASSIFICATION CANCELLED  
by authority of Ltr. Hq. U.S. Army  
file AG 000.5 GBI-VSSO-27 June 1946

~~SECRET~~

122  
EXHIBIT B

WEINFURTNER

000905

CLASSIFICATION CANCELLED  
PROPERTY OF Lt. Hq. U.S.F.F. &  
GPO 0005 GBI-AGO, 27 June 1946

~~SECRET~~

involved in the murdering of these soldiers?

A. No, I do not know the names, nor do I know any civilians who could give any information.

10. Q. Did you ever receive an order not to take prisoners?

A. No, this battalion was a labor detail battalion.

11. Q. Have you personally seen any atrocities committed?

A. No.

12. Q. Give me a description of where you saw the bodies in Hansfield (The map drawn by PW Drechsner was produced and the witness was asked to verify the location of the bodies.)

A. Where you have the X's on the map is where they were.

13. Q. Do you know anything of bodies being thrown into closets and drawers, and whether or not they were civilians or prisoners of war?

A. I know nothing about it.

14. Q. Did you talk to any of the civilians concerning the Americans that you saw?

A. No, I was on a detail that's all.

15. Q. Do you have any other information that might be of value to me along these lines?

A. I have no information.

The witness was excused.

I certify that Wolfgang Weinfurtner (PW) Private, 11th Company, 3d Battalion, 999th Brigade, FPN 27445D, testified before me, under oath, through 2nd Lt. Jerry I Schultz, PWI Detachment, G-2, First U.S. Army, as given in Questions 1 - 15, Pages 1 - 2, on the 29th day of January 1945, at Master Interrogation Center.

*Alfred T. Bogen*

ALFRED T. BOGEN,  
Captain, C. A. C.

Acting Assistant Army Inspector General,  
Headquarters First U.S. Army.

~~SECRET~~

EXHIBIT B

- 2 -

WEINFURTNER

000906

38

" Ich, Bruno Hothheim - 77-Heftschreiberführer,  
nachdem ich rechtsmäßig eingeschworen wurde, mache folgende Aussage:

Im Dezember 1944 war ich bei der 12. Kompanie  
iii. Btl. 2. Pz. Lff AH und war dem KW K Zug des Zugführer  
Oberscharführers Pfalzer als 2. Gruppenführer zugeteilt. Am 13. oder  
14. Dezember, während unseres Aufenthalts in Dorweiler - rief  
Hauptsturmführer Thiele - Kompanieführer der 12. Kp. - ~~am~~ <sup>am</sup> 17. <sup>12. 1944</sup>  
abends die Kompanie zusammen, um eine Aussprache über die  
kommende Offensive zu halten. Hauptsturmführer Thiele sprach im wesent-  
lichen wie folgt zu uns: " Der Einsatz, der uns bevorsteht entscheidet  
über das Schicksal der ganzen deutschen Völker. Denken Sie daran dass  
auswärtische Feinde die Städte in Trümmern gelassen haben,  
dass Millionen von Frauen und Kindern zu Tode gekommen sind.  
Wenn Sie ein alles das denken wissen Sie, was Sie als 77-Männer  
bei der Gefangenennahme ~~zu tun haben~~ <sup>zu tun haben</sup>.  
In der oben Nacht führen wir in den Bereitstellungsraum im Wald,  
welcher das Sammelgebiet für die Offensive war.

In den frühen Morgenstunden des 16. Dezember 1944,  
als alle unsere Fahrzeuge an einer Straße aufgefahren zum Zugriff be-  
reitstanden, auf einem Platz, dessen Namen ich jetzt nicht kenne, kam

P  
EX  
67

EX 267  
18.12.44  
J.B.

Dlan

Kauptkorporal's Thiele auf mich zu, als ich vor meiner KWK stand und klopfte mir auf die Schulter und sagte: "Motsheim<sup>35</sup>, nun ist es so weit, sei mit ganzem Herzen bei der Seele, Gefangene werden in diesem Zugriff keine gemacht, es wird alles ungelegt, verstanden."

Am Morgen des 14. Dezember 1944, fuhren wir durch eine Ortschaft zwischen 9004 und 9204, welche ich glaube, dass es Hausfeld war. Der Grund, dass ich glaube, dass es Hausfeld war, ist, weil es die Ortschaft war bevor wir Bullingen erreichten, und keine Ortschaft <sup>ist</sup> zwischen diesen zwei Plätzen lag. Auch waren ich, dass wir zwei Luftangriffe an diesem Tage hatten, der eine in einem Orte und auf offener Straße, und der eine, welche sich in der Ortschaft vollzog, was in diesem Orte, und meine Kameraden beriefen sich später auf diesen Luftangriff, der der, der sich in Hausfeld abspielte. Ich kam auf zwei ausgebaute amerikanischen Pak, auf der rechten und linken Seite der Straße, wie angeordnet auf meiner Seite diesen befragt. Als mein Fahrzeug auf unmittelbarer Höhe der amerikanischen Pak auf der rechten Seite der Straße anhielt, sprang ich mit meiner MP in meiner Hand vom Fahrzeug herunter. Zwischen mir und der Pak war eine kleine Rinne über welche ein Holz lief. Sobald ich am Boden war bemerkte ich einen amerikanischen Soldaten von der Stelle gekennzeichnet als Nr. 5 in meiner Straße, aufspringend. Der amerikanische Soldat war mit seinem Gesicht mir zugewandt, die Hände zur Seite ausgestreckt, aber nicht über seinem Kopf und ich sah aus, dass er sich ergeben wollte. Ich war ungefähr 5 bis 8 m von dem Amerikaner entfernt, und so weit ich sehen konnte, hatte er keine Waffen. Ich wusste, dass er ein amerikanischer Soldat war, weil er die amerikanischen Uniform trug. Als ich den Amerikaner in der selben beschriebenen Stellung sah, gab ich einen Feuerstoß mit meiner MP von 3 bis 4 Schüssen ab, und so fiel er <sup>d.h.</sup> in seine alte Stellung <sup>d.h.</sup> ~~hier~~ er suchte in einer leblosen Art zu Boden. Ich ging nicht hin, nur fortzustellen, ob es tat

war, da ich vor den einschlagenden Bomben in Deckung  
springen musste. Ich <sup>4)</sup> ~~schon~~ <sup>dt. J</sup> ~~mit~~ <sup>dem</sup> ~~dem~~ <sup>amerikanischen</sup> ~~auf~~ <sup>Grund</sup> ~~des~~  
Befehls von H'schurf. Thiele, <sup>dem</sup> ~~er~~ <sup>mir</sup> ~~ein~~ <sup>ein</sup> ~~Tag~~ <sup>gab</sup>.

Ein paar Tage, nachdem wir aus dem La Gleize Kessel  
ausbrachen, während wir in Petite Tière rasteten, spielte ich  
Karten mit einigen anderen hochfähren von meinem Kompani  
Freunde von mir - und ich bin sicher, dass folgende an-  
wesend waren: Macke, Phosolke, (jetzt Decker.), Mecher, Kändler,  
und Macke Pindler. Alle erwähnten Vorfälle über dem Eifel einsetzt,  
und ich schilderte, wie ich einen amerikanischen Soldaten er-  
schoss, und dieser Vorfalle, <sup>über</sup> den ich berichtete, ist derselbe Vorfalle,  
welchem ich hierbei in dieser Erklärung beschrieb.

Am 14. Dezember 1944, es war spät am Nachmittag, bei  
Dämmerung, wir passiert die Kreuzung <sup>ca</sup> 2-3 Kilometer vor  
Eugelsdorf, wo ich auf der rechten Seite der Strasse im Felder 50 bis  
100 tote amerikanische Soldaten liegen sah. Es waren keine anderen  
Fahrzeuge anwesend und wir fuhren weiter und hielten nicht  
an.

Am Morgen des 14. Dezember 1944, ein paar hundert  
Meter bevor Stannoumont, nachdem meine Fahrzeug abgehasen  
wurde, wurde ich von Obersturmbannführer Piper angehalten,  
der in der Nähe eines SPW mit ~~Stur~~ <sup>dt.</sup> Hauptsturmführer  
Diefenthal stand. H'schurf. Thiele war auch mit seinem SPW  
in der unmittelbaren Umgebung. Während der Zeit, als

<sup>12</sup>  
 Obersturmbauführer Pipers mich über den Ausgang des Angriffes  
 befragte, kam eine Gruppe von 50<sup>bis</sup> 60 amerikanischen Kriegsgefangenen  
 vorbei, und <sup>13</sup> ein deutscher Posten fragte den Obersturmbauführer Pipers,  
 was mit den Gefangenen gemacht werden soll. Obersturmbauführer  
 Pipers antwortete: "Bringen Sie sie sofort nach La Gleize, denn werden  
 wir weitersehen".

<sup>14</sup>  
 Als ich dem Obersturmbauführer Pipers erzählte, dass ich  
 abgenommen worden war, gab er mir den Befehl mit meiner Bratung  
 als Befehlsführer zu kämpfen. Jedoch etwas später am denselben Morgen  
 erhielt ich den Befehl mit 3 KWK, die reparaturbedürftig waren,  
 nach La Gleize zu fahren. Ich kam nach La Gleize zwischen 10<sup>u</sup> und  
 11<sup>u</sup> denselben Morgen, als ich Pipers traf, der mit Sturmbauführer  
 Kuntzel<sup>31</sup>, Kommandeur der AA und Sturmbauführer Pottschke,  
 Kommandeur der 1. Panzerabteilung, stand. Pipers rief mich  
 auf sich zu, und fragte mich, was ich in La Gleize mache, da  
 ich doch den Befehl von ihm hatte, infanteristisch vorzugehen.  
 Als ich gerade dort stand, sagte Sturmbauführer Pottschke zu Ober-  
 sturmbauführer Pipers: "Obersturmbauführer, hier sind noch zwei  
 Kriegsgefangene". Pipers antwortete in einer gleichgültigen und  
 verzweiferten Weise: "Wie gewöhnlich". Von der Antwort des  
 Obersturmbauführers Pipers habe ich daraus geschlossen, dass die  
 beiden Kriegsgefangenen umgeligt werden. Der Grund, dass ich zu dieser



Thiele antwortete mir: „Wir werden hinten eingeschlossen in einer Mühle bei  
La Gleize gesammelt, und dort alle umgebracht.“ Er sagte nicht, was der Befehl  
gab für die Ermordung und erwähnte hinsichtlich anderer Tatsachen darüber.

Von dieser Zeit bis zum Ausbruch aus dem Kessel in  
La Gleize, sah und hörte ich nicht von irgendeiner anderen Erwähnung  
von amerikanischen Kriegsgefangenen und ich erinnere mich nicht, dass  
H<sup>err</sup> Schaf. Thiele noch einmal davon sprach.

Ich machte diese Aussage, bestehend aus sechs Seiten  
und einer Skizze, freiwillig, ohne Zwang, Drohungen oder Er-  
zweckungen auf <sup>44</sup> Gutgeld. Belohnungen.

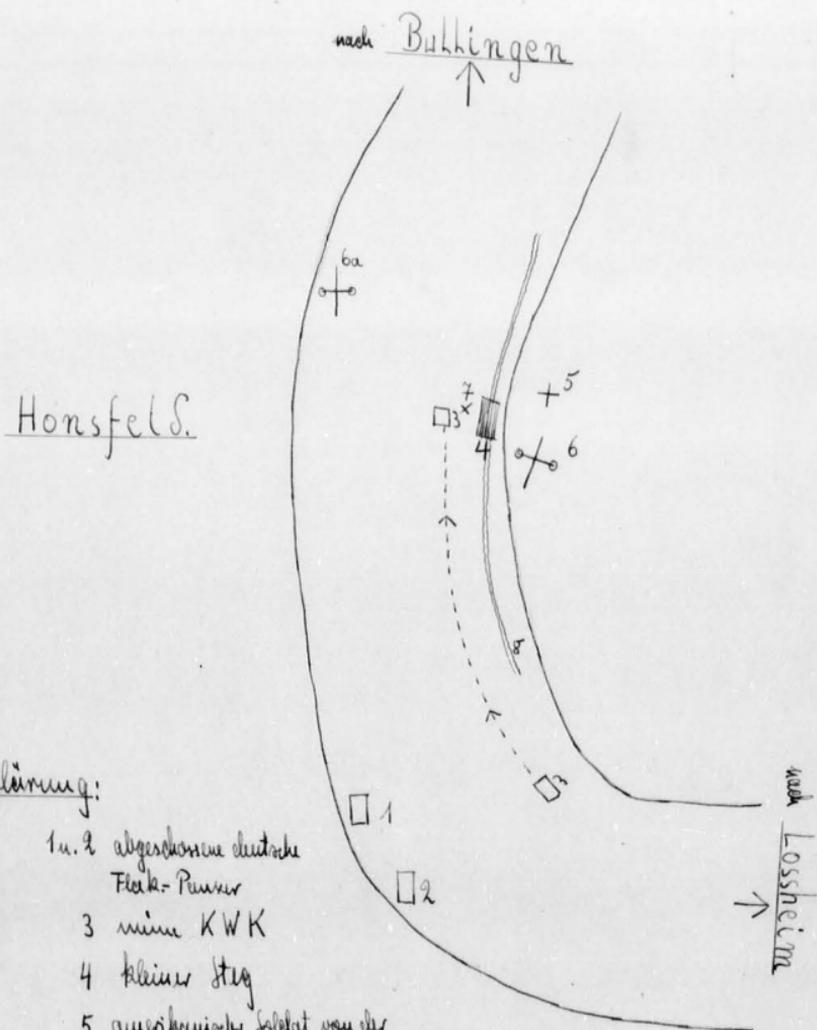
I am to and subscribed  
before me this 28<sup>th</sup> day  
of February 1946 at  
Schwäbisch Hall, Ger.

Hilber Mathlein  
28. Februar 1946

Rudolf Schmauder  
Lsgk 7117

000912

- Skizze von Honsfeld, wo ich am Morgen des 17. Dezember 1944  
einen amerikanischen Soldaten erschoss



Erklärung:

- 1 u. 2 abgeschlossene deutsche Fleck-Panzer
- 3 mine KWK
- 4 kleiner Steg
- 5 amerikanischer Soldat, von der Stelle, wo ich schoss
- 6 u. 6a ausgeschaltene amerikanische Pak
- 7 eigener Standpunkt von wo ich schoss
- 8 kleine Brücke

Hubert Mattheis  
28. Febr. 1946.

000976

### TRANSLATOR'S AFFIDAVIT

I, JOSEPH KIRSCHBAUM assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Anton Motzheim  
taken on 28 February 1946 at Schwäbisch Hall, Germany,  
before Raphael Schumacker, Capt. CMP  
consisting of 6 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I learned English through study of the language for 2 years in high school, one year in college, and eight months of evening classes, all in VIENNA, Austria.
3. I have spoken English continuously since September 1939, when I came to the United States. In September of 1941 I joined the United States Army.
4. From February until the latter part of April 1943, I attended the IAW course at Camp Ritchie, Maryland, conducted by the military intelligence training center.
5. From June 1944 until September 1945, I served continuously as an IAW interrogator, in which capacity I was constantly required to translate German into English, and vice versa.
6. Since January 1946, I have been assigned to the War Crimes Branch, U.S.A.R.T as a civilian German-English interpreter.

P  
EX  
67A

Joseph Kirschbaum  
March 1946

Sworn and subscribed to before me this 12<sup>th</sup> day of March 1946 at Schwäbisch Hall, Germany.

Raphael Schumacker  
War Crimes Branch, USFET  
Capt. CMP

EX-102  
JAN 1946  
180

000911

I, ANTON MOTZHEIM, SS Unterscharfuhrer, having been duly sworn make the following statement;

In December 1944, I was in the 12th Company, 3rd Battalion, 2nd Pz. Gr. Regiment, L.Ss.A.H. and attached to the K.W.K. platoon of platoon leader Oberscharfuhrer PFALZER, as 2nd Gruppenfuhrer. On the 13th or 14th December, during our stay in DORWEILER, Hauptscharfuhrer THIELE, Commanding Officer of the 12th Company called the company together at 5 o'clock in the evening in order to make a speech concerning the coming offensive. Hauptscharfuhrer THIELE spoke to us substantially as follows:

"The offensive which is imminent will decide the fate of the whole German nation. Think of it, that American gangsters have made our cities into a heap of rubble, millions of women and children were killed. If you think of all that, then you know what you as SS men have to do in case you capture American soldiers . "

The same night we moved into the staging area in the forest, which was the assembly area for the offensive.

In the early morning hours on December 16, 1944, as all our vehicles were lined up on the road ready for the attack, at a place, the name of which I do not know now, Hauptscharfuhrer THIELE came to me as I was standing in front of my K.W.K. and slapped me on my shoulders and said:

"MOTZHEIM, we have reached this stage. Be with your whole heart at this undertaking. Prisoners won't be taken in this attack. All will be bumped off. Do you understand ? "

On the morning of December 17, 1944, between 8 and 9 o'clock, I drove through a village which I believe to be HONSFELD. The reason I believe it was HONSFELD is because it was the village before we reached BUELLINGEN and there were no intervening towns between those two places. Also I know we had two air-raids that day, one in a town and one in the open country and the one which occurred in the town was in this place and my comrades referred later to this air-raid as having happened in HONSFELD. I reached two 'knocked out' American Anti-Tank Guns on the right hand and left hand side of the road, as indicated on my sketch attached hereto. When my vehicle halted abreast of the American A.T. gun, which was on the right-hand side of the road I jumped off the vehicle with my M.Pi in my hand. Between me and the A.T. Gun was a gutter over which a foot-bridge led. As soon as I was on the ground, I noticed an American soldier jumping up from the position marked as number 5 on my sketch. The American soldier was facing me, hands extended to the side, but not over his head and I assumed that he wanted to surrender. I was about 5 to 8 meters from the American and as far as I could see he did not have any weapons. I knew he was an American soldier because he wore the American uniform. When I saw the American in the position just described, I fired a burst of about 3 to 4 shots with my M.Pi, and he slumped in a lifeless manner to the ground. I did not go over to investigate whether he was dead because I had to jump for cover from the exploding bombs. I shot this American because Hauptscharfuhrer THIELE had given me the order that morning not to take any prisoners of war.

A few days after we had broken out of the pocket in LA GLEIZE, while resting in PETITE TIERRE, I played cards with several other NCO's of my company, friends of mine, and I am certain that the following were

Present; Unterscharfuhrer PLUSCHKE (now Oberscharfuhrer), Unterscharfuhrer KINDLER, and Unterscharfuhrer RICHTER. Everybody was talking about incidents of the EIFEL campaign and I described how I shot an American soldier, and this incident I talked about is the same incident which I have herewith described in this statement.

On the 17th December 1944, it was late in the afternoon around twilight, we passed the cross-roads 2 to 3 kilometers before ENGELSDORF, where I saw lying in the field on the right-hand side of the road, 50 to 100 dead American soldiers. No other vehicles were present and we continued and did not stop.

On the morning of December 19, 1944, a few hundred meters before STOU MONT, after my vehicle had been knocked out, I was stopped by Obersturmbannfuhrer PEIPER, who was standing with Hauptsturmfuhrer DIEFENTHAL near an SPW. Hauptscharfuhrer THIELE was also with his SPW in the immediate vicinity. Obersturmbannfuhrer 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 Obersturmbannfuhrer PEIPER what should be done with the prisoners. Obersturmbannfuhrer PEIPER answered, "First of all, take them to LA GLEIZE, then we'll see further."

When I told Obersturmbannfuhrer 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 Sturmbannfuhrer KNUETTEL, Kommandeur of the A.A. (Translator's note: CO of Reconnaissance Battalion) and Sturmbannfuhrer 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, Sturmbannfuhrer POETSCHKE said to Obersturmbannfuhrer PEIPER:

"Obersturmbannfuhrer, here are two more prisoners of war."

PEIPER answered in an indifferent and disdainful manner:

"As usual"

From Obersturmbannfuhrer 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 Obersturmbannfuhrer PEIPER and Sturmbannfuhrer KNUETTEL discussing an assignment of a mission which KNUETTEL had received from PEIPER, but I did not understand the exact details of the mission.

Then I left this place on order of Obersturmbannfuhrer PEIPER to return to STOU MONT with my three K.W.K.'s and it was still in the morning when I again reached Hauptscharfuhrer THIELE at the same place where he had previously stood, several hundred meters before STOU MONT. I reported back to Hauptscharfuhrer THIELE and also told him the latest news which I had learned concerning the mission of Sturmbannfuhrer KNUETTEL. Hauptscharfuhrer THIELE then answered:

"Sturmbannfuhrer KNUETTEL has received from Obersturmbannfuhrer PEIPER the order to drive back to STAVELOT

EX-291A  
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and bump off everything that gets in front of the guns  
of his Reconnaissance Battalion. "

From my past experience in this offensive, I thought at this time that  
Sturmbannfuhrer KNUETTEL had the order at this operation to show no  
consideration to anybody, civilians as well as prisoners of war.

Then I asked Hauptscharfuhrer THIELE whether he knew what  
was done with the large group of American prisoners of war that were  
taken in STOU MONT as I saw many groups of American prisoners of war  
this same morning. THIELE answered, "They are being collected somewhere  
in a hollow in the rear, and there all will be bumped off.". He did  
not say who gave the order for the massacre and he did not mention  
any other facts about it.

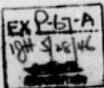
From this time until we had broken out of the pocket in LA  
GLEIZE I did not see and I did not hear of any other shootings of  
American prisoners of war and I do not remember that Hauptscharfuhrer  
THIELE spoke any more about it.

I make this statement consisting of six pages and one sketch  
voluntarily without coercion, threats or promises of reward.

(signed) ANTON MOTZHEIM  
28 February 1946.

Sworn to and subscribed before me  
this 28th day of February 1946 at  
Schwa bisch Hall.Ger

(signed) RAPHAEL SHUMACKER  
Capt. CMP



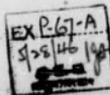
000917

SKETCH OF HONSFELD, WHERE I SHOT ON THE MORNING OF  
17 DECEMBER 1944 ONE AMERICAN SOLDIER.

LEGEND:

- 1 and 2. Knocked out German AA tank
3. My KWK
4. Small foot bridge
5. American soldier at the location where I shot
- 6 and 6a. Disabled American AT gun
7. Own position, from where I shot
8. Small gutter

(Signed) Arnold MOTZHEIM  
28 Febr. 1946



000916



I, ANTON NOTZHEIM, being first duly sworn, make the following statement under oath:  
Ich Anton Notzheim, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

PEX  
67B

The above two photographs are photographs of the same OBERSTURMBANNFUEHRER PEIPER mentioned by me in my affidavit, dated 28 FEBRUARY 1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmbannführers Peiper von mir in meiner eidesstattlichen Aussage genannt, datiert 28. Februar 1946.

Anton Notzheim  
First Name (Vorname) Last Name (Zuname)

44 - Sturmbannführer  
Rank (Dienstgrad)

12th Co., 2nd Pz Gren. Regt., LSSAH  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 2nd day of April, 1946.

Daphnel Thumacher  
Officer administering oath

Capt. CM 12  
Rank Arm or Service

EX-7B  
3/1/46  
J.S.B.

000916

~~CONFIDENTIAL~~

For The WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department

United States of America

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In the matter of the killing	*	Perpetuation of Testimony of
of American prisoners of war	*	Charles O. Huttoo, 34535649,
about 12 miles northeast of	*	Pvt.
St. Vith, Belgium, 17 December	*	
1944.	*	

\*\*\*\*\*

Taken at:	Dorchester Hotel, Miami Beach Service Base, Miami Beach, Fla.
Date:	3 August 1945
In the Presence of:	Jack Solomon, Special Agent, Security Intelligence Corps, Fourth Service Command
Reporter:	Mary L. Moore, Clerk-Typist, Civilian Pool, Miami Beach Service Base, Miami Beach, Florida
Questions by:	Jack Solomon, Special Agent, Security Intelligence Corps, Fourth Service Command

- Q. State your name, rank, serial number, and present home address.
- A. Charles O. Huttoo, Pvt., 34535649, 403 N.W. 27th Street, Miami, Fla.
- Q. State the date of your birth.
- A. 13 June 1922.
- Q. State your educational and employment background prior to entering the service.
- A. Graduated from high school, attended the University of Georgia 2 years, and worked 3 months before I entered the service.
- Q. Have you recently been returned to the United States from overseas?
- A. Yes.
- Q. Were you a German prisoner of war?
- A. Yes.
- Q. At what places were you held and state approximate dates.
- A. Hammelberg, Germany from January through February 1945; February to April 1945 at Wursburg, Germany; on April 1st we left Wursburg and began marching, and marched until about April 15th when I escaped.
- Q. Are you familiar with any instance of killing of American prisoners of war?
- A. Yes.
- Q. Will you state approximately when this happened and tell what you know about it?
- A. I was taken prisoner about 17 December 1944, approximately 12 miles northeast of St. Vith, Belgium. There were four officers and eighteen of us enlisted men in a house which was surrounded by troops of the First SS Division - either the Hitler or Hermann Goering Division. We had decided to surrender, and the officer in charge gave the order to cease firing. He then took a white flag and stuck it

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CLASSIFICATION HANDLED BY AUTHORITY OF THE J.C.F.E.T. 11c AG 000.5 GBI-AGO, 27 June 1944

out of the window, and after he had done this for a few minutes some of the Americans in the house began to walk out still holding the white flag. There were twelve of them in the first group. They had all walked out of the house, still holding the white flag. I don't know what the flag was made of, but it was of white material and certainly big enough for the Germans to see.

Q. What happened then?

A. They had left the house and were already clear when the Germans shot them all down in cold blood.

Q. Do you know the names of any of these men who were so shot?

A. Yes, there was S/Sgt. Billy F. Wilson from Cooper, Texas, a member of the 612th Tank Destroyer Battalion, also Pfc. James Crowell from Tennessee, also a member of the 612th.

Q. You saw this yourself?

A. Yes.

Q. What happened after that?

A. A German soldier then came to the house and we let him in, and he called out to the Germans outside, and I suppose he told them to stop firing - none of us could speak German so we couldn't understand what he was saying. He then marched the rest of us out and took charge of us.

Q. Was this soldier who entered the house also one of the First SS Division?

A. Yes.

Q. Do you know the names of any of the other Americans killed, besides the two you mentioned?

A. No, but the rest were also members of the 612th Tank Destroyer Battalion.

Q. After you had put out the white flag in the house the first time, and after you had stopped firing, did the Germans stop firing too?

A. Yes, they were using 88s on us and they were trying to blow the house in, but after we put out the white flag they stopped this fire and for about 5 minutes there was no firing on either side, and it was only after that, that the twelve men walked out of the house.

Q. Do you know the names of any of the Germans who took charge of you, or in the outfit that captured you.

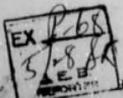
A. No.

Q. Can you describe any of them?

A. No.

Q. Were any other Americans killed at this time?

A. After the rest of us in the house had surrendered and been taken into custody by the Germans, they began marching us to the rear. There were about 200 of us at the time, as we would march to the rear we would be joined by other groups who had also been taken prisoner and we formed a column. There were about 15 guards at the time. While marching to the rear there were tanks and other armored equipment moving to the front. About one-half an hour after we had surrendered and begun marching to the rear, at which time there were in the column, as I mentioned before, 200 men, I noticed one of the Germans in a tank



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**CONFIDENTIAL**

operate the bolt on his machine gun and load it for firing. He shot a couple of bullets in the air, and then I saw him aim the machine gun at our column. I, myself, know of two men who were killed at that time. I know they were from the 612th Tank Destroyer Battalion, but do not know their names, and can't describe them. There was no reason for him to shoot, these men weren't trying to escape - they did nothing at all to provoke this burst of fire.

Q.What happened then?

A.Nothing, they just made us continue marching to the rear, and would not let us see if these men could be saved, or if we could give them any medical attention.

Q.Do you know the names of any of these German guards?

A.No.

Q.Can you describe any of them?

A.No, I would like to say that at the time I was wounded in my face, mouth, and foot, and I really was not in a condition to recognize any of the German guards. This unwarranted shooting occurred all the way along the road as we marched to the rear. As the tanks passed by the German soldiers would shoot at us and we had to jump into ditches or behind any cover we could find.

Q.All this happened 17 December 1944?

A.Yes, that is the date we were captured, and it happened that same afternoon.

Q.Do you know of anybody who might know more definitely which German Armored Unit this way, or who may recognize some of the guards?

A.Lt. Alfred Basek, Platoon Leader of the 612th Tank Destroyer Battalion, from Pennsylvania, was marching with us at the time. He could speak a little German, and might be able to give more definite information.

Charles O. Huttoe  
Charles O. Huttoe, Pvt.

State of Florida )  
                          ) SS  
County of Dade    )

I, Charles O. Huttoe, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

Charles O. Huttoe  
Charles O. Huttoe, Pvt.

Subscribed and sworn to before me this 13<sup>th</sup> day of August 1945.

David E. Beck  
2d Lt m o e  
asst adj  
ADFRCH

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CLASSIFICATION CANCELLED  
by authority of Lt. Hq. U.S.F.E.T.  
file AG 37 AGO 27 June 1946

**CONFIDENTIAL**

Jem

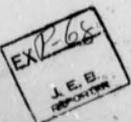
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~~CONFIDENTIAL~~

CERTIFICATE

I, Jack Solomon, Special Agent, Security Intelligence Corps, Fourth Service Command certify that Charles O. Hutloe, Private, 34535649, personally appeared before me on August 3, 1945, and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Jack Solomon  
Jack Solomon  
Special Agent, Security Intelligence  
Corps, Fourth Service Command



CONFIDENTIAL  
CLASSIFICATION CANCELLED  
by authority of Ltr. Hq. U.S.F.E.T.  
file AG 000.5 100-27 June 1946  
J.B.A.

000926

CONFIDENTIAL

For The WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department

United States of America

\*\*\*\*\*

In the matter of the killing of \* Perpetuation of Testimony of  
 T/5 Stegle, Company B, 612th Tank \* John M. Dluski, Sgt,  
 Destroyer Battalion, Second \* ASN 33418399.  
 Division, about ten (10) miles \*  
 east of Honsfeld, Belgium, on \*  
 17 December 1944. \*

\*\*\*\*\*

Taken at: Indiantown Gap Military Reservation, Pennsylvania.

Date: 18 September 1945.

In the Presence of: Norman A. Burgoon, Jr., Agent, Security Intelligence Corps, Third Service Command.

Reporter: Evelyn Bachman, Stenographer, Harrisburg Field Office, Security Intelligence Corps, Third Service Command.

Questions by: Norman A. Burgoon, Jr.

- Q. State your name, rank, serial number and permanent home address.
- A. My name is John M. Dluski, I am a Sergeant and hold Army Serial Number 33418399. My permanent home address is 607 Griffin Avenue, Canonsburg, Pennsylvania.
- Q. Have you recently been returned to the United States from overseas?
- A. Yes. I arrived in the United States on 18 May 1945 at the Port of New York City aboard the SS Sea Robin.
- Q. Were you a prisoner of war?
- A. Yes.
- Q. At what places were you held and state the approximate dates?
- A. Serving with the 612th Tank Destroyer Battalion, which was attached to the Second Division, I was captured in Honsfeld, Belgium at approximately 1000 hours on 17 December 1944. Immediately after capture I was marched to the rear, and that night was confined in a cellar in a small town not far inside Germany. I stayed here for two days and then was marched to a Stalag, the number of which I do not know, near Bonn, Germany. After remaining here until 26 December 1944, I was shipped by box car to Stalag IV-B at Muhlberg, Germany, arriving on 1 January 1945. On 12 January 1945 I was again moved by box car to Stalag VIII-A, at Gorlitz, Germany, arriving on 14 January 1945. On 14 February 1945 I started marching and marched almost continuously until I was liberated

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EX  
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EX 169  
S/28 SR  
A.B.  
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CLASSIFICATION CANCELLED  
 BY AUTHORITY HQ AFMTC S.F.E.T.  
 HQ AG 000.5 GBI-AGO, 27 June 1948  
 Jm

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J.E.B.  
REPORTER



000925

and all answers contained therein are true to the best of my knowledge and belief.

John M. Dluski, Sgt.  
John M. Dluski, Sgt.

Subscribed and sworn to before me this 25<sup>th</sup> day of September 1945.

Elizabeth W. Zitting  
NOTARY PUBLIC  
My Commission Expires Feb. 17, 1946

C E R T I F I C A T E

I, Norman A. Burgoon, Jr., Agent, Security Intelligence Corps, Third Service Command, certify that John M. Dluski, Sergeant, ASN 33418399 personally appeared before me on 18 September 1945 and testified concerning War Crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Place: Harrisburg, Pennsylvania Norman A. Burgoon, Jr.

Date: 25 Sept 45 Agent, Security Intelligence Corps

CLASSIFICATION CANCELED  
by authority of Ltr. Hq. U.S.F.E.T.  
file AG 000.5 (88) AGO 27 June 1946  
ORIGINAL  
Jm

EX 164  
7-27-46 SR  
J E E  
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**CONFIDENTIAL**

An investigation was held on 9 August 1945 at 1600 hours, at 612th TD Battalion, Nyrsko, Czechoslovakia, before Major Maurice J. McKeown, O-902553, AC, Investigator-Examiner, authorized by paragraph 16a, Special Orders 182, Headquarters United States Forces, European Theater, dated 2 July 1945 and letter Headquarters Third United States Army, Office of the Commanding General, file AG 092 - GNM0J, dated 2 August 1945, copies of which are hereto attached.

Staff Sergeant Vincent S. Haaland, 42029925, Court Reporter, was administered the following oath:

"You do solemnly swear faithfully to perform the duties of Reporter in the investigation now being conducted by me. So help you God."

Staff Sergeant Billy F. Wilson, 38049477, 612th Tank Destroyer Battalion, APO 230, U. S. Army, was called and administered the following oath:

"You do solemnly swear that the evidence you are about to give in the investigation now being conducted by me will be the truth, the whole truth, and nothing but the truth. So help you God."

**EXAMINATION**

- Q. What is your name?
- A. Sergeant Billy F. Wilson, serial number 38049477.
- Q. You are a Staff Sergeant are you not?
- A. Yes.
- Q. Where are you stationed at the present time sergeant?
- A. Nyrsko.
- Q. Czechoslovakia?
- A. Yes, sir.
- Q. What is your organization?
- A. Recon. company, 612th TD Battalion.
- Q. How long have you been with the 612th TD Battalion?
- A. About 3 years.
- Q. On or about December 17th 1944, where were you stationed?
- A. Honsfeld, Belgium (K-968991).
- Q. When did you first get into this town?
- A. It was around 3 o'clock in the morning.
- Q. And this was on the 17th of December?
- A. Yes, sir.
- Q. When you got into the town what did you do?
- A. The gun platoon moved into a couple of houses on the right side of the road going into town and a Recon Platoon of which I was a member moved into the house on the left side of the road.

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CLASSIFICATION CANCELLED  
**CONFIDENTIAL**  
file AG 0015 G8-AC-27 June 1960  
*Jim*

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1 -

*Encl. 10*  
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- Q. How long did you stay in this house?
- A. We stayed there until 10:00 to 10:30 in the morning.
- Q. While you were there, will you describe briefly what happened?
- A. First thing we knew tanks were coming through in convoy.
- Q. What time of the day was this?
- A. About 5:00 o'clock in the morning.
- Q. Continue?
- A. We thought they were our tanks at first and two enlisted men from the 18th Cavalry came into the house and told us their CP had just been over-run and about that time enemy infantrymen came down the road behind the tanks. We had a .50 caliber and .30 caliber machine gun and we opened up on them with that and with the small arms the men had. A large percentage of the infantrymen got through but we pinned some of them down and killed some others.
- Q. What was the next thing that happened?
- A. Well they spread out then and came up to the house to surround it,
- Q. Did they surround the house?
- A. Yes.
- Q. How great a time did the fighting continue?
- A. For about three hours.
- Q. What was the next thing that happened?
- A. They started firing direct fire from a tank at the house.
- Q. How far away from the house was this tank?
- A. Approximately 100 to 150 yards from the house, you could see the tank.
- Q. The house you refer to was the house that you were in?
- A. Yes, sir.
- Q. What kind of a tank was it, can you tell me?
- A. I think it was a Tiger tank. I know that the tank that came by the house with the advance party was a Tiger tank.
- Q. When the tanks started firing direct at the house what was the next thing that was done?
- A. Lieutenant Grandy ordered the men to cease firing and he and Private Cecil Mann carried a white flag out and surrendered.
- Q. Did you see Lieutenant Grandy and Private Mann go out of the house and surrender?
- A. Yes, sir.
- Q. Where did they go to?
- A. Well, they walked out of the house about five yards and a Jerry corporal came out from the ditch and was talking with the lieutenant.

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By Mr. Ho U.S.F.E.I.  
June 1946  
file AG 000 *Jm*

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~~CONFIDENTIAL~~

- Q. After that what happened?
- A. The lieutenant came into the house with the Jerry corporal and told us to come on out.
- Q. Did you go out?
- A. Yes, sir.
- Q. How many of you went outside?
- A. Approximately twenty of us.
- Q. Was that all of the men that were in the house?
- A. Yes, sir.
- Q. Prior to the time the lieutenant went outside to surrender had you seen anything happen in that vicinity?
- A. Yes, sir. I saw two men walk out of the house across the road with a white flag in their hand.
- Q. Did you see anything happen to those two men?
- A. They were about four or five yards from the house and they were shot.
- Q. Were you able to see who did the shooting?
- A. No, sir.
- Q. Did you say anything to Lieutenant Gandy about having seen these two men shot?
- A. Yes, sir.
- Q. What did you say to the lieutenant?
- A. I told him I didn't think it was any use for him to surrender for we would be killed anyway. He said he thought they would respect the Geneva Convention. I told him that I had seen the two boys shot across the street.
- Q. When you went outside of the house with the lieutenant to surrender, where did you go?
- A. All of us lined up in one rank with our faces toward the house about five or six yards in front of the house.
- Q. After you lined up, what then happened?
- A. Well, three more Germans walked up and two of them went on into the house and the other one just walked up and said something to the other Germans and then pulled up his gun by his side and started firing.
- Q. When the German fired did he hit any of the soldiers lined up?
- A. He hit Private Mann and Private John Crowell who were the first two on the end of the line.
- Q. Did you see whether or not Privates Mann and Crowell fell?
- A. Yes, sir. When I turned around I saw them fall.
- Q. What did you do after the German soldier fired at Privates Mann and Crowell?
- A. I turned around and ran across country for about a mile and got with a platoon of the 99th Infantry Division. I stayed with

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them until I got hit by artillery, which was about an hour later.

- Q. Do you know what the rank of the German soldier was that fired the gun which killed Privates Mann and Crowell?
- A. I wouldn't be sure but I believe it was a corporal.
- Q. Can you give me a description of him?
- A. He was nearly six foot tall. He was real tall. He had a thin face and black hair. He had on a Panzer Division uniform with black boots. It was a greyish blue uniform trimmed in red.
- Q. Did he have any markings on the sleeve?
- A. I didn't notice.
- Q. Can you estimate his weight?
- A. I don't believe he would weight over 150 or 160 pounds. He was real thin.
- Q. Could you tell what his complexion was?
- A. Dark complexion.
- Q. Did he have a moustache?
- A. No, sir.
- Q. Do you know whether or not he had any scars on his face or hands that you could see?
- A. No scars, that I could see.
- Q. How old would you say he was?
- A. twenty-four or twenty five.
- Q. Had these other Germans gotten into the house before he fired the shots?
- A. Yes, they had gotten into the house.
- Q. Were there any other vehicles near the house at the time of this shooting?
- A. Yes, a scout car with I believe eight Germans in it.
- Q. Could you tell whether or not any of the persons in the scout car were officers?
- A. No, sir. I couldn't.
- Q. The two who went into the house, could you tell what their rank was?
- A. I know one of them was a private, I don't know the other.
- Q. When you ran off, did any of them shoot at you, did you know?
- A. I was fired on from a machine gun in a scout car which was parked about fifty yards above the house.
- Q. Do you know what happened to the rest of the men who were standing in line with you at the time Mann and Crowell were shot?
- A. They were still standing there when I left and I heard Lieutenant Gandy holler something to the German.

CLASSIFICATION CANCELLED  
by authority of Lt. Hq. U.S.F.E.T.  
**CONFIDENTIAL**

000930

**CONFIDENTIAL**

- Q. Will you further describe the uniform worn by the German soldiers whom you saw on the road that day?
- A. The ones in the armored vehicles had on greyish blue pants and blouse trimmed in red and the foot troops all had on long black overcoats.
- Q. You stated before that the German who fired the shots had no marking on his sleeves, did he have any insignia of any kind on his shoulders?
- A. Yes, sir. I don't know what it was.
- Q. Can you describe it?
- A. No, I can not.
- Q. The two men that walked out of the house across the road from you with the white flag in their hand, do you know who they were or their names?
- A. I did not know them.
- Q. Do you know the name of this German who shot Privates Mann and Crowell?
- A. No.
- Q. Do you know the name of the organization to which this German belonged?
- A. No, sir.
- Q. Do you know the name or names of any other Americans who might know something about this shooting or atrocity?
- A. Sergeant Bernard J. Mallon; Lieutenant Gandy, Lawrence B; Sergeant Morris Woodall; Tec 5 James R. Glover; Tec 5 Henry H. Bonner; Pfc Ralph C. Farmer; Pfc Thomas O. Smith, Pfc Bethel C. Woods; Private Dock Albritton.
- Q. Do you know where these men are now?
- A. Yes, sir. They are in the States. I have had a letter from Glover, Woodall and Farmer recently.
- Q. Do you know where these men live?
- A. Yes, sir. Woodall lives in Cross City, Florida. Farmer lives about thirty miles away from Woodall. Glover lives in Springhope, North Carolina. They are still in the army.
- Q. Do you know of any other crime or atrocity which has been committed by any Germans?
- A. No, sir.

*Maurice J. McKeown*  
 MAURICE J. McKEOWN,  
 Major, AC,  
 Investigator-Examiner.

*Billy F. Wilson*  
 BILLY F. WILSON,  
 Staff Sergeant.

*Vincent S. Haaland*  
 VINCENT S. HAALAND,  
 Staff Sergeant,  
 County Reporter.

CLASSIFICATION CONTROL  
 by authority of Lit. Hq. U.S.F.E.T.  
 GPO: 1946

**CONFIDENTIAL**

000931

SECRET

SWORN STATEMENT OF T/5 CHARLES L. MORRIS, 35353487, Co. "B", 612th TD Bn., APO 230, U. S. Army.

My name, rank and organization is as follows: Charles L. Morris, 35353487, T/5, Company "B", 612th Tank Destroyer Battalion.

I went on guard about 0530 hours, 17 December 1944, in a driveway leading to the gun positions of my section in Honsfeld, Belgium (P9799). Some men from our reconnaissance platoon came by and told me that some Germans were down the road and coming our way. At about 0630 one tank came up the road along with several armored cars and due to the darkness I did not see that they were German vehicles until they were by the driveway. The vehicles were marked with large black crosses. I immediately ran into the house and alerted my section. We did not start firing because of orders to wait until daylight. Our positions were detected at daylight by the Germans and a fire fight began immediately. We knocked out one German tank and then started firing at German infantry attempting to surround us. In just a few minutes another German tank came up and fired at a house across the road which was occupied by a section of the first platoon. Then, men from both the first and second platoons came out on the road from the houses without any weapons and with their hands over their heads. They started moving down the road toward the tank with 1st Lt. Richard L. Chandler, O-1824135, Platoon Leader of the second platoon, leading the men. When Lt. Chandler was very close to the tank the German tank commander opened fire at the American soldiers with a machine pistol and a ground mounted machine gun in the basement of a house also opened fire on the Americans. I saw Lt. Chandler fall and also some of the men. The other men hit the ground to escape the fire. The German tank commander speaking in English asked the men to come in and surrender. When the men started toward the tank with their hands over their heads the German tank commander opened fire again. I do not believe any of these American soldiers escaped.

Some of the men who walked down the road with Lt. Chandler attempting to surrender are the following:

Pvt. Bradley, Corp. Henson, Pvt. Vickers.

After watching the shooting I went outside and hid in a wood pile all of that day. That night I went back toward our lines and found "C" Company of 2nd Infantry Division.

*Charles L Morris*

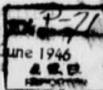
T/5 CHARLES L. MORRIS  
ASN 35353487

SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF FEBRUARY, 1945.

*Jack B. Day*

JACK B. DAY,  
Major, Infantry,  
Investigating Officer.

CLASSIFICATION CAN BE  
by authority of Ltr. Hq. G  
file AG 000.5 GBI-AGO, 27  
JUN 1946



148 EXHIBIT "B"

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EX  
71

000932

SECRET

SWORN STATEMENT OF PVT. ROMAYNE G. WHITE, 34501336, Company "B", 612th TD Bn., APO 230, U. S. Army.

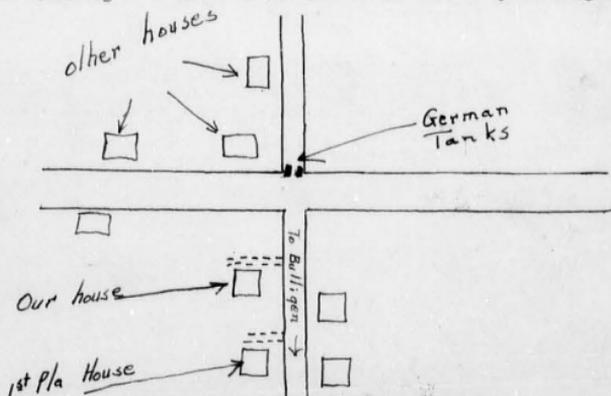
My name, rank and organization is as follows: Ronayne G. White, 34501336, Pvt., Company "B", 612th Tank Destroyer Battalion.

On the morning of 17 December 1944, my gun section was in position near a house in Honsfeld Belgium. I was sleeping inside of the house and I was awakened just as it was getting daylight. By the time I got dressed I heard some rifle fire and then the first German tank came up. One of our crews knocked out the German tank. I heard lots of small arms firing going on in the town but I was carrying ammunition upstairs to the machine gun we had mounted there. Then I went with Corporal Morris and I started firing a rifle out of one of the windows. About this time the second German tank arrived at the cross roads and started firing at the houses. Some of our men came out of the houses and hollered for us to stop firing as they were giving up. I saw them start walking down the road toward the German tank with their hands over their heads and with no weapons. When the largest part of this group arrived near the tank the German tank commander opened fire. Part of the men fell and some others ran into the house where we were. The tank commander spoke in English for the Americans to surrender and when they arrived close to the tank he opened fire again.

The following men were in the group that attempted to surrender:

Lt. Chandler, Pvt. Vickers, Pfc. Bradley, Pvt. Davis, Pfc. R. C. Johnson, Pfc. John B. Walker, T/5 Stegall and Pvt. Wayne Burpo.

The following is a sketch of the area to the best of my knowledge:



P  
EX  
72

CLASSIFICATION CAN  
by authority of EOC R-REF-0  
file AG 000.5 GBI-AGO, 27

1-72  
June 1946  
A B B  
RECORDED

P. E. P. P. V.  
J. S. I.

Cemetery *John*

149  
EXHIBIT "C"

000932

SECRET

SWORN STATEMENT OF PVT. WHITE (continued)

After watching the above I hid in a pile of wood with Corporal Morris and we could hear our men out in the roadway calling for help and I could hear them groaning. Late that afternoon a German tank convoy came by and I did not hear our men after that.

*Ronayne G. White*

PVT. RONAYNE G. WHITE,  
ASN 34501336

SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF FEBRUARY, 1945.

*Jack B. Day*

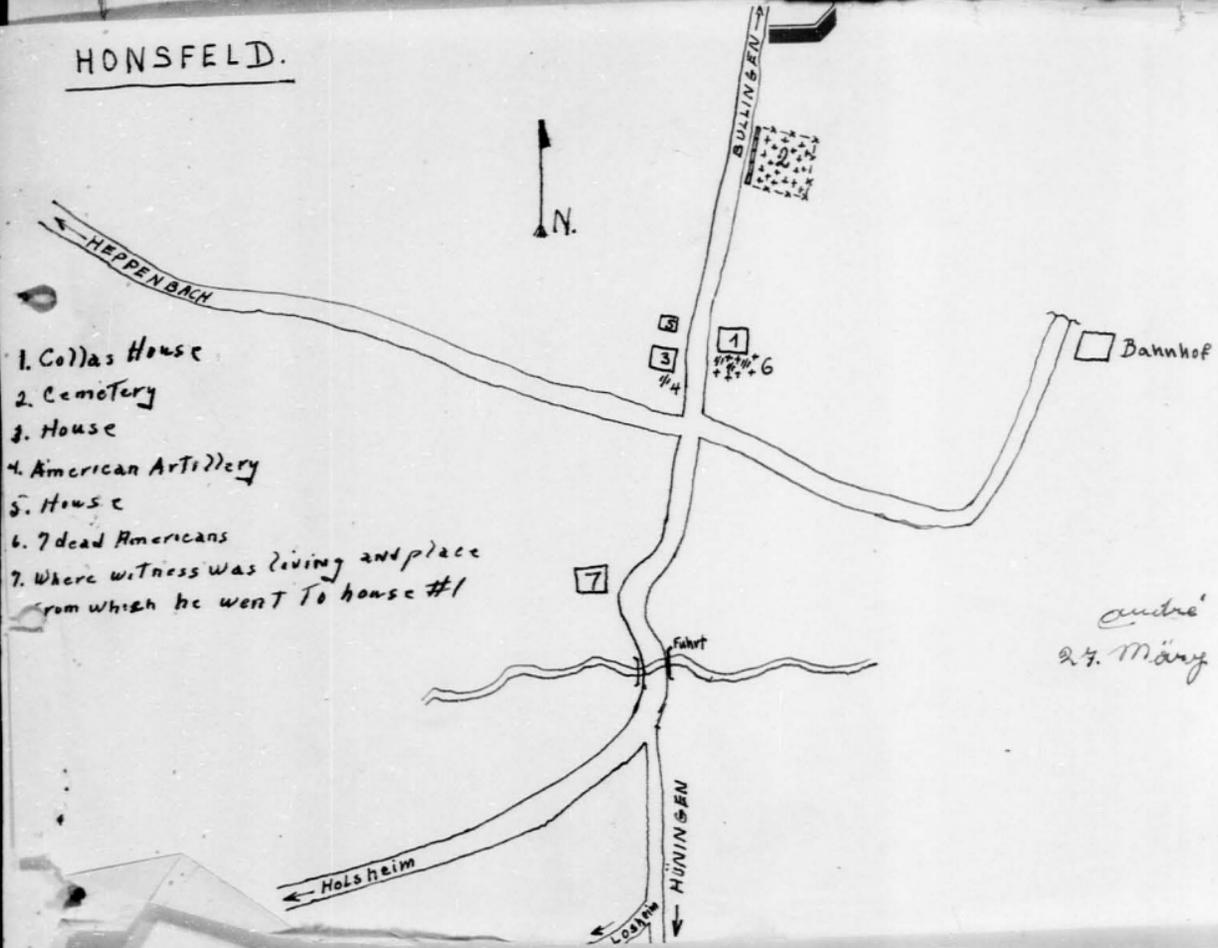
JACK B. DAY,  
Major, Infantry,  
Investigating Officer.

CLASSIFICATION CANCELLED  
by authority of Ltr. Hq. U.S.F.E.T.  
file AG 0003 CIR-AGO, 27 June 1946  
*mu*

150  
EXHIBIT "C"

69

HONSFELD.



André Broecker  
27. März 1946

EX. P. 13. 50  
J. E. E.  
CORPORATION  
SP



000935

23 May 56

Pres ex 74 sent to Mixed Board.

James E Johnson  
Lt Col JA5C

000936

MALMEDY

MILITARY GOVERNMENT COURT  
CASE RECORD.

Legal Form No. 8

PROS EXS NOS.  
56 thru 74-C

Case No. 6-24

Prosecutor LT COL BURTON F ELLIS

~~ISHERWOOD~~  
~~ISHERWOOD~~ Military Court.  
\*General

Defence Counsel COL WILLIS M EVERETTE, JR

Place DACHAU, GERMAY

Interpreter

Date 194

Reporter

Members of Court:

BRIG GENERAL JOSIAN T DALBEY

COL RAYMOND C CONDER

COL PAUL H WEILAND

COL A H ROSENFELD (LAW MEMBER)

COL JAMES G WATKINS

COL WILFRED H STEWARD

Accused VALENTIN BERSIN, ET AL

Address Sex Age

	First Charge	Second Charge
Pleas VALENTIN BERSIN, ET AL	Not guilty	
Findings		
Previous Convictions		

Sentence { Imprisonment { Term .....  
Beginning ..... 194

{ Fine { Amount  
To be paid before ..... 194  
or in case of default of payment to serve a \*further  
term of .....  
imprisonment.

Charge Sheet and Record of Testimony are annexed hereto.

(Signature of member of court.)

REVIEW

Action of Reviewing Authority

(Signature of reviewing authority)

\*Strike out words not applicable.  
756 OMCB Printshop

000936

Hf, Gortzstumpfen Georg <sup>44</sup> habe voran  
Vorherrschaftswort beides folgendes an:

1. Hinsicht der Befehl einsetzt im Dezember 1944  
und Januar 1945 war ich dem Dienstgrade von Ober-  
Hauptmann und Chef der 10. Kompanie III (gg.) 2. Pz. Gr. Kgl.  
L 447H.

1. Am 15. Dezember 1944 fand auf dem Festungsbau  
des III. (gg.) 2. Pz. Gr. Kgl. L 447H eine Sitzung aller Kompanie-  
mäxter der Dowl. Post. Der damalige Gortzstumpfen  
Hofst. Hauptmann, der zu dieser Zeit außer St. Abt. war  
sah die Post. Über die waren folgende Offiziere  
anwesend: Hauptmann Hofst. für die 9. Kompanie.  
Hf selbst für die 10. Kompanie. Oberstumpfen  
Gortzstumpfen für die 11. Kompanie. Gortzstumpfen  
Gortzstumpfen für die 12. Kompanie. Der Adjutant  
Dowl-Gring Flocker und möglicherweise noch der  
Adjutant Gortzstumpfen Lindermann.

F  
ex  
74

Bei dieser Sitzung sind auch Gortzstumpfen  
Hofst. eine Besprechung. In dieser Sitzung er  
für andere aus, dass außer Gortzstumpfen eine Stelle  
des Hauptmann und Hauptmann vorangehen.

Pras G  
#74 for led.

ALL



Hof<sup>10</sup> erforderte jedoch, dass Lütken meiner Kommando  
befohlen, das in seinem Auftrag meine Wille der Befehl.  
Komb. und der Kommando vorzubereiten müßte, und  
dass diese noch befohlen, das der feind. Wider-  
stand durch Kommando zu bringen ist. Hof sollte sofort  
befohlen: "Kampfbereitschaft werden keine gemacht."  
Hof sollte meine persönliche Mitteilung "B" sofortfertig, auf  
Wahlort in dem Ort festhalten, die Wahlort in meiner  
Kommando die Aufgabe sein. Die folgenden Bedeutungen:

1. = eigener Kommando.
2. = Kommando der Kommando.
3. = Richtungsanzeiger zum Btl. Inf. Ab.
- A. = Nord
- B. = Nordwest.

3. Am 14. Dezember 1944, als es ohne Fall zu werden  
begann, meiner Befehl noch zwischen 17.00 und  
18.00 Uhr, fuhr ich mit meiner Kommando auf  
eine Straße in der Nähe von "Billingen" und  
erhielt sofort von einem unserer Kommando LKW-  
Kolonne, die ich gegen meine Wille für ein-  
gesetzt war. Hof fuhr mit mir in einem SPW allein

und bog noch leicht in die Welt hinein, um  
 mich dem Feuer zu nähern. My fuhr zu dieser  
 Zeit nach vor meinem SPW's und rümpfte mich, ob  
 die anderen mich folgen. My bog dann noch weiter  
 2 meiner SPW's, die kroche weiter um mich vorzi-  
 fahre, bog aber in zu dieser Zeit bereits im Walde.  
 My kam dann wieder zurück die kroche hinein, um  
 meinen SPW's zu folgen und sie zu folgen. In  
 der Welt aber bald aufhörte und die roten Fährten  
 zu sehen waren, in denen ich zurückkam war=  
 mützte, fuhr <sup>in</sup> wieder tief in die Welt hinein.  
 In diesem Wald war blieb ich die jungen Tage bis  
 spät in die Nacht. In der frühen Konjunktionsstunden  
 diese Nacht, so wie in der frühen Konjunktionsstunden  
 der 17. Dezember, brachte mir mein Fanzoninstrügg-  
figer Nachforschiger Gezogen, günstig meiner  
amerikanische Tringstomengruppe, meine Flin-  
geroffine, er were nach ander Heidnoms oder  
Oberheidnoms. Dieser Tringstomengruppe Arteg,  
als er zu mir gebrach würde meine amerikanische  
Flingeroffine und meine Katzenaffe: so trug

Meiner Tochterbedingung und noch überaus schnell.  
 Ich warf sie mir wenig möglich und so gab ich  
 Kommande, warteten auf den Offizier zu verschaffen.  
 Ich habe jedoch nichts Antireffonantid wofür man könn-  
 man. Ich warolungen von ihm, dass er mit einem  
 Korridor gehen und er wartend mich. Dies meinen  
 Korridor wofür ich mein Oblet, meinen Korridor  
 und meinen Dienstpost. Somit ist mich wimmerte  
 noch er gegen 24 Jahre old. Ich bin ihre Tochter und  
 brot die, die wir alle zu dieser Zeit etwas erfahren.  
 Die höchste Hofmeisterin der selben Hof, es müß  
 gegen 16.00 <sup>G.P.</sup> Uhr gehen mich, als ich mich mit  
 2 meiner Kutsche mit ~~früher~~ <sup>G.P.</sup> mich auf Hof-  
 stütz zu gehen, fragte mich mein Kommandant  
 für den Kuchensprosser für den Bergfort, was  
 sollen wir mit dem Kommando tun. Ich ant-  
 werte: "Du müßten wir tun." <sup>G.P.</sup> &  
 diesen Auftrag wimmerte ich <sup>G.P.</sup>, weil mir kein Hof ge-  
 die Hofmeister für die Hof, meinen Hof  
 Morum. a) Ich müßte den Kommando mit mir  
 3 meiner Kutsche beim SPW zurücklassen.  
 b) Es befohlen die Kiste zu werden und ferner  
 befohlen ist, dass er mich verschaffen könn-



Das  
 Das sind die Notizen über das Gespräch mit  
 Frau Gering, das sie mir mitgebracht hat.  
 Sie sagte mir, sie hätte  
 die amerikanischen Finger gefunden, während  
 sie (Frau Gering) das und so hat, als ob sie mit dem  
 Geringe spielen und ihm die Finger gegenüber  
 aufhängen sollte das oder aufhängen sollte auf meine  
 Hand lag. Aufmerksam darauf fragte mich  
 Frau Gering über das Gespräch und ich habe  
 gesagt, die sie die amerikanischen Finger abgenommen  
 haben. Nach diesem Gespräch war die amerikanische  
 Finger gefunden, welche die Finger gefunden  
 sind ein goldener Ring. Ich habe Frau Gering  
 mit dem Ring und auch die Finger gefunden  
 geben. Als sie mir den Ring zeigte, sagte sie:  
 "Das könnte ich wenn ich könnte!" Die Frau  
 war mit mir zu Hause, die die Amerikaner sind  
 kleiner gewesen war als ich. Ich habe die  
 Frau deshalb noch in der selben Nacht von meiner  
 Familie länger gesprochen und sie hat dann  
 als ich war. Darauf folgendes Tage, am 18. d. J.  
 1944 in einem Gasthaus - Adt. in Chevenex

stark, habe ich die Geffichte mit dem Hingor  
 nachprüfungsweises erzählt, so wie ich sie hier be-  
 spreche, jedoch nicht so ausführlich.

Es ist mir wichtig, dass ich dem Fortzugsbericht  
 die Funktion erläutere, ich habe die im Hingor mit-  
 ander in Verbindung hergestellt, oder ich bin von  
 ihm oder so von mir unversehrt abgedruckt  
 worden und so (der Hingor) bin ich jetzt dieser  
 Abdruck hergestellt worden.

Die Auffassung des Hingors wurde vorher der-  
 ordig gedruckt, dass ich einen Übersetzer in  
 Wolke geistiggenügend hergestellt habe, als  
 es mich betrifft, um die Vorlage für meine  
 Ritterkönig zu stärken zu werden.

Diese Übersetzung der Vorlesung im Ritter-  
 Königreich war jedoch nicht von mir un-  
 losen worden.

Ich habe eine Zeichnung, C<sup>o</sup> Die Örtlichkeit  
 hergestellt, die nachher mein SW in der  
 Konferenzgeheimnisse des 17. Dezember stand.



000946

10

und am <sup>0.P.</sup> 24. September  
Befehlten. Ich war jedoch nicht mehr im Gefolge.

Ich habe diese Aussagen freiwillig und ohne  
jeglichen Zwang, Drohungen oder Forderungen und ohne  
Einfluss von Herabsetzung irgendwelcher  
Art.

Ich schwöre bei Gott, dass die Aussagen, die  
ich in dieser Aussage ausgegeben habe, wahr sind  
und ich bin bereit diese unter Eid vor jedem  
Gericht zu wiederholen.

WITNESSED:

Rafael Thumacke  
Lafg CMIP

Georg Hornig  
Grenzkommissar  
2. April 1946

Sworn to and subscribed to  
before me this second day of April  
1946 at Schwabach, Germany.

William R. Paul

1st Lt M.I. 0-555149

Investigator - Examiner War Crimes Branch USFSA

000946

TRANSLATOR'S AFFIDAVIT

I, George Miller assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Georg PREUSS

taken on 2 April 1946 at Schwäbisch Hall, Germany,

before WILLIAM R. PERL, 1st Lt., M.I.

consisting of 10 pages, into English, and 3 sketches

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. German is my native tongue.
2. I spent the first twenty years of my life in Germany and went to elementary and secondary school there.
3. I came to the United States in 1928.
4. I had two years of English in secondary school in Germany. My other knowledge of English has been derived from study by myself.
5. I have been married for the past six years to a British subject and speak English continually at home. My wife does not speak German.
6. I have been in the United States Army for the past 2-1/2 years, having been discharged in November 1945 and have been employed by the War Department as a German-English interpreter since January 1946.

*George Miller*  
George Miller

Sworn and subscribed to before me this 4<sup>th</sup> day of April 1946 at Schwäbisch Hall, Germany.

*Rudolph Schumacher*  
War Crimes Branch, USFET

*Capt. CAMP 73A*



*Pros by  
D 14 a for*

162

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000950

I, Hauptsturmfuehrer Georg FIESS, being duly sworn state the following:

During the EIFEL offensive in December 1944 and January 1945 I held the rank of Obersturmfuehrer and was commander of the 10th Company III(Armored) 2 Pz Gr. Rgt. ISSAH.

1. On the 15th December 1944, a conference of all company commanders of the battalion took place at the command post of the III(Armored) 2 Pz Gr Rgt ISSAH.

The then Hauptsturmfuehrer Josef DIEFENTHAL who at that time was our battalion commander presided. Furthermore the following officers were present; Untersturmf Max LEINE for the 9th Company; I, myself for the 10th company; Obersturmfuehrer Heinz THOMHARDT for the 11th Company; Hauptscharf Joachim THIELE for the 12th Company; the Adjutant Karl Heinz FLACKE and possibly also the Ordnance Officer Untersturmfuehrer KILBERMANN.

At this meeting Hauptsturmfuehrer DIEFENTHAL delivered us a speech. In this amongst other things he expounded that a wave of fear and terror must precede our troops and that the resistance of the enemy had to be broken by terror. I don't know if these were the exact words but this was the meaning, that the resistance of the enemy had to be broken by terror. Further Hauptsturmfuehrer DIEFENTHAL declared "Prisoners of war are not being taken".

I have prepared a sketch "A" on which I picture the gardner's house in which the conference with Hauptsturmfuehrer DIEFENTHAL took place.

The numerals on this sketch indicate:

- 1. Seat of Hauptsturmfuehrer DIEFENTHAL
- 2. Seat of Obersturmfuehrer FIESS
- 3. Presumably seat of Unterstuf. LEINE
- 4. Seat of Obersturmfuehrer THOMHARDT
- 5. Seat of Hauptscharf. THIELE
- A. Bench
- B. Table
- C. Chair

That's how the order of seating is still in my memory so far.

2. In the night of the same day therewith in the night from the 15th to 16th December 1944, to my estimation it was about midnight, I myself assembled my company for a company lecture in the woods which bordered on the Battalion C.P. At this I ordered the men of my company that a wave of fear and terror had to precede our troops and ordered them in a sense that the resistance of the enemy had to be broken by terror, according to the order I had received myself from Hauptsturmfuehrer DIEFENTHAL. Furthermore I ordered "No prisoners of war are being taken".

I have prepared a second sketch "B" on which I have put the place at which I delivered the speech to my company. The numerals indicate:

- 1. Spot where I stood
- 2. Place where the company was
- 3. Direction arrow to the Battalion C.P.
- A. Woods
- B. Forest paths



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000951

3. On the 17th December 1944 just about at day-break in my estimation between 0700 and 0800 hours, I rode with my company on the street near "BUELLAIREN" and received fire from an American truck column which I had gotten into against my will. I only rode alone with my SPW and turned to the left into the woods to withdraw from the fire. At that time I rode far ahead of my SPW's and didn't know if the others followed me; then I saw later down the street two of my SPW's pass me. However, at that time I was already in the woods. Then I came up again to the road to follow my SPW's and to stop them, but as the woods soon came to an end and the first houses were to be seen in which I expected Americans, I drove again to the right into the woods. I remained in these woods the whole day until late into the night. In the early afternoon hours of this day therewith in the early afternoon hours of 17 December my company troop leader Unterscharfuhrer Gunter BERGHAUS brought me an American prisoner of war, A flight officer; he was either second or first lieutenant.

This prisoner of war when he was brought to me wore American Aviator's trousers and a leather jacket. He wore no headgear and was unarmed. I understand a little English and as well as I could I tried to interrogate the officer, but I could not find out anything of interest. I asked of him to show me his papers and he understood me. Out of his papers I learned his age, his name and his rank. He was about 24 years old as far as I can recall. I offered him coffee and bread as we were all eating something at that time. In the late afternoon of the same day it must have been about 1600 hours when I left with two of my men to go on reconnaissance, my company troop leader Unterscharfuhrer Gunter BERGHAUS asked me what we should do with the prisoner. I replied "We must bump him off". I did not give this order because I liked his trousers.

The reasons for my order for this were: a) I had to leave the prisoner behind at my SPW with only three of my men, b) it started to get dark and furthermore I feared that he could betray us if American patrols or Belgian civilians came near us.

After I had given Unterscharfuhrer BERGHAUS this order I left to reconnoitre. It was already about 1900 or 2000 hours when I came back. I didn't go any more all the way to the place from where I had left but went at once into a house on the road about 400 meters or 500 meters away from the location of my SPW.

Unterscharfuhrer HEY, one of the two men who had been with me on reconnaissance I sent to the SPW to bring the SPW up to the house. At that time it was clear to me that no danger existed any longer at this location. Several minutes later BERGHAUS came driving up with the rest of the crew. At this occasion right when BERGHAUS arrived I asked him where the flyer was. BERGHAUS answered: "I have shot the flyer". I asked BERGHAUS how he had shot him. Unterscharfuhrer BERGHAUS replied "with shots in the head." I know that out of the words of Unterscharfuhrer BERGHAUS followed that he had killed the flyer with several shots in the head. He told me he had shot the American flyer while he (BERGHAUS) sat pretending playing with the rifle, and the flyer sat unsuspectingly or lay unsuspectingly on a blanket. Correspondingly Unterscharfuhrer BERGHAUS showed me several objects which he had taken off the dead flyer. Amongst these things were the American flyer's trousers which the flyer had worn, and a golden wedding ring. I ordered BERGHAUS to give me the wedding ring and also the flyer's trousers. As he handed me the wedding ring I said "I need this one when I am getting married." The trousers were too short for me as the American flyer was much shorter than I. Therefore, I had a civilian that same night yet lengthen them and then put them on.

EXP 7/A  
JCS  
SECRET

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When on the following day, on the 18th December 1944, I met my battalion commander in "CIENEUX" -I related the story with the flyer truthfully to him as I described it herein. However, not as explicitly.

It is not correct that I told Hauptsturmfuehrer DIEFENTHAL that I shot this flyer either in a duel or that I was unexpectedly attacked by him, or he by me, and he (the flyer) had been shot in the course of this attack.

The shooting of this flyer was later misrepresented in such a manner that I had the presence of mind to shoot an American when he attacked me, to make the proposal for my Ritterkreuz more attractive.

These misrepresentations of the facts in the proposal for the Ritterkreuz were, however, not instigated by me.

I have prepared a sketch "C" of the area where my SFW stood in the afternoon hours of 17 December.

The numerals on this sketch indicate:

1. Location of the Observation post.
2. Location of the American.
3. Location of the guard.
4. Location of Unterscharfuehrer BERGHAUS as I gave him the order to shoot the flyer.
5. My location as I gave BERGHAUS the order.
  - a. Thick woods of young trees.
  - b. Sparsely growing fir tree wood.
  - c. Group of houses.
  - d. Road.

4. I have been asked if I had ever commanded the 11th Company in the EIFEL offensive. To that I state: From the early morning hours of 22 December 1944 on, besides my own company, also the 11th Company, 2nd Pz Gr Rgt. LSSAH was under my command as not only no officers but also no able Unterfuehrer of the 11th Company were on hand.

I then retained this position (provisional leader of the 11th Company) until the end of my presence in the EIFEL offensive, that is until January 6th 1945. However, after the 24th December I was not any longer in the offensive.

I have put down the statement voluntarily and out of my own free will, uninfluenced by force, threats, or harsh treatment, and uninfluenced by promises of any kind.

I swear before God that the facts stated in this statement are true and I am prepared to repeat them under oath before any court.

(signed) Georg FREUSS  
Hauptsturmfuehrer  
2 April 1946.

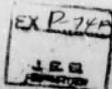
Witnessed  
RAPHAEL SHUMACKER  
CAPT. GMP

Sworn to and subscribed before me this second day of April 1946: at Schwabisch Hall, Germany.

WILLIAM R HERL.

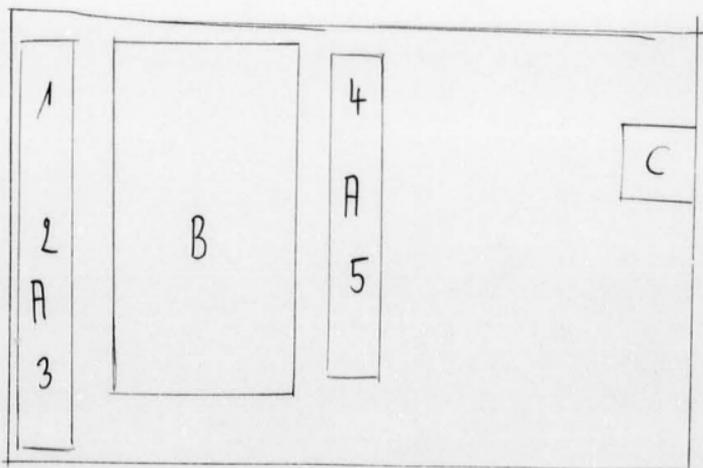
1st Lt. M.I. G-555149

Investigator-Examiner, War Crimes Branch, USFET.



A

Запросовед дес III (гг) Л.И.А.Н.  
от 15.12.1944

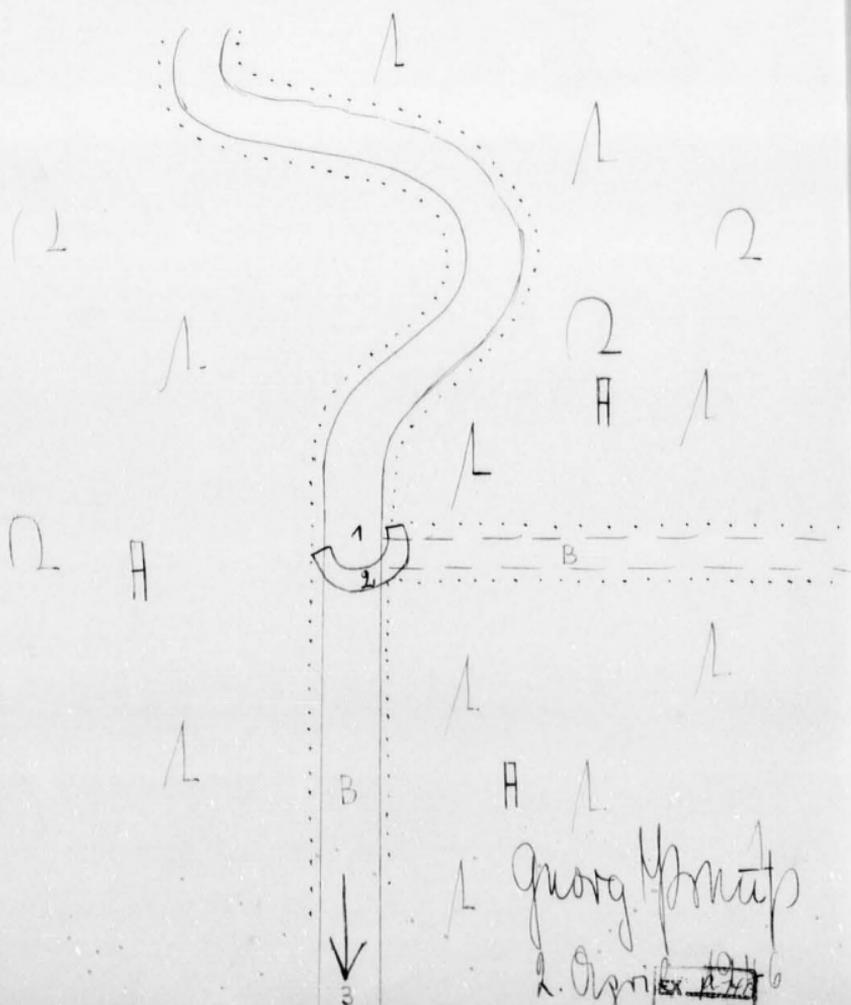


Георгий Попов  
2. April 1946

EX 274  
JEG

B

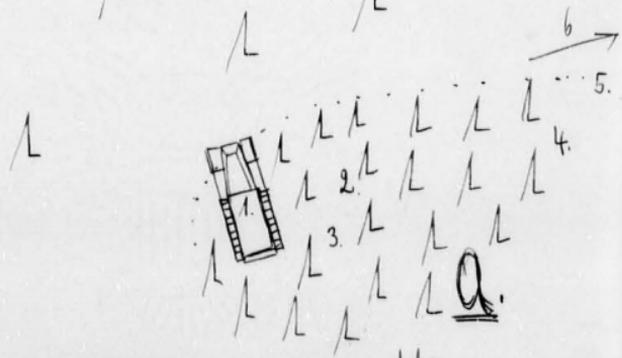
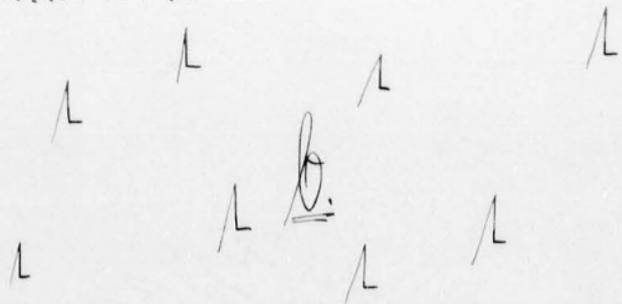
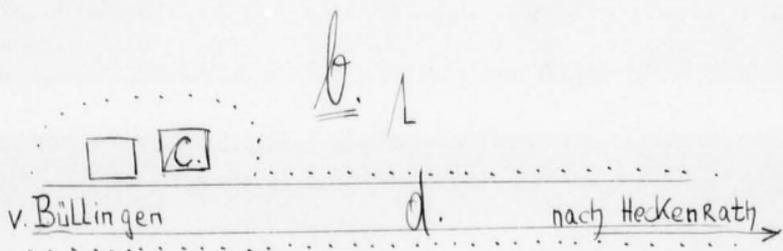
Wander der Kongoriver bei  
meiner Aufprufe am 15. Dez.  
1944 gegen Mitternacht.



George Yonius  
2. April 1946



"Möglichkeit, um das am 17. Dez. 1944  
meine S.P.W. foud.



Georg Forst  
1. Dez. 1946



000956



I, Georg Preuss, being first duly sworn, make the following statement under oath:  
 Ich Georg Preuss, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Hauptsturmführer Josef Diefenthal mentioned by me in my affidavit, dated 2 April 1946.

Die obigen zwei Photographien sind Photographien desselbigen Hauptsturmführer Josef Diefenthal von mir in meiner eidesstattlichen Aussage genannt, datiert 2. April 1946.

Georg Preuss  
 First Name (Vorname) Last Name (Zuname)  
Hauptsturmführer  
 Rank (Dienstgrad)  
10. / III (sp.) 2. Inf. Rgt  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 14th day of April, 1946.

Robert E. Byrne  
 Officer administering oath  
1st Lt JABD  
 Rank Arm or Service

EX-7-B  
 JEB  
 5/29  
 85

000957



I, Georg PREUSS, being first duly sworn, make the following statement under oath:  
 Ich GEORG PREUSS nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Obersturmführer Heinz Tomhardt mentioned by me in my affidavit, dated 2 April 1946...

Die obigen zwei Photographien sind Photographien desselbigen Obersturmführer Heinz Tomhardt von mir in meiner eidesstattlichen Aussage genannt, datiert 2. April 1946.

Georg Preuss  
 First Name (Vorname) Last Name (Zuname)  
14. Grenadier Infanterie  
 Rank (Dienstgrad)  
10. (Inf) Div. 2. B. fr. Bpt.  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 14th day of April, 1946.

[Signature]  
 Officer administering oath  
Walter J. G. D.  
 Rank Arm or Service

EX 74-05129  
 SER  
 JEB  
 17 APR 1946





Es sey zu bemerken daß, daß wir mit uns  
Kommen sollte, bei 8 Gefangenen kann zu verfahren.

Es sey auch von dem Namen wegen, nachdem wir sind  
ausgefallen. Und hier sind die Namen, welche in  
die Liste eingetragen sind. Die Namen sind die Namen  
von den Gefangenen, welche in die Liste eingetragen  
sind. Die Namen sind die Namen von den Gefangenen,  
welche in die Liste eingetragen sind. Die Namen sind  
die Namen von den Gefangenen, welche in die Liste  
eingetragen sind.

Die Namen sind die Namen von den Gefangenen,  
welche in die Liste eingetragen sind. Die Namen sind  
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eingetragen sind.

Die Namen sind die Namen von den Gefangenen,  
welche in die Liste eingetragen sind. Die Namen sind  
die Namen von den Gefangenen, welche in die Liste  
eingetragen sind.

Es habe dem zuerst den ersten unvollkommenen  
 Einseitigkeit mit mancher Kiste aus man  
 Entfernung von jeder 20 cm in den Punkten aufstellen.  
 Im Anschluss nach zweifelhafte. Es sei aus der  
 Entfernung, die er musste, daß er in den Punkten aufstellen  
 nur, nicht er einige aufstellen muß werden. Dann verfuhr  
 er auf die gleiche Weise wieder mit mancher Kiste  
 und man Entfernung von jeder 20 cm den zweiten  
 unvollkommenen Einseitigkeit. Es verfuhr er mit  
 Grundriß von jedem, da es man mancher Grundriß  
 in den Punkten aufstellen muß, daß sich die übrige  
 Teil ist, Man kann sie aufstellen.

Es habe im folgenden 4 oder 5 dieser unvollkommenen  
 Einseitigkeit auf diese Weise sollte mit mancher  
 Kiste aufstellen und gelöst, in anderen manchen  
 von manchem Kiste man der L. B. von Entfernung  
 in mancher Entfernung aufstellen. Abstand in Fuß,  
 daß auf Kiste, und mancher ist 4 oder 5 aufstellen sollte,  
 wenn die anderen beiden auf Kiste aufstellen werden.

Abstand in diese Entfernung aufstellen sollte, ging  
 in die Kiste nach gegen Abstände mancher mancher  
 Entfernung von 50 m entfernt, da dort nach Entfernung  
 Punkte in die in die man mancher mußte. In  
 dieser Halle, alle diese 50 m nicht von der Halle,  
 in der in die man mancher Kiste die Entfernung  
 aufstellen sollte, Punkte mancher 8 Entfernung  
 Es glückte, daß aus man Abstände mancher man.  
 diese Entfernung sollte in die in die die die die die  
 sollte man die gelöst, wenn man die man man,  
 das man man man Entfernung man man man man man man

die 8 Gefangenen, die in die Gabel kamen, wurden mit  
meinen anderen Kameraden unsern Kameraden Ein-  
gefangenen gemeinsam nach dort, als ich am 18. September  
1944 gegen die Gabel kam.

Die Gabel war oben aus mit beschriebenen und von  
mir beschriebenen Gefangenen in der Küche und firdig  
von Engelbrecht hier in einer kleinen Kammer und  
über die in einer kleinen Kammer. Ich wurde  
für alle Stunden hier. Die Stunden waren aus  
und immer erfüllt. Auf dem Kopf hier in, zum  
Austausch, nach einem Monat, von kleinen  
müde. Ich hier sehr kleine Arbeit. Ich wurde  
mit einer kleinen Arbeit, die mir eine kleine  
hier.

Ich habe zum letzten Mal den 13. meine Arbeit  
1 Tage 2 Gefangenen versorgt. Auf der mit A. beginnend  
habe ich einen allgemeinen Überblick über die Gefangenen  
nach Engelbrecht gegeben. die Gefangenen sind:

- 1 Leib, an dem ich die Gefangenen zählte 10,
- 2 Gabel 3 die andere Gabel 4 abgefallene Koffer
- 5 abgefallene S. P. H. 6 S. P. H. von Kameraden hier
- 7 S. P. H. von Kameraden hier 8 hier die Kameraden
- 9 Gefangenen 9 die die Gefangenen 10 firdig
- 11 Kameraden Gefangene 12 8 Gefangene,
- die mir von Kameraden Kameraden übergeben wurden
- 13 Kameraden von Kameraden Kameraden
- 14 die Kameraden.

Auf der Gefangenen B habe ich einen Überblick über die  
Gefangenen A beschriebenen Überblick gegeben, in  
einer kleinen Kammer, an dem ich die Gefangenen zählte 10, in  
einer kleinen Kammer, von der ich gemeinsam mit Kameraden

Kuß maß. in Erklärung hierzu ist:

- 1 Land an dem in der Erklärung zu 1 ist
- 2 der Ruffen B ein anderer Jun 4 abgefallener Panzer
- 5 abgefallener S.P.W. 6 S.P.W. von Wint. 4 S.P.W.  
auf dem Rhein. Kuß 8 und der Ruffen 9 für Maß
- 10 Krieg der Befehls.

Ich habe diese Aufträge freiwillig und aus meinem Willen abgelegt, unbeeinträchtigt von Zwang, Drohungen, Gehorsam, Sanktionen unbeeinträchtigt von Anfechtungen. Ich habe keine andere Wahl.

Ich schwöre bei Gott, daß diese Aufträge nicht ist, um in der Zukunft für meine Zeit oder andere Zwecke zu werden.

WITNESSED:

Joseph Thumacher  
Capt. CMP

Paul Lohmann  
44. Hauptgeschwader  
29. März 1946

Sworn to and subscribed to  
before me this twenty-ninth day of  
March 1946 at Schwabach - Hall, Germany.

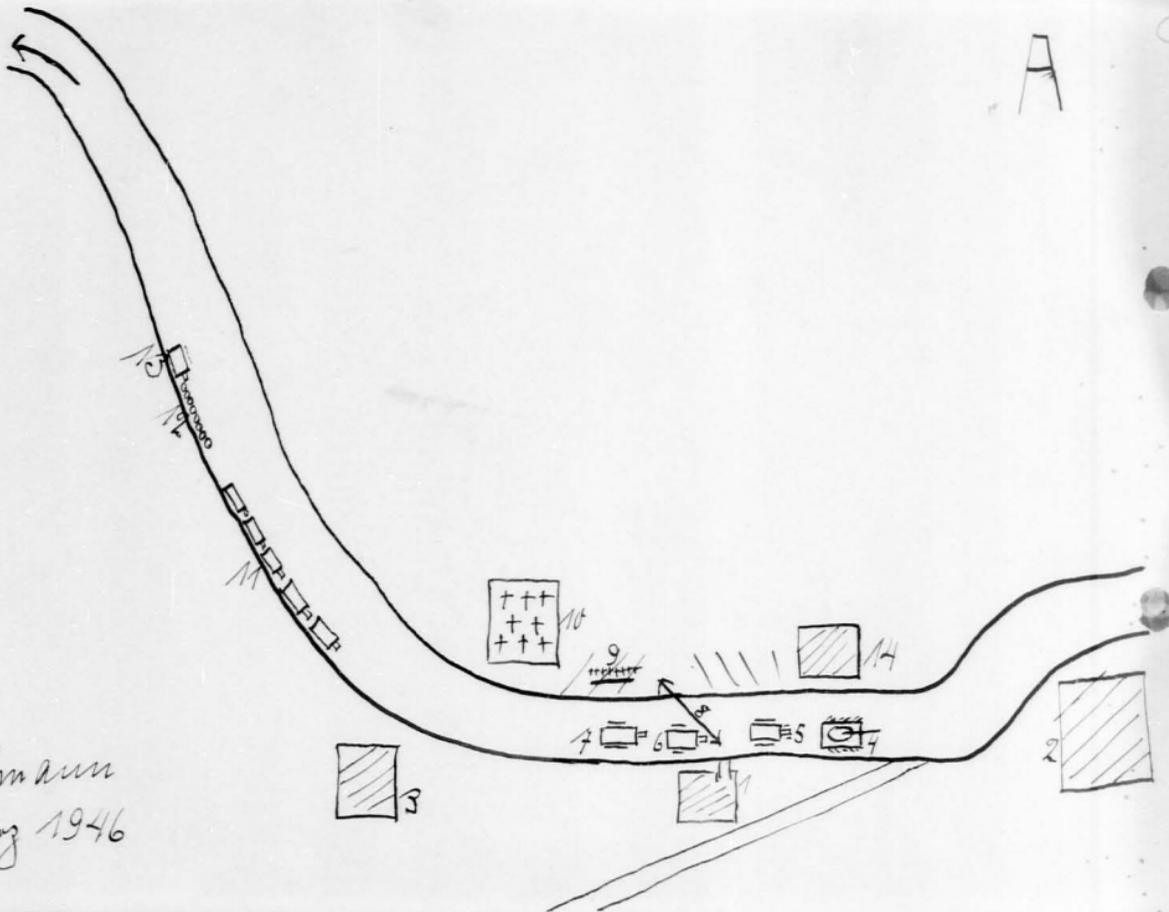
William R. Paul  
107 Lt. M.I. O-55149  
Investigator - Examiner  
W. C. B. Hest.

Nach Malmedy

01

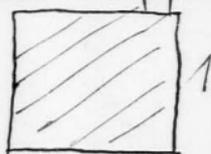
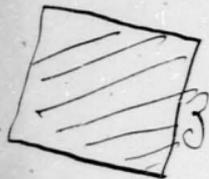
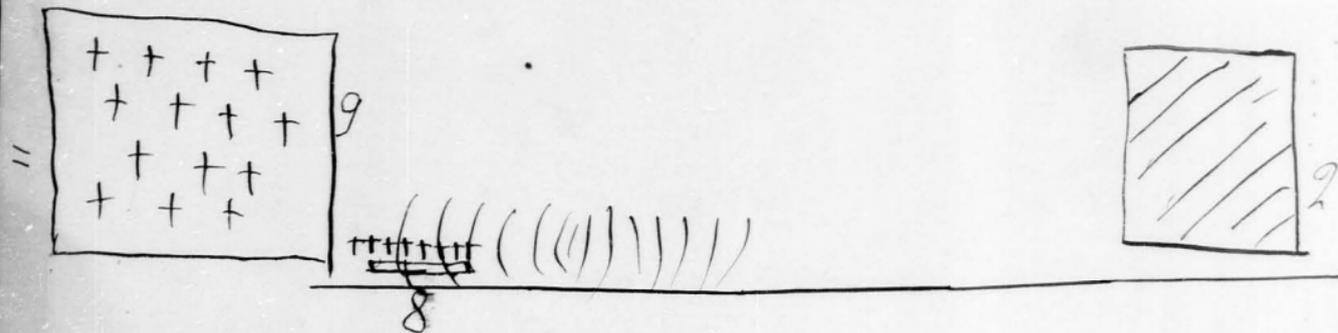
(10)

A



Paul Szymanski  
29. März 1946

996606



Prüf. d. J. m. a. n. n.  
29. März 1946

000971

# TRANSLATOR'S AFFIDAVIT

I, PAUL REITZER assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Paul OCHMANN

taken on 29 March 1946 at Schwäbisch Hall, Germany.

before WILLIAM R. PERL, 1st Lt., M. I.

consisting of 6 pages, into English.  
and 2 sketches

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I have spoken English for seven years.
3. I studied English for four years at school in VIENNA, Austria.
4. I lived in England from 1939-1940.
5. I lived in the United States from 1940 until I left the United States with the American Army in May 1944.
6. Since the 4th of February 1946, I served as interpreter with the War Crimes Branch in Wiesbaden, Germany.

*Paul Reitzer*  
Paul Reitzer

Sworn and subscribed to before me this 3rd day of April 1946 at Schwäbisch Hall, Germany.

*Raphael Schmader*  
War Crimes Branch, USFT  
Capt. CMF



F  
E  
75A

17

000972

I, Hauptscharfuhrer Paul OCHMANN, being duly sworn, make the following statements.

During the EIFEL Offensive in December 1944 and January 1945, I had at that time the rank of Oberscharfuhrer and belonged to Headquarters Company of the 1st Battalion, 1st SS Panzer Regiment, "LSSAH."

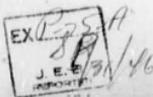
On the evening of the 15th December 1944, Untersturmfuhrer Heinz BUCHHEIM of my company delivered a speech to our Company, to those members of Headquarters Company of the 1st Battalion, who participated in the EIFEL offensive. In this speech Untersturmfuhrer BUCHHEIM pointed out, among other things, that the offensive ahead would be decisive. He also said that we should not take prisoners on account of the importance of the offensive as we did not have sufficient men to guard them.

On the 17th December 1944 - it was just starting to get dark - I saw, near the village entrance in ENGELSDORF, about 8 American prisoners of war standing on the right side of the road in front of a house. All these prisoners wore American uniforms; however, they did not have steel helmets on any longer. Their hands were either clasped behind the neck, or raised above the head.

Whether these prisoners stood in front of the driveway to a garage I cannot tell any longer. When I saw these prisoners, I went to an SPW, standing in the immediate vicinity of the house, in which sat Untersturmfuhrer HERING, Platoon Leader of the 9th Pz. Pi. Company. When I saw the prisoners, I remembered that immediately before departing from ENGELSDORF, Sturmabfuhrer FORTSCHKE shouted something to me which I could not make out. When I saw the prisoners, the shout of Sturmabfuhrer FORTSCHKE, (which possibly could have meant that prisoners of war must be bumped off) occurred to me. I also recalled that Untersturmfuhrer BUCHHEIM said two days previously that we should not take any prisoners. Moreover, I was in a bad mood because I received from Untersturmfuhrer Kurt KRAMI, one hour before, the order to remain in ENGELSDORF to guard about 30 American vehicles captured in ENGELSDORF, as well as 8 American prisoners of war. These 8 prisoners of war, however, are not identical with those I saw at the village entrance and shot at the cemetery. The 8 prisoners which I received from Untersturmfuhrer KRAMI waited farther north of the village entrance; they were still there during the time when I shot the prisoners who I found at the village entrance.

For these reasons I went to Untersturmfuhrer HERING and said to him, "Here are 8 prisoners, they should be shot, I need another man!" I know exactly that these were my words, I did not specifically mention Sturmabfuhrer FORTSCHKE or an order of Sturmabfuhrer FORTSCHKE as reason for this shooting. To this, Untersturmfuhrer HERING told me that I should go to the next vehicle, Sturmman SUSS should go with me.

Whether Untersturmfuhrer HERING hereby said something about target practice I do not know any longer. I only know that he nominated SUSS as my aid for this shooting.



000973

Thereupon I went to the SPW which stood behind the SPW of Untersturmfuehrer HERING and asked for Sturmann SUESS. I said to Sturmann SUESS he should come with me, the 8 prisoners were to be shot.

SUESS stepped from his vehicle after having previously taken a weapon from the vehicle. I no longer know what kind of weapon it was. Together with SUESS I led the prisoners past the SPW of Untersturmfuehrer HERING over to the other side of the road. I cannot tell any longer exactly how far I led the prisoner but it was hardly more than 100 meters, possibly even less.

Thereby I again went back a short distance on the road on which we came, therefore north in the direction towards MALMEDY.

In the vicinity of the cemetery at a place where the terrain descends on the right of the street, I stopped the prisoners, who were marching one behind the other. (If I now say "right", I mean right as one goes in the direction towards MALMEDY). I formed them right at the edge of the road for I selected this location intentionally because there the bodies could drop right down the steep terrain without lying in our way.

I then indicated to the prisoners with my hand that they should place themselves with their backs towards me and therefore with the face towards the slope, as I intended to kill them by a shot in the neck and I know that by a shot in the neck the victim falls forward.

Thereupon, I first shot the first American prisoner of war into the neck from a distance of about 20 cm. The American was doubtlessly dead. From the motion he made I saw that he was hit in the neck and he fell forward, hit. Then again with my pistol I shot the second American prisoner of war in the same manner from a distance of about 20 cm. I shot him with a shot into the neck from the rear because I know from my service with the 'Totenkopf einheit' that this is the customary way to shoot people.

Alltold, I myself shot and killed with my pistol in this manner 4 or 5 of these American prisoners of war. The others were shot in my presence by Sturmann SUESS of the 9th Pz. Pioneer Co. While I shot, SUESS also shot and after I shot 4 or 5, the others were already shot by SUESS. After I shot these prisoners, I walked on along the road towards MALMEDY, in my estimation about 500 meters because there were vehicles which I still had to mind. At this locality, therefore, about 500 meters north of the place where I and Sturmann SUESS shot the prisoners, stood another 8 prisoners of war. I believe that an officer was also among them. I brought these prisoners into a hotel located in the village because I was of the opinion that enough prisoners of war were already bumped off. These 8 prisoners whom I brought to the hotel were still together with some other wounded American prisoners of war when I left the hotel around noon on the 18th December 1944.

EX-125-P  
SR  
J. E. S. 1/46  
INFO

At the time of the shooting described by me above and executed by me in the vicinity of the cemetery of ENNELSDORF, I wore a black uniform and over it a long gray-green all-purpose coat. This coat was made of cloth and lined inside. On the head I wore different from the gray coat, a black visor cap. I wore high black boots. I was armed with a pistol which was attached to the belt.

For a better understanding of my statement, I prepared 2 drawings. On the one marked "A" I drew the general layout of the entrance to ENNELSDORF. On the legend is meant: 1 House at which I first saw the prisoners of war; 2 hotel; 3 another house; 4 knocked-out Panther; 5 knocked out SPW; 6 SPW of Untersturmfuehrer HERING; 7 SPW of Sturmann SUSS; 8 Route of the American prisoners of war; 9 place of the shooting; 10 cemetery; 11 American vehicles; 12, 8 prisoners of war which were turned over to me by Untersturmfuehrer KRAMM; 13 amphibious vehicle of Sturmann WALLA; 14 a cafe.

On drawing "B" I drew a portion of the locality shown in drawing "A", the place where I first saw the prisoners and also the location where I together with Sturmann SUSS shot the prisoners. The explanation thereto: 1 House at which I first saw the prisoners; 2 a cafe; 3 another house; 4 knocked-out Panther; 5 knocked-out SPW; 6 SPW of Untersturmfuehrer HERING; 7 SPW in which Sturmann SUSS rode; 8 location of shooting; 9 cemetery; 10 route of prisoners.

I made this statement voluntarily and of my own will, uninfluenced from duress, threats and harsh treatment, as well as uninfluenced from promises of any kind.

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

(signed) Paul OCHMANN  
SS Hauptscharfuehrer  
29 March 1946

Witnessed:

(signed) Raphael Snamacker  
Capt GMP

Sworn to and subscribed to before me  
this, twenty-ninth day of March 1946 at  
SCHWABISCH HALL, GERMANY

(signed) WILLIAM R. PERL  
1st Lt M.I. O-555149  
Investigator-Examiner  
W.C.B. USFET

000975

EXTRACT OF LEGENDS FROM STATEMENT OF

Paul OCHMANN

Dated 29 March 1946

\* \* \* \*

\* \* \* \* \*

For a better understanding of my statement, I prepared 2 drawings. On the one marked "A" I drew the general layout of the entrance to ENGELSDORF. On the legend is meant; 1 House at which I first saw the prisoners of war; 2 hotel; 3 another house; 4 knocked-out Panther; 5 knocked out SPW; 6 SPW of Untersturmfuehrer HERING; 7 SPW of Sturmmann SUESS; 8 Route of the American prisoners of war; 9 place of the shooting; 10 cemetery; 11 American vehicles; 12, 8 prisoners of war which were turned over to me by Untersturmfuehrer KRAMM; 13 amphibious vehicle of Sturmmann WALLA; 14 a cafe.

On drawing "B" I drew a portion of the locality shown in drawing "A", the place where I first saw the prisoners and also the location where I together with Sturmmann SUESS shot the prisoners. The explanation thereto: 1 House at which I first saw the prisoners; 2 a cafe; 3 another house; 4 knocked-out Panther; 5 knocked-out SPW; 6 SPW of Untersturmfuehrer HERING; 7 SPW in which Sturmmann SUESS rode; 8 location of shooting; 9 cemetery; 10 route of prisoners.

\* \* \* \*

2nd and 3rd paragraphs on page 3.

16

EX R. 759  
SP  
J. E. B.  
3/1/46

000976



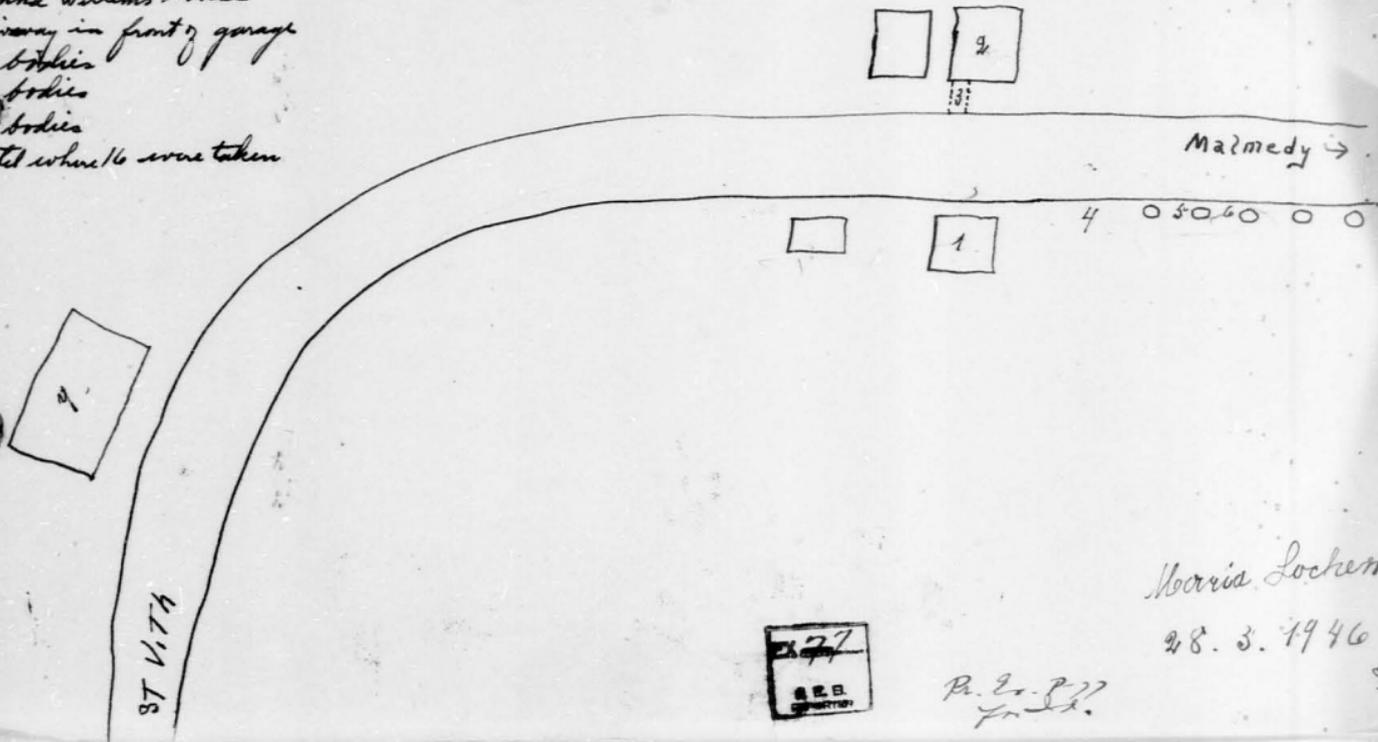
P  
EN  
76

P 76

Ligneuville

AN

- 1. Maria Locken House
- 2. Anna Willem's House
- 3. Driveway in front of garage
- 4. 3 bodies
- 5. 1 body
- 6. 3 bodies
- 7. Hotel where 16 were taken



Maria Locken  
28. 3. 1946

P. 2. P??  
L. L.

