

MILITARY GOVERNMENT COURT

CASE RECORD

VOLUME XXXIII

PAGES 2713- 2808

CASE NO. BUCHENWALD

PROSECUTOR MR. WILLIAM DENSON

\* ~~EXHIBIT~~  
INTERMEDIATE MILITARY COURT  
GENERAL

DEFENSE COUNSEL MAJ. CARL WHITNEY

INTERPRETERS Rudolf Nathanson  
Herbert Rosenstock

PLACE DACHAU, GERMANY

REPORTERS Fred Stecker

DATE 11 June 194 7

~~James Butler~~

John G. McDonald

Joseph B. Papoun

Beatrice Bushnell

Paula Silverman

William F. Jones

FERDINAND ROEMHILD

KONRAD MORGEN

MARGARETE MARKWALDT

KARL MARKWALDT

ACCUSED JOSIAS PRINCE ZU WALDECK, et al

ADDRESS \_\_\_\_\_ SEX \_\_\_\_\_ AGE \_\_\_\_\_

FIRST CHARGE

SECOND CHARGE

PLEAS \_\_\_\_\_

FINDINGS \_\_\_\_\_

PREVIOUS CONVICTIONS \_\_\_\_\_

IMPRISONMENT

{ TERM \_\_\_\_\_

{ BEGINNING \_\_\_\_\_ 194 \_\_\_\_\_

SENTENCE

FINE

TO BE PAID BEFORE \_\_\_\_\_ 194 \_\_\_\_\_  
FURTHER TERM OF \_\_\_\_\_ IMPRISONMENT

CHARGE SHEET AND RECORD OF TESTIMONY ARE ANNEXED HERETO.

\_\_\_\_\_  
SIGNATURE OF MEMBER OF COURT

REVIEW

ACTION OF REVIEWING AUTHORITY \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REVIEWING AUTHORITY

\* STRIKE OUT WORDS NOT APPLICABLE.

RECORD OF TESTIMONY

in trial of

THE UNITED STATES

Versus JOSIAS PRINCE ZU WALDECK, ET AL

by

GENERAL MILITARY GOVERNMENT COURT

DACHAU, GERMANY  
11 June 1947

BEGINNING 11 APRIL 1947  
PAGES 2713 - 2808

TESTIMONY

WITNESSES:

DIRECT CROSS REDIRECT RECROSS COURT

FERDINAND ROEMHILD

2713 2717

MARGARETE MARKWALDT

2719 2722 2723

KARL MARKWALDT

2724 2730

KONRAD MORGEN

2736

CAMP DACHAU, GERMANY  
11 June 1947

MORNING SESSION

(Whereupon the court reconvened at 0900 hours. )

PRESIDENT: The court will come to order.

PROSECUTION: May it please the court, let the record show that all the personnel of the court and all the personnel of the prosecution are present; all the personnel of the defense are present with the exception of Doctor Kopf, who is absent on business of the accused; all the accused are present with the exception of Barnewald, Schmitt, and Wolf, who are absent.

The witness is reminded that he is still under oath.

If there are any spectators in the courtroom who expect to be called as witnesses in this case, will they please leave the courtroom?

PRESIDENT: Let the record show that Colonel Pierce has advised the president of the court that he has read the record of the evidence and proceedings of the trial for Wednesday, June 4, made during his absence from the court.

FERDINAND ROEMHILD, called as a witness by the defense, being first duly sworn, testified through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY CAPTAIN LEWIS:

Q You were asked yesterday on cross examination concerning a letter which Katzen-Ellenbogen had written to Doctor Schiedlowsky. Did that letter have any reference in it to the SS?

A Only insofar as the Doctor Katzen-Ellenbogen offered his services to the SS Captain, Doctor Schiedlowsky.

Q Did that letter have any reference to the Gestapo?

A I don't remember to have read the word Gestapo in this letter.

Q Can you tell us from your memory what that letter contained?

A Katzen-Ellenbogen referred to his merits which he had gotten through his work for the A.S.T. and he had gotten these merits through his

work in France. He mentioned these services in order to get a special assignment of confidence with Doctor Schiedlowsky.

Q Tell me how this letter came into your hands?

A This letter was returned by SS Captain Schiedlowsky to SS Master Sergeant Wilhelm, and Wilhelm then gave it to me. I, of course, used the opportunity to read the letter and later on returned the letter at the time when Doctor Katzen-Ellenbogen requested the return of this letter from SS Captain Doctor Schiedlowsky.

Q Why did Wilhelm give you this letter?

MR. SUROWITZ: I object to this evidence. The defense is attempting to cross examine his own witness and impeach his testimony.

CAPTAIN LEWIS: This was brought out on cross examination as new matter which was not touched on by direct examination. It was brought out by the prosecution on cross examination. I believe I am permitted to interrogate on that point.

PRESIDENT: The objection is overruled.

THE WITNESS: Probably I was supposed to hand this letter to Doctor Katzen-Ellenbogen, but he then requested this letter from Doctor Schiedlowsky.

QUESTIONS BY CAPTAIN LEWIS:

Q Did Doctor Schiedlowsky in turn ask you to return the letter to him so he could give it to Katzen-Ellenbogen?

A No, Doctor Schiedlowsky did not give the letter to me, I received it only through SS Master Sergeant Wilhelm.

Q How did it get back to Doctor Schiedlowsky's hands and then back to Katzen-Ellenbogen?

A I had the letter returned in the same way to them. I returned it through SS Master Sergeant Wilhelm.

Q Was there anything secret about that letter?

A No. The fact that Doctor Katzen-Ellenbogen worked for the A.S.T.

he had not told us openly and he had no reason to do so.

Q You were asked on cross examination about the affair of Hummelsheim?

A Yes.

Q Did Katzen-Ellenbogen have anything to do with the placing of the names of the French doctors or French scientists on the list for transports?

A As far as I can remember, this was not a case of one of the usual transport lists, but one was looking for physicians for climatological investigation, and as I heard, it was for Dora.

Q Did Katzen-Ellenbogen have anything to do with placing these French doctors on the list?

A I think Doctor Schiedlowsky had ordered Doctor Katzen-Ellenbogen to select men for this purpose, to suggest the names.

Q Do you know whether Katzen-Ellenbogen knew where these physicians would be working?

A Whether he knew it exactly I do not know, definitely.

Q Isn't it a fact that these physicians were asked to volunteer for this position?

A I don't know so much in detail about this entire action. For us the fact remained that Doctor Katzen-Ellenbogen tried to prevent Hummelsheim from warning the Frenchmen altogether, because even when a prisoner worked in a camp like Dora in a position of no danger, the entire camp of Dora was such a dangerous camp that even then this prisoner was in danger.

Q Did Hummelsheim, in fact, warn these French physicians who had volunteered for this job that they were going to Dora?

A I have to assume in accordance with the testimony of Doctor Marchall, whom Doctor Katzen-Ellenbogen had brought along as his witness, and then Hummelsheim was forced to admit before Doctor Schiedlowsky that he had warned the Frenchmen.

Q Were you present when Hummelsheim was brought before Doctor Schiedlowsky, and can you tell us who was present there at that time?

A I was personally present, furthermore, present were SS Master Sergeant Wilhelm and perhaps another doctor and maybe even one of the hospital capos, but I can't state so definitely because I don't remember this exactly any more.

Q When you speak of these hospital capos, do you mean either Busse or Kipp?

A One of the two.

Q Outside of these people you just mentioned, no one else was present, is that correct?

A I don't think so.

Q So if the prosecution witness, Doctor Kogon, testified he was present when Katzen-Ellenbogen was brought before Hummelsheim and Doctor Marchall was there, too, when this thing was thrashed out, that is not true, is it?

A As far as I can remember, Doctor Kogon had come down to the prisoners' hospital on this morning, also. I can't remember any more who was present as a witness at that time.

Q You were called to Dachau to appear as a witness for the prosecution at the beginning of this trial, were you not?

A Yes.

Q While you were here, did you have occasion to speak to Mr. Hummelsheim?

A I never saw Hummelsheim here.

Q Do you know what Hummelsheim testified to while he was a witness in this court?

A No.

CAPTAIN LEWIS: I wish to call the court's attention to the fact that the witness, Walter Hummelsheim, appeared in court here at the request

(Roemhild-redirect)

of the prosecution and his testimony appears on pages 1654 to 1659 in the record. In his statement there is no reference made to Katzen-Ellenbogen.

LAW MEMBER: Did you cross examine this witness?

CAPTAIN LEWIS: I have finished.

MR. SUROWITZ: May it please the court, the prosecution respectfully objects to the conduct of counsel in characterizing or describing the testimony of witnesses that have appeared on behalf of the prosecution. It is permissible for him to call the court's attention, if he wishes, to the fact that a witness testified on a certain date. To state what he testified to or did not testify to is not permissible, and it is an insult to the court. The court can refer to the testimony itself and ascertain what the witness said. Furthermore, the prosecution can bring out from any witness it pleases what it pleases at any time it pleases.

RECROSS EXAMINATION

QUESTIONS BY MR. SUROWITZ:

Q You stated this letter that Katzen-Ellenbogen wrote to Doctor Schiedlowsky, as far as you remember, had no reference to the SS or to the Gestapo, is that correct?

A As far as I can remember, the words SS or Gestapo were not used in this letter, only the word "A.S.T."

Q Please tell the court what the word "A.S.T." means.

A Even today I do not know exactly the abbreviation for the "A.S.T." but we assumed at that time it was a counter-espionage organization against sabotage, espionage, and the underground.

Q That is, it was a German organization against the underground?

A Of course.

Q It was a German organization operating in occupied France, is that right?

A Certainly.

Q It was Katzen-Ellenbogen who extolled his services for that particular organization in France, is that right?

A Yes.

Q Just a few more questions on the matter of Hummelsheim. Do you not know, as a matter of fact, that Hummelsheim was almost executed as a result of Katzen-Ellenbogen's disclosures to Doctor Schiedlowsky?

A Certainly, Hummelsheim was in the greatest danger of his life and without a strong report he received from SS Major Doctor Ding Schuler, he probably would have been executed.

Q You know, too, that it was Doctor Kogon's efforts, together with some of the other prisoners, that Hummelsheim's life was saved by having him sent to an out-detail away from Katzen-Ellenbogen?

CAPTAIN LEWIS: We object to that question as leading the witness on new material. We did not object yesterday when he brought the story about Hummelsheim up. On this point he has been testifying for the witness, not the witness himself.

MR. SUROWITZ: Yesterday on direct examination, Captain Lewis asked: "While you were at Buchenwald, did you get to know a man by the name of Hummelsheim? Answer: Yes." On cross examination I picked up the subject of Hummelsheim. On redirect examination, he has gone into it pretty thoroughly. I respectfully maintain that I have the right to lead the witness on cross examination.

PRESIDENT: The objection is overruled.

CAPTAIN LEWIS: May I state that yesterday when I asked the question about Hummelsheim, the very next remark made by the law member was: "What is the purpose of this testimony?", and I immediately dropped the subject.

MR. SUROWITZ: I believe counsel is mistaken on that point. When the record reappears, the court will see that the record does say: "Why is that relevant?"

PRESIDENT: Proceed.

THE WITNESS: With success he was taken out of view.

MR. SUROWITZ: No further questions.

CAPTAIN LEWIS: No further questions.

PRESIDENT: No questions by the court. The witness is excused.

CAPTAIN LEWIS: May the witness be excused from further attendance at the trial and may he return to his home?

MR. SUROWITZ: No objection.

PRESIDENT: He is excused.

(Whereupon the witness was excused and left the courtroom.)

DOCTOR RENNER: The defense calls as its next witness Mrs. Margarete Markwaldt. I am interrogating this witness on behalf of the accused, Grossmann.

MARGARETE MARKWALDT, called as a witness by the defense, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DOCTOR RENNER:

Q Mrs. Markwaldt, please give your full name to the court.

A Margarete Markwaldt.

Q How old are you?

A Thirty-five years.

Q Are you married?

A Yes.

Q Do you have any children?

A Yes.

Q How many?

A Two.

Q What is your profession?

A Housewife.

Q Where is your residence?

A Essen-Kray.

(M. Markwaldt-direct)

Q Were you ever in Bochum?

A Yes.

Q Why did you come to Bochum?

A I visited my husband.

Q What was your husband in Bochum?

A He was a guard.

Q Where was he a guard?

A For the Jewish prisoners.

Q For what kind of prisoners?

A Prisoners.

Q Where did these prisoners work?

A In Bochumer Verein.

Q When did you visit your husband at Bochumer Verein?

A On the 4th of November, 1944.

Q Did you know a man named Grossmann at Bochumer Verein?

A Yes.

Q Would you recognize the man if you saw him again here in court?

A Yes.

Q Please look around among the accused and point out the man whom you knew as Grossmann, and give his number?

A No. 9.

DOCTOR REBBER: Let the record show that the witness correctly identified the accused, Grossmann as No. 9.

Q How did you get acquainted with Grossmann?

A When I visited my husband I was introduced to Grossmann.

Q You have just testified that in November, 1944, you came to visit Bochumer Verein. Why can you remember this date so exactly?

A Because there was a large scale air attack.

Q Can you give us still the exact day of the air attack?

A Not exactly, if I am not mistaken it was on a Saturday.

Q At what time of the day did the air raid take place?

A In the evening at around 2045.

Q How long did the air raid last?

A Forty minutes when the first siren came that the alarm was over.

Q Where were you during this air attack?

A In the bunker of Mr. Grossmann.

Q Where was the bunker of Mr. Grossmann?

A In front of his little house.

Q Was this inside the prisoner camp or outside?

A Outside the camp.

Q Who was there with you in the bunker?

A The non-commissioned officer of the camp.

Q Was Grossmann in this bunker too?

A Yes.

Q Where was Grossmann at the beginning of the air attack?

A In front of the bunker.

Q How long did Grossmann stay in the bunker?

A Until the alarm was over.

Q Did you see whether Grossmann did any shooting during the alarm?

A No.

Q Did you see or hear that Grossmann did any shooting after the alarm?

A No.

Q Was it dark already at the beginning of the alarm?

A Yes, it was dark.

Q How were light conditions after the alarm?

A Dark, too.

Q Did Grossmann have a dog?

A Yes.

Q What kind of dog? *Further questions.*

A A young German Police dog. *questions.*

Q How big was the dog? *BY THE COURT*

A Forty, fifty centimeters.

DOCTOR RENNER: No further questions. *November, 1944*

CROSS EXAMINATION

QUESTIONS BY MR. KUNZIG: *... all the time during that air raid?*

Q Mrs. Markwaldt, you say you visited Bochumer Verein on 4 November, 1944, is that correct? *... no any other?*

A Yes.

Q Did you visit through the entire installation at that time?

A No, I visited only my husband.

Q Your husband spoke to you at home and so forth about his work out there, did he not? *... this witness is allowed to answer from further ...*

A Yes, he did.

Q The prisoners at Bochumer Verein were well treated, were they not?

DEFENSE COUNSEL: We object to this, as exceeding the scope of direct examination. *The witness was cleared and left the courtroom.*

PRESIDENT: Objection sustained.

QUESTIONS BY MR. KUNZIG:

Q Your husband was employed as an SS guard out at Bochumer Verein, is that correct?

A Yes.

Q How long was your husband stationed at Bochumer Verein?

A I can't give you the exact time, but he was there approximately eight to nine months.

Q Was Grossmann his superior officer?

A I can't say that, either. I don't know what he really was.

Q Do you know who was the commando leader of the Bochumer Verein commando?

A Yes, as far as I know, that was Grossmann.

MR. KUNZIG: No further questions.

DOCTOR REMNER: No further questions.

EXAMINATION BY THE COURT

QUESTIONS BY THE LAW MEMBER:

Q Were you referring to the air raid of November, 1944?

A Yes.

Q Did you see Grossmann all the time during that air raid?

A Yes.

Q Did you see anyone do any shooting?

A No.

Q Did you hear any shots?

A No.

PRESIDENT: No further questions by the court.

DEFENSE COUNSEL: May this witness be excused from further attendance at this trial?

MR. KUNZIG: No objection.

PRESIDENT: The witness may be excused.

(Whereupon the witness was excused and left the courtroom.)

Ta 309, Buch, 1db-1  
6/11

DR. RENNER: The Defense calls as its next witness Karl Markwaldt. The Defense will interrogate this witness on behalf of the accused Grossmann.

KARL MARKWALDT, called as a witness by the Defense, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DR. RENNER:

Q Please give the Court your full name.

A Markwaldt, Karl.

Q How old are you?

A 40 years.

Q What's your profession?

A I am making kegs.

Q Where is your residence?

A In Essen Kreys.

Q Are you married?

A Yes.

Q Were you a member of the Nazi party?

A No.

Q Were you a member of one of its organizations?

A No.

Q Were you a member of the Allgemeine SS?

A No.

Q Were you at Hochumer Verein?

A Yes.

Q In which capacity were you there?

A As a guard.

Q Were you there a member of the Waffen SS?

Ta 309, Buch, 1db-2

A No. You ever see this Grossmann was carrying a rubber

Q To which organization did you belong?

A Construction battalion number 4, Muenster Westphalia.

Q From when to when were you stationed at Bochumer Verein?

A From June 1944 until March.

Q Which year?

A 1945. You ever see Grossmann with a dog whip?

Q Did you know a man named Grossmann at Bochumer Verein?

A Yes. There was an air attack against the camp during the

Q Would you recognize him if you would see him here in Court?

A Yes. You still remember the exact date of the air attack?

Q Please point him out to the Court and give his number.

A Number 9.

DR. REHNER: Let the record show that the witness identified the accused Grossmann properly as number 9.

Q What was Grossmann's job in Bochumer Verein?

A He was detail leader. What else?

Q Did you have an opportunity to see and speak to Grossmann frequently?

A Yes. Shortly before 12 o'clock.

Q Did you know Grossmann's opinion in regard to the mistreatment of prisoners?

A Yes.

Q What was Grossmann's opinion during this air attack?

A He always ordered the guards not to mistreat prisoners-- not to beat them and to treat them properly.

Q Did you see Grossmann frequently?

A Four or five times a day.

Ta 309, Buch, 1db-3

Q Did you ever see that Grossmann was wearing a rubber hose or a club?

A No.

Q Did you ever see any other weapon that Grossmann was carrying with which to beat or hit men?

A No.

Q Did you ever see Grossmann with a dog whip?

A No.

Q Was there an air attack against the camp during the time in which you were stationed at Bochumer Verein?

A Yes.

Q Can you still remember the exact date of the air attack?

A Yes.

Q When was it?

A On the fourth of November.

Q At what time of the day?

A In the evening at 2045.

Q Was it dark already at that time?

A Yes.

Q How long did the air attack last?

A Until shortly before 12 o'clock.

Q If a witness would come here and testify that the air attack took 40 to 45 minutes, what would you say about it?

A No.

Q Do you know where Grossmann was during this air attack?

A Yes.

Q Where was he?

Ta 309, Buch, 1db-4

A Grossmann was in his bunker.

Q Where was his bunker?

A Outside the camp.

Q Can't you give us more closely the locality where this bunker was located?

A Yes, it was on the main street.

Q How far away was this bunker of Grossmann's from the supply warehouse?

A Approximately 50 meters.

Q Did you hear that during the air attack Grossmann shot at prisoners?

A No.

Q Did you ever hear that Grossmann shot to death prisoners during the air attack or shortly after the air attack?

A No.

Q Did you hear anything about the fact that during the air attack this supply warehouse was pilfered?

A Yes.

Q Did you hear that on account of this pilferage Grossmann was supposed to have shot prisoners to death?

A No.

Q Were you present when railroad cars were unloaded?

A Yes.

Q Did you hear that during the unloading of railroad cars Grossmann supposedly clubbed prisoners to death or at least clubbed one prisoner to death?

A No, Grossmann wasn't present at all when cars were unloaded--there was another detail leader.

Ta 309, Buch, idb-5

Q Did you ever hear that Grossmann during his stay at the Bochumer Verein ever clubbed a prisoner to death or killed him in some other way?

A No.

Q Would you have heard it?

A Yes.

Q Would there have been talk about it?

A Yes.

Q Did the prisoners also have contact with civilians?

A Yes.

Q Do you know who picked up the prisoners for work and who returned them from work to camp?

A Yes, by the foreman and the master mechanics of the factory.

Q Were these master mechanics and foremen of the factory civilians or prisoners?

A Civilians.

Q How was the contact between the prisoners and the civilians?

A I can't say that, because I had nothing to do with it.

Q Did Grossmann have a dog?

A Yes.

Q What kind of a dog?

A A German police dog.

Q How old was this dog, approximately?

A A young dog.

Q Did you ever hear that this dog bit a prisoner?

A No, the dog was still a playing dog only.

Q You have just testified that until March, 1945, you were in Bochumer Verein. Why did you leave then?

Ta 309, Buch, 1db-6

A Because the Allied troops approached.

Q Did you leave all by yourself, or the entire camp?

A The entire detail.

Q How did the evacuation take place?

A They were loaded on a train and sent away to Weimar.

Q What kind of railroad cars were they?

A Mostly they were closed, passenger cars.

Q Were there also open cars?

A No.

Q How many prisoners were in each car on the average?

A 40 to 45 persons.

Q Were there any guards in each car in addition to the prisoners?

A Yes, five to six, and in some of the cars they had even eight guards.

Q Did the prisoners receive food rations during the trip?

A Yes, three times a day.

Q How long did the transport take?

A Three to four days.

Q Can you remember whether any and how many dead prisoners were there from this transport after the transport was finished?

A I didn't see any dead ones.

Q Were the prisoners informed that during air attacks they had to go to the bunkers and air raid shelters? Do you know that?

A I can't say that. I know only that during air attacks the foremen went into the same bunker as the civilian workers outside the camp.

Q You have testified that the air attack lasted until

Ts 309, Duch, idb-7

2400. Was there between the beginning of the air attack and the end of the air attack a time that the alarm had been lifted, or partially lifted?

A Yes, the first air attack took 45 minutes, and then we got the first siren that the alarm was over.

DR. RENNER: No more questions.

CROSS EXAMINATION

QUESTIONS BY MR. KUNZIG:

Q Mr. Markwaldt, you were a guard of the prisoners in the concentration camp who worked at the Bochumer Verein factory, is that right?

A Yes.

Q Your duties were to keep these prisoners working and to keep them from escaping is that correct?

A No.

Q What were your duties?

A Our duties as guards were to see that they didn't run away from the camp. With the working phrase we had nothing to do whatsoever.

Q You did have the responsibility of preventing these men from escaping, is that correct?

A Yes.

Q What sort of work did the prisoners do at Bochumer Verein, Mr. Markwaldt?

DEFENSE COUNSEL: I object to that. He hasn't testified at all concerning what work the prisoners did there. In fact, he said he was not in the factory where they worked.

MR. KUNZIG: He has testified at length about Grossmann and his duties, and the character and the work and the type of man Grossmann was. Grossmann lead this camp, was responsible for this, and therefore it is within the scope of cross examination-- as to what type of work was done there.

PRESIDENT: Objection overruled.

THE WITNESS: I can't say that because I didn't see it.

QUESTIONS BY MR. KUNZIG:

Q When if I understand you correctly, Mr. Markwaldt, you didn't know what type of work was done there?

A No, because I, myself worked as a supply sergeant for the company. Since I was from this area, I went out for the company and did the shopping.

Q I see. How long did you work there, Mr. Markwaldt?

A From the morning at six o'clock until two o'clock in the afternoon.

Q I mean what period of time. Over how many months were you a guard?

A From June, 1944, until March, 1945.

Q And from June, 1944, until March, 1945, if I understand you correctly, you never did find out what work the prisoners were doing in the factory, is that right?

A No, because I wasn't interested in that.

Q It didn't come to your attention then that they made grenades and that it was very hot and hard work?

A I didn't know that.

Q You were in the bunker during this air raid that you spoke about?

A Yes.

Ta 309, Buch, idb-9

Q Where was your wife, as far as it lies within your knowledge, during this raid?

A In Grossmann's bunker.

Q As a matter of fact, Grossmann usually had a bunker for himself, didn't he?

A Yes.

Q But this day he took your wife down there with him and the two of them were there, is that right?

A Yes.

Q Usually he was alone, though?

A No, with the non-commissioned officers.

Q When it isn't a fact, you say, that Grossmann usually was alone in his bunker?

A No, never alone.

Q So that if a witness would have testified in this Court, a defense witness, Vogel, that Grossmann always went down by himself-- he had a shelter by himself--that wouldn't be a fact, would it?

A No.

Q The prisoners at Bochumer Verein, as far as you know, were treated well, weren't they?

A I don't know what they got to eat and to drink.

Q You don't know very much about this camp at all, do you?

A No.

Q But you were a guard there for the whole period, weren't you?

A Yes.

Q What kind of food did the men get?

A At the beginning when we came there, we got our food from the factory kitchen, the same food as the prisoners got.

Ta 309, Buch, idb-10

Q So the prisoners got exactly the same food as the guards, is that correct?

A Yes.

Q I see. Were you ever inside the barracks where the prisoners lived?

A No, we were not allowed to enter.

Q And you state that you were with Grossmann four or five times a day, really very often with him, is that right?

A We were not together--I only saw him.

Q Grossmann was the commando leader, wasn't he?

A Yes.

Q Where did you see Grossmann these times?

A He took a walk outside the guard chain which was standing around the camp.

Q Now, Mr. Markwaldt, if you saw Grossmann only outside the camp and never inside the camp, how do you know what Grossmann did inside the camp?

A Inside the camp I never saw him, because I never was inside the camp. All of us were always outside the camp.

Q In other words, you don't know very much about how Grossmann treated those prisoners, do you?

A No.

Q Now, when you left on this transport, the prisoners all road in closed railroad cars, isn't that correct?

A Yes.

Q Did they travel first or second class, do you recall?

A They were all third class cars.

T 309, Buch, idb-11

Q They rode third class and got fed three times a day just a few days before the Americans captured the area, is that correct?

A Yes.

Q And when they got to their destination, no one had died and everyone was in good health, is that correct?

A Yes, I didn't see that. Whether the men were dead or not, they were taken over later on.

Q Didn't you testify there weren't any dead?

A Yes.

MR. KUNZIG: No further questions.

MR. REINER: No more questions.

PRESIDENT: No questions by the Court. The witness is excused.

(Whereupon the witness was excused and withdrew.)

PRESIDENT: The Court will recess for twenty minutes.

(Whereupon at 1000 hours, the Court recessed.)

in no case be contributed materially to the apprehension and punishment  
of these criminals.  
(Whereupon the court reconvened at 1030 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: May it please the court, let the record show that  
all the personnel of the court are present; all the personnel of the prose-  
cution are present with the exception of Mr. Kunzig who is absent on  
business of the prosecution; all the personnel of the defense are present  
with the exception of Mr. Penner who is absent on business of the accused;  
all the accused are present with the exception of Schmidt and Wolf who are  
absent. The reporter and interpreter are present.

DR. ANSMEER: May it please the court, I should like to make  
an introductory statement concerning the defense of Prince zu Waldeck.  
The defense is, unfortunately, unable to carry out the presentation of  
the defense in one closed session. The defense is beginning its case  
on Prince zu Waldeck because one of its material witnesses who is now  
present here must be back at the Tribunal at Kuerberg by next week.

In general, the defense intends to show the following on behalf  
of the Prince zu Waldeck: one, that the Prince, in his capacity as Higher  
SS and Police Leader in Kassel did not have any power of command over the  
concentration camp of Buchenwald. Two, that his only function with the  
SS and police court in Kassel was that of a military appointing and  
reviewing authority for the court and that concerning only criminal actions  
of the SS in Buchenwald as I must emphasize. Three, in spite of attempts  
to the contrary by higher authority, he did see to it that certain inves-  
tigations of criminal acts by SS men were carried out. Four, that with all  
the strength of his personality he supported and extended investigations  
of the acts of the former camp commandant Koch and his clique and that

in so doing he contributed materially to the apprehension and punishment of these elements. Five, that the partial evacuation of Buchenwald in April 1945 was carried out on direct order of Himmler.

The defense calls as its next witness, Dr. Konrad Morgen.

KONRAD MORGEN, called as a witness by the defense, being first duly sworn, testified through an interpreter as follows:

PRESIDENT: I should like to warn the witness at this time that he does not have to answer any questions that intend to incriminate himself. You understand that?

THE WITNESS MORGEN: Yes.

DIRECT EXAMINATION

QUESTIONS BY DR. AREIMEN:

Q Please state your full name to the court?

A Konrad Morgen.

Q How old are you, Dr. Morgen?

A Thirty-eight years.

Q What is your status at the present time?

A Civilian internee.

Q What civilian internment camp do you belong to?

A Palace of Justice, Nuernberg.

Q What is your place of residence?

A Nuernberg.

Q What is your profession?

A Lawyer.

Q What kind of a doctor's degree do you have?

A Doctor of Law.

(Morgen-direct)

in so doing he contributed materially to the apprehension and punishment of these elements. Five, that the partial evacuation of Buchenwald in April 1945 was carried out on direct order of Himmler.

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A Palace of Justice, Nuernberg.

Q What is your place of residence?

A Nuernberg.

Q What is your profession?

A Lawyer.

Q What kind of a doctor's degree do you have?

A Doctor of Law.

(Morgen-direct)

ta 310 Bu plj/3

Q What universities did you study law at?

A Frankfurt on the Main, Rome, Berlin, Academie de Trois Nationales of Hague and the Institute for International Commerce and Commerce on the Sea in Kiel.

Q When did you take your final State exam as a lawyer?

A 1938.

Q Were you in the service of the German organization of justice?

A Yes, I was a judge at the State court in Stettin.

Q From when until when?

A Until the first of April 1939.

Q Do I understand you correctly that that was from the time of 1938 when you passed your final State examination until the first of April 1939?

A Yes.

Q Why did you then leave the State service?

A I had refused to participate in reaching a judgment in a criminal case and was, therefore, removed from the civil service by order of Reichs Ministry of Justice.

DR. AREIMER: I have to object to this translation. I am being informed that the interpreter erroneously translated that the witness stated he was eliminated on account of criminal act instead of political act. May I repeat the question in order to clear this up?

QUESTIONS BY DR. AREIMER:

Q What was the reason you were eliminated from civil service?

A I was a judge in a political trial and in open court I refused to participate in reaching a judgment in this case because the presiding officer intended to make a decision against the accused.

Q Were you a member of the NSDAP?

A Since 1933

Q Were there any proceedings ever instigated to eliminate you from the Party?

A Yes, because I did not elect Hitler to the Reich presidency.

Q What was the result of these proceedings?

A I was punished disciplinarily.

Q Were you a member of the SS?

A I was a candidate for the Allgemeine SS.

Q Were you a member of the Waffen SS?

A I was drafted into the Waffen SS commencing with the start of the war.

Q Were you drafted into the SS as a soldier or as a judge?

A As a soldier.

Q Did you become an SS judge after that?

A 1941.

Q What month?

A The first of January 1941.

Q What was your rank?

A I left the troops as a Master Sergeant.

Q What was your rank as an SS judge? Beginning in 1941?

A The same.

Q Were you ever demoted in the SS in any way?

A Yes.

Q When and for what reason?

A As presiding judge in a matter concerning race I acquitted an accused who had pleaded guilty. Upon that I was accused of sabotage by Himmler.

(Morgen-direct)

Q When was that?

LAW MEMBER: Dr. Aheimer, what are you trying to prove? Are you trying to establish the credibility of your own witness?

DR. AHEIMER: No, I want to show the following: the witness, as will be shown, was appointed investigating officer in the complex of questions concerning Koch and what is to be shown here is that the man who was selected for this job was not a man who always did what the SS and the Party desired him to. This should serve to demonstrate that the investigation was conducted in a very serious manner indeed, from above.

QUESTIONS BY DR. AHEIMER:

Q What was the result of this incident you just described, Dr. Morgen?

A I was removed from all my offices, effective at once, and Himmler ordered an investigation of myself the aim of which investigation was to have me sent to a concentration camp for two or three years. Upon recommendation of my headquarters, the main office of the SS courts, this was changed to demotion and service at the foremost front lines.

Q Did you then serve out front and if so, until when?

A Until May 1943.

Q What happened in May 1943?

A I was called back and ordered to the Reichs Criminal Police Office.

Q What was your rank at that time when you were detailed to the Reichs Criminal Police Office?

A First Lieutenant.

(Morgen-direct)

Q You had been put back in your old rank, had you?

A Yes.

Q Was the Reichs Criminal Police Office an institution of the SS?

A It was the highest headquarters of the criminal police and it was an institution of the State.

Q Not an office of the SS then?

A The chief of the Reichs Criminal Police Office was, at the same time, a member of the Reichs Main Security Office.

Q Very briefly, please, what was your job at the Reichs Criminal Police Office?

A I was sent there as a specialist for investigations concerning corruptions with the limitation that I was to stay away from political incidents.

Q In that capacity of yours did you ever get to Buchenwald and if so, when?

A Yes, towards the end of June 1943.

Q Upon whose instigation were you sent to Buchenwald?

A The SS and police courts in Kassel had requisitioned a corruption specialist, an SS officer, in order to conduct an investigation of a man named Bernschein in Weimar.

Q Who was the appointing authority of the SS and police court in Kassel?

A The SS Lt. General Prince zu Waldeck.

Q Do you know Herr Prince zu Waldeck personally?

A I met him later, at the SS and police court in Kassel in its investigation.

(Morgen-direct)

Q Would you recognize him if you saw him in this courtroom today?

A Yes.

Q Please have a look around the courtroom and if you recognize him state his number?

A Number 1.

DR. AMBIMER: Let the record show the witness properly identified the accused, Number 1, as Herr Prince zu Waldeck.

Q Was it common usage for an SS and police court to make use of an investigating officer from a Reichs police office or were those exceptional cases?

A At that period of time these were very rare exceptions.

Q What was the occasion for such an exception?

A This investigation of Bornschein had proved to be exceptionally difficult. The court already kept this Bornschein in jail for half a year and then been forced to release him because they could not prove anything on him. The result of that was great excitement among the population of Weimar and the SS and police court in Kassel was interested particularly in this case for the reason that this man, Bornschein, had been suspected of having smuggled food to the detriment of the Buchenwald prisoners.

Q As you were being sent to Buchenwald were you in any way put under the Prince zu Waldeck?

A In no way whatever. It was merely the Reichs Criminal Police Office that was aiding the SS and police court, in Kassel in its investigation.

(Morgen-direct)

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(Morgen-direct)

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Q Would you recognize him if you saw him in this courtroom today?

A Yes.

Q Please have a look around the courtroom and if you recognize him state his number?

A Number 1.

DR. AUBREY: Let the record show the witness properly identified the accused, Number 1, as Herr Prince zu Waldeck.

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(Morgen-direct)

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Q Would you recognize him if you saw him in this courtroom today?

A Yes.

Q Please have a look around the courtroom and if you recognize him state his number?

A Number 1.

DR. AEBISER: Let the record show the witness properly identified the accused, Number 1, as Herr Prince zu Waldeck.

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A At that period of time these were very rare exceptions.

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Q As you were being sent to Buchenwald were you in any way put under the Prince zu Waldeck?

A In no way whatever. It was merely the Reichs Criminal Police Office that was aiding the SS and police court, in Kassel in its investigation.

(Morgen-direct)

Q When did you meet Prince zu Waldeck?

A In the course of June 1943.

Q What position did he take concerning your investigations?

A He aided them in every manner possible and helped them along very interestedly.

Q Are you familiar with the legal position of a higher SS and police leader?

A Yes, because as an SS judge one was constantly in official communication with the appointing and reviewing authority of the court which was the higher SS and police leader.

Q Did the higher SS and police leader have any kind of authority over the concentration camp?

A Not the least.

Q And in his capacity as court appointing and reviewing authority what authority did he have?

A Whenever a report of a crime having been committed came in he would order a legal investigation, also arrest. He would appoint a court and he had to confirm or reject the sentence after it was passed.

Q Doctor, a while ago you mentioned the word "report of an act" - "Tatbericht". What does this word "Tatbericht" mean in German military terminology?

A The official report of a military organization concerning a criminal act.

Q Who is it that sends this report to the court?

A The legal officer, the court officer.

Q Whose staff does the court officer belong to?

(Morgen-direct)

A The court officer or legal officer is an officer of the troops. He is a layman not part of the court but part of the staff of the troops.

Q In saying he is a layman you are trying to say he had not studied law, are you?

A Yes. His work might be compared to that of an American provost marshal with the difference, however, that he carried out his duties only in addition to other duties and not full time as an American provost marshal.

Q Is it not the job of the legal officer to conduct brief investigations and take statements?

A Yes, it is.

Q Did the court appointing and reviewing authority himself have any right to conduct any investigations of his own? What I mean to say is, is the person who is the court appointing and reviewing authority, in this case, Prince Waldeck, did he have the right to conduct any investigations of his own?

A The court appointing and reviewing authority was working under a general prohibition by law to himself conduct any investigations. He had to leave this up to the authorities under his jurisdiction so as to protect his own integrity and neutrality.

Q Who were these authorities under him used for that purpose?

A These were the SS courts and the police.

Q- How long did your investigation of this Bornschein case in Buchenwald take?

A These investigations lasted for several months but it was during the time that these investigations of Bornschein were still being run that I started this investigation of the commanding officer of Buchenwald, Koch.

(Morgen-direct)

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Q You mentioned the commandant, Koch. Had Prince Waldeck, even before that time taken any steps against Commander Koch?

A I found out later that it had been one year before that time that Prince Waldeck had had Koch arrested.

Q Do you know what the results of this arrest were?

A After the arrest the Reichsfuehrer of the SS promptly ordered the release of the commander, Koch. Lt. General Prince zu Waldeck was severely reprimanded by the Reichsfuehrer of the SS and orders were issued that the legal officers in the legal system of the SS could no longer have authority to arrest any commanding officer of any concentration camp unless direct orders from the Reichsfuehrer of the SS were available to that effect.

Q Do you know of any particular name that was later applied to this order of Himmler's to the effect that no concentration camp commandant was hereafter to be arrested without his personal consent?

A This decree was known as Lex Waldeck.

Q In your opinion was Waldeck serious in his endeavor to have Koch arrested?

A I don't understand your question, counselor.

Q According to the result of your investigation was the Prince Waldeck serious in his intent to have Koch prosecuted?

A For what other reason would he have him arrested?

A You do want to say then that his intent was a serious one?

PROSECUTION: Just a minute. I object to counsel leading the witness.

PRESIDENT: Objection sustained.

(Morgen-direct)

QUESTIONS BY DR. ANSNER:

Q Do you know whether any other difficulties were put in Prince Waldeck's path in this connection on top of this matter of Himmler?

A This step that Himmler had taken had been taken at the instigation of the Economics and Administration Main Office and Lt. General Pohl and the Reichs Security Main Office under Lt. General Kaltenbrunner. Both of them were quite outraged at this measure of the Prince zu Waldeck.

Q Do you know of one letter that Pohl wrote to Koch?

A In Koch's apartment I seized a handwritten letter of General Pohl. In this letter Pohl assured Koch of the following in connection with Koch's arrest. He wrote about this verbatim: My dear Comrade Koch: If anytime in the future any unemployed lawyer will stretch out his vicious hanging hands after your innocent body, then I shall place myself in his way with all the strength of my personality and we be to him. -- Koch had had photostatic copies of this letter taken and had distributed them in hundreds of copies.

Q What kind of steps did Prince zu Waldeck take against the camp commandant, Koch?

A After that arrest of Koch the Prince zu Waldeck was stopped from taking any further action temporarily against Koch, particularly in view of the fact that Koch had been transferred away from Buchenwald to Saatz in Czechoslovakia.

Q Continue, please.

A This only changed when my investigation started. As I said before, as I was investigating this Bornscheim case the suspicion very urgently arose in my mind that these former investigations of Prince Waldeck had been justified.

(Morgen-direct)

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I presented the results of these investigations of the commander, Koch and his headquarter's staff to the central headquarters of the SS and police and thereby obtained from the Reichsfuehrer of the SS a special investigation order about this case. Prisoner as witness, and he at that time requested

of contemplated measures and steps with all of his powers.

Q Did this central office then give you this further job?

A Yes.

Q What happened later in the course of your investigations?

A Now that I had this special order for the investigation from Himmler, I started a series of reviews of the members of the staff of the headquarters and I had those who were arrested. In the course of this investigation the position of the commanding officer Koch was more seriously investigated and when I demanded the removal of Koch from his position and that several units were very seriously reported by Priess to Fuellink and his staff officers in detail.

Q In the course of your investigations did you also resort to the interrogation of prisoners?

A Yes I interrogated a large number of prisoners.

Q Were there any difficulties in this connection?

A The commanding officer of the barracks, Colonel Fister, was very cooperative and in every respect. There was no trouble along these lines. It was, however, extremely difficult to obtain incriminating evidence against the SS and their prisoners.

Q What, if any, were the means used to obtain testimony from prisoners in regard to this?

A The means used by myself was to remove the prisoners at first from their barracks and then to have them taken care of

(Morgen-direct)

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Take 311 - Bu - wfj 1

Q Prior to the time that you went to this higher headquarters had you talked to Prince Waldeck?

A I personally reported the results of my investigation to the Lieutenant General, Prince zu Waldeck, and he at that time supported my contemplated measures and steps with all of his powers.

Q Did this central office then give you this further job?

A Yes.

Q What happened later in the course of your investigation?

A Now that I had this special order for the investigation from Himmler, I started a series of searches of the houses of the members of the headquarters and I had these men arrested. In the course of this investigation the person of the commanding officer Koch was more severely incriminated and upon that I demanded the renewed arrest of Colonel Koch and that demand again was most sincerely supported by Prince zu Waldeck and his headquarters in Kassel.

Q In the course of your investigations did you also resort to the interrogation of prisoners?

A Yes I interrogated a large number of prisoners.

Q Were there any difficulties in this connection?

A The Commanding Officer of Buchenwald, Colonel Pister, made my investigations easy in every respect. There was no trouble along those lines. It was, however, extremely difficult to obtain incriminating evidence against the SS men from prisoners.

Q What, if any, were the means used to obtain testimony from prisoners in spite of this?

A The means used by myself was to assure the prisoners at first that finally an office had been found which would take care of their sufferings; that steps would be taken against the persons who

were guilty with all energy and without any holds barred, and that the integrity of the prisoner witnesses would be protected by myself.

Q Were any prisoners made any promises concerning release?

A I had the idea suggested to the Reichsfuehrer of the SS that prisoners particularly helpful by their statements in this investigation should be released. The Reichsfuehrer of the SS approved that suggestion and one prisoner named Miller was actually released by that means.

Q Had Prince zu Waldeck made any promises to this prisoner named Miller as to his release?

A The General had this prisoner called over to him personally and he personally, with all the authority behind him, repeated this promise of release.

Q And was this prisoner Miller released by Himmler?

A Yes.

Q If a witness named Kogon should testify on this stand that Prince zu Waldeck was conducting this investigation of Koch for personal motives what would you say to that?

A I have to call that ridiculous.

Q Do you have any reasons to do so?

A Yes.

Q What?

A Because there weren't any personal relations of any kind between Prince zu Waldeck and Colonel Koch.

Q Is that what you determined in the course of your investigations?

A Yes, I looked that point over very closely.

Q You mentioned a short time ago this General Pohl who covered up for Colonel Koch. Did Prince zu Waldeck have any intention concerning Pohl as well?

A The endeavors of Prince zu Waldeck were not directed against Koch as a person, but rather what was done and the repeated abuses in the concentration camp for which, in the last analysis, he made Lieutenant General Pohl responsible. Prince Waldeck was determined to stamp this system of concentration camps into the ground and Waldeck made statements about these matters, even in public, in a manner violent and vehement and in a way that could not be exceeded by any communist agitator even and since he considered Lieutenant General Pohl the main culprit, he wanted him to be called to account also.

Q Did he succeed in this later on?

A There almost was success.

Q Did Prince zu Waldeck remain the appointing and reviewing authority of this court that was trusted with the job of investigating Koch?

A As my investigation began to extend over other concentration camps, it became necessary for one headquarters to be established. That was this so-called Special Court with its seat in Munich with the head of it the Chief of the Main Office of the SS and Police Courts and beginning with that time Prince zu Waldeck was eliminated from any influence he might have over this investigation.

Q Did not this Special Court exist in Kassel for a certain time?

A It was situated for a short period of time in Kassel, for the first few months.

Q And as long as this Special Court was in Kassel, who was the appointing authority?

A The temporary appointing and reviewing authority was Prince zu Waldeck.

Q Can you mention any other matters concerning the good will of the Prince zu Waldeck to have criminal acts prosecuted?

A During this investigation I also examined the record of former legal transactions, particularly the so-called shootings while attempting to escape. In the course of this my attention was drawn to a case where the prisoners Kramer and Peix had been shot in Gossler. In that particular case General, Prince zu Waldeck considered it impossible that these prisoners had escaped, since he had personal knowledge. Upon that he had a very thorough investigation made and as this investigation had only completely negative results, Prince zu Waldeck had this squad of guards, together with the chief of that guard, called to Kassel personally where he personally and in the presence of SS judges reminded them they were obliged to tell the truth. From that and other matters I had to decide that even in the years before that General Waldeck had been extremely interested and critical concerning matters pertaining to Buchenwald Concentration Camp.

Q Were the files and the records in such a shape that either the court or the reviewing authority could be in any way incriminated on account of them?

A Nobody who has never seen such files before can imagine what they looked like. Not even the most conscientious or most thorough judge or criminal investigator could have found the slightest trace of any criminal act in those files. Maybe if the court please

I could describe the contents of this particular file of Kramer and Peix.

Q Please describe this briefly to the court.

A This file started with a report by the detail leader to the effect that certain prisoners had been shot on a certain day at a certain time while attempting to escape. That report had been sent by telegram to Gossler to the legal officer in Buchenwald. After that the legal officer proceeded to the place of the act by car. The bodies had not been touched yet. A sketch or photograph respectively was made of the place of the act. The guards who had shot the prisoner were then questioned. The statements of the guards were about as follows. While doing work outside a prisoner suddenly proceeded to the outside running rapidly. I challenged three times and he failed to stop so that I was forced to make use of my weapon. I fired twice and hit him fatally. Then the dead body was dissected. The Doctor would decide that the shot was fired from the back of the person from a distance of at least thirty meters. Next to that there would be a rating by the commanding officer of the troops concerning the reliability of the guard and finally usually an extract concerning the previous convictions of the prisoner concerned. All this picture taken as a whole could never give cause to any suspicion that murder had been committed. That was actually in the cases which I mentioned and later through confessions of the accused I determined that the commanding officer Koch had, prior to that time, issued an order to the Detail Leader Blank to have these prisoners shot and in order to make this feasible these prisoners had been sent from Buchenwald to Gossler, a place where they were not known. The legal officer had discussed the act to be perpetrated with all detail leaders and the chief of the guards in all detail.

(Morgen - direct)

Take 311 - bu - wfj 6

Q May I interrupt you for a minute. Was this legal officer an officer of Prince zu Waldeck's court?

A I already said before this legal officer was supposed to be working for Prince zu Waldeck's court whereas in fact he was working against him.

Q Was this legal officer a member of Koch's staff?

A Yes.

Q Continue please.

A The guards had been sworn to secrecy in some special way, particularly sworn to secrecy in connection with investigations by any court whatever and what these men were told was that the matter concerned was a personal matter or order of the Reichsfuehrer of the SS himself. After these preparations had been made, these prisoners were first permitted to work for quite awhile in Gossler. Then one morning this prisoner was given instructions to get some water from a well a considerable distance away. Before that arrangements had been made for nobody else to be present at that particular spot at that time, so the act could be perpetrated without any witnesses and at the time this prisoner, suspecting nothing, was walking with his bucket over to the place to get the water, this guard shot him behind from a rather large distance and then after this bucket had been removed, the legal and medical investigating commission was called up and this comedy was played.

Q And who was the stage director of this comedy, as you call it?

A The Commander Koch, together with Master Sergeant Blank.

Q For what reason was that done?

A One of these prisoners had treated the commanding officer Koch while he was suffering from syphilis and in order not have this disease and the treatment of this disease become publicly known, he had this prisoner eliminated.

(Morgen - direct)

Q Now, in the files which Prince zu Waldeck's court received, was there any indication that any comedy had been played?

A I have already repeated several times and emphatically so that not even the best criminal investigator in the whole world would have any suspicion from those files.

Q And by what means was that later brought out?

A It was only after my large number of investigations of concentration camps that I became familiar with the technique of committing crimes in concentration camps and the technique of keeping those crimes secret. It was only through the fact that I myself was familiar with the subject matter and the persons and locality concerned that I was able to clear up this matter.

Q Did this jurisdiction of Prince zu Waldeck's SS Court pertain to SS members only or to prisoners as well?

A The SS system of justice was a system of military justice and only military personnel were subject to it. As far as prisoners were concerned the Secret State Police was the only authority for the investigation of police matters and for legal matters the only headquarters that had authority to investigate was the regular police -- regular system of justice.

Q For what reason was it then that the cases of suicide of prisoners were reported or supposed to be reported to the Higher SS and Police Court?

A Any case of unnatural death of any prisoner was to be investigated. The purpose of that was to determine whether any SS man was culpable for the death of that prisoner.

(Morgen - direct)

Take 311 - Bu - wfj 8

Q In the course of your investigation, did you look through a considerable number of reports of prisoners who had attempted to escape, which files were located in Prince zu Waldeck's place?

A I looked through every one of the files of the Kassel court.

Q And based upon your looking through those files, did you determine that any kind of blame could be put on the court in Kassel or the appointing and reviewing authority of that court?

A In my opinion, no.

Q Do you know whether Prince zu Waldeck attempted during various times under Koch's regime to visit Camp Buchenwald?

A As I determined, it was Prince zu Waldeck's serious intent to familiarize himself with conditions in Buchenwald, although he was not duty bound to do that.

Q Do you know what Koch's view of that was?

A Koch constantly made this impossible and he did not even stop from having his presence denied when Prince zu Waldeck wanted to see him. He constantly refused to have Prince zu Waldeck set foot on the camp. Koch never left any doubt in anybody's mind that he Koch considered himself to be the only person responsible for Buchenwald and that Prince zu Waldeck didn't have any business there.

Q What was the final legal result of Koch's investigation as far as the person of Koch himself was concerned.

A The result was a very striking and discouraging one. It was determined that Koch belonged to the category of persons who were born criminals. Even in his youth he had started with thefts of postal banks. In 1932 he, together with his brother, had been a police

Take 311 - Bu - wfj 9

stool pigeon against the SS. The whole family was criminal. One of his sons had to be punished in the musical school of the Waffen SS for the theft of radios, cigarette cases, etc. His second son was in an insane asylum.

Q When was he arrested?  
A He was arrested in March 1944, and the execution took place a few months later.

Q Were any investigations conducted against anybody else besides this individual?  
A I believe that there were at least 20 or 30 cases which came to trial from contacts of the headquarters of this individual.

Q In your own mind, was the investigation of Pohl which you mentioned a while back correct?  
A I had gathered quite a lot of evidence from all kinds of sources against Pohl, and in Germany I even used private agents against Pohl himself, because he was quite a bit of a fixer in that line. I presented these investigations to the main office of the SS courts which previously had had evidence collected against Pohl. All these papers, which were rather exhaustive, were then presented to the headquarters of the SS by the local office for the courts.

Q As I was told later on, Pohl did already fall into disgrace at that particular time, and the Reichstag of the SS wanted to start proceedings against General Pohl, but the proceedings were not actually carried out, in view of the German collapse.

A I had gathered quite a lot of evidence from all kinds of sources against Pohl, and in Germany I even used private agents against Pohl himself, because he was quite a bit of a fixer in that line. I presented these investigations to the main office of the SS courts which previously had had evidence collected against Pohl. All these papers, which were rather exhaustive, were then presented to the headquarters of the SS by the local office for the courts. As I was told later on, Pohl did already fall into disgrace at that particular time, and the Reichstag of the SS wanted to start proceedings against General Pohl, but the proceedings were not actually carried out, in view of the German collapse.

(Morgen - direct)

Take 412 - Buch  
6-11-47; JGMCD; 1

Q May I interrupt you, Doctor. Was Koch later punished, and how?

A Koch was sentenced to death twice and was shot.

Q When was that?

A He was sentenced to death in December 1944, and the execution took place a few months later.

Q Were any investigations conducted against anybody else besides this investigation of Koch?

A I estimate that there were at least 20 or 30 cases which came to trial from members of the headquarters of Buchenwald alone.

Q Do you know how far the investigation of Pohl which you mentioned a while back grew?

A I had gathered quite a lot of evidence from all kinds of concentration camps against Pohl, and up in Oranienburg I even used prisoners against Pohl himself, because he spent quite a bit of time up there in a villa. I presented these investigations to the main office of the SS courts which previously had had evidence collected against Pohl. All these papers, which were rather exhaustive, were then presented to the Reichsfuehrer of the SS by the main office for SS courts. As I was told later on, Pohl had already fallen into disgrace at that particular time, and the Reichsfuehrer of the SS wanted to start proceedings against General Pohl, but the proceedings were not actually carried out, in view of the German collapse.

(Morgen - Direct)

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Q Dr. Morgen, did you also conduct any investigations concerning Blocks 46 and 50?

A Yes.

Q At that occasion did you meet Dr. Kogon?

A Yes.

Q In what capacity?

A Dr. Kogon was the right-hand man of the chief of this institute for virus research--this Dr. Ding-Schuster.

Q Didn't you make a mistake in the name? Isn't it Dr. Ding-Schuler?

A Yes.

Q Was Dr. Kogon at that time a prisoner in Buchenwald?

A Yes.

Q What was his relationship with Dr. Ding-Schuler?

A It was of an absolutely confidential nature.

Q Did you in any way determine who it was that played a part in selecting the persons used in the experiments in Block 46?

A I had to pay particular attention to this question, because as a result of a common, premeditated murder the prisoners Freudman and May had been killed there.

Q Will you describe this incident to us very briefly, please?

PROSECUTION: Just a minute, Doctor. I object to this, may it please the court, as being immaterial and irrelevant unless he shows some connection between that and the issues in this case.

(Morgen - Direct)

DR. AHEIMER: I believe this is material, because this illegal camp administration had its hand in this again. I can clear this up by one question.

PRESIDENT: Objection overruled.

LAW MEMBER: I think it would be helpful, however, to the court to fix the time when this investigation concerning Block 46 was made by the witness.

QUESTIONS BY DR. AHEIMER:

Q When was it, Dr. Morgen, that you ran this investigation on Blocks 46 and 50, respectively?

A The investigation started about September 1943.

Q And how long did it take?

A With interruption until the end of my stay in Buchenwald--May 1944.

Q How far back did these investigations extend?

A As far as was at all possible.

Q You mentioned these cases of Freudman and May.

According to your suspicions or your determinations, did the illegal camp command have anything to do with these cases?

A The suspicion was very plausible.

Q Can you please describe the cases of Freudman and May to us briefly?

A The prisoners Freudman and May belonged to a small out-detail in Quettrzburg. The chief of that detail was the previously mentioned Master Sergeant Blank. This Master Sergeant Blank, together with prisoners, started on illegal hunts in that vicinity; and, furthermore, the prisoners had

(Morgen -Direct)

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plundered just about every single one of the chicken farms in the vicinity and they had been engaged in black market operations on top of that. Every prisoner had a fiancee in town, and big parties, to which later on high-ranking army officers would be invited, were taking place in the prisoners' barracks. These prisoners didn't have any ideas that these men were prisoners. In fact, Blank had introduced these two prisoners of his as his aide men at the hunt to the Archduke of Mecklenburg. Finally, the scandal had assumed such proportions that the whole detail was inactivated and sent back to Buchenwald. The court in Kassel started proceedings against Blank. In that case the prisoners May and Freudman were to be called as witnesses, and when the request for the interrogation came into Buchenwald, the camp physician, Dr. Hoven, replied that these prisoners were sick and therefore not fit to be transported; whereas, as a matter of fact, the prisoners were entirely healthy.

later  
A few weeks/the court sent in another request. Dr. Hoven's answer was exactly the same. Upon that the court instructed the legal officer to conduct the interrogation. Upon that Dr. Hoven denied the legal officer access to the prisoners. The reason he gave for that step was that these prisoners were suffering from very contagious diseases and that there was therefore danger of infection for the legal officer and the whole camp. In fact, these two prisoners

(Morgen - Direct)

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were still completely healthy. Upon that the court ordered the physician himself to ask certain concrete questions of those prisoners, and for that purpose sent the files to Dr. Hoven. The answer that Dr. Hoven gave to that was that the condition of those prisoners had deteriorated to such an extent that they could be counted on to die within a matter of hours and that at this time they were not in any shape to be interrogated. In fact, at the time the prisoners didn't even know anything about their poor state of health.

Two days later Dr. Hoven informed them that those two prisoners had, unfortunately, died in the meantime. So the court, of course, demanded of Dr. Hoven a medical certificate of death. Instead of a death certificate, what Dr. Hoven sent down was a very thick sick record. In that sick record there were daily fever curves for the prisoners, and the exact state of the prisoners every two hours for several weeks, as well as the very careful and scrupulous way of treatment was set down. The files grammatically demonstrated the picture of a physician in battle with disease and death, resulting, however, in death after occasional improvements and some deteriorations. That file came to the attention of the judge in Kassel, Major Doctor Paulmann, and he showed the file to me and the two of us came to the conclusion that, after all, a prisoner in Buchenwald would not be treated as a very rich millionaire in an expensive sanitorium. We therefore believed that, although there was nothing actually pointing towards it, that there was something wrong. I therefore conducted

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a very close investigation of these two cases, and I observed that these two prisoners had been brought into a series of experiments for typhus with deliberate intent of having these two prisoners die off inconspicuously in the course of this experiment. The motive was to eliminate those witnesses and not to have conditions on that detail become known, because the camp was afraid that unfavorable measures would otherwise be taken against all prisoners--that is to say, against all out-details; that is to say, more strict supervision in general over by-camps.

Q Was a criminal investigation of this Dr. Hoven whom you just mentioned made later on?

A Yes. I arrested Dr. Hoven and charged him before a court with many murders.

Q Who was it that selected the persons for the series of experiments that were conducted in Block 46?

A The process was as follows: The only kind of an order that the camp commandant would receive was to send a certain number of prisoners, whose names would not be stated, to be made available to the doctor in charge of the experiment. It was therefore up to Dr. Ding, the doctor doing the experiment, to pick out the persons who were suitable for his experiments among the many thousands that were at his disposal. There were only certain very definitely delineated types of prisoners useful for that type of experiment--that is to say, in the first place, the prisoners had to be German, because

(Morgen - Direct)

the members of peoples living in the east have been more or less immune against the effects of typhus for many centuries, but the serum which was to be discovered was to be used as protection for German troops, also for concentration camp prisoners, therefore. The circulatory system of the persons concerned had to be in perfect shape, and in particular they were not to be above a certain age limit. It was from these points of view that the doctor had to select his prisoners. For that purpose he used his prisoner clerk. The prisoner clerk of Dr. Ding, a prisoner Dr. Kogon, would get together with the prisoner clerks in the various prisoners' blocks, and these prisoners would first prepare a list of prisoners who were generally suitable for the experiments. In doing this the various prisoner officials kept in their eyes certain interests. There were certain persons which certain groups of prisoners wanted to see eliminated, and again there were others who were not to be put to the use of those experiments under any conditions. Concerning the selection of these prisoners, a bit of fight was regularly started among these prisoner officials, because those various groups had divergent interests. So after this first list had taken shape, the next thing to be determined was which prisoners were to be thrown out as unsuitable, and from the mass of persons that remained on this list, it was up to the medical clerk, Dr. Kogon, to select the ones which were finally to be used in those experiments, the number of those being equal to the number of

(Morgen - Direct)



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AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: May it please the court, let the record show that all the personnel of the court, all the personnel of the prosecution, and all the personnel of the defense are present. All the accused are present with the exception of Schmidt and Hans Wolf, who are absent.

The witness is reminded that he is still under oath.

If there are any spectators in the courtroom who expect to be called as witnesses in this case, they will please leave the courtroom.

DR. AHEIMER: May it please the court, during the recess it was brought to my attention that through the translation the interpreter made a little mistake by omitting half a sentence in a translation. I think, with the permission of the court, I will be able to clear up this matter through a leading question to the witness.

KONRAD MORGEN, called as a witness by the defense, resumed the stand and being reminded that he was still under oath testified further through an interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY DR. AHEIMER:

Q Dr. Morgen, you have testified this morning that hereditary Prince zu Waldeck tried to get some information about the Camp Buchenwald during the administration Koch. Did you express there that the Prince zu Waldeck did this without being obliged to do so?

A Yes, that's what I testified.

(Morgen - Direct)

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8-11-47;JGMD;2

Q This morning we were speaking about the person of Dr. Kogon. Were you shown the installations at Block 50 by Dr. Kogon in Buchenwald?

A I saw the installations at Block 50 in detail. They were shown to me through the SS Major Dr. Ding-Schuler, and Dr. Kogon was present thereby. At that occasion a little incident happened which might throw some light on the conditions which existed there. Among other things, Dr. Ding-Schuler showed me there a deep refrigerator for virus plants. When this deep refrigerator was to be opened Dr. Kogon objected to it because it was too dangerous. When it was opened in spite of it, it was found out that butter was in this deep refrigerator. Dr. Kogon had obtained this butter from the prisoners' hospital, and in this manner taken away from his other prisoner comrades.

PROSECUTION: Just a minute. We object to this line of testimony, may it please the court, as being immaterial and irrelevant to the issues of this case. Dr. Kogon is not on trial before this court, and this casts absolutely no light upon the guilt or innocence of any one of the individuals sitting in that dock.

DR. AEBIMER: I think it is of some importance for the general conditions, but this line of questioning has ended already.

PRESIDENT: The objection is sustained.

(Morgen - Direct)

QUESTIONS BY DR. AHEIMER:

Q Was later on a change made in selecting the prisoners for experiments in Block 46 which you described in the morning's session?

A Yes. During my investigations I found out that this method of selecting prisoners gave the opportunity to commit various crimes. Therefore, I had steps taken with the Reichsfuehrer SS and a report made to him.

Q Was anything done in this respect?

A Thereafter the Reichsfuehrer SS made a special decree in accordance with which only such German criminals were allowed to be taken for these experiments who had spent already more than eight or ten years in German penitentiaries. By this, political prisoners were excluded from the experiments. The selection of the prisoners was done through a special representative of the Reich Criminal Police Commissioner. This representative made a list of criminals in accordance with their previous punishments and their files. He went to Buchenwald and there he had these criminals presented to him and then made his selection. Starting with December 1945, therefore, the names of the men for these experiments were not given anymore or selected through the camp itself, but through the Reich Criminal Police Main Office.

Q Did the Prince zu Waldeck have anything to do with the experiments in Block 46 or Block 50?

A No, that was exclusively the job of the SS Major General Rawitz. He was the Reich Physician of the SS.

(Morgen - Direct)

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Q Was he on the staff of Himmler?

A Yes.

Q Could Prince zu Waldeck have done anything against these experiments?

A Absolutely nothing, because these experiments were based on orders of the Fuehrer and of the Reichsfuehrer SS. Furthermore, these experiments were surrounded by so much secrecy that I doubt whether Prince zu Waldeck knew anything about these experiments before I made my investigation.

Q Did you find out anything about euthanasia by Dr. Hoven?

A Dr. Hoven was really a mass murderer, and he killed thousands of people for various reasons.

Q And then the legal investigation started against him?

A Yes. I charged him with murder.

Q One last question: Did you make your investigation in Buchenwald all by yourself, alone?

A I couldn't do this all by myself. I needed a staff of assistants, and as a first man to come with me came the criminal chief secretary Net.

Q Isn't the name of Nett written with double T?

A Yes.

DR. AHEIMER: I have no more questions for Prince zu Waldeck.

DR. WACKER: Additional questions on behalf of the former camp commander Pister.

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QUESTIONS BY DR. WACKER:

Q Dr. Morgen, where was your office located when you made your investigation at Camp Buchenwald?

A Colonel Pister gave me a room in the headquarters staff building.

Q Please point out on this exhibit, No. 8 of the prosecution, where at that time your office was located.

A That is the headquarters staff building (indicating). Here in this corner was my office (indicating), from which I could look over the camp on both sides.

DR. WACKER: The record shall indicate that the witness pointed out No. 25 on prosecution Exhibit No. 8.

THE WITNESS: May I add something else? I see here three gallows on the map. During my presence at Buchenwald these three gallows were not there. There were no gallows at all.

QUESTIONS BY DR. WACKER:

Q Dr. Morgen, where was the office of the camp commander Pister?

A It was here on the second floor of building No. 25 (indicating).

Q Did you have an opportunity to get personally acquainted with the camp commander Pister at that time?

A Yes. I reported to him, and since I had my office in the same building with him we saw each other nearly every day, as far as I and he were present there.

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Q Would you recognize Pister again if you would see him here in court? Please look around in the courtroom and tell whether he is present in the court.

A Number 21.

DR. WACKER: The record shall indicate that the witness has identified the accused No. 21 as the accused Pister.

Q Dr. Morgen, during your work in Buchenwald did you have an opportunity to see and visit the entire camp?

A Through the great assistance which was given me by Colonel Pister, I had the opportunity to visit the camp during all hours of the day and the night in uniform as well as in civilian clothes, and I used this opportunity.

Q In reply to a question of Dr. Aheimer you have testified this morning that a special police court was established at Kassel. In what kind of position were you working in Buchenwald now?

A I came to Buchenwald as a representative of the Reich Criminal Police Office, and after the special police court had been established at Kassel, temporarily I was the investigating officer of this court in Buchenwald, and furthermore I had the position of a public prosecutor.

Q How long did you stay in Buchenwald altogether?

A From approximately July 1943 until May 1944.

Q You have mentioned already in the morning's session what you found out in regard to the former camp commander Koch. Please give us a picture as exact as possible of all

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the crimes which had been committed in camp Buchenwald during Koch's time.

A I think the human language is not ample enough to show the full amplitude of crimes committed by Koch and the horror of same.

Q Please give us just a short view of the conditions in Camp Buchenwald during Koch's time.

LAW MEMBER: Confine this evidence to the time after September 1, 1939.

Q Please confine yourself in your testimony exclusively to the time after the beginning of the war.

A The SS Colonel Koch has to be called a king of crimes. He had surrounded himself with a staff of criminals. The motives for this were the unbelievable power craziness of Koch and his intention to get rich through the prisoners. I myself could prove the larceny of the sum of at least 200,000 marks, but I am convinced that Koch did damage of millions of marks to the camp.

Q When you say the camp do you mean the camp administration or the Reich Economic Main administration office, or the SS or the prisoners?

A First the prisoners, and secondly the treasury of the Reich.

Q Please explain in detail in which way the prisoners lost.

A One has to make a distinction between the crimes

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which Koch committed against the property of the prisoners and the crimes committed against their life and their health.

Please explain only in detail the crimes committed against the property, but explain to the court what it was all about.

A First of all, the commander Koch took over the personal property of the prisoners--the things which they had given into custody of the camp administration. The largest source of income was the so-called canteen in Buchenwald. Koch himself bought the merchandise, which was sold there, and he sold them there with too high prices to the prisoners. Since this business was carried on with ten thousands of prisoners for many years, it's quite understandable that a large sum of money came together this way.

Q Doctor Morgen, please testify now about the crimes of Koch against the life and health of the prisoners.

A I have to say that during the time the commander was Koch, the life of a prisoner had no value at all. Koch used chicanery against prisoners from the early morning until the deep night. Even for small infractions of rules he had the prisoners stand on the roll call place for hours and even days during the winter, sometimes without overcoat and blouse. It didn't mean a thing how many prisoners collapsed in this manner or were badly hurt.

Q Did you find out that during Koch's time prisoners had been beaten without the proper procedure taking place?

A Yes, to the largest extent. Koch had picked out such capos -- supervisors of the prisoners -- such men who had shown their value as brutal beaters and great criminals.

Q Did you find any cases of murder during Koch's tenure of office in addition to the ones you have mentioned this morning?

LAW MEMBER: The court has heard much evidence on the general conditions of Buchenwald. Will you get to the point in connection with the particular accused you represent and connect this witness' testimony with Pister or somebody else involved in this case.

DOCTOR WACKER: I would like to prove under which conditions Pister took over the camp and in which condition the camp was before Pister came there.

PRESIDENT: The court knows that now through previous evidence.

QUESTIONS BY DOCTOR WACKER:

Q How many men at Buchenwald were involved in these crimes of Koch?

A The number itself is not so large, but they were all people who were in key positions and who used as tools very much these capos, so that the results of this Koch group extended into the far corners.

Q How did Pister behave towards your investigation in Camp Buchenwald?

PROSECUTION: I object to that as being repetitious.

PRESIDENT: Objection sustained.

QUESTIONS BY DOCTOR WACKER:

Q Did Pister participate in any way in your investigation?

A He gave me all technical necessities which I needed for my investigation. There were many of them, for instance, the use of the teletype, of the telephone, of vehicles, then I was allowed to see the files and the records. I was able to hear without any difficulties prisoners and SS men at any time. Furthermore, he gave me frank information to the largest extent about camp conditions.

Q Was your activity during your investigation in Camp Buchenwald also directed against Pister?

A No, but after I had found out these facts about Kock, of course I was full of mistrust against the new camp commander, his successor, Pister. Therefore, I tried to get a picture of the activities of the camp commander without endangering his authority with his subordinates.

Q What did you do in this respect?

A I really had nothing special to do. I was already inside the camp, and as I mentioned before, I had the right to walk around freely in camp. I ate at the Officers' Club and I lived in the camp. Through these observations and experiences which I made, practically every day, I could gain a pretty good picture of the activity and attitude of Pister.

Q Please tell the court about Pister's conduct towards the prisoners.

A I got to know the SS Colonel Pister and I have learned to keep him in esteem as a man for whom one can have only the greatest respect. Pister was completely involved in his job assignment. He worked from

early morning until deep during the night inside the camp or for the camp. He was unable to have any kind of private life.

Q Was he very much outside the camp?

A He not only made inspections inside the camp every day, but also twice or even more during the week he made trips and visited his out details.

Q What did you find out personally about beatings during the period of time Pister was Camp Commander at Buchenwald?

A One can give full justice to Pister's personality and to the work he took over only if one considers his inner attitude. Pister was a man full of deep and human feeling. In spite of his rough outside, he had towards his prisoners the feeling and conduct of a father.

Q Please tell us whether during Pister's time the prisoners were beaten?

A The corporal punishments which had been ordered by the inspection of the concentration camps still took place. Punishments which were given for great crimes, but as far as I could find out, the percentage of these corporal punishments went down from 100% under Koch to approximately 10% under Pister, so that these corporal punishments comparatively became very rare. The full punishment of 25 blows was carried out even less, and mostly only the minimum of five to eight blows was given.

Q How was the attitude of Pister towards the so-called illegal beatings?

A Pister's attitude in this respect was absolutely negative. Very often he spoke to me about the problem of the education of concentration camp prisoners, especially about the education of the worst criminal elements. According to his principles, a man cannot be bettered through beatings or punishments. He was of the opinion that in spite of all correctness and strictness, it was only possible through good behavior and through giving the prisoners a good example to improve their own conduct.

Q You have testified about the conditions in regard to beatings

under Commander Koch. Please will you tell us now about the conditions in regard to beatings under Commander Pister?

A Pister took all necessary steps to prevent beatings and to make them impossible. He had all the former capos relieved and replaced them through better capos. Furthermore, he transferred the former members of Koch's staff as far as possible. The members of the headquarters staff were told again and again that they were not allowed to touch a prisoner. Beyond that, Pister tried to change the attitude of the prisoners towards their life, to make life again enjoyable for them and he tried to increase their work output by offering them incentives and not threatening them with disadvantages.

Q Of what did these advantages consist?

A First, the time of prisoners falling out was cut down. Furthermore, larger recesses were given to the prisoners. The out details received a warm noon meal. The guards were not allowed to hurry the prisoners in their work. Pister tried to improve the food and to have it a little more varied. There is more to be said.

Q Please continue.

A Furthermore, he enlarged the cultural meetings for prisoners. For good labor output certain bonuses were given in the form of credit to the account of the prisoner, and furthermore, also, by giving the prisoner the possibility of buying merchandise at the prisoners' canteen. Afterward a larger brothel was opened under Pister.

Q I return now to the beatings. During the time you were in Buchenwald, did you ever visit the stone quarry?

A Under Commander Koch the stone quarry had been a place of horror. I, therefore, visited this spot repeatedly in uniform as well as civilian clothes. I can say that I was able to approach the stone quarry quite often unobserved, so that I could make my observations in regard to the work done there.

(Horgen-direct)

Q During your visits to the stone quarry did you see whether the prisoners were beaten there?

A Neither in the stone quarry nor at any other place in the camp I saw that prisoners were beaten or that they showed signs of having been beaten. Furthermore, I saw that the work pace at the stone quarry was very slow.

Q Did you ever observe an occasion where a prisoner was beaten and Pister had the opportunity to see that?

A I didn't understand this question.

Q Was there once a prisoner beaten so that Pister had the opportunity to see it?

A I have just testified that I didn't see any beatings in camp and that I didn't see any signs of previous beatings or blows on the head or something like that. If I could not see it, Pister could not see it, either. I don't want to say by that it was impossible that mistreatments happened without being observed. With tens of thousands of prisoners in camp and the large area involved, nobody could be everywhere at all times. For this reason it is quite possible that once in a while this happened without being noticed or without any possibility existing that it could have been noticed.

Q Did you investigate furthermore whether it was possible for Commander Pister to change the conditions as they had existed under commander Koch?

A It is impossible to compare the times of these two commanders, the difference is so large. There were many prisoners who told me they only knew that after Pister had become commander, they again had hope to live and courage to live.

Q Doctor Morgen, did you investigate the executions which took place in Camp Buchenwald in order to find out whether these executions were held in a proper manner?

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(Morgen-direct)

A After what I had heard about the methods of executions under Commander Koch, it was only understandable that I was afraid that these methods could perhaps continue even under Commander Pister. Therefore, I took the opportunity to tell the SS Colonel Pister frankly about my fears and worries.

1. I was particularly worried about the fact that the SS had taken over the courts and that the judges were being replaced by SS judges.

2. I was particularly worried about the fact that the SS had taken over the courts and that the judges were being replaced by SS judges.

3. I was particularly worried about the fact that the SS had taken over the courts and that the judges were being replaced by SS judges.

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11. I was particularly worried about the fact that the SS had taken over the courts and that the judges were being replaced by SS judges.

12. I was particularly worried about the fact that the SS had taken over the courts and that the judges were being replaced by SS judges.

13. I was particularly worried about the fact that the SS had taken over the courts and that the judges were being replaced by SS judges.

14. I was particularly worried about the fact that the SS had taken over the courts and that the judges were being replaced by SS judges.

15. I was particularly worried about the fact that the SS had taken over the courts and that the judges were being replaced by SS judges.

Q What extent did your investigations take?

A Thereafter Pister requested me to be a witness during the next execution.

Q Were you really present during the next execution?

A I was requested to appear in the yard of the crematory. There five or six culprits were brought in. I looked at the record of these men and I saw that an order for the execution was there from the SS Major General Mueller, the chief of the Gestapo. These men were eastern laborers who had committed great crimes, pilferage, organizing of bands and making use of the blackouts and murder.

Q In accordance with your investigation had these sentences been passed legally?

A These were not court sentences but they were decrees of the legal administration made out by the chief of the Secret State Police.

Q Please, Dr. Morgen, give the court the legal basis for such execution orders.

A The legal basis is the law of the Reich issued around the middle of 1942 and the name was approximately, Decree about the Punishment of Poles and Jews.

Q Dr. Morgen, was this law published in the Reichs law paper?

A Yes.

Q Had this law been passed in the same manner as any other German law?

A As far as I know, yes.

Q Were laws published in the Reichs law paper referring to civil law as well as to criminal law?

A Yes.

Q Was everything published in the Reichs law paper considered Reichs law?

A Yes.

Q Please explain to the court now what, in general, was said in this decree about punishment of Jews and Poles.

A In accordance with this decree the power of punishment for these people, as far as they were in the area of the German Reich, went over to the hands of the Secret State Police organization. Thus, the police received jurisdictional powers. Therefore, the police were free in the procedure to be applied and as to the punishment to be given.

Q Dr. Morgen, was just this established in this law?

A Indirectly, yes.

Q Dr. Morgen, please tell the court what were the conditions which had to exist in accordance with this decree as to the punishment of Jews and Poles before punishment could take place?

A The reasons for this law were the shortness of personnel which generally existed at all courts and with the police. The situation had become very difficult through the coming in, or better, bringing in, of some many millions of foreign laborers, especially eastern laborers. The criminality of these eastern laborers was very great. On the other hand, the criminal laws were simplified so far as many crimes, especially crimes committed in wartimes, the death penalty was ordered by law.

Q Please, Dr. Morgen, pick an example and tell the court about the entire procedure in the time when sentences were passed or death decrees were issued.

(Morgen-direct)

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(Morgen-direct)

LAW MEMBER: I don't think the court is interested in the background of this particular decree. It is sufficient if this witness gives evidence that in his opinion the executions at the camp were legal or not.

DR. WACKER: May I make a short reply? I know that in many cases, especially in concentration camp cases, the courts considered such executions as murder since, in their opinion, these executions had no legal basis. For this reason I should like to prove that these execution orders to concentration camps not only came through regular channels but also had a legal basis. I don't want to prove whether this law itself finds approval or not but I'd like to prove that it was a law and that the accused here had to accept it as a law.

LAW MEMBER: Let's get his opinion on the subject more briefly. Let's come to the point.

DR. WACKER: May I mention something else? It is very difficult to get a man with legal training who knows about this subject and for this reason I just picked this witness. It is in many cases so -- that the man who had to deal with these affairs is under arrest and for this reason it is impossible to get him here into the witness chair. It is very difficult to get these men by name and for this reason I am especially interested in interrogating this witness.

QUESTIONS BY DR. WACKER:

Q Dr. Morgen, please tell us as shortly as possible, in order not to waste the court's time, the procedure which took place based on this law about the punishment of Jews and Poles up to the time sentences were passed.

A I'd like to give an example. Let's assume somewhere murder is committed. The criminal police step in and clear up this murder committed for profit. In its investigation the criminal police find an eastern laborer to be the delinquent. The man is imprisoned; he is interrogated; he denies; he tries to prove his alibi for a certain time; he gives the names of witnesses which are supposed to prove that during the time the crime was committed he was at some other place; the police hear these witnesses; the police try to get other evidence up to the confession of the delinquent or his denial. The police, in its opinion has cleared up the case entirely. Then, before this new law was issued the police had to turn over the man and his files to the regular court. Now, the higher Gestapo office took the place of the court. The files were then first checked through the local Gestapo office. Then, through the Inspector of the Secret State Police office and finally they came to the Ministry, that was the Reichs Security Main office. Here, several persons had a counsel, that is, a counsel consisted of several persons and, based on the previous investigation, these people made suggestions for the punishment.

LAW MEMBER: What has this got to do with Pister or Buchenwald?

DR. WACKER: It has to do so much with Pister that it intends to prove that Pister in general and the men who really carried out the execution order did not participate in any criminal act when carrying out an execution. I have to add something else. As soon as the prosecution claims that each execution committed against foreigners in Buchenwald was a criminal act, I have to prove, through this witness, that these

(Morgen-direct)

executions were based on the legal acts and are not criminal.

LAW MEMBER: The point is, why can't you prove it by asking this witness who says he was a lawyer, who made an investigation of Buchenwald at the time Fister was there, what is his opinion, were the executions legal or not. I think you can come to the point pretty quickly along these lines.

DR. WACKER: I brought the same proof in the Flossenburg trial through one question which was answered with "yes" but this did not prevent the prosecution afterwards from treating these cases as criminal acts. In order to evade this danger this time I'd like to have this witness testify about the exact legal basis of these acts.

PRESIDENT: Let's stop the arguments on it and proceed with your examination and make it as short as possible.

QUESTIONS BY DR. WACKER:

Q Dr. Morgen, please explain this procedure in as few words as possible.

A I am already at the end. In the Reichs Security Main Office this counsel submitted suggestions to the SS Major General Mueller who was chief of this department, and he either approved it or denied it.

Q How finally then came the execution order to Buchenwald?

A Through letter.

Q In your opinion was such written execution order based on German law legal?

A Technically, yes.

Q What do you understand by that -- technically, yes?

A That it was technically right means it doesn't have to be really right.

(Morgen-direct)

Q Do you want to express with this that the lawyers in Germany in general did not agree with this procedure but that it had become law?

PROSECUTION: I object to counsel leading the witness, may it please the court.

PRESIDENT: Objection sustained.

QUESTIONS BY DR. WACKER:

Q Dr. Morgen, please explain to the court why you use the expression "technically legal".

A The same way as the court can make a mistake in its sentence, the police can make mistakes in its decision but sentences based on a mistake are still legal sentences and no matter whether the sentences were right or not they were still legal sentences.

Q Dr. Morgen, in its investigation did the police have to consider only the evidence against the accused or also the evidence in his favor?

A The position of the German police and the German legal system is entirely different from the Anglo-Saxon system. In accordance with German law the police and the public prosecutor has to clear the entire case already during the preliminary investigation as much as possible and has to consider to the fullest extent all evidence in favor of the accused as well as the evidence against the accused. Legally nothing has changed in this respect under the Nazi system.

Q Dr. Morgen, did you check the legality of the executions which took place at Buchenwald?

A My answer to this question already was "yes".

Q Did you have an opportunity to see the files?

A Which files?

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(Whereupon the Court recessed at 1530 hours.)

Q As far as they had come to Buchenwald.

A The files of the delinquents?

Q Yes.

A No, the executioner never gets the records and files.

Q You are speaking about the executioner who, in your opinion was the executioner in Buchenwald?

A The concentration camp Buchenwald was a place where the executions took place.

Q What did the concentration camp Buchenwald, and I mean each employee or each SS man of Buchenwald have to do with the coming about of such a sentence or execution order?

A Not the least.

PRESIDENT: Court will recess for thirty minutes.

(Whereupon at 1500 hours the court recessed until 1530 hours.)

Q Mr. ...

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(Organ-direct)

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idb-1

(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 personnel of the Court, all the personnel of the Prosecution, and all the personnel of the Defense are present with the exception of Dr. Renner, who is absent on business of the accused, and all the accused are present with the exception of Schmidt and Hans Wolf, who are absent. The witness is reminded that he is still under oath, and if there are any spectators in the court room who expect to be called as witnesses in this case, they will please leave the court room.

DR. KONRAD MORGEN, called as a witness by the Defense, resumed the stand and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DR. WACKER:

Q Dr. Morgen, I have one further question which I forgot. This law concerning the criminal procedure concerning Poles and Jews. Was that considered applicable to eastern laborers in general?

A No, it applied only to those eastern laborers who had committed those punishable acts in Germany.

Q But to that extent it was law for them?

A Yes.

Q I shall now turn to another subject. For Camp Buchenwald did you examine the question as to whether there were any prisoners chased through the chain of guards?

A Yes.

Q What did you determine as far as that is concerned?

A Very numerous such shootings while attempting to escape

(Morgen-Direct)

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took place during the time of Commander Koch.

Q Did you make an investigation to determine whether or not any crimes were committed in that connection?

A Terrible crimes were committed.

Q Sir, I am no longer interested in the time of Koch, though. What were the conditions during Pister's time?

A As far as I could tell, no more prisoners were sent to their death during Pister's time.

Q Did you examine conditions particularly on that point?

A I was in constant contact with the SS and Police Court in Kassel, and its chief, Major Paulmann; and it was in Paulmann's office all reports showing unnatural deaths and shootings while attempting to escape would come in; and if any suspicions would have arisen in connection with this he most certainly would have notified me; and neither through personal knowledge nor through any information that I received through Major Paulmann did I find any reason for suspicion.

Q Dr. Morgen, did you ever talk to the camp physician about what the procedure was concerning reports of unnatural death?

A Yes.

Q What was the result of that investigation?

A I think I talked about this question at length this morning.

Q Dr. Morgen, I would like to have a supplement to that extent as to whether reports concerning prisoners who were beaten to death or mistreated to death or otherwise died an unnatural death--whether reports about them went through the hands of the  
(Morgen-Direct)

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camp physician who would then have to make a report of his own?

A Legally, the situation was that any unnatural death had to be reported to the Court located most closely by. It was up to the camp physician to decide what was to be considered an unnatural death; so, of course, the possibility that a prisoner might have died an unnatural death but the camp physician falsely and deliberately would have signed a death report for a natural death definitely did exist. In that manner the Court did not find out about this. Therefore, the Court had no knowledge at all of this prisoner having died.

Q What was Pister's position towards such incidents?

A Pister, out of his own initiative, never had any such thing done to my conviction, but I would have to note that even during his time the camp physician Dr. Hoven, who was arrested by me, still did carry out and did keep secret such matters.

Q Do you have any grounds to believe that Pister knew about this?

A He didn't know about it, and he had no reason to suspicion it, because these matters were done in such a skilled fashion that there was no grounds at all for any suspicion to come up in Pister's mind.

Q Where were these murders of Dr. Hoven carried out?

A The greatest part in the hospital, and the rest of them in the arrest building.

Q Did you make any determination as to whether any prisoners were injected to death?

A Yes.

Q Please tell the Court what you did determine.

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A I mentioned the cases of Freudman and May a while ago, which two prisoners were put into the experimental station by Hoven and after this attempt to kill them had failed, they were injected to death.

Q Did you find out about several other such cases?

A Yes.

Q Do you know whether Pister knew about it or had anything to do with these cases?

A Beyond any doubt Pister did not have anything to do with him, and when he was informed about this by me he was horrified.

Q I will return one more time to the questions Dr. Aheimer asked about experiments. Under whose supervision was this experimental station in Buchenwald?

A It was under Dr. Ding-Schuler, MD; and, according to what I find out, his direct superior was the SS Major General and Reichs Physician of the SS Dr. Rawitz.

Q Did Pister, as Commanding Officer of Buchenwald, have any way of taking a hand in the activities of Dr. Ding-Schuler?

A No, for according to the German military organization, the medical services are separate from the troop services, and the troop commander has no way of taking any hand in the activities of the medical services.

Q Dr. Morgen, in the course of your investigation in Buchenwald, did you hear anything about a so-called illegal camp administration?

A Yes.

Q What did your investigations reveal in that connection?

A The inmates of Camp Buchenwald consisted of, on the one hand, habitual criminals of all types, and on the other hand of

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political prisoners, aside from large groups of prisoners who were merely collected on lists as merely dangerous to the state, among them a large number of foreigners. These groups were organized within themselves, and the work of this group was, of course, attempted to be kept secret from the camp itself. This so-called illegal camp administration then consisted of the strongest of those groups, and the members of that group attempted to place prisoners of their group into key positions in the functions of prisoners; and, in the securing of those positions in the prisoners' self-administration, there was a constant fight for power among these groups, among the prisoners. This fight was carried on by all groups with all means available, and the persons involved did not even shirk back from even the most severe crimes, including murder.

Q Under what conditions could crimes be committed by prisoners?

A These crimes of prisoners against themselves were committed in a great variety of ways. There were certain locations for the committing of such crimes which seemed to be preferred, but then they were also carried out at other places, and the methods were varied.

Q How could this be done?

A The simplest way of eliminating a prisoner inconvenient was for instance the following. The prisoner was assaulted while asleep and covered up with heavy blankets. By that means he was held down, and any noises he might have made was suffocated. One prisoner would already be standing by his side with a rope and a noose. He put that noose around his

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neck quickly, and then one of the prisoners would lift him up and hang him up in the window or in the toilet or any suitable place.

Q Now what would the procedure be the next morning when this dead prisoner would be found?

A The block eldest would report to the camp administration that a suicide had occurred. Upon that, the legal officer with the medical officer would appear. The dead body would have his picture taken then and be dismantled and be dissected. Of course, in the course of such investigation, no traces of external force that might have been used could be detected. The prisoners involved were interrogated, and they would testify that this prisoner has shown signs of melancholy and intended to commit suicide for quite some time--that attempts had been made to console him, but that his suicide after all happened quite unexpectedly.

Q Dr. Morgen, did you investigate the case of one Russian General named Kuschnarek?

A There was one General Kuschnarek, a former white Russian General, in camp. He had been put in Buchenwald during the time of good relations between Germany and Russia, this General having been an opponent of the Soviet system. He was a preferential prisoner in Buchenwald, and he had the confidence of Colonel Koch. The communist prisoners suspected him of being a camp stool pigeon. One time when Koch was gone for a longer period of time, Dr. Hoven had this Kuschnarek taken to the hospital and had him locked up there in a special room. The hospital was the

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headquarters and the central executive office of the prisoners from the far left. The hospital was run practically single handedly by prisoners--prisoner doctors as well as male nurses; and the SS doctor who was supposed to supervise it, Dr. Hoven, was, for all practical purposes, fully within the hands of these prisoner officials. After Kuschnarek had been kept in this hospital for about one week in order to ascertain that no opposite reaction will be taking place, Kuschnarek was killed by an injection. He was then sewed up in a sack, a label was put on it "highly infectious--danger of infectious disease", taken to the crematory, and burned right away.

Q Do you have any further reasons to assume that the activities of Dr. Hoven were connected with those of the illegal camp administration?

A Dr. Hoven had an office of his own filled up with prisoners, the only duty of which office was to prepare false files to cover up such murders.

Q Did you see any such forged files?

A Yes.

Q Was it possible for almost anybody to detect these as being false?

A Since these files were prepared by men who were doctors themselves, that is to say the prisoner doctors, there were done in a manner that not even a man who was a doctor would have been able to determine that these files were based on a falsehood.

Q Do you have any grounds for an estimate of any figure

(Morgen-Direct)

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Q In Buchenwald did you know by name Detail 207  
of the number of prisoners who were eliminated through the  
activities of this illegal camp administration?

A I don't think that anybody would be in a position to  
estimate that number, but in my opinion it must be very high.

Q Dr. Morgen, in one book about Camp Buchenwald, the number  
200 is mentioned. Would you call this a high number, or do you  
think it's low?

A I think more than 200 persons were killed in the  
hospital.

Q Dr. Morgen, do you know anything about Russians being  
executed in Buchenwald, or did you investigate those cases?

A I heard about this, and I heard about it through the  
accused Hoven, himself, who called this for his exoneration;  
however, I wasn't able to investigate this for myself; because  
even from the beginning all investigations of killings had been  
taken away from me; and sent for that purpose was the criminal  
counselor Wehner by order of General Mueller. He was furnished  
with special penitentiary powers. From that time onwards I was  
able to investigate only the corruption crimes in Buchenwald.  
I was able to investigate killings in all the other concentration  
camps with greater thoroughness than I have ever been able to in  
Buchenwald.

Investigate yourself?

Yes.

Q Do you think or do you have reason to believe that there  
was occasion for the Reichs Government to use you?

(Morgen - direct)

Q In Buchenwald did you know by name Detail 99?

A I don't remember.

Q Were Russian agents executed in other concentration camps as well.

A Well, it was only after the collapse that I found out about that.

Q Did you in Buchenwald conduct any investigations as to the legality of these executions?

A I was not able to conduct any special investigations of this

kind. I was not allowed to investigate the persons or conditions

of these shootings because, as I said before, it was Criminal Councillor Wehner who was responsible for that.

Q Doctor Morgen, if a witness would testify in this court room that an order from the Reichs Security Main Office existed ordering these executions to take place, would you then consider the executions legal?

A I don't believe that I can answer this as generally as all that. If, however, as alleged, these executions took place of persons who were war criminals, or criminals who had violated international law, or in the form of reprisals in that form permissible under International Law, then I would be inclined to describe these executions as legal ones.

Q You used the word "reprisals". Were you in combat in Russia yourself?

A Yes.

Q Do you think or do you have reason to believe that there was occasion for the Reichs Government to use reprisals?

(Morgen - direct)

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(Morgen - direct)

ake 317 - Bu - wfj 2

A I know from personal experiences that from the very beginning the war was fought in a manner of great harshness and maximum brutality on the part of the Soviet Government. During the first few days when officers and couriers who had been eye witnesses came back from the front, I received reports of the conditions in which they found Limburg. The conditions in the GPU prison there were simply horrifying. There was rather a large number of members of the SS who were hanged up on meat hooks in the slaughter house there and thus killed.

Q I don't want any details concerning that Doctor Morgen. Do you know whether the German Government took any official steps concerning this way of fighting a war?

A The Military Justice Department had a special office for investigations of war crimes committed by the enemy and as far as I know the results of that investigation have been deposited in Geneva in 53 large volumes.

Q Did you yourself see these 53 volumes?

A I wasn't in Geneva, but I might add the following. The facts about this warfare in violation of International Law were not revealed to the German people in many instances for reasons of propaganda, in order not to put any more moral burdens on the soldiers fighting in the East and the kin of these soldiers, but I am sure that any German soldiers who has ever fought on the Eastern Front must know from his own observations about these horrors. I myself was able to observe soldiers who had been slaughtered most

(Morgen - direct)

brutally. This was common knowledge throughout the troops and particularly general within the SS, and it was also known that attempts were made to find the people who did these crimes, who were among the brutes of political commissars, from the various prisoner of war camps in order to bring them to justice. I can therefore well imagine that the members of such an execution detail could be convinced that they were doing the right thing if they were told that they were working on the execution of prisoners who had made themselves culpable of war crimes.

Q In the warfare on the Russian front do you know whether as a matter of principle members of the SS were or were not considered as prisoners and were or were not taken prisoners?

A As far as I know from the various secret headquarters reports, the Russian High Command used different principles during the different phases of combat. During the first period it was such that there was probably no quarter given, whereas towards the end of the war prisoners had to be treated well by order of the Soviet High Command. I myself came into the hands of the Soviets after the collapse and I can not complain about the treatment.

Q Doctor Morgen, is it conceivable that the shooting of Russians in concentration camps stopped toward the end of the war?

A That is entirely possible.

Q Did you have anything to do with concentration camps other than Buchenwald?

A Yes, I investigated the concentration camps Lublin, Auschwitz, Oranienburg, Krakow, and toward the end also Dachau.

Q Did Camp Auschwitz have any by-camps?

A The Camp of Auschwitz had very many by-camps.

(Morgen - direct)

Take 317 - Bu - wfj 4

Q Can you state about how many by-camps Auschwitz did have?

A I don't think you can give any figure for any concentration camp because that kept varying.

Q Was any work done in the by-camps of Auschwitz or was it the purpose of the by-camps to exterminate the prisoners?

A Camp Auschwitz had many industrial plants around it but Auschwitz should not be confused with the special extermination camp which was located in the vicinity of Auschwitz. This extermination camp was Birkenau.

Q I don't care for any details concerning this, but is there any way of telling that if a group of prisoners are sent to Auschwitz is it the intention to exterminate them?

PROSECUTION: May it please the court, we object. This calls for undisclosed mental operations of other persons other than this witness.

PRESIDENT: Objection overruled.

QUESTIONS BY DOCTOR WACKER:

Q You may answer.

A The average occupation of Camp Auschwitz was eighty to one hundred thousand men. Camp Auschwitz was building one big synthetic rubber factory. Camp Auschwitz also had an exceptionally large agricultural establishment and furthermore a large number of prisoners kept leaving Auschwitz constantly in order to be put to work on labor projects in the East. These large scale working sites and agricultural sites were very clearly physically visible to the outside world. So, if a large scale transport would leave for Auschwitz the conclusion

(Morgen - direct)

which one had to learn was that these persons would be put to work in these large scale labor projects and that particularly for the reason that not only a large number of prisoners were sent to Auschwitz but also a large number returned from Auschwitz and were sent to other camps.

Q Did you in Buchenwald observe and personally investigate the living conditions and quarters of the prisoners?

A Yes, at various occasions I was in the prisoners quarters and had a look around there.

Q How were conditions in Buchenwald at that time?

A I can only say that during that time I was in Buchenwald conditions were entirely satisfactory considering wartime conditions.

Q How was it concerning cleanliness?

A It was very clean.

Q Did every prisoner have a bed of his own?

A In accordance with what I could tell at that time every prisoner did have a bed of his own.

Q Did you have another opportunity to see Camp Buchenwald after it was over crowded by transports from the East?

A No, at that time I did not have occasion to see it again but in fact it couldn't be any other way if a camp which is built for twenty or thirty thousand only is filled up with a multiple of that number, that prisoners won't have a bed of their own but will be sleeping on straw on the floor.

DOCTOR WACKER: I have a few more questions on behalf of the accused Barnewald.

Q Doctor Morgen, in Buchenwald did you meet a man named Barnewald?

(Morgen - direct)

A Yes.

Q Would you recognize him if you saw him today?

A Yes.

Q Look around the court room and if you see him point him out?

A Number 2.

DOCTOR WACKER: Let the record show that the witness has identified the accused Barnewald.

Q Do you know what jobs and what duties Barnewald had in Buchenwald?

A Barnewald was the administrative officer.

Q In view of the black market activities that had occurred in Buchenwald at prior times, did you also investigate his activities?

A Yes.

Q What did you find?

A According to the conclusion that I reached, Barnewald is an exceptionally qualified administrative officer who was always desirous of fulfilling his duties very correctly and diligently.

Q How many prisoners starved to death during the time you were in Buchenwald?

A I am sure that no a single prisoner starved to death on account of their not being enough food.

Q Did you have personal observation about this?

A I saw the prisoners every day. I saw them march out to work in the morning and march back. I saw them in the camp and at work and the general physical condition was thoroughly satisfactory for the majority of the prisoners. I inspected the kitchen equipment. I saw what the prisoners received along the line of food and I myself

(Morgen - direct)

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(Morgen - direct)

tasted it and the impression I had was that the majority of the prisoners certainly had it a lot better than the majority of the civilian population in areas subjected to air warfare.

Q Doctor Morgen, did you direct your investigation to the question as to whether the prisoners did not receive food that they were entitled to according to their rations?

A The rations were fixed for the camp by the Reichs Food Ministry. In addition to this Major Barnewald always attempted to get the prisoners extra food by all conceivable means. The agricultural outfits of the concentration camp itself were a great help there. The Major Barnewald attempted to buy from the civilian sector additional food such as additional food from the armed forces and the firms for which the prisoners worked were enjoined to give additional food to the prisoners on their own. In fact Barnewald went so far that he paid prices above the ceiling prices for certain items so that he was charged with a crime against the war economy.

DOCTOR WACKER: I have a few questions on behalf of the accused Reimer.

Q Did you investigate conditions in the guard battalion at Buchenwald also?

A You mean conditions with the troops?

Q With the guard troops outside of camp?

A I don't know what the point of your question is sir.

Q Doctor Morgen, you have already explained to us the cases of escape. Were there any other criminal acts that took place within the guard units.

A Do you mean criminal acts of the guard troops toward military discipline or toward the prisoners?

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Q I am merely referring to criminal acts perpetrated against prisoners, and my question is: did your investigations include any other criminal acts besides the shootings while attempting to escape, as alleged?

A I have already stated that any crimes committed locally were handled by the SS or police court officials. I myself did not know anything about any special criminality within the guard battalion during Koch's time, nor did I receive any information concerning this criminality.

DR. WACKER: No further questions.

CAPT. LEWIS: Direct examination on behalf of the accused Heckmann.

QUESTIONS BY CAPT. LEWIS:

Q Dr. Morgen, in addition to the charges against the Commander Koch, did you have occasion to investigate any charges against the man named Heckmann?

A Yes, I preferred charges against Heckmann for several crimes, and Heckmann was sentenced to death twice.

Q Did you know Heckmann at Buchenwald?

A Heckmann had already been transferred to a division in the Balkans and they had him arrested there.

Q Do you know when Heckmann left Buchenwald?

A I don't remember.

Q Were you able to discover any evidence concerning the activities of Heckmann at Buchenwald?

A Yes.

Q Will you tell us what you discovered about Heckmann concerning his activities in Buchenwald?

(gen-Direct)

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(Morgen-Direct)

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A Hackmann had been Koch's adjutant. He had risen from the ranks to that high position in an unusually short time. He could do that only because he was favored in an unusual manner by Koch, and Hackmann is one of those persons who belonged to this certain circle of criminals around Koch.

Q During your investigation of Hackmann, and especially concerning Hackmann's activity in Buchenwald after September 1, 1939, did you find any evidence that Hackmann had mistreated or mishandled any of the prisoners there?

A The acts of Colonel Koch were of a continuous nature and I found no grounds to believe that the accused Hackmann changed his ways any after the start of the war any more than Koch did so after the start of the war, on principle. I should like to say that I do not remember any evidence of any personal mistreatment of any prisoners on the part of Hackmann. But what I meant by my former statements was that in addition to his profiteering to the disadvantage of the prisoners, that his criminal acts were to be found in the carrying out of the orders of Koch, the criminal nature of which it must have been easy for him to understand.

Q In your investigation of the affairs at Buchenwald, did you make any effort to obtain concrete proof against Hackmann that he had participated in cruelties and mistreatment against the inmates after September 1, 1939?

A Well, among other things, I preferred charges against him for murder.

Q Was that a murder that was committed at Buchenwald?

A It was a murder perpetrated on a prisoner from Buchenwald in Lublin.

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Q You mean to say by that, then, that the murder occurred in Lublin, is that correct?

A Well, I picked out this particular murder in Lublin because it took place during a time when Koch was no longer there, whereas Hackmann's activities in Buchenwald are, for most purposes, identical with the activities of Koch in Buchenwald.

Q Now, the question I asked you was whether you attempted to find any evidence against Hackmann for his activities in Buchenwald after September 1, 1939.

A Yes.

Q And did you find any such evidence in the investigations you made in Buchenwald?

A I found evidence of the fact that Hackmann was a slavish tool of Koch.

Q Did you find any evidence that Hackmann personally had mistreated or beaten any of the inmates in Buchenwald after September 1, 1939?

A I don't remember any concrete cases.

Q Now, during the time that you were at Buchenwald investigating the camp, was it ever reported to you by any of the inmates to whom you spoke there that a prisoner had been tied on a birch tree and catapulted into the stone quarry?

A No, because there were more terrible methods of killing in the stone quarry in Buchenwald.

Q If such an incident had happened that an inmate had been tied to a tree and catapulted into the quarry, would it not have been reported to you by the inmates to whom you spoke there?

A I do think so, I am sure of it, because, in a way, it had a peculiar position among the various ways in which killings were done.

(Morgen-Direct)

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CAPT. LEWIS: Direct examination on behalf of the accused  
Schobert.

QUESTIONS BY CAPT. LEWIS:

Q During the time that you investigated Camp Buchenwald, did you  
get to know a man by the name of Schobert?

A Yes.

Q And what did you find out about Schobert's activities in  
Buchenwald?

A Schobert impressed me as a correct man, and I must say,  
favorably. He kept a distance from the acts of Colonel Koch and I never  
heard anything unfavorable about Schobert either from SS men or from  
prisoners.

Q Would you be able to recognize Schobert today if you saw him  
in court?

A No, I can't recognize him.

Q What position did this man Schobert hold in camp?

A He was compound commander.

Q Did Schobert take any steps to assist you in your investigation  
of the camp?

A Yes. I talked to him about it repeatedly and he gave me hints;  
he was absolutely helpful.

Q Did Schobert place at your disposal any of the prisoners whom  
you desired to interrogate?

A Yes.

Q Was it ever reported to you by any of the inmates whom you  
interrogated at Buchenwald that Schobert had chased dogs after them and  
had them bitten by dogs?

A No.

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Q Did any of the inmates report to you that Schobert had mistreated them in any manner?

A No.

CAPT. LEWIS: Direct examination on behalf of the accused Koch.

QUESTIONS BY CAPT. LEWIS:

Q Now, in connection with the investigation of Commander Koch, did you have occasion to know and meet his wife Ilse Koch?

A Yes. I made a search of her house and had her arrested subsequent to that.

Q When did you make the search of her house?

A I think on the 23rd of August 1943.

Q And when did you place her in arrest?

A On the morning of the 24th or 25th, I think.

LAW MEMBER: What year and what month, please; August of what year?

Q What year?

A 1943.

CAPT. LEWIS: It was August 1943.

Q Now, what was the purpose of your search of Mrs. Koch's house?

A In this surprise raid, evidence of criminal acts was to be collected.

Q Was that in connection with the charges against her husband concerning the corruption and graft?

A Yes.

Q And did you find any evidence, material evidence, against Koch in the house of Frau Koch?

A Yes.

A No.

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Q Was your investigation of her house at that time unexpected?

A Yes.

Q At the time that you inspected her house and arrested Frau Koch, had you already arrested her husband?

A No, I don't think so; that was first.

Q Now, did you make an inspection of the entire furnishings in the house of Mrs. Koch?

A I, together with Criminal Secretary Nett and Colonel Pister and Major Barnewald, who had been called in as witnesses, searched the house very thoroughly from the cellar to the attic. There wasn't a desk drawer that was left unopened. The house was then sealed and several days later I had it searched again by two experienced, old Criminal Police officials; and after that every single piece of furniture in that house was moved down to Saatz, and an inventory of everything that had been in the house was again taken.

Q Where is Saatz?

A In Czechoslovakia, Sudeten area.

Q Now, in this investigation and search that you made in August 1943, did you find any lamp shades of human skin on the premises of Mrs. Koch?

A No, not a one.

Q Did you find any gloves of human skin?

A No.

Q Did you have occasion to find any photo albums or family chronicles of the family Koch when you examined it?

A Yes.

Q Were any of these made of human skin?

A No.

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Q During your investigations at Camp Buchenwald after the arrest, even before the arrest of Mrs. Koch, until May of 1944, was any report made to you by anybody that Mrs. Koch had a lamp shade or gloves or a photo album or a book made of human skin in her possession?

A No, I didn't even hear a rumor of any such thing.

Q And did you have occasion to speak to many inmates at Buchenwald while you made your interrogations?

A Yes. I particularly talked to the prisoners from the pathological and anatomical departments and I saw this human skin myself in the pathological department. I consider it technically impossible to make gloves out of human skin.

Q Did you have occasion to speak to a prisoner by the name of Titz in Buchenwald?

A Yes, I personally interrogated Titz thoroughly.

Q And did you interrogate Titz after Mrs. Koch had been placed in confinement by you?

A Yes.

Q Did Titz appear to be a willing witness for you?

A Yes; he brought out all kinds of things against Mrs. Koch.

Q Did Titz bring out against Mrs. Koch that she had a lamp shade of human skin in her house?

A No.

Q Did Titz bring out to you that he had seen Frau Koch beat prisoners?

A No.

Q Did Titz bring out before you that she, Frau Koch, had beaten him?

A No.

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Q Did you give him every opportunity to testify before you freely and willingly and truthfully?

A Yes, and since he did seem to have scruples about it I gave him some special assurances and he did not have to return to his detail later on. I think he was put on some very special detail under the supervision of Colonel Pister afterwards. And I had the impression of Titz that he was actually telling all that he knew and, in fact, he did bring out quite a few very unpleasant things about Mrs. Koch. But in spite of the fact that Titz evidently did not like Mrs. Koch, he nevertheless did not accuse her of owning a lamp shade made out of human skin or gloves or box or any such thing, or that she ever mistreated any prisoners or himself, or that she personally committed any sort of crime.

Q Now, this prisoner Titz, was he the one that worked as an orderly in Frau Koch's house?

A Yes, for a long time.

Q During your investigations at Buchenwald, did you find any single prisoner or anybody who reported to you that Mrs. Koch had beaten him?

A Not just that, but that Mrs. Koch had been the cause of beatings.

Q Was it possible for any prisoner who wanted to talk to you to come to see you while you were investigating Buchenwald and tell you about his troubles?

A He could write me a letter and cause himself to be brought before me or he could let me know through another prisoner that he had to tell me something, and some prisoners made use of this opportunity.

Q Did you get any such letter or any such report from a man named Froboess who worked as a sign painter in the Commander's building?

A Against Mrs. Koch?

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Q Yes.

A No.

CAPT. LEWIS: No further questions.

PRESIDENT: The court will recess until tomorrow morning at  
nine o'clock.

(Whereupon the court recessed at 1655 hours.)

(Morgen-Direct)