

MILITARY GOVERNMENT COURT

CASE RECORD

VOLUME XXXIV
PAGES 2809 - 2941

Def 34

CASE NO. BUCHENWALD

PROSECUTOR MR. WILLIAM DENSON

* ~~XXXXXXXX~~
~~XXXXXXXXXX~~ MILITARY COURT
GENERAL

DEFENSE COUNSEL MAJ. CARL WHITNEY
Rudolf Nathanson
INTERPRETERS Herbert Rosenstock
Fred Stecker

PLACE DACHAU, GERMANY

REPORTERS Beatrice Bushnell
Imogene Butler
William F. Jones
Paula Silverman
Joseph B. Papcun

DATE 12 JUNE 1947

WITNESSES

Konrad Morgen

Heinrich Nett

ACCUSED JOSIAS PRINCE ZU WALDECK

ADDRESS _____ SEX _____ AGE _____

FIRST CHARGE _____ SECOND CHARGE _____

PLEAS _____

FINDINGS _____

PREVIOUS CONVICTIONS _____

IMPRISONMENT

{ TERM _____
{ BEGINNING _____ 194 _____

SENTENCE

FINE

AMOUNT _____
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

Camp Dachsau, Germany

THE UNITED STATES

versus

JUSTIAS FRINCE ZU WALDECK, et al

MORNING SESSION
by

GENERAL MILITARY GOVERNMENT COURT

DACHAU, GERMANY

BEGINNING 11 APRIL 1947

12 JUNE 1947

PROSECUTION: May 14 please the court. Pages 2809 - 2941

TESTIMONY

WITNESSES: all the persons Direct Cross Redirect Recross Court exception

KONRAD MORGEN 2809 2828 2896 2912

HEINRICH NETT 2914

EXHIBITS there are any spectators EXHIBITS who expect to be called as wit-
nesses DESCRIPTION they will please MARKED FOR ID. cross.

P 59 Report of Dr. Konrad Morgen will 2894 conduct its direct examina-
tion in behalf of the accused Burgerlar.

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

DIRECT EXAMINATION (continued)

QUESTION BY MR. GAVIN:

Q Dr. Morgen, during your stay at Buchenwald, did you have occasion
to investigate the affairs of the arrest bunker?

A Yes, very exactly.

Q What were the circumstances that caused you to become interested
in the affairs of the arrest bunker?

A I was looking for witnesses for the crimes committed by SS
Colonel Koch. There the fact drew my attention that in the meantime all
the old prisoners who had stayed in the concentration camp for a long time

(Morgen-Direct)

Camp Dachau, Germany

12 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 are present, with the exception of Col. Robertson who is absent, all the personnel of the prosecution are present, all the personnel of the defense are present, with the exception of Dr. Renner who is absent on business of the accused, all the accused are present, with the exception of Hans Wolf and Schmidt who are absent.

The witness is reminded that he is still under oath, and if there are any spectators in the courtroom who expect to be called as witnesses in the case they will please leave the courtroom.

CAPT. GROTH: The defense will now conduct its direct examination in behalf of the accused Bergmeier.

KONRAD MORGEN, recalled 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 CAPT. GROTH:

Q Dr. Morgen, during your stay at Buchenwald, did you have occasion to investigate the affairs of the arrest bunker?

A Yes, very exactly.

Q What were the circumstances that caused you to become interested in the affairs of the arrest bunker?

A I was looking for witnesses for the crimes committed by SS Colonel Koch. There the fact drew my attention that in the meantime all the old prisoners who had stayed in the concentration camp for a long time

(Morgen-Direct)

12 June 47

and who had occupied key positions had died. For this reason I looked through the files and records of these prisoners and there I found out that all of them had been in the arrest bunker shortly before they had died. The records themselves were in good order and for each of these prisoners there was a case history given for his illness, with a deadly result. Although all these deaths had occurred several years apart, I wondered because all of them had been in the arrest bunker before. In order to clear up the question of whether murders of prisoners had been committed in the arrest bunker I ordered the Chief Criminal Secretary Cohen to investigate exclusively the case of the arrest bunker. Criminal Secretary Cohen was a very capable and industrious officer of the Reich Criminal Police office and well trained in this kind of investigations. Although Cohen for several weeks, daily, from morning until night, heard all available witnesses in regard to the arrest bunker, his investigation was absolutely negative. Finally he merely refused to continue this investigation which he considered to be unreasonable. He asked me ironically whether I myself believed in the fairy tale that illegal acts and murders had been committed at the arrest bunker. Thereafter I took up the investigation myself and I had a great assistant in the Criminal Secretary Natt. The first trace of the crimes committed was found through certain differences which existed between the books of the bunker and the records of the prisoners' hospital. For instance, in accordance with the records of the bunker a certain prisoner--let's take an example-- arrest had been discharged from the bunker on the 1st of May 1941 at twelve o'clock noon, whereas the records of the prisoners' hospital indicated that this same prisoner had died on the 1st of May 1941 at 9:15 in the morning. Well, something had to be wrong there; either the prisoner had

(Morgen-Direct)

LA 217 BUCH JOP
12 June 47

been at the prisoners' hospital and had died there, then it was impossible that he was discharged from the bunker a few hours later. These differences strengthened my suspicion that crimes had been committed there which one was trying to cover up. Finally I succeeded in drawing the Kalfaktors of the arrest bunker on my side. These were the prisoners Miller and Dr. Roman Haedelmeyer. These prisoners had been locked up in the arrest bunker for several years and during this period of time they had had the opportunity to observe many irregularities. They were not witnesses of the crimes themselves but through the happenings immediately before and after a crime, as intelligent people they were able to draw very interesting conclusions. Based on these results, I was able to induce the SS Master Sergeant Sommer, who was in charge of the bunker, and the physician Dr. Hoven to make confessions. Based on these confessions, the SS Colonel Koch himself was then forced to make a confession. Through these witnesses and the perpetrators themselves I was able to get a very clear picture of the crimes which had been committed at the arrest bunker.

Q Please draw the picture for the benefit of the court.

A According to my investigations, all crimes had been committed on direct orders of the SS Colonel Koch. For this purpose Koch had called the SS Master Sergeant Sommer to his office one day, and he spoke to him with nobody else being present. He read to Sommer a letter of the Reichsfuehrer SS in which the Reichsfuehrer gave the SS Colonel Koch the authority to have executions and special treatment carried out in the arrest bunker for state political reasons. This letter, in fact, did not exist at all and Koch had only played a comedy before this quite primitive man Sommer. Anyway, Sommer believed the story and then Koch took his oath of secrecy in a special manner. Then Koch called Sommer to his offices from

(Morgen-Direct)

12 June 47

time to time, practically every week, and during this occasion he gave Sommer little slips with the names and numbers of prisoners which Sommer had to kill at the arrest bunker. Sommer had these prisoners transferred to the arrest bunker without giving any reasons. The prisoners stayed at the arrest bunker for approximately eight to fourteen days without anything happening against them during that time. Then some night Sommer gave them phenol injections and killed them that way. The physician Dr. Hoven gave out a falsified death report and testified to a natural cause of death. At the same time records of the prisoners at the prisoners' hospital were made up with a falsified case history. The corpse of the prisoner was cremated immediately. These cases of death were not reported to the SS and Police court because the physician had signed a natural cause for the death. After this procedure was working smoothly for a certain length of time and Koch was certain that it would work out, he simplified the methods. He didn't call Sommer to his office any more but he just called him over the phone and gave him the prisoner's number over the phone and then he told him, "You know what has to be done with this prisoner." Then eight to fourteen days later Sommer called SS Colonel Koch over the phone and told him, "Sir, your order has been carried out." Not all the prisoners who were transferred to the arrest bunker were death candidates; on the contrary, the percentage was a very small one because to this bunker were sent not only prisoners for investigations and for disciplinary punishment but also SS members. But during a long period of time quite a number of murders of this type occurred at the arrest bunker. I think that approximately one hundred murders of this kind occurred at the arrest bunker. The orders which Sommer had to carry out applied not only to murders; Sommer also had to carry out mistreatments of all types on the prisoners either for the purpose of forcing confessions

(Morgen-Direct)

Ta 319 Buch jbp
12 June 47

out of the prisoners or to make their living conditions so terrible that after a certain length of time they would die--you might say--a natural death. Sommer could always find out new methods for cruelties, but inside the bunker he carried out his killings as well as his mistreatments very much in secrecy. Through the following conditions it was possible to keep these things secret in the bunker: The windows of the bunker were protected against the outside through steel covers. The entrance to the bunker was always locked. One had to ring a bell first, then the guard on duty would appear, would check up the visitor through a little hole in the door, and only then would he open the door. For this reason nobody could appear in the bunker as a surprise. In order to be absolutely certain, Sommer preferred to carry out his crimes during the late hours of the night or the early hours of the morning, that means between twelve o'clock and two o'clock at night or three to four o'clock in the morning. During this time all other prisoners were asleep. He chose this time also in order to be absolutely alone in the bunker. The orderly room was just on the right side of the entrance. Sommer mostly brought to this orderly room the prisoners whom he wanted to kill. This room was the most distant one from all other cells. The doors of this orderly room, as well as the doors of the cells, closed very tight and were very thick. Before daylight Sommer had the corpses already brought to the crematory.

PRESIDENT: How does this tie in with the accused? This is all about Sommer so far.

CAPT. GROTH: If the court please, the accused stands charged with committing atrocities in the arrest bunker. It is our position that the atrocities committed were committed by Sommer and not by Bergmeier, and the picture that has been drawn thus far for the court is such as to

(Morgen-Direct)

12 June 47

put Bergmeier in there as a co-conspirator or co-operator with the accused Sommer who was the chief of the bunker, and it is very important that this distinction be kept in mind throughout the testimony of this witness and subsequent witnesses who will appear in behalf of the accused.

PRESIDENT: Proceed, but cut it as short as you can.

Q Continue, Dr. Morgen.

A The prisoners who were mistreated by Sommer had such a terrific fright and terror of Sommer that they didn't dare to talk to other comrades about the crimes committed by Sommer after they had been released from the bunker; even the more, they didn't talk about the treatment they had received from the personnel at the arrest bunker and especially not from Bergmeier. Sommer also chose such types of mistreatment which did not leave any visible signs. Until this entire subject had been cleared by us, Bergmeier was suspected by me of having participated with Sommer in these crimes, but after the confessions of Sommer and Koch the guilt of Bergmeier seemed to be absolutely excluded. Sommer and Koch did not hesitate to accuse others wherever they could, but in the case of Bergmeier they stated definitely that Bergmeier was not in their confidence, that Bergmeier had not participated in the crimes, and that Koch had conferred only with Sommer.

(Morgen-Direct)

Q Is there anything you want to add to this picture before we go into the individual details?

A If anything should not be clear, please ask me specific questions.

Q In your investigation, how many cases of suicide did you discover in the bunker?

A I cannot remember the exact number but there were only very few cases of suicide in the bunker because in each case of suicide in the bunker, an investigation had to start against the men in charge for neglect of duty. Therefore, men were driven to suicide outside of the bunker or if they died in the bunker, falsified death reports were made. One of the few cases where suicide in the bunker had been committed I investigated. It was the case of the prisoner, Schildmeier. In fact, this Schildmeier had been murdered.

Q What were the circumstances under which his body was found?

A Sommer reported to the legal officer that the prisoner, Schildmeier, had committed suicide by hanging. At the same time he accused his predecessor on the guard detail that he had not prevented the suicide. Sommer had found Schildmeier hanging on a torn towel on the heating system, and he accused the predecessor on the guard detail, I think it was Bergasier, that he had left this towel to the prisoner. A picture of the corpse was taken in the same position as it had been found. The physician, Doctor Hoven, stated that without any doubt the death had occurred through nobody else's fault. That means that Schildmeier had hanged himself. Sommer made a statement under oath that no harm had been done to Schildmeier. Once more this was the case where from the records one could not get any indication that a criminal act had been committed. I had the photographs of the hanging corpse enlarged and looked them over through an enlargement glass. There it drew my attention that one of the photographs -- this was a photograph taken from the side -- showed two choking marks on the side above the neck. I concluded from this that this could not be a case of suicide since

(Morgen-direct)

the rope, or in this case, the towel, would leave only one typical strangulation mark. Sommer then made a confession and confirmed my conclusions. The men in charge of the arrest and the physician had strangled Schildmeier. First Schildmeier had been chained under pretence, then Sommer had put a rope around his neck and the physician, Doctor Hoven, grabbed the feet of the prisoner and pulled on them alongside of the floor. That is the way the prisoner was strangled. After the prisoner was dead the rope was taken away, and Sommer took a towel torn to pieces, made it wet, cut of it he made a rope and put it around the neck of the dead man, and then he put the corpse on the pipes of the heating system in the cell. Then these two arranged the cell again properly, they locked the cell and left. That is the way the so-called suicide had been discovered later on.

Q During your investigation of the bunker, did you have an opportunity to look at the records? I shall refer to them in German as dienstbuecher and karteikarten.

A Yes.

Q Did you find that any suicides or unnatural deaths had occurred during the time that Bergmeier was on duty in the bunker?

A No.

Q During your investigation of the bunker, did you know a man by the name of Titz?

A Yes, I interrogated Titz personally several times and for quite some length.

Q Describe him to us, please, before you go into the investigation itself.

A Titz was an important man because he had been kalfaktor at the house of Koch. Furthermore, Titz had been in the bunker several times and had been mistreated by Sommer. Among other things, Doctor Hoven and Sommer made an attempt to kill Titz through poisoning. This attempt did not succeed only since the bunker kalfaktor, Haedelmeier, warned him. But Titz

(Morgen-direct)

was not a good witness. He had a very bad memory. His intelligence is very low and already at that time he showed signs of certain mental abnormalities.

Q Titz, when on the witness stand, stated that he knew of an incident in the bunker where Bergmeier beat prisoners so severely that they moaned and groaned. Was that incident brought to your attention during your investigation?

A Titz didn't say anything about that and he would have hardly told me about a thing like that because in my opinion he could not observe incidents of this character for the reason that the prisoners were locked in their cells in the bunker and were unable to observe the happenings in the hallway. For this reason Titz cannot testify that he claims to have seen Bergmeier beat a prisoner in another cell.

Q If Titz testified, as is the fact, that in spite of the fact that he was in the cell he knew the voice of Sergeant Bergmeier and frequently heard the moans of prisoners as they were collapsing under the beatings, what attitude would you take towards that statement?

PROSECUTION: I object to his stating his attitude.

LAW MEMBER: It is a proper objection. The attitude is not important. You may ask him what he has to say about that statement.

THE WITNESS: I would look at such testimony with great mistrust and wouldn't pay any attention to it if it would be an isolated statement, a statement by only one single witness.

QUESTIONS BY CAPTAIN GROTH:

Q Did you ever hear of a man named Heilmann?

A I remember faintly such a prisoner who, I think, was murdered in the bunker.

Q Do you happen to know the identity of Heilmann?

A I think Heilmann was a social democratic member of the Reichstag.

Ta 320-5/12-Buchenwald
BCB-4

Have him proceed.

Q That is the man to whom you refer?

A Yes.

Q What did your investigation disclose with reference to Heilmann and how he came to his death?

A I can't say anything definite about this because the cases of killings in Buchenwald I investigated personally only for a short period of time. As I have testified already yesterday, after a few weeks of my investigation at Buchenwald the Criminal Counselor, Doctor Wehmer, was sent to Buchenwald on order of the Reichsfuehrer SS, and this group of investigations was taken away from me.

Q You testified that Sommer and Bergsler relieved each other in the performance of their duty at the arrest bunker?

A Yes.

CAPTAIN GROTH: I ask the reporter to be good enough to read back the answer to the question before the last. I think there is a mistake in it.

(Whereupon the answer was read by the reporter.)

THE INTERPRETER: It should be SS General Mueller instead of the Reichsfuehrer SS.

QUESTIONS BY CAPTAIN GROTH:

Q Did you ever hear of the Hamber case?

A No.

Q Did you investigate the case of twenty-nine prisoners of a commando, Hamber, who were ostensibly delivered to the bunker and there died?

A May I ask you when this case is supposed to have happened?

Q The year 1940.

A From 1940 I know about an action where prisoners were brought from the bunker to a darkened barracks and there on order of Koch they

2818

(Morgen-direct)

were half starved.

Q Did your investigation disclose that Bergmeier had anything to do with that?

A No, because the real criminal act had been committed in this darkened barracks and criminal prisoner capos had been used to do the job.

CAPTAIN GROTE: May the court please, I suggest a recess at this time because it will be some time before I finish.

PRESIDENT: The court will recess for twenty minutes.

(Whereupon the court recessed at 1000 hours.)

(Morgen-direct)

Ta 321, Buch, 6/19
1db-1

(Whereupon the Court reconvened at 1030 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 are present with the exception of Colonel Robertson, who is absent, all the personnel of the Prosecution are present, all the personnel of the Defense are present with the exception of Dr. Renner, who is absent on business of the accused, all of the accused are present with the exception of Hans Wolf and Schmidt, who are absent. The witness is reminded that he is still under oath. 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.

CAPTAIN GROTH: Continuation of direct examination on behalf of the accused Bergmeier.

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 CAPTAIN GROTH:

Q Dr. Morgen, you testified that Bergmeier and Sommer alternated in their duties in the arrest bunker. I ask you whether or not in your investigation you discovered any exceptions in that rule?

A It happened that sometimes for a short period of time both of them were present when one detail reversed the order, and this short period of time when both of them, Sommer and Bergmeier, were present was used by Sommer for the purpose to have

Ta 321, Buch, 1db-2

was a hanging up on the trees as a general type of punishment in Bergmeier sent out on errands.

Q Did it ever happen or did you discover in your examination that it ever happened that Sommer directed Bergmeier to leave the bunker--that Sommer would take over?

A Sommer was really very anxious always to do a lot of duty at the bunker.

Q During your investigation did you interrogate the Kalfaktor Miller and Haedelmeier?

A I interrogated them very closely.

Q And did Miller tell you concerning the treatment of prisoners on the part of Bergmeier?

A It was of human nature and correct.

Q What did Haedelmeier tell you concerning treatment of prisoners on the part of Bergmeier?

A The same.

Q What efforts did you make during your investigation to discover that Bergmeier did not treat the prisoners decently and correctly?

A All available prisoners which had been at the bunker before and were in a position to make a statement were called. None of them incriminated Bergmeier.

Q Did you ever hear of the pole tying treatment?

A Yes.

Q What did your investigation disclose concerning that?

A Sommer, when he was alone in the bunker, treated prisoners in this manner. Furthermore, before that time there

Ta 321, Buch, idb-3

was a hanging up on the tree as a general type of punishment in camp. This kind of disciplinary punishment was already forbidden some time before the war; and, through my investigations, I found out that it wasn't in use anymore afterwards.

Q A witness has testified that the accused Bergmeier participated in pole hangings and tree hangings. I ask you, do you consider that testimony true or false?

PROSECUTION: Object to that question, may it please the Court, on the ground that it calls for an unauthorized conclusion of this witness and invades the province of the Court.

PRESIDENT: Objection sustained.

QUESTIONS BY CAPTAIN GORTZ:

Q Did any witness tell you that he saw Bergmeier participate in pole hangings or tree hangings?

A No.

Q Did any witness tell you during your investigation that he ever heard of such a thing?

A I can't remember that.

Q What is your conclusion as a result of your investigation as to the manner in which Bergmeier treated prisoners?

A As a result of this investigation, the investigation against Bergmeier was discontinued.

Q At the conclusion of your investigation, did you form an opinion as to the reliability of the testimony that Bergmeier gave you?

A Yes, we had a favorable opinion of Bergmeier.

Q Dr. Morgen, during your investigation, did you cover

(Morgen-Direct)

Tn 321, Buch, 1db-4

the gardening detail?

A Yes, I looked into the gardening detail, because there was talk among the prisoners that at the gardening detail two prisoners had been beaten severely.

Q Did you know or get to know there a man by the name of Dumbeck?

A Yes, the SS First Lt. Dumbeck was in charge of the gardening detail. I interrogated him several times, and I confronted him also with other witnesses.

Q What was the nature of your investigation and what were the results?

A The result of the investigation showed once more how outer reasons had lead to the creation of wild rumors in a concentration camp. The following were the facts. Out of the number of prisoners employed at the gardening detail, from time to time prisoners were brought to the prisoners' hospital on a stretcher. The other prisoners who had no knowledge of the happenings at the gardening detail started the rumor that the prisoners on the stretcher were in such a condition that they had been beaten so severely at the gardening detail that they were unable to work any more. In fact, the following harmless reason was the cause of all this. The gardening detail carried out light and healthy work. For this reason mainly the convalescents were picked out for this job--that means prisoners who had been sick but had recovered in the meantime, but had not recovered their old strength again. One wanted to give these men the chance through light work in the open, fresh air to regain their strength again, with additional food rations on top of that. There it

(Morgen-direct)

Fa 521, Buch, 1db-5

happened that sometimes these prisoners got sick again and had to be brought back to the prisoners' hospital. I was unable to find any prisoners who had observed that the SS First Lieutenant Dumbeck had ever beaten a prisoner. But it's true that on several occasions Dumbeck ordered the punishment of prisoners who were stealing stuff at the gardening detail and had sold it on the black market. Of course, these prisoners did not speak too favorably about Dumbeck, and they started these rumors.

Q Did you ever hear of a man by the name of Krautwurst in connection with the gardening detail?

A I cannot remember exactly any more.

Q Do you recall hearing the name before?

A Yes, I think he even was interrogated once by me. I would like to add something else about Dumbeck.

Q Proceed.

A Dumbeck was especially hated by the left radical prisoners in camp since he was wearing the golden medal of honor of the Party.

Q By the way, Doctor, do you know where Dumbeck is now?

A No, I don't know.

Q To go back, do you happen to know where Sommer is now?

A An American investigating officer told me that he had been executed without trial.

Q During the course of your investigation, Dr. Morgen, did you hear of a case where a prisoner was thrown into the settling pond in the gardening area and suffocated as a result of it?

A This case, in fact, happened in the Concentration Camp Ravensbrueck. There a female supervisor killed a female

Ta 321, Buch, idb-6

prisoner in this manner. This case has been investigated by the Reichs Criminal Police Office, and a trial before the SS Court took place. After this trial, a lot of rumors started, and each concentration camp tries to take the honor that it was the place where this type of crime had been committed.

Q Did your investigation disclose that such an incident or similar incident occurred in the gardening detail in Buchenwald?

A At that time, when I made my investigation, there wasn't even a rumor of this kind. No prisoner, therefore, dared to tell me that anything like this had happened.

Q During your investigation, did you discover that unnatural deaths occurred in the gardening detail?

A No, I didn't hear about that.

Q Dr. Morgen, you wanted to add something to a previous answer. Please do that now.

A I saw the settling pond at Buchenwald; and, as far as I can remember, they were very flat fields; and for this reason it was practically impossible to drown a prisoner there.

Q What opportunity did the prisoners who were employed by the gardening detail have to come to you with their complaints?

A Through the general channels.

Q Was it known to them that you were present for the purpose of making this investigation and that you invited their complaints?

A My presence was quite known to the prisoners and it

Ta 321, Buch, 1db-6

prisoner in this manner. This case has been investigated by the Reichs Criminal Police Office, and a trial before the SS Court took place. After this trial, a lot of rumors started, and each concentration camp tries to take the honor that it was the place where this type of crime had been committed.

Q Did your investigation disclose that such an incident or similar incident occurred in the gardening detail in Buchenwald?

A At that time, when I made my investigation, there wasn't even a rumor of this kind. No prisoner, therefore, dared to tell me that anything like this had happened.

Q During your investigation, did you discover that unnatural deaths occurred in the gardening detail?

A No, I didn't hear about that.

Q Dr. Hergen, you wanted to add something to a previous answer. Please do that now.

A I saw the settling pond at Buchenwald; and, as far as I can remember, they were very flat fields; and for this reason it was practically impossible to drown a prisoner there.

Q What opportunity did the prisoners who were employed by the gardening detail have to come to you with their complaints?

A Through the general channels.

Q Was it known to them that you were present for the purpose of making this investigation and that you invited their complaints?

A My presence was quite known to the prisoners and it

Ta 321, Buch, 16b-7

couldn't have been a secret to them how many SS members had been arrested through me. In addition to my investigation of the

gardening detail, I went to the gardening detail several times

in order to buy flowers or I ordered flowers over the phone, and

then the flowers were brought to me by prisoners. During these occasions, I had the opportunity to talk personally to these prisoners, but they never made any complaints against SS First

Lt. Dimbeck and their treatment at the gardening detail.

Q Were any complaints brought to you about Krautwurst?

A Neither.

Q Was it brought to your attention that an incident occurred in the gardening detail where Krautwurst, one of the

accused, placed a cat upon the naked back of a prisoner and mistreated the cat so that the cat scratched the back until it was bloody?

A That's the first I knew about it.

Q Had such an incident occurred, do you believe it would have been brought to your attention?

A This would have been such a peculiar incident, that it certainly would have come to my attention.

Q You testified before that you were instrumental in causing the arrest of several SS men. To the best of your recollection, how many SS men did you cause to be arrested?

A I had at all times from 30 to 40 SS men sitting in arrest in Buchenwald or Weimar, respectively.

Q As a result of your investigation have you been able to form an opinion as to the manner in which Krautwurst treated the prisoners in the gardening detail?

(Morgen-Direct)

A I said before that I didn't hear anything unfavorable about Krautwurst.

Q Did you know a detail leader there by the name of Abraham?

A I had an investigation against an SS Technical Sergeant or Master Sergeant Abraham. I think this Abraham was transferred from Buchenwald to Lublin.

Q Do you know whether he was ever in the bunker at Buchenwald?

A In charge of the arrest bunker?

Q No, as a prisoner there?

A It's possible that he also was arrested, but I cannot remember for sure.

Q Was a story brought to your attention that this detail leader Abraham took the glasses from a prisoner, through them into a puddle of water and compelled him to take them out with his mouth?

A If this man is the same Abraham against whom I had my investigation, then I would like to say that the final result of my investigation is, without going into any details, that it was not a favorable one for this man Abraham.

Q A witness has testified here that he saw Bergmeier go to the small woods with prisoners, Bergmeier carrying ropes in his hands, and then returning from the woods with these prisoners and ropes in their hands. A witness has testified to that. Do you have any comment to make concerning such an incident?

A May I ask you--before, the prisoners had no ropes around their hands and afterwards they had ropes around their hands?

(Morgen-Direct)

2827

(Morgen-cross)

2828

2830

Q Bergmeier carried the ropes in his hand as they went to the wood and he carried the ropes in his hands as they returned from the woods, also?

A I would say about an incident like this that such an incident could have happened with a natural explanation. Perhaps some kind of work was carried out there.

Q During your investigation did you hear anything unfavorable concerning Bergmeier and his treatment of prisoners?

PROSECUTION: Object to that as repetitious.

PRESIDENT: Objection sustained.

CAPTAIN GROTH: No further questions.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q Dr. Morgen, you were sent to Buchenwald on how many occasions for the purpose of making investigations?

A I have testified already that the investigation started through the Hornsheim case and I requested that the investigation be extended and I got the authority to do so.

Q So that then you made, in substance, one investigation which in turn led to another, is that correct?

A Yes, one case drew other cases behind it and since some of the culprits had been transferred to other concentration camps, other concentration camps got involved, too.

Q I am talking solely about the concentration camp Buchenwald. Were you ordered to go to Buchenwald by the SS court at Kassel, is that correct?

A No, I received my orders to go to Weimar and later on to Buchenwald, first from the Reichs Criminal Police Office and later on through a special decree of the Reichsfuehrer of the SS.

Q You mean you were never at any time ordered to Buchenwald to conduct this investigation by the SS court at Kassel?

A The SS court in Kassel couldn't give me any orders because I was not under its jurisdiction. I was under the jurisdiction of the Reichs Criminal Police Office.

Q Yesterday you testified concerning the investigation into Koch's affair at Buchenwald and you stated that during the course of that investigation there was brought out all sorts of things against Mrs. Koch, is that correct?

A Yes.

Q In the course of that investigation is it not a fact that you ascertained that she was responsible for having prisoners beaten?

A Yes.

Q Isn't it also a fact that you ascertained, during the course of that investigation, that she frequented the office of the Commander Koch and had access to his personal files?

A Yes.

Q Isn't it a further fact that during the course of your investigation you ascertained that she made such obscene remarks to the prisoners as for example when approached by a prisoner she would state, "Just look in this direction if your ass is worth twenty-five to you"?

DEFENSE COUNSEL: We object to that as being irrelevant and immaterial.

PRESIDENT: Objection overruled.

THE WITNESS MORGAN: Mrs. Koch loved to make remarks of this type.

QUESTIONS BY PROSECUTION:

Q What, in general, was the behavior of Mrs. Koch toward the prisoners?

ta322 Bu p11/3

the first few years of the war, this personal fortune of Mrs. Koch, including other valuables like jewelry, had increased to 50,000 marks.

Q The behavior of Mrs. Koch towards the prisoners was a scandal.

Q In what respect was it a scandal, Doctor?

A In my opinion she didn't treat the Kalfaktors well who had to work at her house.

Q In what respect did she mistreat them?

A She used chicanery against the Kalfaktors in every way. These Kalfaktors had to work double time all day. At her house the Kalfaktors received little or nothing to eat. The Kalfaktors were not allowed to use the toilets at Mrs. Koch's house and for this reason the Kalfaktors were unable to relieve themselves through the entire day. Towards the prisoners when she set in camp she wore clothes which were deliberately chosen to be inciting for the prisoners. She was made up typically for sex appeal. Whenever a prisoner looked after her then it was a pleasure for her to see to it that this prisoner would be punished severely. It is my opinion, also, though I have no proof for that, that through the illegal beatings which occurred as a result of these reports, prisoners also died.

Q Did you ascertain during the course of your investigation, Doctor, whether or not it was the general impression at Buchenwald that a man's promotion in the SS depended upon his connection with Mrs. Koch?

A I couldn't make any general observations of this kind but I found out that especially among the officers the opinion prevailed that the favor of Mrs. Koch decided the promotion through her husband.

Q Doctor, did you ascertain what connection Mrs. Koch had with the stealing that was committed by her husband from the prisoners?

A The personal fortune of Mrs. Koch before the war started was 121 Reichsmarks and 10 Pfennig. After the persecution of the Jews and

(Morgen-cross)

the first few years of the war, this personal fortune of Mrs. Koch, including other valuables than money, had increased to 80,000 marks. This fortune was deposited in several savings banks and bank accounts in the name of Mrs. Koch and her children. These bankbooks and savings bank accounts were in the personal possession of Mrs. Koch. There was even a bank account in Erfurt in the name of a child which had died already. Mrs. Koch was very well informed about the administration of her husband and the crimes committed by him.

Q What was the title, Doctor, that Mrs. Koch went by there at the camp?

A Mrs. Koch was called the "Commandeuse".

Q Excuse me for interrupting. Go ahead with what you were telling us about.

A The proof that Mrs. Koch was well informed about the crimes committed by her husband was given during the first arrest of Koch through the SS Lt. General Prince zu Waldeck. At that time, Mrs. Koch did not realize the consequences of this arrest. For this reason she tried to keep away from her husband in order not to be involved in this mass of investigations. In the closest circle of her friends she made very vehement utterances against her husband. She called her husband a criminal, a bad man, a murderer. She said not the prisoners belonged behind barbed wire but, on the other way, her husband belonged behind barbed wire. She tried to make the impression that she was a woman who had been tyrannized by her husband and was suffering very much through the actions of her husband.

Q Was that the fact, Doctor?

A No. She mentioned that she wanted to take the protection of the Reichsfuehrer. When Koch was released a few days later and she realized that Koch was protected by the highest authorities, then she changed her

(Morgen-cross)

attitude and she realized that it would be very advantageous for her, as before, to remain the wife of this man and to share his position in camp. For this reason she said that she had a nervous breakdown; that she was a hysterical woman, was very nervous, could not remember what she said and could not be made responsible for what she said at that time. Koch, himself, was intelligent enough not to leave his wife since she knew too much about his dealings. This whole incident happened once more during my investigation in quite a similar manner.

Q Now, Doctor, just a minute. We'll get back to that a little later. I want to interrupt you now and ask you this question: Isn't it a fact that during the course of your investigation concerning Dr. Hoven that you found that he had attempted to murder this orderly, Titz, and that you did so charge him with that offense?

A Yes. Hoven told Sommer that after these incidents at Koch's house, Titz had to disappear. Hoven thereafter gave Sommer some poison which Sommer mixed under Titz's meals. Then, for a long time these two in great coldbloodedness tried to kill Titz. As I said before, this attempt failed only through the secret help given by Haedelmeyer.

Q Doctor, this illegal camp organization that you referred to on several occasions, was that composed of SS men or prisoners?

A It consisted of prisoners.

Q And Dr. Hoven was an SS man, was he not?

A Yes.

Q And when the prisoners Kay and Freudman, were disposed of they were not disposed of by the illegal camp organization, were they, but were disposed of by Dr. Hoven?

A Dr. Hoven carried out many orders of this so-called illegal camp administration.

Q You mean to tell this court that Dr. Hoven, an SS man, was then the power of the illegal camp organization? Is that not correct?

A Yes, I want to say exactly the same as Dr. Ding-Schuler was a power of Dr. Hoven.

Q With respect to these two prisoners, Kay and Freudman, they were both German criminal prisoners, were they not?

A Yes. It certainly would never offend such as murder or assault and battery. And also during the course of your investigation there at Buchenwald didn't you ascertain as a fact that this man, Blank, was one of the most feared SS men in Buchenwald. Blank on one side was very much feared, on the other side he was very well liked.

Q Well, don't you know, as a matter of fact, he was considered to be one of the worst beaters in Buchenwald?

A That is the reason he was arrested and within forty-eight hours after his arrest he committed suicide.

Q Now, Doctor, for how long a period of time did you have the right to investigate into all matters of corruption and misconduct there at Buchenwald?

A I had this authority until the time after Dr. Hoven had been arrested.

Q What period of time was that?

A As far as I can remember, Dr. Hoven was arrested through me on the 12th of September 1943.

Q So that during the period of time June, July and August and up to that day in September you had the authority to investigate into all matters of corruption and misconduct in Buchenwald, is that correct?

A Yes.

Q And that pertained to any misconduct of an SS man toward other SS men, toward prisoners or civilians, is that not correct?

A To all crimes which could be committed at that time, in accordance with the German criminal law book as it existed at that time.

Q That was pretty broad, wasn't it, Doctor?

A It wasn't so broad.

Q Well, it certainly would cover offenses such as murder or assault and battery, would it not?

A Of course.

Q After the arrest of Dr. Hoven what was the name of the man who succeeded you with respect to the investigations concerning killings at Buchenwald?

A The criminal counselor, Dr. Wehner.

Q Did he begin his investigation in September?

A I don't remember anymore exactly when he started his investigations.

Q Was he there working, Doctor, on the matter of killings at the same time you were working on killings?

A No, because he took out of my hands the investigation of killings on orders of the Reichs Criminal Police Office. The Reichs Criminal Police Office expressed the opinion that for the investigation of these killings a special expert was required and criminal counselor, Dr. Wehner, had the name of being an expert in murder investigations. For this reason I could not repudiate this appointment of Dr. Wehner.

Q How long did he continue his work there in Buchenwald?

A If I remember right, until April '44.

Q Do you know what recommendations he made?

(Horgen-cross)

A Shortly after the beginning of Dr. Wehner's investigations I had arguments with him. Dr. Wehner had taken all my records and I had to hand over to him all prisoners through a written receipt. He had promised me to keep me informed constantly of the developments of his investigations but he did not keep this promise. I had the definite impression that Wehner was holding back from me quite a lot. Q Doctor, to shorten it, did you ever become acquainted with his recommendations?

A The final result of his recommendations was that the complex of questions concerning murder in Buchenwald was so large that it was impossible for him to investigate the matter. He would need one to two years and a large staff of criminal policemen.

Q Do you know how many persons he recommended should be arrested as a result of his investigations?

A The main perpetrators of these crimes, SS Colonel Koch, SS Captain Florstedt, SS Captain Hackmann, SS Captain Dr. Hoven, SS Master Sergeant Sommer, SS Master Sergeant Blank, and these men were already arrested by me.

Q Were there any other persons in addition to those that had already been arrested by you?

A If I understand the chief prosecutor correctly, then he is asking me whether Dr. Wehner arrested any additional SS men?

A That is correct.

A Dr. Wehner himself arrested the SS Master Sergeant Blank, the arrest of whom I had ordered already before. In addition to this he arrested other SS men.

(Morgen-cross)

Q In the final report that you rendered, did it cover the phase of killings at all at Buchenwald?

A May I ask you again whether under the final report you mean the explanation made to the charge sheet against Koch and others?

Q That is correct.

A I made up the charge sheet and had the time economy in my mind when doing so. We had no time to deal for months and months to come with these criminals, otherwise we wouldn't have had enough time for all other investigations on hand. For this reason, it was impossible to make a charge sheet for all crimes committed at Buchenwald and to bring them to trial and to explain them. I therefore charged the men always with a few cases of murder which could easily be proven and which were enough to get a verdict of guilty and their sentences.

Q Did you make more than one of such of these reports, Doctor?

A The charge sheet was made up with a very short explanation and then a much larger explanation was written up of eighty to ninety pages.

Q There was only one such explanation of eighty to ninety pages, is that correct?

A For the trial, Koch, itself, yes.

Q Now, Doctor, you knew that Dr. Hoven was a murderer, did you not?

A That's the reason I had him indicted for murder.

Q Isn't it a fact that you recommended that he should not be tried for murder?

A That wouldn't make any reason. When I make a charge sheet against this man and try to have him tried before a court not only through a written report but also through a report made orally, then it would be

(Mergen-cross)

NY 322 Su 11/11
tr. 322 Su p. 13/13

ridiculous if I would make the recommendation that this man should not be tried.

DR. WACKER: I have to object. I think the translation was not correct.

PRESIDENT: In what respect?

DR. WACKER: It is a difference whether one represents a charge and with this I know exactly what the witness is referring to, or whether one makes a report as it was translated.

THE WITNESS MORGEN: I'd like to ask the prosecutor whether he thinks I'm crazy.

PROSECUTION: You just answer my questions, Doctor. I'll tell you more about that later.

PRESIDENT: Is this question of interpretation straightened out now?

PROSECUTION: Repeat the question.

(Whereupon the reporter read the question as follows:

"Q Isn't it a fact that you recommended that he should not be tried for murder?")

THE INTERPRETER: Please read the answer.

(Whereupon the reporter read the answer as follows:

"A That wouldn't make any reason. When I make a charge sheet against this man and try to have him tried before a court not only through a written report but also through a report made orally - - -")

THE WITNESS MORGEN: It was not only a report. I was a prosecutor in court myself.

(Morgen-cross)

to 322 Bu plj/11

LA 103 20 11/11

QUESTIONS BY PROSECUTION: ... the observations took place, Camp Buchenwald.

Q. Well, Doctor, I just wanted to know. I'm trying to find out information.

A. No. Auschwitz, yes, but at the same time the commander of

Q. You didn't do it then, is that correct?

A. No.

Q. All right. Now, let me ask you this question in passing: When was it that you investigated Auschwitz?

A. I think, if I remember right, I started this investigation at Auschwitz personally around the end of '43, beginning of '44, and I had left there an investigating committee which continued its investigation until the end of '44.

Q. You were there then as they started tearing down the gas chambers is that correct?

A. Yes.

Q. How many gas chambers did they have there?

DR. SACHER: I object to this question. I don't like to hear any investigation of Auschwitz here in court. I think we have our trial here Camp Buchenwald.

PROSECUTION: That is quite correct, may it please the court, but yesterday they were talking about the notoriety of Auschwitz as being the extermination camp which persons went to to recuperate and work in the garden.

PRESIDENT: Objection overruled.

THE WITNESS MORGEN: In Auschwitz itself, the concentration camp, there were no gas chambers.

QUESTIONS BY PROSECUTION:

Q. Doctor, in the camp which was used solely for that purpose, how many gas chambers were there? That was also a by-camp of Auschwitz.

(Morgen-cross)

ta 322 Bu #11/12

well prisoners, those who were able to work, to Auschwitz, but most
A The camp in which the exterminations took place, Camp Birkenau,
in accordance with my investigation, was not an outcamp of Auschwitz but
it was a separate camp. It is correct that the commander of the concentra-
tion camp Auschwitz, Hoess, was at the same time the commander of
this extermination camp, Birkenau but after he left these functions too
were separated.

Q Tell the court how many of these gas chambers they had at
Birkenau.

A I don't know the exact number but from investigations I know
that there was quite a number of gas chambers and that this camp was
equipped for mass exterminations.

Q And they could exterminate as many as 80,000 in one day, is that
not correct?

A I think this figure is a little bit too high.

Q Well, would you say 48,000?

DR. WACKER: I have to raise the same objection once more. I'd
like to see the connection between these questions and Camp Buchenwald.

PROSECUTOR: Same answer, may it please the court, notoriety.

PRESIDENT: Objection overruled.

THE WITNESS MOHRER: I am not very good on figures but it should
be possible, by taking the length of time for which Auschwitz was operated
and the number of victims which was given by Hoess at two and a half
millions, to get the daily average number of victims.

QUESTIONS BY PROSECUTION:

Q That is all right, Doctor. Isn't it a fact that the administration
at Buchenwald during the course of your investigation did not send its

(Morgen-cross)

wall prisoners, those who were able to work, to Auschwitz, but sent those who were ill and not able to work?

Q As I heard, Buchenwald transferred to Auschwitz specialists, mechanics and especially men who had experience in steel producing and working industry, furthermore, masons.

Q And also those who especially could not work, too, is that correct?

A I don't know anything about that and I do not believe that because Camp Buchenwald had an invalid block and I visited this block several times and I saw the prisoners there going on work details every day, easy jobs like picking up wood and taking apart shoes. If these men, unfit for work, would have been taken away, then some day I shouldn't have seen them anymore.

Q Isn't it a fact that when that block became overcrowded that is exactly what they did do -- they sent them to Auschwitz and Bergen-Belsen?

A I consider this impossible because individual transports were not sent over such a long distance.

Q During the course of your investigation, Doctor, did you ever run into the code name "14 F 18"?

A Yes, among the prisoners as well as the SS men there was such a vague rumor through which nobody could really lock, about this code number. I myself asked the SS Major General Cluck, the inspector of the concentration camp about this code number. Cluck told me this was a file number, the file number for the complex dead matters, notarizations of deaths, statistics of death, estates of dead prisoners, etc., but that

(Morgen-cross)

ta 322 Bu plj/14

otherwise there was no double meaning behind this file number.

Q Well, in your opinion as an investigator, do you not think that that was an appropriate number for transports who were to be sent out for their death?

CAPTAIN LEWIS: If it please the court, we will object to that as assuming a fact which is not yet in evidence. There is no proof whatever that the code number 14 F 13 has been used in this case; no witness has testified to it except the prosecution itself.

PRESIDENT: Objection overruled.

PROSECUTION: May it please the court, I don't want to make a categorical statement along this line but it was my impression there has been testimony concerning that code number 14 F 13.

LAW MEMBER: This is cross examination and the president has overruled that objection.

PROSECUTION: Answer the question.

THE WITNESS MORGAN: In accordance with my experience as a criminal expert, this file number would have been very unsuited for this purpose. The number 13 has a bad omen and furthermore the code numbers for such details were changed from case to case and furthermore very harmless names were chosen, for instance, Sunshine.

PRESIDENT: Court will recess until 1:30.

(Whereupon at 1200 hours the court recessed until 1230 hours.)

(Morgan-cross)

Ta 523 Duch jbp
12 June 47 - 1

Q And he had an AFTERNOON SESSION at Buchenwald in order that the
crime (whereupon the court reconvened at 1330 hours.)
not correct. PRESIDENT: The court will come to order.

PROSECUTION: May it please the court, let the record show
that all the personnel of the court are present with the exception of
Col. Robertson who is absent, all the personnel of the prosecution are
present with the exception of Mr. Robert Kunzig who is absent on business
of the prosecution, all the personnel of the defense are present and all
the accused are present with the exception of Hans Wolf and Schmidt who
are absent. The witness is reminded he is still under oath, and any spectators
in the courtroom who expect to be called as witnesses in the case will
please leave the courtroom.

KONRAD MORGEN, recalled 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.

CROSS EXAMINATION (continued)
QUESTIONS BY THE PROSECUTION:

Q Now, Dr. Morgen, you went to Buchenwald to investigate the
activities of Bornschein originally, is that correct?

A I was first sent to Weimar to investigate the activities of
Bornschein and because of this investigation severe suspicions against
Commander Koch arose.

Q And Bornschein was a grocer and a councilman in Weimar, was he not?

A Yes. Q And at the time that you went to Weimar, Bornschein was stationed
in Buchenwald, is that not correct?

A He had been stationed in Buchenwald prior to his arrest; and it
should be added here that it was only after the investigation against him
was started by the criminal police that he had himself pulled out to
Buchenwald.

(Morgen-Cross)

Ta 323 Bush jbp
12 June 47 - 2

Q And he had himself pulled out to Buchenwald in order that the criminal police would not have jurisdiction to investigate him, is that not correct?

A Yes.

Q And when he went to Buchenwald he jumped into your hands instead of into the hands of the criminal police, is that not correct?

A That is not quite correct because the investigation was already in existence from the SS and police court in Kassel, and the criminal police, through my person, were merely aiding in the investigation.

Q Well, his purpose of going to Buchenwald was to avoid the investigation by the criminal police, is that not correct?

A Yes, because then the local Weimar criminal police was no longer competent for his case.

Q Now, you found that the concentration camp at Buchenwald was nothing more than a cesspool of corruption, is that not correct?

A That is correct for the time of the Commandant Koch if you apply it to a majority of his headquarters staff.

Q And the whole concentration camp system was the same way, is that not true?

A I don't understand the question.

Q The whole concentration camp system that existed in the German Reich was also nothing more than a cesspool of corruption, is that not correct?

DEFENSE COUNSEL: We object to that as immaterial. The defense is not charged with defending the concentration camp system.

PRESIDENT: Objection overruled.

A I cannot answer this question by a "Yes" if it is put in a general way like this. However, it is true that I did find a large

Ta 323 Buch jbp
12 June 47 - 3

number of abuses, which abuses had to occur in view of the deficiency in detecting them and in the ease of concealing them.

Q And you further found that the concentration camp at Buchenwald was conducive toward making criminals rather than correcting criminals, is that not correct?

A As far as Camp Buchenwald is concerned, there was such a large number of bad and of the worst type of criminals there already that there was no possible way in which you could make these persons any worse.

Q What percentage of the prison population were criminal at Buchenwald at the time you were there investigating the camp from June 1943 until May 1944?

A I cannot answer this question because at that time there was a very large number of foreigners there already and I do not know how high the percentage of criminals among them was.

Q Can you tell the court what the percentage was at that time of the prisoners that were the green triangle?

A I cannot.

Q In other words, your investigation into the conduct of the camp there at Buchenwald did not take into consideration the character of the types of prisoners that were incarcerated there, is that correct?

A Of course in the case of every prisoner who was under consideration for being used as a witness there was a distinction made as to whether he was a criminal or a political prisoner.

Q Well, these prisoners that came before you to testify or to make complaints were very loathe to talk, is that not so?

A They were not loathe to talk; they merely had inhibitions because they were afraid of falling into disfavor with their co-prisoners or members of the SS.

18 202 Buchenwald
12 June 47 - 4
13 June 47 - 5

Q And in that respect it is a fact, is it not, Doctor, that you were unable to get a true picture of the conditions that existed there at Buchenwald?

A That is not correct, and I believe I have convinced the court that I was able to obtain a rather exact picture of Buchenwald for myself.

Q Well, you interrogated the members of the gardening detail, did you not, and you found no mistreatment there, is that correct?

A Yes.

Q And over what period of time did you investigate the gardening detail?

A My investigation was not run in such a manner that I would take the concentration camp up step by step and sector by sector; its purpose was rather more of a general one and it extended over an extended period of time.

Q Well, didn't you know or didn't you ascertain in the course of your investigation that the gardening detail was considered to be a punishment detail?

A No, I did not determine that.

Q And isn't it a fact that the extent of your investigation of the gardening detail was to interrogate Lt. Dumbeck and perhaps Krautwurst?

A No, I also heard other prisoners and other persons who made statements about conditions in the gardening detail, being only by hearsay or by rumor. I would like to ask permission to ask the defense counsel another question.

Q Well, when you say they were part of the particulars, were they made a basis of the charges against Dr. Hagen?
A In an indirect manner, since Dr. Hagen was charged only with Concentration Camp Buchenwald, you did not even ascertain the existence of Commando 99, is that not correct?

(Morgen-Cross)
(Morgen-Cross)

Ta 323 Buch jbp
12 June 47 - 5

A I have mentioned that during the investigation of Dr. Hoven he in his defense mentioned incidents concerning detail No. 99 but that I particularly did not investigate this detail since Criminal Commissar Wehner was specifically detailed to do that.

Q Well, didn't you testify here yesterday that you didn't know anything about Commando 99?

A I merely said that I was not familiar with the name of detail 99.

Q Well, what did Dr. Hoven call it?

A Dr. Hoven merely mentioned the fact of the shooting of the Commissars and that fact was also set down in the bill of particulars to my charges.

Q You mean that was a part of the bill of particulars against Dr. Hoven?

A The prosecution knows about that because that document is in their possession.

Q Answer my question, please, Doctor.

A I would like to ask you to repeat the question.

PROSECUTION: Read it to him, please.

(Whereupon the question referred to was read by the reporter as follows:)

Q You mean that was a part of the bill of particulars against Dr. Hoven?)

A These details were explained in the charge sheet against Dr. Hoven.

Q Well, when you say they were part of the particulars, were they made a basis of the charge against Dr. Hoven?

A In an indirect manner, since Dr. Hoven was charged only with five cases of murder. I have already mentioned this morning that in the

(Morgen-Cross)

12 June 47 - 6

interests of saving time of the court sessions only a few specific acts with details known about each of them and dates known about each of them were picked out among the various number of cases against him.

Q Well, except for the matter of saving time of the court, they could have been used as a basis of a charge against Dr. Hoven, is that not correct?

A As this question is phrased, I cannot answer it by either "Yes" or "No" because I do not have a clear picture of the activities connected with detail 99.

Q Well, you had a clear enough picture of it, did you not, Doctor, to mention it in your particulars against Dr. Hoven?

A That was merely done in the description of his activities and in the presentation of his defense.

Q Well, was that set forth as a matter in defense or in a matter of accusation against Dr. Hoven?

A Neither the one nor the other, because the purpose of these particulars or of this dossier was to make clear to the court a picture as clear as possible of the activities of Dr. Hoven.

Q Well, if it served no useful purpose, why was it that you included it in this bill of particulars?

A I did not state that it did not serve any purpose; in fact, I just did state what purpose it did serve.

Q Well, then, from your original statement, then, in connection with the reason why it was used in the bill of particulars, you state now that it was there solely for the purpose of showing the court what activities took place at Buchenwald, is that correct?

A In connection with the case of Koch and Hoven, it did.

(Vorgen-Cross)

(Vorgen-Cross)

12 June 47 - 7

Q And you certainly would not have taken the time of the court
A Certainly not, because it wasn't my idea that was at issue but
to put it in there if it would not have given the court a picture as to
the time of the court.
the criminality of the conduct of Hoven and Koch, is that not correct?
A Well, the consideration of having to save the time of the court
A This statement in itself was a neutral one, just like I did
was the only reason why you did not put that in as a charge, is that not
mention in the charge sheet the date of birth or the education of the
accused, which in itself is neither incriminating nor exonerating testimony.

Q You mean the killing of these Russian Commissars, then, was
nothing more than a neutral statement, is that correct?

A So far it was merely a neutral statement not discussed by the
prosecution authorities and it would have been up to the court to conduct
further examinations concerning this point or else to refrain from doing so.

Q Well, isn't it a fact that the reason why it was not made a
basis of one of the charges was because of its difficulty of proof?

A I confined myself to proving only so much against Koch and Hoven
as was sufficient to cause a death sentence to be passed against the two
with certainty.

Q Then your answer to my question is that the reason why you didn't
do it was because of the difficulty of proof, is that correct?

A No; because the presentation of evidence had already been con-
cluded, the purpose of the presentation of evidence had been fulfilled.

Q You mean you didn't ascertain the existence of Commando 99 and
Hoven's connection with it until after you had discovered these other acts
of misconduct on the part of Hoven?

A I first found out about these murders of Dr. Hoven and I put them
on the charge sheet, and after they were completely cleared up, then only
did this other matter come up in addition.

Q And if you had had more time you would have included the killing
of the Russian Commissars as part of the charges, would you not?

Ta 323 Buch jbp
12 June 47 - 8

A Certainly not, because it wasn't my time that was at issue but the time of the court.

Q Well, the consideration of having to save the time of the court was the only reason why you did not put that in as a charge, is that not correct?

A There were more reasons.

Q Well, that was one of them, was it not?

A That was one of the reasons.

Q Then please tell the court why it was that you didn't prefer charges against Pister, in whose time this also took place?

A I never did find out that these shootings of the Commissars were continued during Pister's time.

Q Don't you know, as a matter of fact, that they took place as late as 1943?

A No, I do not know that.

Q Well, didn't you interrogate your legal officer there, Schmidt, whose statement here before this court is that they did take place up until 1943?

DR. ANHEIMER: Objection to the translation. The prosecutor said "your legal officer" whereas the translation was "the legal officer".

PRESIDENT: Which is correct?

THE INTERPRETER: It was a mistake in the translation.

PROSECUTION: Will you translate it properly, please?

A I did ask the legal officer Schmidt about it without, however, reducing it into the form of an interrogation from my part, and in the course of this I did find out that executions took place in Buchenwald. I have already described that I did convince myself of the existence of

(Morgen-Cross)

Ta 323 Buch jbp
12 June 47 - 9

THE WITNESS: Yes, then, he did not mention at any time that Russian commissars were killed there in Buchenwald as late as the fall of 1945?

PROSECUTION: I must object to the translation of the prisoner's question. But Lieutenant Schmidt did not tell me that any other regular or any other type of mass shootings did take place, particularly not against any Russian Commissars.

PROSECUTION: I suggest, may it please the court, that we get the answer before the interpreter forgets it.

THE WITNESS: I have already forgotten it.

DOCTOR WACKER: I wish to object further because this answer might be wrong.

PROSECUTION: Let's start all over.

PROSECUTION: Will the reporter read the question?

(Whereupon the question was read by the reporter.)

PROSECUTION: Do you object to that question?

DOCTOR WACKER: Not to the question. It was now translated correctly.

THE WITNESS: I can only repeat that Lieutenant Schmidt did not mention to me that as late as the fall of 1945 any commissars' shootings took place in Buchenwald.

QUESTION BY THE PROSECUTION:

Q You were there at that time, were you not?

A Yes, I was there at that time.

Q During that time did you ascertain whether or not any such shootings took place?

A I didn't find out about any such shootings taking place at that time. Buchenwald was a large camp, and it is entirely possible that executions took place without my knowing about it.

Q Did you ever talk to Otto about it?

A I can't remember.

(Horgen-Cross)

(Horgen-Cross)

2851

Q You mean, then, he did not mention at any time that Russian commissars were killed there in Buchenwald as late as the fall of 1943?

DOCTOR WACKER: I must object to the translation of the prosecution's question. The word "commissars" was translated as "prisoners of war" and that might make a difference in the answer.

PROSECUTION: I suggest, may it please the court, that we get the answer before the interpreter forgets it.

THE INTERPRETER: I have already forgotten it.

DOCTOR WACKER: I wish to object further because this answer might be wrong.

PRESIDENT: Let's start all over.

PROSECUTION: Will the reporter read the question?

(Whereupon the question was read by the reporter.)

PRESIDENT: Do you object to that question?

DOCTOR WACKER: Not to the question. It was now translated correctly.

THE WITNESS: I can only repeat that Lieutenant Schmidt did not mention to me that as late as the fall of 1943 any commissars' shootings took place in Buchenwald.

QUESTIONS BY THE PROSECUTION:

Q You were there at that time, were you not?

A Yes, I was there at that time.

Q During that time did you ascertain whether or not any such shootings took place?

A I didn't find out about any such shootings taking place at that time. Buchenwald was a large camp, and it is entirely possible that executions took place without my knowing about it.

Q Did you ever talk to Otto about it?

A I don't remember.

(Morgen-cross)

TA 520-0/12/47-BUCHENWALD
BOB-2

Q Did you understand what was said?

A Yes, I understand it.

Q This execution that you testified about yesterday that you attended took place down in the crematory, did it not?

A Yes.

Q Down in this crematory they had some meat hooks up on the wall, did they not?

CAPTAIN LEWIS: I object to that question as characterizing the hooks on the wall as meat hooks.

PROSECUTION: May it please the court, that is what they were.

CAPTAIN LEWIS: If the prosecutor wants to testify, let him take the stand himself.

PROSECUTION: I asked the witness about it.

PRESIDENT: Objection overruled.

THE WITNESS: They were the regular type hooks, and not meat hooks.

QUESTIONS BY THE PROSECUTION:

Q Will you tell the court, then, the difference between the hooks in the crematory and meat hooks?

A They were certainly regular hooks. A hook is a hook and it depends on the use you put it to.

Q They were hanging human meat up there, were they not?

DOCTOR WACKER: I object to this question. The witness has not finished his answer yet.

PROSECUTION: Go ahead with your answer.

THE WITNESS: The hooks used there had not served as meat hooks before that.

QUESTIONS BY THE PROSECUTION:

Q They served as meat hooks on that occasion, did they not?

A That question is too insensible for me to answer.

(Morgen-cross)

Q Did you understand what was said?

A Yes, I understood it.

Q Then answer the question.

LAW MEMBER: I think that question is objectionable.

PROSECUTION: All right, sir, I withdraw that question.

QUESTIONS BY THE PROSECUTION:

Q They hung human beings up on these hooks, did they not?

A If a convict has to be hanged, he has to be hanged on a hook or at least a rope has to be fastened to a hook. I don't think the American gallows or American hooks are any different from the German.

Q Just answer my question.

A I forgot the question.

PROSECUTION: Read the question to him, please.

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

"Q They hung human beings up on these hooks, did they not?")

A No human beings were hung on these hooks. The rope or the noose was fastened to these hooks.

Q On the other end of that rope was a poor Russian, is that not correct?

A I don't understand the question.

Q On the other end of that rope was a poor Russian, is that not correct?

A Convicts were hanged at this execution. It doesn't matter in the least what kind of convicts they were.

Q You answer my question.

A You mention the fact that one poor Russian was hanged up there. I think more than one poor sinner was hanged on there.

Q How many poor sinners were hanged there, Doctor?

A I have no way of knowing.

(Morgen-cross)

Q You were present there, were you not, at the time it took place?

A You are talking about this one particular case when I was present as a witness at the execution?

Q Exactly.

A I beg your pardon. At that occasion four or five members of Eastern nations were hanged there.

Q As a matter of fact, the manner in which it was done was so repulsive that one of the SS men got so sick that he vomited, is that not correct?

CAPTAIN LEWIS: No object to the form of that question as assuming a fact that is not yet in evidence.

PROSECUTION: This is cross examination, may it please the court.

LAW MEMBER: There has been evidence here of the nature of the executions conducted in the crematory.

CAPTAIN LEWIS: There is no evidence that anyone got sick there. Let him ask the question: "Do you know if anyone got sick?", but to assume a fact that has not been in evidence is not proper.

PRESIDENT: Objection overruled.

THE WITNESS: This was the first execution by hanging that I had seen. The incident excited me extraordinarily. I found the way in which it was carried out as not correct. I objected to the fact that the convicts had to undress prior to the hanging and that they were hanged in the presence of all of them, one after the other. I described my feelings about this to Commandant Fister.

QUESTIONS BY THE PROSECUTION:

Q What did Fister say?

A Mr. Fister did not see the procedure himself. He was sitting a distance away and he said that the technical details were not his job, but rather the job of the doctor.

Q Did this take place inside the crematory building or on the outside?

A It didn't happen inside the crematory, but outside the crematory in a yard in a little shed.

Q Where was Pister at that time?

A Mr. Pister was sitting at the entrance to the crematory on a bench.

Q He was there during the whole time this execution took place, was he not?

A Yes.

Q Approximately when did this take place?

A I don't remember that.

Q Was it not about the 1st of March, 1944?

A Certainly not.

Q When was it -- the latter part of 1943?

A I seem to remember it was during the beginning of my investigation in Buchenwald because later on I sent Lieutenant Wiebeck to another execution and at that occasion he observed that the abuses that I had observed had been stopped in the meantime.

Q At that time is it not a fact that Pister told you that it was so terrible that it cost him a few nights' sleep anyway, and that is why he did not bother with it?

A That is not correct in this fashion: Pister did describe his feelings to me then. He said he was very much repelled by the fact he had been assigned the carrying out of the executions, and from his remarks that he lost several nights' sleep, I gathered that these executions were comparatively rare at Buchenwald, and certainly not daily occurrences, because if a person has something to do with executions every day, I suppose he would even get used to that after a while.

Q As a matter of fact, Doctor, those prisoners who had to deal with executions did so voluntarily, did they not?

A That is not correct in that sense. Nobody in a concentration camp could do what he wanted.

Q In what sense, please, Doctor, is it correct?

A As soldiers, everyone received his orders and was subject to carry them out. Nevertheless, every soldier did have an opportunity to have himself transferred from any particular post to another detail, or at least to request this transfer. Furthermore, everybody who mentally objected to carrying out or participating in executions did have the choice of stating that he was not physically or psychically capable of doing this. I do believe that an energetic representation of this type would eventually have led to the transfer of this person who was a member of an execution detail, or would have caused him to be relieved from this job.

Q Those who continued performing these executions day after day, week after week, month after month, stayed there voluntarily, is that correct?

A If a member of an execution detail served on an execution detail for year upon year, then the probability is very high that he stayed there voluntarily.

Q Yesterday, doctor, you were talking about these alleged orders for executions. Is it correct that these alleged orders for executions were signed by General Mueller?

A The execution orders which I saw were signed by General Mueller. I personally asked General Mueller whether any other headquarters had any authority to order executions. General Mueller told me no.

Q During what period of time did General Mueller occupy this position of signing the orders for execution?

A Major General Mueller was the Chief of the Secret State Police

(Morgen-ross)

until the surrender.

Q During the period from 1939 to the time of the surrender, Mueller was the man authorized to sign these execution orders, is that correct?

A I don't know anything else.

Q If there was anything else, you probably would know about it in your position, is that correct?

A I do think so.

Q During that time Mueller signed approximately six million orders for execution, did he not?

A That would probably be technically impossible.

Q That is what I think, too. Approximately in your judgment how many do you think he did sign?

A I have no way of guessing at all.

Q You know there were at least two and a half million killed in Auschwitz, do you not?

A Yes, but those were not executions, but rather that was mass extermination. I determined that the order for this derived from Hitler himself. But that was nothing of any concern to the Gestapo, and that was handled by the Party Chancellery in Berlin, at Tiergarten Street No. 4.

Q Do you not know that they had absolutely nothing to do with the extermination of concentration camp prisoners? That was a matter solely in the economic administration office of Cransburg.

A The Economic Main Office administration in Cransburg certainly had nothing to do with executions. The Secret State Police in the manner in which I described it yesterday did have authority to order executions through the person of General Mueller. The mass extermination of those Jews, however, does not have any legal foundation whatever except Hitler's own order. The executive organs of Hitler were located in the Party Chancellery, and that is where these orders were conducted from. These

executive organs in fact were directly under the Party Chancellery, and the whole official channel proceeded out of the Economic Main Office and outside of the Secret Police.

Q Did you not know the mass extermination of those who were too ill and no longer able to work for the Third Reich did not concern itself solely with Jews, but the physical condition was a criterion?

A All I know is that during the beginning of the war a law concerning euthanasia was decided upon by the Reichs Cabinet. As a means of carrying out this alleged law, there were commissions of physicians sent to concentration camps, and they were to select prisoners who were seriously ill for euthanasia.

Q In other words, when these prisoners were imported from France, from Belgium, and the other countries and brought into Germany, and became too ill to work any longer, they were subject to this law to be exterminated, is that correct?

A No, the carrying out of this euthanasia law was stopped as early as 1940, I believe, prior to the time any large numbers of foreign laborers were sent into Germany.

Q In other words, according to your testimony, they did not have extermination by virtue of this law after 1940, is that correct?

A I did determine that in many concentration camps illegal euthanasia was carried out at later dates. That is to say, through injections, and with the actual cause of death being kept secret.

Q Any such transactions after 1940, then, were therefore illegal, is that correct?

A I cannot state that with this generality, because this legal decree to my knowledge was never properly rescinded. It had never been an order mandatorily, but one authorizing certain physicians to do these things.

(Morgen-cross)

Ta 325, Buch, 6/12
1cb-1

Q Will you tell the Court, then, what you meant a moment ago when you said that was discontinued in 1940, which was before the time that these forced laborers were brought into Germany?

A To express myself more clearly, you have to distinguish between the euthanasia which was carried out in the regularly prescribed manner, that is to say by a committee of more than one physician on the one hand, and on the other hand between actions carried out by certain physicians upon their own initiative without the authorization of any administrative order.

Q Doctor, confine yourself, please, to a consideration of those transports which involved more than individual cases.

A Might I ask the prosecutor to make his question a little bit more precise?

Q What justification was there then, Doctor, after 1940 for extermination of prisoners who were no longer able to work in groups of hundreds and even thousands?

A The only justification for this you could possibly call on was the extra-legal extraordinary necessity due to the emergencies as found in German law.

Q Do you mean to tell the Court that because a camp became over-crowded that it justified the taking of lives of those prisoners who had been imported there for work and became ill because of their incarceration there?

A By no means.

Q When was it that you had Sommer arrested?

A In the course of August, 1943.

Q Up to that time, how long had Pister been in office?

Ta 325, Buch, 6/12
idb-2

A When I had Sommer arrested, he was no longer in Buchenwald, but rather with the troops in France.

Q How long had Sommer been there in Buchenwald after Pister was commandant?

A I don't remember.

Q Well, now, doctor, you can remember verbatim the letter that was sent by Pohl to Koch, and still you can't tell this Court a simple date with respect to Sommer's presence in Buchenwald, is that correct?

A Of course I am able to remember extraordinary incidents much better than any given date which had no bearing on my investigation.

Q Don't you think that Sommer's activities there in the bunker were extraordinary?

A Sommer's activities in the bunker were extraordinary, indeed, but they had nothing to do with the time that Pister took office; and that is the time that you, Mr. Prosecutor, asked for.

Q How do you know that he was not engaged in these activities during Pister's time?

A I do, in fact, know the opposite--that is to say, that Sommer did commit criminal acts during the time that Pister was in office; and Sommer was specifically charged with these acts.

Q And isn't it a fact that at the time Pister took over the camp he made an investigation then in the bunker?

DR. WACKER: I want to object, because in my opinion the witness wanted to add something to his last answer.

PROSECUTION: May it please the Court, I can't read (Morgen-Cross)

Ta 325, Buch, 6/12
1db-3

his mind, and I assure the Court that if I ever see him wanting to say something I will not interpose a question. If you have anything else to say, Doctor, with respect to your last answer, go ahead.

THE WITNESS: I particularly picked out these incidents in the case of Sommer, because in these cases Sommer could not use the defense of superior orders; and these cases, for instance the case of Schildmeier, which I described to the Court this morning, demonstrated that Sommer and Hoven were acting in direct violation of the orders of the Commandant Pister, because after Sommer and Hoven had strangled Schildmeier in the bunker, they actually had a dance of joy in the bunker.

QUESTIONS BY THE PROSECUTOR: Did you see anything about the bunker? Was that contrary to Pister's wishes?

A: And as they were doing so, they were saying to each other, "We pulled quite a thing, quite a trick over this dumb Pister, that dumb jerk." That clearly showed that these two men knew quite well that Pister would not tolerate and would not stand for any mistreatment or killing of any prisoners, and that they got a particular enjoyment of acting against his orders in that particular case.

Q: It was rather easy to fool this man Pister, was it not?

A: Considering the methods that were used in this bunker, any other commandant would also have been fooled.

Q: Did Pister make an investigation of the bunker shortly after he arrived there and took office, did he not?

A: Pister, in accordance with reports which I received, inspected every part of camp repeatedly and thoroughly; and

Ta 325, Buch, 6/12
ldb-4

during the time that I myself was in Buchenwald I repeatedly saw Pister come into the arrest building, having the doors of the cells unlocked for him and talking to the prisoners about their mistreatment.

Q He told you the terrifying conditions that existed in the bunker, did he not?

A Had Pister known about it, he certainly would have told me, and then our investigations would have been considerably easier; but it was on account of this very fact that nobody knew about it that these investigations took so long and were so extraordinarily difficult.

Q You mean that Pister did not tell you anything about the bunker and about these crimes?

A He certainly did not.

Q About any crimes connected with the bunker?

A I don't know of any of those, either.

Q Do you remember being interrogated at Muerberg the first of April, 1947?

A I don't remember the date.

Q Do you remember being interrogated by Mr. Kirschbaum?

A Very well.

Q And do you remember being asked this question at that interrogation? Question: "But in any case, SS Colonel Pister had a good reason to have the bunker searched thoroughly when he came into office?"

A Out of context, I don't remember this question.

Ta 325, Buch, 6/12
1db-5

Q Do you remember this answer? "Not only the bunker, he often spoke about the conditions which he had found, and he described them in such a way I have to call it even terrifying that he intervened in all spheres and had to intervene."

A I did give this answer. You can see from the first part of this sentence--"not only the bunker"--that Pister did not have any particular intention of specifically inspecting the bunker; but as a conscientious commanding officer he inspected everything, including the bunker, when he took office. It is furthermore obvious that at the time Koch left Buchenwald conditions there were not normal.

Q Just answer my question, please, Doctor. Is it then a fact that he did inform you of the terrible conditions that he found there in the bunker?

A I have to object to the way the question is phrased. I specifically emphasized that Pister did not tell me anything about terrible conditions in the bunker. The only thing that Pister was talking about was terrible conditions in camp in general.

Q Then is the answer yes or no?

A No.

Q Isn't it a fact that it was unusual that Pister should wait so long to clean up the bunker after he had ascertained the conditions that existed there?

A I had already explained at some length that the conditions that did exist in the bunker existed inconspicuously. That is to say, nobody was able to draw any conclusions concerning crimes that had taken place from merely inspecting the bunker.

Ta 325, Buch, 6/12

1db-6, Buch, 6/12

1db-7

Q Didn't it impress you as being unusual that Pister
did not take any actions prior to the time you got there about
the temperature of former captives? I talked with Pister about the
cleaning up the bunker?

A In what way was Commander Pister to clean up the bunker?

Q Well, isn't it a fact that all the prisoners knew
what was going on in the bunker?

A That's exactly what they didn't know. I asked plenty
of prisoners who didn't know anything about it.

Q You didn't ask any prisoners about Commando 99, though,
did you?

A Well, if I never heard the word Detail 99, how can
I ask a prisoner about it?

Q Or anything connected with it?

A I beg your pardon?

Q Or any matter connected with Commando 99?

A I don't know even today what this Detail 99 is supposed
to be.

Q All right. Isn't it a fact that at the time you had
a conversation with Pister that you told him that you thought
it was strange that he had been in office so long and had done
nothing to correct the situation that existed there, and that it
was unfortunate that they had to wait until you came to do any-
thing about the conditions?

A The Prosecutor is confusing things here.

Q Just answer that question, please. There is nothing
confusing.

A Pister, on his own initiative, very fundamentally
changed conditions existing in Buchenwald. When I came to
Buchenwald there was nothing to be improved any more in that

(Morgan-Cross 2)

Ta 325, Buch, 6/12
1db-7

connection. All I did was to commence the legal prosecution of the perpetrators of former days. I talked with Pister about the matter--why he had not previously reported to the SS and Police Court in Kassel the facts he had found out about his predecessor, Koch, and why he had waited until I came in order to tell me. Pister gave the following reply to me. The highest ranking officer in this organization, the Lieutenant General Waldeck, had had Koch arrested, and it had been shown that Waldeck and the SS Court were powerless, and Koch was rehabilitated. My highest ranking superior, the inspector of concentration camps, Glucks, had been in Buchenwald and had made a speech to the whole camp. In that speech, Glucks said that all statements and all suspicions against Koch are malicious slander, and anybody who in the future will say even the slightest word against Commandant Koch, I shall see to it that he is punished. Commandant Pister continued to me, "So what was I to do with that sort of situation? I wasn't a lawyer and I wasn't a General." Neither the General nor the lawyers managed to do anything, and my highest ranking superior makes it an offense for me or my men, including therefore, myself, to say anything against Koch.

Q What rank was Pister at that time?

A Lieutenant Colonel.

Q What was your rank at that time?

A First Lieutenant.

Q So you were just a little First Lieutenant and you started this investigation against Koch; and Pister was a Lieutenant Colonel, and he couldn't do anything about it, is that right?

(Morgen-Cross)

2865

2866

Ta 325, Buch, 6/12
1db-8

Ta 325, Buch, 6/12
1db-8

A Well, the difference was the following. I was a judge, and in that capacity thoroughly individual; and I was on a special mission from the Reichsfuehrer of the SS personally, and I had direct communications; whereas, Commander Koch would have to go through the regular channels and would have to go through General Glucks, who, in all probability, would never have transmitted any such letter.

Q You were not at all disturbed about the prohibition of anyone's talking against Koch were you?

A I didn't understand that.

Q You were not at all disturbed about the prohibition that Glucks had put on anyone talking about the former commandant Koch, were you?

A It did not disturb me for the reason that this order had been rescinded by the Reichsfuehrer, the highest leader.

Q Now you testified yesterday that the capos were the tools of the SS, is that right?

A Yes, but furthermore, many SS men were also the tools of the capos; and to top it all, many capos did a lot on their own.

Q In other words, the capos acted in an unbridled and in an uncontrolled manner, is that correct?

A Without any doubt, during the time that Koch was in office.

Q Did you ever run into a man by the name of Herzog in Buchenwald?

A That might be.

Q To refresh your recollection, he worked at the quarry. Do you remember that?

A Yes, but I would be grateful for more hints.

Ta 325, Buch, 6/12
1db-9

Q He was a very brutal man.

A Was that a capo?

Q He was a capo. Isn't it a fact, doctor, that Herzog remained there in the quarry long after Fister came into office?

A That is entirely possible, because the reorganization of such a tremendous camp does require a certain time.

Q What time would be a reasonable time in your estimation to reorganize the camp?

A I would say that at least six or nine months would be required.

Q And if Herzog did remain there longer than that, then it was a gross oversight on the part of Fister, is that correct?

A It wouldn't happen to be necessarily, because if the Commanding Officer supervises his non-commissioned officers, including also his capos in a more thorough manner, then these criminal elements then couldn't possibly have the same effects as they had in times before; and it is a fact that Fister did go to great pains in this connection, and that his authority was great.

PRESIDENT: The Court will recess for thirty minutes.

(Whereupon at 1500 hours, the Court recessed.)

(Whereupon at 1530 hours court was opened)

PRESIDENT: Court will come to order.

PROSECUTION: May it please the court, let the record show that all personnel of the court are present, except Colonel Robertson, who is absent, all personnel of the prosecution are present, all personnel of the defense are present, except Doctor Renner who is absent on business on the accused, all of the accused are present except Hans Wolf and Schmidt, who are absent, and the interpreter and reporter are present.

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.

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:

CROSS EXAMINATION (continued)

QUESTIONS BY PROSECUTION:

Q Now you stated Doctor that Pister's power with respect to the removal of improper elements was great, is that correct?

A I didn't say anything of the kind. Pister couldn't pick out his own personnel even, that personnel was assigned to him. All he could do was express his desires. Whether these desires would be fulfilled or not is a question.

Q Do you mean to tell the court then that Pister couldn't remove a bad capo?

A My answer applied only to SS men, but in order to replace a capo he would first have to find a suitable replacement.

Q Well he got rid of Florstedt, did he not?

(Morgen - cross)

(Morgen - cross)

A Yes.

Q And Florstedt was an SS man, was he not?

A Yes.

Q But Doctor Hoven remained there for over a year after Pister took over command of Buchenwald, did he not?

A Doctor Hoven was not under Pister. He was under the medical service and that service was very short. I myself talked

to Doctor Rawitz, the Reichs Physician of the SS, about that and General Rawitz told me that "I am very well familiar with the fact that I have a large number of doctors in concentration camps who

are unsuitable. Enormous numbers of doctors are needed by the troops and even the civilian population is not very well supplied.

I have to take any kind of doctor I can get."

Q And that is what they did do, is that not correct?

A Yes.

Q Now the doctors at Buchenwald were under Pister for disciplinary purposes were they not?

A Not at all. Only the medical superior of the doctor was his disciplinary superior.

Q You mean then that a doctor in Buchenwald could violate Pister's orders and not be punished for it?

A That is not what I mean but all Pister could do was to send a report over to the medical main officer, who in turn would have to

make the punishment and he could not punish the man himself.

Q You testified yesterday that Pister tried to vary and

improve the food, is that correct?

A Yes.

Q - What did Pister do in that connection?

A I said that Pister cared for all matters in camp and that he constantly took a hand even in small and detailed questions.

Q Doctor please just answer my question and don't go into a long dissertation.

A Might I ask you what I am to answer?

Q What did Pister do to improve and vary the food that the prisoners received?

A He took the kitchen under his eye more completely and issued orders concerning it and he bought additional food, not himself, but through his officer Barnewald.

Q Don't you know, as a matter of fact, that Pister had no control over the food whatever?

A That is true only to the extent to which rations were fixed by the Reichs Food Ministry for the prisoners, but the proper preparation and proper distribution of the food was also part of the job of the Commandant. Furthermore there was still a free sector of food, food that was not strictly rationed, and Barnewald and Pister increasingly made use of that unrationed food whereas Koch had not bothered with it at all.

Q Well this man that you went to Weimar to investigate when he was over at Buchenwald was serving under Barnewald, was he not?

A Yes.

Q And was charged with misappropriating the funds that was allocated for the feeding of prisoners, was he not?

A That is absolutely untrue, merely that this corrupt person Bornschein had misused his official position in Buchenwald.

A Certainly not.
(Morgen - cross)

(Morgen - cross)

Q In what respect?

A But I did finally decide that this accusation was not true, that this man Bornschein had not done anything to harm the prisoners; that he handled his job in this particular respect in a satisfactory manner and I believe that part of this was due to his supervision by Barnewald.

Q Well Bornschein was tried by an SS Court wasn't he?

A Yes.

Q And was he sentenced or acquitted?

A I think his main punishment, together with other minor punishments, was nine years in the penitentiary.

Q And in the whole time that you were in Buchenwald you never saw a prisoner beaten or one that showed signs of having been beaten, is that correct?

A No, I didn't see any.

Q Did you ever visit the hospital?

A Yes.

Q Did you ever see any prisoners in there suffering from split heads?

A I did not.

Q Broken ribs?

A I did see it is true that prisoners were suffering from broken legs and broken arms or perhaps head injuries but, after all, accidents would happen on various construction sites in the concentration camp.

Q Do you call it an accident when a man is beaten over the head by a rifle butt by an SS man?

A Certainly not.

(Morgen - cross)

Take 326 - Bu - wfj 5

Q And did you inquire of any of these prisoners that you saw, in the manner you just described to the court, as to the manner in which they were injured?

A If a person is smashed over the head by a rifle butt he is in no position to answer questions about his condition.

Q Just answer my question please.

A I did not ask the prisoners, or, at any rate, I did not ask everyone of the prisoners there what the cause of his injury was, nor do I think there was cause to ask because I had seen plenty of details at work myself and knew that an order had been issued that guards were to stay away from prisoners while they were at work and that guards had no authority to assault any prisoner. I also observed that Colonel Pister informed and reformed everyone of the guards at every opportunity of the existence of this order and furthermore observed that this order was followed and I believe I am safe in assuming that I would have found out about it if a prisoner had been smashed over the head by a rifle butt, if such a thing had happened while I was in Buchenwald.

Q Did you ever visit Room 7 in the hospital?

A I believe I went through every room in the hospital so I guess that I went in Room 7.

Q Didn't you ascertain in your investigation that Room 7 was the Room in which Doctors Hoven and Placza gave their injections?

A I determined that these injections were given in Operating Room Number 2 of the hospital.

Q Was that the room in which Wilhelm operated?

(Horgen - cross)

A All that Wilhelm had to himself was a little part of a room which was fenced off from the rest where he did his paper work and I don't know anything about him having an operating room of his own.

Q Now this decree that you described yesterday concerning the Poles and Jews, when did that cease to be operative?

A To my knowledge that law was never rescinded.

Q Did you ever have occasion to read that law yourself?

A I read it.

Q And the law provided that these persons could be summarily killed without ever having a trial, is that not correct?

A I have already testified about the subject of this law.

Q You answer my question.

A This law in substance states that the police is to take the part of a court and that it is on its own as far as investigations and sentences are concerned. Consequently the police were able to inflict any punishments provided for in the law books, including the death penalty.

Q And was that law applicable to Germans?

A As far as German Jews were concerned, it was.

Q But if they were not German Jews, it had no application to Germans?

A No.

Q And in the German Courts a man had a defense counsel and an opportunity to present his case before the court, is that not correct?

A Yes.

Q And there was no provision for this in the decree?

A No because this law opened the possibility of summary procedure.

Q And it was the Third Reich that brought in these laborers from the East and also the laborers from France, Belgium and Holland and the occupied countries, is that correct?

A Yes. I have already stated that this law applied only to Eastern laborers of a particularly high criminality.

Q Who determined that criminality?

A I don't understand the question.

Q You said that it applied only to Eastern laborers of high criminality, is that correct?

A I might not have expressed myself quite clearly. What I meant to say was that due to the exceptionally high criminality of these Eastern laborers, these exigencies caused the necessity for summary procedure.

Q Well, it was Germany that brought these people here into the homeland, was it not?

A Yes.

Q And isn't it a fact Doctor, based on your experience as a lawyer and as a judge that this decree was contrary to the principles of International Law?

A International Law too makes certain provisions for emergencies and I am not entirely convinced that this law was a violation of International Law. Nothing is further from me than to defend this law. The only thing which I tried to point out by my testimony was that there was a legal basis for these decrees and that the executive officers of these decrees of the State Police could be convinced that

they were carrying out a legal act.

Q But your answer, based on your experience as a lawyer and your knowledge as a judge, is that this law can not be justified, is that correct?

LAW MEMBER: I think we are getting rather far afield here.

The main point here is whether or not the camp commanders or those in authority there had some prima facie cause to believe those executions were legal. I believe the court has heard quite a bit of evidence on that point.

PROSECUTION: Yes sir.

QUESTIONS BY PROSECUTION:

Q When you examined the conditions in the stone quarry, did you find this man Herzog, that we discussed before, there?

A I know that I did some business about this capo Herzog but since my authority to investigate homicide in Buchenwald had by that time ceased, you should ask about these killings the Criminal Councillor Wehner.

Q You mean you were in Buchenwald from June until September and never investigated the stone quarry?

A I have already testified to the opposite of this before this court repeatedly. To repeat, I repeatedly showed up in the stone quarry, either in uniform or in civilian clothes, but unobtrusively and I observed the operations there and I was not able to observe any prisoners being driven to work at all, rather I observed that the rate of work was positively a slow one.

Q Is it a fact that the punishment detail also had to work in the stone quarry?

(Morgen - cross)

A There was a punishment detail in Buchenwald during the time of Colonel Koch, only later on the inspector general for concentration camps prohibited punishment details in any concentration camp and to the best of my knowledge, Colonel Pister stuck to that regulation.

...

...

...

...

...

...

...

...

...

to 327 by plj/l

Q The two percent which I mentioned specifically applied
only to the concentration camps. Do you know when that regulation came out?
A I don't remember. It was in Oranienburg. These were all carried
out. So that's all you know? It had not been promulgated during
the time of Pister, is that correct?

A That I intended to say was that no particular prisoner punish-
ment detachment existed during Pister's time.

Q Well, did you ascertain from your investigation and frequent
visits to the quarry that it was a matter of normal procedure for new
prisoners who came into the camp to spend at least two or three months
in the quarry?

A That was the general rule under Colonel Koch. During the time
of Colonel Pister the opposite was true. The prisoners, after going
through quarantine, were sent to the various industrial concerns around
camp in accordance with their professional qualifications.

Q That was the practice that was supposed to be followed from
the very foundation of the camp, was it not?

A No. It wasn't carried out and it couldn't be carried out
because it was only during wartime that concentration camps were indus-
trialized.

Q You testified that the number of killings in Buchenwald de-
creased during Pister's time, is that correct?

A The term "decreased" is an understatement by far. The number
of killings that took place was very small in number and these violations
were opposed to the will of Colonel Pister and were also kept secret
from Pister.

Q You found at least ten percent of the number that took place
under Koch taking place under Pister, did you not?

(Morgen-cross)

A The ten percent which I mentioned specifically applies only to the beatings by sticks which were ordered by the concentration camp inspector general's office in Oranienburg. These were all carried out under the supervision of a physician and I further stated that the maximum of twenty-five was only rarely administered; that the average number was somewhere between five and ten.

Q And in order to determine this improvement in the number of killings you consulted your associate, Dr. Faulmann, in Kassel, is that correct?

A I repeatedly talked to Dr. Faulmann and I also looked through the old files of the SS and police court in Kassel concerning shootings while attempting to escape.

Q You did that concerning the cases that took place under Pister?

A As I said before, I talked to Faulmann at rather short intervals. He never hinted to me there was anything unusual about the facts and numbers of the shootings while attempting to escape and while I was in Buchenwald during Pister's time I couldn't notice anything of the sort myself.

Q Did you ever, at any time, investigate an alleged shooting while trying to escape during the time of Pister?

A I don't have a very clear picture of this anymore. I don't believe that any such thing happened in Buchenwald, however, we did have our attention drawn to such a case of a shooting while attempting to escape during Pister's time in Cologne. This case in Cologne also turned out to have been a murder.

Q Did you or did you not investigate any shootings while the prisoner was alleged to be trying to escape during the time of Pister in Buchenwald?

A So, I have already stated that the crimes currently committed were investigated by the SS and police court in Kassel. After all, I and my person did not take the place of this Kassel court. My mission was an entirely different one.

Q And Dr. Paulmann examined the files that were submitted to the SS and police court in Kassel, did he not?

A Dr. Paulmann was the chief judge there. He saw every one of the files and I got to know him as a very capable lawyer and as a very conscientious, I might almost say, a pedantic person.

Q But you have already testified, have you not, that these reports of shooting while trying to escape were very easily framed so as not to speak the truth?

A Yes, but that possibility was ended by the arrest of Dr. Heven.

Q But the arrest of Dr. Heven did not take place until a year and a half after Pister had been in office, was that not correct?

A That is true but as I have said before, the authority of Colonel Pister was of such magnitude that the least thing that these criminal elements, until then undetected, were doing, was to be very careful from then on. I'd like to mention another matter. Under Colonel Pister a special prisoners' camp police was established and other troops to keep order. They came from the ranks of the prisoners and these prisoner organizations also helped to a closer supervision of the activities of the details and of the camps. So, after that time it could hardly have been easy to murder a prisoner by simulating an attempted escape. The cases which actually did occur still, according to my determinations, were placed only in the arrest building and in the hospital building.

to 827 74 plj/4

Q Did you ascertain, Doctor, how many prisoners died in Block 46 that were classed as typhus carriers?

A I don't know the exact number and also, these experiments were continued after I left.

Q Now, you have stated that the conditions were entirely satisfactory at Buchenwald considering the times, is that correct?

A In accordance with my determination the conditions of the vast majority of prisoners in Buchenwald was a satisfactory one.

Q In other words, they had enough clothes to wear?

A It is true that during that period of time the clothing supply was already short but I did not remember having seen any prisoners working on out details without a coat during the winter, without an overcoat, and by the way, it is true that part of the prisoners were wearing their own private clothes.

Q Don't you know, as a matter of fact, they were forbidden to wear their own private clothes?

A It had been prohibited in years past but this prohibition was lifted during the war.

Q Don't you know, as a matter of fact, that these prisoners had to wear wooden clogs instead of shoes?

A That was another sign of the general deficiency not applicable to all the prisoners either and again, due to the fact that there was a great shortage of leather in Germany.

Q You said you don't think it was just and proper to incarcerate these people there under conditions where they were not able to be taken care of?

(Morgen-cross)

That is not correct. At that period all time about ninety
A My opinion is that concentration camps to that extent
and as an institution generally, were evil.

Q Is a matter of fact, Doctor, you don't know whether or not
any prisoners starved to death in Buchenwald or not during July 1943
to May 1944?

A I considered it impossible for any prisoner to starve on the
ration they were issued at that time. Furthermore, the prisoners were
permitted to have packages sent to them according to their hearts' desire
and the International Red Cross did also send high class foodstuff to
concentration camps.

Q Doctor, at any time while you were there were the representatives
of the International Red Cross permitted to go into the camp?

A All I remember is that during the time that I investigated the
camp of Herzogen Busch the Dutch Red Cross was inside the camp.

Q Holland was occupied by Germany at that time?
A Yes.

Q Were they permitted to come into Buchenwald?
A I don't know about that.

Q Do you know how many hours a day the prisoners had to work in
Buchenwald?

A That varied depending on the detail a prisoner was assigned to.
Q What was the greatest number then?

A Twelve hours a day.

Q And you know as a fact, do you not Doctor, that all a prisoner
received in one day was a couple of liters of soup, about 300 grams of bread
and maybe a little margarine and a little cheese, is that not correct?

(Zorgen-cross)

ta 327 Bu 514/5

ta 327 Bu 514/5

A That is not correct. At that period of time about ninety percent of the prisoners in Buchenwald were employed as so-called in most heavy laborers and their caloric ration per day amounted to 2750 calories.

Q Did you ever investigate to ascertain whether or not that was a fact?

A I did see the food being prepared in the kitchen. I also saw it being issued. I am, of course, not a nutrition specialist but in view of the fact that the soup was always thick, that there was that quantity of bread issued; that there was meat and fat also issued every day, I should assume that this caloric content did finally result. And I might also add that during the time I was interned in American camps I met many former prisoners who wished that the old days when they were in German concentration camps were back.

Q You mean to tell this court then that the food that was issued to the concentration camp prisoners was better than the food the prisoners get today, is that correct?

A I merely wanted to repeat to you the opinion of former concentration camp prisoners to whom I talked. I myself do not consider myself qualified to pass judgment on it.

Q These prisoners, after having worked twelve hours a day on this 2700 calories you were talking about, came back to the barracks that were heated, were they not?

A As far as I know the barracks were heated and there were wood chopping details that worked all year long to provide for the winter. On top of this the prisoners were able to take wood in to add fuel. At any

(Morgen-ross)

Q Did you have that answer on your observation of the skin
I did not hear of any cases of frostbite occurring in concentration camp
barracks or as did happen this winter of persons freezing to death in
barracks. And the same thing is true with respect to photo album and
Q You never heard of any of the prisoners suffering from frostbite
even frozen limbs they acquired in barracks, is that right, Doctor?
A It is true that I did hear of prisoners suffering from frostbite
after being on a transport in winter. The cause for that was the trans-
portation conditions which were disrupted due to air attacks and therefore
the transport had been under way longer than it had been planned.
Q In it a fact, Doctor, that the only thing that kept the
prisoners from freezing in the barracks was the fact that body heat was
given off as a result of sleeping two or three in a bed?
A I do not know the conditions which prevailed in the winter of
'44 to '45 on account of overcrowding but I should like to answer this
question by "no" for the time before that.
Q Now, as a matter of fact, you could tell whether a lampshade
was made out of human skin or parchment, could you not?
A I don't understand the question.

Q Will you repeat it to him, please?

(Thereupon the interpreter repeated the question.)

A I mean that technically I am not in any position to tell.

Q Technically or otherwise.

A I said that I did see the specimen of skin so prepared. It
was observed by me in the pathological department and I therefore do believe
myself capable of detecting a lampshade, shall we say, if it had been made
out of human skin.

(Morgen-cross)

(Morgen-cross)

ta 327 Ba plj

12 June 47 - 1

Q And you base that answer on your observation of the skin you saw one time in the pathological department, is that correct?

A Yes, but this one observation was sufficient.

Q And the same thing is true with respect to photo albums and gloves, is that not correct?

A Yes. I might add that this pathological department had a very large number of such specimens of human skin and, by the way, it feels and by the way it looks I think I'm enough of an expert to tell if other objects are also made from human skin.

Q Going back to the bunker, Doctor. Did you, in the course of your investigation of the conditions there in Buchenwald, ever learn of the systematic starving to death of four or five Polish prisoners?

A I don't remember any such case, however, this was supposed to have happened with a German.

Q Well, isn't it a fact that this systematic starving to death of the prisoners was a form of punishment that was employed by Sauer in the bunker?

A Yes, upon orders of Colonel Koch and it extended over a period of more than a year.

Q And during that time he came to the bunker every other day and he performed the duties on those days that Sauer performed on the alternate days, did he not?

A Yes.

Q And it is also a fact, is it not, Doctor, that it would be impossible for Bergweiler, serving in that bunker every other day from 1943 to 1945, not to know of the misconduct that was taking place there in that bunker?

Ta 326 Buch jbp
12 June 47 - 1

Q And do you know what year that was?
A 1940-41, I think.
Q And during that period of time Bergmeier served in the bunker every other day, did he not?
A I don't know whether Bergmeier was in the bunker by then.
Q When did you ascertain that Bergmeier was in the bunker?
A I don't remember the exact time.
Q To refresh your recollection, Doctor, from the investigation that you made, didn't you learn that Bergmeier was in the bunker from the year of 1939 to the year 1943?
A If you say so, Mr. Prosecutor, it will probably be true.
Q No, I am asking you for information that you possess based on your investigation.
A It is entirely possible that that was in fact the result of my investigation.
Q But regardless of how you get the information, don't you know, as a fact, that Bergmeier was serving in the bunker during the year 1940 to 1941?
A Now that you have recalled the matter to me, I can answer yes.
Q And during that time he came to the bunker every other day and he performed the duties on those days that Sommer performed on the alternate days, did he not?
A Yes.
Q And it is also a fact, is it not, Doctor, that it would be impossible for Bergmeier, serving in that bunker every other day from 1939 to 1943, not to know of the misconduct that was taking place there in that bunker?

(Morgen-Cross)

12 June 47 - 2

CAPT. GROTH: If the court please, I object to the form of that question. I suggest that the question is too broad and that the prosecution limit the question to a particular kind of mistreatment and ask the witness concerning a type of mistreatment. Obviously it is impossible for this Bergmeier to know of all mistreatments which Sommer committed and therefore I ask the prosecutor limit his question to a particular type or types of mistreatment.

PROSECUTION: I will say "any" mistreatment, may it please the court. He has testified here concerning the conditions that existed there and it is certainly a proper question.

PRESIDENT: With the word "any" in there the question is proper.

A: To go through the various mistreatments, if Sommer killed or mistreated a prisoner he would do it when Bergmeier wasn't around, late at night or early in the morning.

Q: Just answer my question, please.

A: I consider it entirely possible that Bergmeier had no knowledge of the mistreatments and killings of Sommer; at any rate, I was not able to prove any such knowledge on him although I had attempted to do so.

Q: Well, those people that were locked up without any food, do you contend that Bergmeier would not have known about that?

A: Yes, that method was the easiest one to keep secret from Bergmeier because, as I have already said, the prisoners were incredibly afraid of complaining against Sommer, and if a prisoner would have complained to Bergmeier about Sommer, then Bergmeier, of course, would have told Sommer about that.

Q: Well, during twenty-four hours, Doctor, wouldn't the prisoners be fed?

(Morgen-Cross)

Ta 528 Buch Jop
12 June 47 - 3

A The prisoners were fed in the presence of Bergmaier and they also were fed in the presence of Sommer, with the exception of the fact that Sommer, if he so desired, would withhold a material part of the ration from the prisoner, particularly fat or canned meat, so that he would effect a reduction in the ration by about 30 or 40 per cent. That, too, is the reason for the fact that the extent of these starvations was so very long that a prisoner would get weaker and weaker throughout the course of a whole year and that in the end he would finally die in connection with one more than usually severe mistreatment.

Q Well, don't you know, as a fact, Doctor, that these prisoners would in many instances go as long as eight and nine days without receiving any food or water?

A I consider such an extended period of hunger in the bunker impossible.

Q Did you in the course of your investigation of the bunker ascertain what the letters "S.B." meant?

A I don't remember at the moment. Can you give me some more details, please?

Q Did you ever hear of "special treatment"?

A Yes; I already talked about this in detail.

Q What was "special treatment"?

A Colonel Koch gave Sommer special instructions concerning treatment of certain prisoners.

Q Well, isn't it a fact, Doctor, that that same notation, "S.B.", was used during the time of Mistor?

A As far as I know, it was not, because I looked through a large number of prisoners' cards and file cards and this notation was never on any of those.

Ta 328 Buch Jop
12 June 47 - 4

Q Well, they had a blackboard down there in the bunker, did they not?

A Yes.

Q And on that blackboard were written the names of the prisoners that were there in the bunker, were there not?

A Yes.

Q And by the side of the name of some of those prisoners was the notation "S.B.", is that not true?

A I never heard about that.

Q Didn't you see it, though?

A No. I observed this blackboard repeatedly myself. The only thing found on there was a cell number, distribution, and the date the prisoner was put in, and otherwise there was no notation there.

Q Now, you interrogated a prisoner by the name of Miller during the course of your investigation there at Buchenwald, did you not?

A Yes, quite frequently.

Q And didn't he tell you that during the summer of 1943, that Pister sent a prisoner there to the bunker who was to remain there until he had made his confession?

A I don't remember that particular case but it is entirely possible since it is one of the purposes of an arrest cell to hold prisoners there pending an investigation, and of course a case is not thoroughly investigated until it is cleared up, which might be done by way of a confession.

Q Did you hear that this prisoner was sent there to be kept without any food until he made his confession?

A No, I didn't hear about that; that would have been entirely illegal even if you consider the Secret State Police procedures.

Q Now, did I understand you to state this morning that you were not sent to Buchenwald Concentration Camp by order of the SS and Police court at Kassel?

A No, I was under the orders of the Reichs Criminal Police office.

Q Well, do you remember an interrogation in Huerberg on the 18th of March 1947?

A Yes.

Q When Mr. Kirschbaum interrogated you?

A I remember interrogations of Mr. Kirschbaum.

Q Well, during the course of the interrogation that took place in Huerberg on the 18th of March 1947 by Mr. Kirschbaum, I will ask you to state whether or not this question was asked you: "Question: In what capacity did you come to the Buchenwald Concentration Camp?" Were you asked that question?

A Yes. And I will ask you to state whether or not you made this answer: "Answer: As a Commissioner of the Reichs Criminal Police office by order of the SS and Police court Kassel."

A I did not make that statement; there is a mistake in the translation here. What I said was: "Upon the requisition of the SS and Police court Kassel." The English translation of my testimony was never submitted to me.

Q And Waldeck was the Higher SS and Police leader, is that correct?

A Yes.

Q And the ordinary Police, the Security Police and the Secret State Police came under his jurisdiction, did they not?

A No, it was not under his jurisdiction.

Ta 326 Buch jbp
12 June 47 - 6

Q You mean he had no power to give orders to the Security Police?

A He had this authority only in the case of a public emergency.

Q And do you mean to tell this court that he had no authority to give orders to the Gestapo?

A With the exception of a case of extreme emergency, he had no authority to do any talking or any ordering to any troop organization or Police organization.

Q Well, were the Reichs Criminal Police within his province to give orders to?

A He couldn't give any orders to the Criminal Police, either.

Q Well, what was the Higher SS and Police Leader?

A The Higher SS and Police Leader had to do representative tasks on behalf of the Reichsfuehrer of the SS, and in the case of a public emergency he had to coordinate the various activities of the organs of the state. Apart from this he was the court appointing and reviewing authority of the armed and Police forces located within his area.

Q But he exercised no authority over the activity of the Reichs Criminal Police or the Security Police or the ordinary Police, is that correct?

A He had no authority whatever. The only thing that the Inspector of the Regular Police or the Inspector of the Security Police, on the other hand, was required to do was to make report of important incidents to the Higher SS and Police Leader in his area.

Q For what purpose?

A In order to keep him informed about general conditions.

Q And in these important matters the Higher Police Leader was not consulted, is that correct?

Ta 328 Buch jbp
12 June 47 - 7

A I don't understand the question.

PROSECUTION: I withdrew it.

Q Waldeck had the authority, did he not, to sign warrants of arrest?

A In his capacity as court appointing authority he was able to sign arrest warrants for members of the Police who were actually serving under the troops or members of the SS, but he could do this only if countersigned by a judge, he could not do it on his own.

Q Well, the judge was subject to the orders of Waldeck, was he not?

A That is a mistake; the judge was under the main office of the SS courts.

Q Waldeck in his capacity as appointing authority could give orders to these judges, could he not?

A No, he could not.

PRESIDENT: The court will recess until seven o'clock tonight.

(Whereupon the court recessed at 1650 hours.)

Q (Whereupon the court recessed at 1650 hours.)

A Actually not, but it had to be of a serious nature.

Q The defendant that was subject to that type of investigation was independent of SS and court prisoners or both, is that correct?

A Yes.

Q You inferred Prince without concerning the course of your investigation, did you not?

A I didn't have the possibility and didn't have the time to give any detailed information to the prince. It is necessary to hear reports to the appointing and reviewing authority after the investigation had been completed and then to serve the charges. It was also Prince Salinger wasn't

(Morgen-Cross)

(Morgen-Cross)

(Whereupon the court reconvened at 1000 hours.)

PRESIDENT: The court will come to order.

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

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:

CROSS EXAMINATION (Continued)

QUESTIONS BY THE PROSECUTION:

Q Doctor, it is a fact, is it not, that Waldeck in his capacity as a high SS Police Leader, could institute investigations concerning the misconduct of SS men that took place in Buchenwald?

A Yes, when a report of evidence had been made to him by the camp.

Q Well, Doctor, it would not make any difference how the fact or knowledge of misconduct came to his attention, would it?

A Actually not, but it had to be of a serious nature.

Q The misconduct that was subject to that type of investigation was misconduct of SS men toward prisoners or toward each other, is that correct?

A Yes.

Q You informed Prince Waldeck concerning the course of your investigation, did you not?

A I didn't have the possibility and didn't have the time to give any detailed information to the prince. It is customary to make reports to the appointing and reviewing authority after the investigation had been concluded and then to serve the charges. At this time Prince Waldeck wasn't

(Morgen-cross)

the appointing and reviewing authority any longer because this had been now taken care of by the E.V.B. Special Court.

Q As a result of the investigations at Buchenwald Waldeck became familiar with the conditions that existed there, did he not?

A Yes, that conditions under the commandant now were satisfactory while they had not been in any way under his predecessor, Koch.

Q Koch had been protected from investigation by Waldeck, is that not correct?

A The opposite is right.

Q Do you mean by that that Koch had not been protected from investigation by Waldeck?

A I have already stated in detail that Waldeck had Koch arrested and that he tried to bring him to trial and make him fall. This is the fact and you cannot infer the opposite from this fact.

Q Did you testify yesterday, Doctor, that Waldeck directed all his energies against the concentration camp system?

A The final result of the investigation against Koch threw light on such bad conditions in the concentration camp that lack in the concentration camp system became visible. It wasn't only the purpose to get the individual perpetrator, Koch and to punish him, but to prevent any such lax in concentration camps in future time. For this reason the lax in the concentration camps had to be recognized in its principles and in the principles of the leadership of concentration camps by its leader, by SS General Pohl. I know that Waldeck described to the Reichsfuehrer SS this guilt on the part of Pohl in detail.

Q The concentration camps, then, were calculated to bring out the lowest instincts in the persons who were incarcerated there, is that not correct?

A The colonels who were confined there had already given proof of

their lowest instincts. They had been previously punished and had spent years and years in jail. So far as the political prisoners in the concentration camp were concerned, those were the elements which had tried to bring to a fall the government in a manner not staining the most brutal force.

Q What about the SS men stationed in Buchenwald?

A The SS men in Buchenwald belonged during various times to the various categories.

Q Was it calculated to bring out the lowest instincts? Yes or no.

A No.

Q Was that the nature of the report that you submitted concerning Doctor Hoven?

A According to medical reports, Doctor Hoven is a man on the borderline of insanity. He is one of those men who had perhaps been influenced least by the National Socialist Party or the SS, because Hoven spent many years in America and France. He only returned to Germany shortly before the war started.

PROSECUTION: I hand you a document and ask you to mark it, please, Prosecution Exhibit No. 59 for identification.

(The document referred to, being a report by Dr. Konrad Morgen, was marked Prosecution Exhibit 59 for identification.)

QUESTIONS BY THE PROSECUTION:

Q Doctor, I hand you a document which has been marked Prosecution Exhibit 59 for identification and ask you to examine it and state what it is, if you know. Do you recognize that document?

A I have to check it closely.

PROSECUTION: Well, there are 94 pages of it. I will withdraw it, if the court please.

(Morgan-cross)

QUESTIONS BY THE PROSECUTION:

Q If you do not recognize it, that is all right. Let me have it.

A I seem to be acquainted with it, however, I couldn't say without a thorough check whether this depicts the correct charge made against Koch. By looking over it superficially it seems to be it. I couldn't say whether it checks on all points.

Q Do you recognize this paragraph on page 93 as having been written by you -- the last paragraph on that page? Begin with this sentence (indicating).

A I have to read the connection. Yes, I can verify that this last paragraph was written by me.

Q Doctor, will you read beginning with this sentence?

A "Deciding was however, that the inhibitions ceased and like so many others, could have the feeling for years, that the outlived dependency of the prisoners, the indulgent attitude of the superiors, and the secrecy and protection surrounding the CC granted an unpunishable raging of all, even the lowest instincts."

Q And the last sentence, please, Doctor?

A "The allegedly assumed consent of the superior leadership to the prevailing conditions in the CC, which has been pretended as exoneration by every member of the CC, might have been for him, too, the required cheap remedy for his soul in order to calm his conscience."

Q That was your characterization of Buchenwald, was it not?

A That was the characterization of Doctor Hoven and that was said in connection with the characterization. There can be no doubt that Hoven had these low character instincts.

Q That was the environment, was it not, Doctor, that Hoven moved around in?

A No, it was because of the environment that Nowan could bring out his criminal characteristics, the environment in this case being Koch.

Q Were you a personal friend of Himmler?

A I never saw him personally and if he had been a personal friend of mine he would never have had me denoted.

Q Did you know that Waldeck was a former adjutant of Himmler's?

A I heard about that.

Q How was it, Doctor, that you could do more in the investigation of Buchenwald than Waldeck, who was a prince, an SS Lieutenant General, and a friend of Himmler?

A That was Waldeck, but he didn't know anything about criminology. In this case he depended upon the evidence which was presented to Himmler to order the investigation. General Waldeck had at that time no capable man who could spring this evidence, but after this proof had been presented, it can be said that it was because of his influence and the proof that the Reichsfuehrer took these measures. If I had been on my own without the help of Prince Waldeck I would have been lost so far as this case is concerned.

PROSECUTION: No further questions.

DOCTOR AEBISER: Redirect examination on behalf of Prince Waldeck.

REDIRECT EXAMINATION

QUESTIONS BY DOCTOR AEBISER:

Q Doctor Morgen, on cross examination you were questioned about a conversation with the legal officer, Schmidt. Was Schmidt a member of Headquarters Staff of Buchenwald?

A Yes, he belonged to the Headquarters Staff and did not belong to any other military unit.

(Morgen-cross-redirect) report 3998

Ta 330, Buch, 6/12
ldb-1

Q So he did not belong to the staff of the Prince of Waldeck, is that correct?

A In no way.

Q The Prosecutor on cross examination has called Schmidt your legal officer. What do you have to say about that?

A I did not have any legal officers, but I had officials of the Reichs Criminal Police Headquarters.

Q On cross examination you were questioned about your determination as to the number of gas chambers in Birkenau near Auschwitz. Did Birkenau have anything to do with Buchenwald?

A As I have already stated, the Birkenau camp was taken care of by the Chancellory of the Fuehrer.

Q Were Birkenau and Auschwitz in the territory belonging to the Higher SS and Police Leader of Kassel, Prince of Waldeck?

A No, they were about a thousand kilometers away from Waldeck.

Q Did you make any reports about your investigations of the gas chambers in Birkenau to the Prince of Waldeck?

A I cannot recall it, but I don't think it's probable, because Waldeck couldn't do anything about it anyway. In this case, the highest authorities in the SS had to take steps.

Q On cross examination you were questioned in detail about the charge sheet which you drew up against Dr. Hoven. They were mainly questions about the report which belongs to the charge sheet. Was Dr. Hoven before a Court of which the Prince of Waldeck was

Ta 330, Buch, 6/12
ldb-1

Q So he did not belong to the staff of the Prince of Waldeck, is that correct?

A In no way.

Q The Prosecutor on cross examination has called Schmidt your legal officer. What do you have to say about that?

A I did not have any legal officers, but I had officials of the Reichs Criminal Police Headquarters.

Q On cross examination you were questioned about your determination as to the number of gas chambers in Birkenau near Auschwitz. Did Birkenau have anything to do with Buchenwald?

A As I have already stated, the Birkenau camp was taken care of by the Chancellory of the Fuehrer.

Q Were Birkenau and Auschwitz in the territory belonging to the Higher SS and Police Leader of Kassel, Prince of Waldeck?

A No, they were about a thousand kilometers away from Waldeck.

Q Did you make any reports about your investigations of the gas chambers in Birkenau to the Prince of Waldeck?

A I cannot recall it, but I don't think it's probable, because Waldeck couldn't do anything about it anyway. In this case, the highest authorities in the SS had to take steps.

Q On cross examination you were questioned in detail about the charge sheet which you drew up against Dr. Hoven. They were mainly questions about the report which belongs to the charge sheet. Was Dr. Hoven before a Court of which the Prince of Waldeck was

Ts 330, Buch, 6/12
idb-2

the appointing and reviewing authority?

A No.

Q Did you give him the charge sheet which was drawn up by you against Dr. Kogon and Hoven?

A Not by me.

DR. ANEIMER: No further questions.

DR. WACKER: Redirect examination on behalf of the accused Pister.

QUESTIONS BY DR. WACKER:

Q Dr. Hoven, did you ever visit the so-called horse stables in Buchenwald?

A I beg your pardon. I am not Dr. Hoven. I am Dr. Morgen.

Q Dr. Morgen, did you ever visit the so-called horse stables in Buchenwald?

A Yes.

Q When was that?

A If I am not mistaken, I had the Commandant Pister show me the riding hall of Mrs. Koch in the spring, beginning of 1944. After that, I also saw the horse stable which belonged to it.

Q What did you see there?

A This horse stable looked just like horse stables usually look. I saw the drawings made by Dr. Kogon in his book concerning installations of the horse stable during the time of the commissar executions. I can assure you that during the time that I saw the horse stables, none of these installations were visible there. At the entrance there was a medium-sized room which contained holes for the feed. Then, after that, there was a larger room to the right and left for the horses, with the places for the

ra 330, Buch, 6/12
ldb-3

feed to be placed. There were no installations in there as described by Dr. Hoven. There were no examination rooms, no measuring sticks, no marks in the wall, and no loud speaker system.

Q Are you talking about Dr. Hoven or Dr. Kogon?

A Dr. Hoven. By seeing this horse stable, no one would have ever gotten the idea that any shootings had taken place there or were going on.

Q Did you find out at that time that shootings had taken place there?

A I cannot recall at the present time whether I knew at that time that the shootings had been going on there; however, it seems to me that I only found out about it later.

Q On cross examination you were asked whether or not you had not taken a general interest in the shootings, executions and killings in Buchenwald. Wasn't it also your task in that respect to bring up a clarification concerning the shooting of the commissars?

A My task when I arrived was a very special one; it concerned the case of Bochum. Because of my education so far as law and international law is concerned, it is customary with me to pursue the crime wherever I should meet it; and for that reason I had my task enlarged. Nevertheless, my task and my authority didn't extend far enough to examine and investigate the secret activities of the highest German authorities. Nevertheless, I took an interest in that and used every opportunity to get acquainted with them and to get a clear picture on that. I could only

Ts 330, Buch, 6/12
idb-4

take advantage of that and get a clear picture by using the National Socialistic Penal Law Code. For that reason it was necessary to investigate according to the National Socialistic law as well as all other laws the killings and crimes which had been set forth even by the law brought out by the National Socialist. The crimes which were not covered by the National Socialistic Penal Code, such as mass extermination of Jews could only be done away with by taking political steps. These steps were taken later on upon my instigation by the Main Office SS Courts with the office of the Reichsfuehrer of the SS. As a result of that it must be said that these steps were taken and immediately after I had intervened in a mass extermination camp such as Lublin, these mass extermination camps were destroyed to the ground. I could prove that the Commander of Auschwitz Hoess had committed overt acts such as murders, which were covered also by the National Socialistic Penal Code. This material was used by the Americans as propaganda in the pamphlet "SS Dachau". Hoess was then taken out of office immediately, and as a result of that the activities in Birkenau slowed down. I should like to add something. I went as far as to place an arrest order before Kaltenbrunner for the man in charge of all European Jewish extermination, Eichmann. So far as I am concerned, I did not only confine myself to cases of corruption or similar cases; however, I did everything to keep these conditions from spreading.

Q Dr. Morgen, do you believe that the shooting of the Russian commissars, to look at it in a legal way, was somewhat on the same level as the extermination of Jews?

(Morgen-Redirect)

2900

Ta 330; Buch, 6/19
ldb-5

A I could only pass judgment on that if I would have had the opportunity to study this question in its details. Nevertheless, some of the causes seem to be reasonable to me, namely, those that the execution details seem to think that their activities were legal.

Q If a member of an execution detail knew that the execution order had come down from the Reich Security Main Office with the name of the one to be executed, could he take this execution order then to be legal at that time?

PROSECUTION: I object to that as repetitious.

PRESIDENT: Objection sustained.

DR. WACKER: No further questions.

CAPTAIN LEWIS: Redirect examination on behalf of the accused Koch.

QUESTIONS BY CAPTAIN LEWIS:

Q On cross examination you testified concerning the accused Koch as to the costumes that she wore in Buchenwald. Did you ever see her wear any of this clothing as you described it there on cross examination?

A No, and I could not see that because after the removal of her husband from Buchenwald, Mrs. Koch became very conservative.

Q And the report that you got that she visited the office of her husband and looked at the prisoners' personal files was something that you obtained in the course of your investigation, is that right?

A By way of Mrs. Koch's own admission.

Q And the information that you got about the fact that

Ta 350, Buch, 6/13
ldb-6

she gave the orderlies in her house little or nothing to eat was
what you got from Titz and perhaps another orderly there, is that
right?

A Not only--this was supported by other investigations.
There were also reports that Mrs. Koch had kicked her own mother out
of this house and that the old woman was sitting on a rock outside
the house without a bite to eat and she cried.

Q And all these reports that you got on Mrs. Koch were
from prisoners that you interviewed, is that right?

A I heard about the treatment of her mother from members
of the SS.

Q And from whom did you hear that she wore these short
dresses and clothes to incite the prisoners and to show her sex
appeal?

A That was the general opinion of the members of the
SS and the members of the staff, as well as of the wives of the
SS officers.

Q And from whom did you hear that Mrs. Koch reported
prisoners to be beaten?

A Mrs. Koch herself confessed that she had reported the
numbers of prisoners repeatedly to her husband, adding to it
that these prisoners had conducted themselves toward her in an
indecent or insulting manner.

Q In the course of your investigation, did you ever
ascertain from any source whatsoever that Mrs. Koch had asked for
any specific punishment for any of these prisoners?

Ex 350, Buch, 6/12
ldb-7

PROSECUTION: Object to that as leading, may it please
the Court.

CAPTAIN LEWIS: You brought it out on cross examination;
I didn't bring it out on direct examination; and I think I have a
right to inquire into this new matter which the Prosecution
presented.

PROSECUTION: May it please the Court, there is nothing
new about it at all. He brought it out on his original direct
examination, and I just explored it a little bit.

PRESIDENT: Objection overruled.

THE WITNESS: I could not make that determination
since a confession of Mr. and Mrs. Koch would have been necessary
for that. Those two did not make such a confession and that was
one of the reasons why the SS Courts could not be convinced completely
and beyond any reasonable doubt of the guilt of Mrs. Koch.

QUESTIONS BY CAPTAIN LEWIS:

Q Did you make any efforts to ascertain from any other
persons other than Commander Koch and his wife, whether Mrs. Koch
had reported any specific punishments for any prisoners?

A If a woman in a mad voice reports to her husband the
alleged misconduct of a prisoner towards her, then asking for a
punishment is included in that without expressing it explicitly.
I at least cannot imagine any other reason why Mrs. Koch reported
these prisoners to her husband and threatened the prisoners with
corporal punishment.

MR. KUNZIG: I object to the translation. I believe
the word "regelmässig" was in there.

INTERPRETER: Reported regularly, that's right.

(Morgen-Redirect)

2903

QUESTIONS BY CAPTAIN LEWIS:

Q Outside of these incidents that you testified to on cross examination today concerning the treatment of the orderlies in Mrs. Koch's house and the alleged reporting of prisoners to her husband, was there any other evidence or any other statement produced before you as to her misconduct towards the prisoners?

A Outside of that Mrs. Koch also was guilty of theft and for that the reports of the bank were the proof.

Q Now, all these charges against Mrs. Koch were included in the charge sheet which was presented by you to the court, isn't that right?

A Yes.

Q What was the result of the trial against Mrs. Koch?

A The court could not convince itself that Mrs. Koch was innocent. On the other hand, the court could not convince itself that Mrs. Koch was guilty. In this case, the most favorable factors to be decided are for the accused and in this case it was an acquittal. It was an acquittal because of lack of evidence according to the prescriptions of law, and already at that time Mrs. Koch asserted that she had not known what happened to those prisoners; that she had not know that her husband had taken this money unlawfully and all the other overt acts committed by her she explained as having been hysterical.

Q Are you sure now that in the charge sheet against Mrs. Koch there was included the charge that she had mistreated or otherwise physically mistreated the inmates of the camp?

PROSECUTION: I object to counsel leading the witness in the first place and secondly, object to it as being repetitious.

(Morgen-redirect)

I am prejudiced because of the investigation. If I had been the judge
PRESIDENT: Objection sustained.

In this case my judgment perhaps would be different. I can only testify
QUESTIONS BY CAPTAIN LEWIS:

as a witness, to my personal opinion and personal judgment.

Q Now, at this trial of Mrs. Koch, was there a witness there by
the name of Hennicke?

A Yes, that was General Hennicke. He was a friend of the family, Koch.

Q Did he testify in behalf of Mrs. Koch?

A Yes. I examined the General Hennicke.

Q What was the nature of his testimony?

A He confirmed that after his arrest his wife had called her

husband a vagrant, a thief and a murderer.

Q The answer was not quite clear. Do you mean to say by that that

Hennicke confirmed that Mrs. Koch had called her husband these names?

A Yes, he was a witness who heard this incident.

Q And who was the prosecutor in that case against Mrs. Koch?

PRESIDENT: Why is this material?

CAPTAIN LEWIS: If it please the court, I would like to show

that this witness himself was the prosecutor in this case against Mrs.

Koch and he had all the facts at his disposal concerning her and at that

time he was not able to substantiate a single charge against her.

LAW MEMBER: He said he couldn't.

CAPTAIN LEWIS: He didn't bring it out that he was the prosecutor

as well as the investigator.

LAW MEMBER: Why does that matter?

CAPTAIN LEWIS: The answer I got was that the court had doubts.

THE WITNESS MORGEN: I should like to add here that I cannot

give objective testimony as a witness so far as Frau Koch is concerned since

(Morgen-redirect)

I am prejudiced because of the investigation. If I had been the judge in this case my judgment perhaps would be different. I can only testify as a witness, to my personal opinion and personal judgment.

Q You were asked on cross examination whether it was not a fact that Mrs. Koch was called the Commandeuse of the Camp. Can you tell me what title the wife of a Major in Germany had?

A The wife of a Major does not have any title whatsoever and mainly the Nationalistic State had done away with the women who wanted to look for titles and wanted titles.

Q Isn't it a fact that it was the custom in Germany to address the wife of an office holder or professional man with the name of his office or profession?

PROSECUTION: Object to counsel leading the witness.

LAW MEMBER: You are leading the witness. This is your witness on redirect.

CAPTAIN LEWIS: This matter was brought out on cross examination and exceeded the scope of cross examination.

LAW MEMBER: You're not cross examining him.

CAPTAIN LEWIS: In connection with what the prosecution brought out on its side of the examination. I'm entitled to show what this man meant when he gave this answer.

PROSECUTION: May it please the court, this is his witness. He asked the question yesterday which was calculated to open up this entire matter and it's absolutely ridiculous for him to assume that we brought this out as new matter. He had no business going into this whole investigation concerning Mrs. Koch if he didn't want the whole matter brought out.

CAPTAIN LEWIS: I think the prosecution intended to prove that (Morgen-redirect)

Backman was a leading part 2906 to keep under Koch. They did ask him

several questions concerning Backman.

(Morgen-redirect)

PROSECUTION: If it please the court, I don't believe accused
He did it of his own volition and he should bear the consequences.

Hackmann: PRESIDENT: Objection sustained.

QUESTIONS BY CAPTAIN LEWIS: have been informed that the opening questions

Q You testified on cross examination yesterday that Mrs. Koch
was known as the Frau Commandeuse. What does that mean?

A I did not say she was called Frau Commandeuse. I only said that
she had a nickname and was called Commandeuse.

Q In what manner was that nickname applied to her?

A In no favorable sense.

Q Now, did she ever have a nickname of the "Bitch of Buchenwald"?

A No, and this is an expression strange to colloquial German.

Q Did she ever have the nickname of the "Beast of Buchenwald"?

A Several prisoners called her a beast.

CAPTAIN LEWIS: Redirect on behalf of the accused, Hackmann.

Q In connection with Hackmann was anything contained in the
charge sheet or the trial of Hackmann concerning his activities at
Buchenwald?

PROSECUTION: Just a minute. I object to that as not proper
redirect examination. He was not asked a single question concerning
Hackmann by the prosecution.

LAW MEMBER: What is the basis of this line of redirect?

CAPTAIN LEWIS: Only to show, in connection with Hackmann,
nothing was preferred against Hackmann concerning Buchenwald.

LAW MEMBER: What did the prosecution bring out that you contend
opened up that line to redirect examination?

CAPTAIN LEWIS: I think the prosecution intended to prove that
Hackmann was a leading part of the camp under Koch. They did ask him
several questions concerning Hackmann.

(Morgen-redirect)

QUESTIONS BY CAPTAIN MORGEN:

PROSECUTION: If it please the court, I don't believe counsel
Dr. Sargent, during your cross examination you stated that the capes
was in the courtroom. Not a single question was asked concerning
were not always under the SS but that sometimes two SS were the tools of
Hackmann by the prosecution.

capas. How did you mean by that?

CAPTAIN LEWIS: I have been informed that the opening questions
I stated that the conditions were very mixed up. It could happen,
of the prosecution concerned the group that surrounded Koch at the time,
for instance, that a capo had an SS man under his influence and the SS
the criminal group that was surrounding him, and by innuendo and by the
man consequently was his tool. It could have been vice versa also, that
testimony of the witness, Hackmann was included in that group.

the capo was the tool of the SS man. It also happened that a capo was

PRESIDENT: Objection overruled.
more powerful than a detail leader or, for instance, a guard.

THE WITNESS MORGEN: Yes.

Do you have a single instance?
QUESTIONS BY CAPTAIN LEWIS:

A I recall a case which had occurred in the stone quarry. At
Q Will you tell us what was contained in those charge sheets and
that time an SS man was on guard in front of the stone quarry. Over a
the charges against Hackmann pertaining to his activities in Buchenwald
length of time the SS man observed the capo mistreating a prisoner in a
against the prisoners, if any?

terrible manner. The SS guard called the capo and threatened him but all
A I have already tried yesterday to answer this question and I
the capo had for him was fresh replies and he continued with his mis-
said the following in that connection: Hackmann came to Buchenwald as a
treatment. After receiving the mistreated prisoner ran through the chain
private. He was promoted to be an SS officer in a relatively short time
of guards. The guard held onto the prisoner and brought him back with
by Koch.

his hands. Then the SS man threatened the capo. He said, "If you hit
Q I'd like to bring your attention that the charges are laid
this was only once more, I'll shoot you." The capo only said the
from the first of September 1939 and any actions which the accused, Hackmann,
following: "I shall report you to the Commandant both." This guard
can be charged with concern only that period of time.

was relieved within one half hour. He was punished because he left his
PROSECUTION: I object to the question, may it please the court,
post which he was not allowed to do. Ten hours later the prisoner
on the grounds it is repetitions. He has gone into the same matter yesterday
again ran through the chain of guards and was shot by the guard who had
as the witness has just stated on the stand.

succeeded the other one.
PRESIDENT: Objection sustained.

During whose regime was that?
CAPTAIN LEWIS: No further questions.

A These two capes were Heise of Vogel, the most infamous capes
CAPTAIN GROTH: Redirect examination on behalf of the accused,
in the stone quarry. These two were numbered later on by prisoners after
Kestel.

They had been relieved from their duties. The incident itself occurred

(Morgen-redirect)
(Morgen-redirect)

QUESTIONS BY CAPTAIN GROTH:

While I was myself was still in office as I already stated.

Q Dr. Morgen, during your cross examination you stated that the capes were not always under the SS but that sometimes the SS were the tools of quarry. Did these capes similarly well situated with reference to the capes. What did you mean by that?

Commented in that they would tell the SS was what is it?

A I stated that the conditions were very mixed up. It could happen, for instance, that a capo had an SS man under his influence and the SS man consequently was his tool. It could have been vice versa also, that the capo was the tool of the SS man. It also happened that a capo was more powerful than a detail leader or, for instance, a guard.

cap were played against each other such as capes against prisoners,

Q Do you know a single instance?

A I recall a case which had occurred in the stone quarry. At that time an SS man was on guard in front of the stone quarry. Over a length of time the SS man observed the capo mistreating a prisoner in a terrible manner. The SS guard called the capo and threatened him but all the capo had for him was fresh replies and he continued with his mistreatment. After sometime the mistreated prisoner ran through the chain

of guards. The guard held onto the prisoner and brought him back with his hands. Then the SS man threatened the capo. He said, "If you hit

Q Objection sustained.

Q this man only once more, I'll shoot you." The capo only said the

following: "I shall report you to the Commandant Koch." This guard was relieved within one half hour. He was punished because he left his

post which he was not allowed to do. Two hours later the prisoner again ran through the chain of guards and was shot by the guard who had succeeded the other one.

The court would only deal with violations covered by the penal code.

Q During whose regime was that?

A These two capes were Weiss or Vogel, the most infamous capes in the stone quarry. These two were murdered later on by prisoners after they had been relieved from their duties. The incident itself occurred

(Morgen-redirect)

ta 331 Bu plj/7

while Koch himself was still in office as I already stated.

Q Are you able to tell us how many of the capos employed in the quarry felt themselves similarly well situated with reference to the Commandant in that they could tell the SS man what to do?

A I believe every capo could do that. Koch had a mail box in the camp for which he had the key. Actually, each prisoner could report an SS man to the SS Lt. Colonel Koch. With this system which had been devised in such a devilish manner, all the persons in the camp were played against each other such as capos against prisoners, prisoners against capos and the prisoners against the SS.

Q Then, as a matter of fact, the command leader did not always have the power over the capos which apparently he appeared to have?

PROSECUTION: Now I object to the question on the grounds it is leading and on the second ground that it calls for an unauthorized conclusion on the part of this witness and invades the province of the court.

PRESIDENT: Objection sustained.

QUESTIONS BY CAPTAIN GROTH:

Q Do you know, Mr. Mergen, whether this guard was punished by the court of Waldeck or Koch?

A This case was not reported to General Waldeck since this matter was dealt with in a disciplinary manner as the Commandant was in a position to deal out the punishment of a disciplinary nature. The court would only deal with violations covered by the penal code.

(Mergen-redirect)

La 331 Bu plj/S

Q Doctor Morgen, during your cross examination concerning the method which Sommer used to conceal his mistreatment and indignities

it is stated that you testified on cross examination that the rate of work in the quarry was slow and moderate. I ask you now whether your investigation disclosed whether it had always been at that rate?

A I am thinking now, as a matter of fact, of a precise number. During the construction of the railroads in Buchenwald

the engineers, the railroad engineers stated that the work capacity of a prisoner was only twenty-five percent that of a civilian worker.

These conditions under Lt. Colonel Koch, of course, were of a very different nature. The capos drove the prisoners relentlessly while they were working with clubs and if a prisoner collapsed while working

it didn't matter much.

Q And an SS commando leader who had such capos working under his belt, did he not, that he was powerless to interfere with the operation of the capos?

PROSECUTION: I object to that question on the grounds that it calls for an undisclosed mental operation on the part of the commando leader and would not be apparent to this witness and on the further ground it is leading.

PROSECUTION: I object to that question on the grounds that it calls for an undisclosed mental operation on the part of the commando leader and would not be apparent to this witness and on the further ground it is leading.

PROSECUTION: I object to that question on the grounds that it calls for an undisclosed mental operation on the part of the commando leader and would not be apparent to this witness and on the further ground it is leading.

PROSECUTION: I object to that question on the grounds that it calls for an undisclosed mental operation on the part of the commando leader and would not be apparent to this witness and on the further ground it is leading.

PROSECUTION: I object to that question on the grounds that it calls for an undisclosed mental operation on the part of the commando leader and would not be apparent to this witness and on the further ground it is leading.

PROSECUTION: I object to that question on the grounds that it calls for an undisclosed mental operation on the part of the commando leader and would not be apparent to this witness and on the further ground it is leading.

PROSECUTION: I object to that question on the grounds that it calls for an undisclosed mental operation on the part of the commando leader and would not be apparent to this witness and on the further ground it is leading.

PROSECUTION: I object to that question on the grounds that it calls for an undisclosed mental operation on the part of the commando leader and would not be apparent to this witness and on the further ground it is leading.

PROSECUTION: I object to that question on the grounds that it calls for an undisclosed mental operation on the part of the commando leader and would not be apparent to this witness and on the further ground it is leading.

PROSECUTION: I object to that question on the grounds that it calls for an undisclosed mental operation on the part of the commando leader and would not be apparent to this witness and on the further ground it is leading.

PROSECUTION: I object to that question on the grounds that it calls for an undisclosed mental operation on the part of the commando leader and would not be apparent to this witness and on the further ground it is leading.

Q Doctor Morgen, during your cross examination concerning the method which Sommer used to conceal his mistreatments and iniquities it seems to me you hadn't finished a sentence and if you had something further to say, please tell us now what methods Sommer used to conceal from Bergmeier and others his evil deeds?

A Whenever Sommer killed someone in the Bunker he used a time during which Bergmeier was not there. Before the shifts changed the body was taken away. Then they would just put in the book of the Bunker, as I have already testified, "the prisoner has been released". The physical mistreatment on the part of Sommer was of such a nature that it was hard to recognize externally. The prisoners were living in such fear that they did not dare to complain about Sommer. So far as the so-called starvation is concerned, I should like to mention that this was over a long time.

Q Please let me interrupt you at this time. I believe you had stated that in a previous answer. Were there any other methods of concealment by Sommer other than those you have testified to before this court?

A I don't know of anything else.

Q I direct your attention now to ^{been} the case of the prisoner under cross examination who was alleged to have given no food until a confession had been extracted from him or until he voluntarily gave it. Are you familiar with that case.

A No, I don't recall such a case.

CAPTAIN GROTH: No further questions.

PROSECUTION: No further questions by the prosecution.

EXAMINATION BY THE COURT

QUESTIONS BY THE LAW MEMBER:

Q I believe you testified about the powers of the Higher SS and Police Leader and you said he had command over the Gestapo and (Morgen - court)

Take 332 - Bu - wfj 2

Criminal Police and Security Police in extraordinary measures, is that correct? Was that your testimony?

A Yes.

Q In your opinion did such an extraordinary emergency exist in the early part of the year 1945 in the Wehrkreis over which the accused Waldeck had command?

A At the beginning of the year 1945, that is to say in January, I don't think so.

Q What about April?

A In April the conditions were different since already acts of war were carried out in this territory. In such a case the highest Wehrmacht leader, respectively the highest commander of troops, will have the executive authority. That happened in the East when the front there penetrated the home territory, the highest troop leaders had the executive powers then. The Gestapo and the Criminal Police at that time didn't have a thing to say anymore, even Berlin, only the highest troop leader. This case of public emergency concerned itself mainly with rebellion as well as catastrophes and for that reason powers were given to the highest SS leaders.

LAW MEMBER: No further questions.

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

DEFENSE COUNSEL: May he be excused to return to Nuernberg?

PRESIDENT: Is there any objection by the prosecution?

PROSECUTION: No objection.

PRESIDENT: He may be excused.

(Morgen - court)

PRESIDENT: Court will recess for 15 minutes.

(Whereupon at 2040 hours the court recessed for fifteen minutes.)

PRESIDENT: Court will come to order.

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

DOCTOR AHEIMER: The defense calls as its next witness, Heinrich Nett.

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

DOCTOR AHEIMER: At first direct examination on behalf of the accused Prince zu Waldeck.

DIRECT EXAMINATION

QUESTIONS BY DR. AHEIMER:

Q Please state your full name to the court?

A Nett, Heinrich.

Q What is your age?

A 47 years old.

Q What is your profession?

A I was a Criminal Secretary in the Reichs Headquarters of the Criminal Police in Berlin.

Q Since when had you been with the Reichs Criminal Police in Berlin?

A Since the first of January, 1941.

(Nett - direct)

Take 332 - Bu - wfj 4

Q Where is your residence?

A In Dortmund. I also belonged to the Criminal Police Office in Dortmund. I was only detached and sent to Berlin.

Q Mr. Nett, have you ever been in Buchenwald?

A I was only in Buchenwald from July, 1943, until January, 1944, to carry out the investigations.

Q In whose charge were you during your time in Buchenwald?

A The Reichs Criminal Police Headquarters.

Q On whose instigation were you sent to Buchenwald at that time?

A I received orders in Berlin to get together with Doctor Morgen and work on the case of an SS man. I made my appointment with Doctor Morgan in Strasbourg who had driven ahead and gone to Weimar. I didn't know what it was all about.

Q What did you find out in Weimar?

A Doctor Morgen had been there for two or three days prior to my arrival and had brought along a file from the SS Court in Kassel, which pertained to a crime against the war economics of the Reich committed by a man named Bornschein.

Q Were you to work with Doctor Morgen?

A Yes, but in my absence Doctor Morgen had had his talked with the SS Court in Kassel.

Q Who was the appointing and reviewing authority of the SS Court in Kassel?

A The former Lieutenant General, Prince zu Waldeck and Piermont.

Q Did you personally get acquainted with the Prince zu Waldeck?

Take 332 - Bu - wfj 5

A After we had started our work in Buchenwald and after Doctor Morgen had his conversations with him, I got acquainted with him in Buchenwald?

Q Did you see Prince su Waldeck during the time -- frequently after that?

A Yes, I saw the Prince frequently and I found out thereafter in Buchenwald that the Prince had been the actual driving power behind all this and that he had a good inside view of the nucleus so far as this war economy case was concerned and we didn't have this oversight of that. This crime against the war economics was actually only a pretense to find out and investigate, the actual reasons about which we had not been acquainted with and about which we only found out by rumor.

Q Did your investigation regard itself against the Committee itself also later on?

A There had been proceedings against them also prior to that but we only found out about it during the course of this investigation.

Q Was there any connection between Prince Waldeck and the proceedings against them?

A Yes.

Q What kind of connection was there?

A The driving power during the first investigation of them had also been Waldeck, but after getting word of it at the time, the Kaiser-Kammer decided that nothing was to be done against the Kaiser-Kammer, and after that Waldeck kept on working with this war investigation and investigated and these things were brought to daylight.

(Note - direct)

(Hett - direct)

Ta 333 Buch jbp
12 June 47 - 1

Q What was the actual background about which you just spoke, in brief?

A Formerly we worked on this crime against the war economy but we suspected appearances of corruption, and by checking this corruption we only found out about the conditions in Buchenwald about which we had not known before because this was a new sort of territory for us.

Q Would you be able to recognize Prince Waldeck if you would see him in the courtroom today?

A Yes.

Q Please look around the courtroom, point him out and state his number.

A No. 1, yes.

DR. AHELMER: Let the record show that the witness has correctly identified No. 1 as being Waldeck.

Q Did your investigation extend itself against the Commander Koch also later on?

A There had been proceedings against Koch also prior to that but we only found out about it during the course of this investigation.

Q Was there any connection between Prince Waldeck and the proceedings against Koch?

A Yes.

Q What kind of connections were these?

A The driving power during the first investigation of Koch had also been Waldeck, but since nothing became of it at the time, the Reichsfuehrer decided that nothing was to be done against the Koch family; and after that Waldeck kept on needling until this new investigation was instigated and these things were brought to daylight.

(Nett-Direct)

12 June 47 - 2

Q Did you gain the impression while talking to Koch and during the course of your investigation that he was serious about the pursuance of the crimes of Koch and others?

A After we were able to determine that actually there was a system of corruption and that prisoners had been mistreated and that killings of prisoners had occurred, the Reichsfuehrer gave orders very energetically to pursue the investigation of this case.

Q Did you get acquainted with a prisoner by the name of Dr. Kogon during your investigation?

A No. I heard this name for the first time here in Dachau.

Q Would you be able to say something about the following: if a witness would testify here that Waldeck had pursued the investigation of the Koch case merely because he was an enemy of Waldeck's?

A Actually this question is absurd because the main thing was that this investigation was carried out at all, and that was not easy.

Q Did you gain the impression that Waldeck wanted to have Koch investigated because he was a personal enemy of his?

A If such reasons had existed, they did not become known to me because I had the feeling that it was merely the feeling of justice which had caused this investigation.

Q Did Prince Waldeck do something to get these investigations done or didn't he do anything?

A These investigations were very energetically supported by the Prince of Waldeck, otherwise we wouldn't have had sufficient power to go into the matter.

Q Can you give us an example of the support which was given to you by Prince Waldeck?

(Hett-Direct)

Ta 333 Buch jbp
12 June 47 - 3

A Prince of Waldeck made the connections with the Reichsfuehrer of the SS personally, and the powers which were given to us were given to us because of a personal conversation between the prince and the Reichsfuehrer, because quite a few powers and authorities were needed to instigate an investigation against an SS Lieutenant Colonel.

Q While you were carrying out the interrogations, did you have the opportunity to question prisoners in Buchenwald?

A Yes, because in the first place we had to depend upon the testimony given by prisoners in the camp to find out the actual conditions which prevailed there.

Q Did you get free information from the prisoners in a general picture?

A From the standpoint of a prisoner, that was better than a risk, to talk freely. At first we questioned dozens of prisoners arbitrarily but we didn't get any information, it was impossible. We had the possibility of having this information come to us in a confidential manner without calling the names; but all those were incomplete matters with which you couldn't do anything, the prisoner who had seen something wouldn't talk.

Q Was anything done to get the prisoners to talk freely?

A There also, for instance, Miller, to whom I talked in the bunker, he must have seen something there and I talked to him for weeks and weeks without success. He wouldn't talk, he wouldn't open up and wouldn't say anything. Finally, as a last opportunity, I promised him that I would do everything in my power for him so that he would become free, and that wasn't the right thing either. Then I talked to Dr. Morgen to get some kind of a guarantee from the prince who represented something and who was a man of standing, and that was done the same day. The prince gave his guarantee the same day.

Ta 333 Buch jbp
12 June 47 - 4

Q Did he agree to that, to do something for Miller so that he would become free?

A Not only that but Miller was freed because of that, otherwise he wouldn't have been, there had been no other reason. But Miller was still cautious, he only gave me tips. I then took his file--and I have never mentioned his name--and put this document into that file with the guarantee of the prince as the Higher SS and Police Leader or appointing and reviewing authority. Since the prince gave this guarantee so freely, it could only show that he had the greatest of interest in this matter.

DR. ARHEIMER: No further questions.

DR. WACKER: Questions on behalf of the accused Pister.

QUESTIONS BY DR. WACKER:

Q Mr. Nett, with what section of the Reichs Criminal Police headquarters in Berlin did you work?

A That was the section for fighting corruption within the Wehrmacht, the State and the Party.

Q Did you have the opportunity in Buchenwald to get acquainted with the former Camp Commander there, Pister?

A Yes. I did not only get acquainted with him but I also learned to respect and like him because he supported us tremendously during the course of the investigation.

Q Would you be able to recognize Pister today if you would see him, Mr. Nett?

A Yes.

Q Please take a look and see if you can recognize him.

A No. 21, on the upper left.

DR. WACKER: Let the record show that the witness has identified the accused Pister correctly.

Q What attitude did Pister take so far as your job was concerned at Buchenwald?

A I didn't understand the first part of the question; what was it?

Q What position did Pister take with respect to your job in Buchenwald?

A By and by it became clear to us that everything there had a bad reputation under the former Commander, and to do away with this very energetically was Pister's biggest job and ambition.

Q Did he support you in your activities?

A He did not only support us so far as quarters were concerned but he also gave us the information which he had concerning the things he had seen or heard. He had also endeavored to get those people who were there and had remained there from the time of the old Commander, to get them sent away if they could do field duty or field service.

Q Do you know whether Pister took any steps to correct the former system of the leadership of the camp?

A For seven months I had been in Buchenwald and I found out that it was the ambition of Pister to get a good treatment, decent treatment, for the prisoners because he wanted good work done by them.

Q Do you know, Mr. Nett, which orders were valid under the Commander Pister, so far as beating of prisoners was concerned?

A The beating of prisoners had been forbidden eternally, that is to say, it was forbidden but it had not been carried out as it should have been in former times.

Q What do you mean "in former times"?

A We determined that beatings were going on during Koch's time. On the other hand, Pister took his position very energetically against

(Nett-Direct)

12 June 47 - 6

this and saw to it that such a thing was not done and that the orders were carried out by his headquarters. If something like that happened after all, then Pister was cheated and it was done behind his back.

Q Do you have any reason to believe that Pister did not tolerate the beating of prisoners?

A Yes. I know the following case: Pister came back from one of the factories; he came to my office. He sat down very heavily and said, "Now imagine what happened to me." He had seen in the factory how a non-commissioned officer had grabbed a club and had chased after a prisoner. He regretted it very much since this was one of his best non-commissioned officers, and now that he had seen it he couldn't do anything else but make a report to Berlin. But he then made the suggestion also, since the man might have forgotten himself during that moment and might not have been a beater at other times, that the punishment should be a light one, perhaps only a severe reprimand. But it is proof enough, since he had seen this incident, that he immediately took steps and made a report about it.

Q Do you know of any case in which Pister saw such beating and didn't do anything about it?

A No, that is not known to me. On the contrary, when I was in Buchenwald it was the first time that I got acquainted with a concentration camp. Prisoners were working in headquarters. As a matter of fact, they carried Pister's pistol after him when he had forgotten it, so it didn't give the impression at all that any beatings were carried out there. Outside of that, with the hard work and the difficult job we were performing there, we certainly would not have confided in Pister if we did not think that he deserved that confidence. When I emphasized to people that they should not give me so much work and that they should not make so much trouble, I called for Pister's help and he let me have it.

Ta 333 Buch jbp
12 June 47 - 7

Q Mr. Nett, did you have the opportunity in Buchenwald during your stay there to inspect the whole camp?

A I believe that I was everywhere, and there were no objections made because the main thing was that everybody helped to clear up the things which had occurred there before.

Q Were SS members arrested in Buchenwald during your activity?

A Those that we had connected with our case.

Q Do you have an idea how many there were?

A Since the connections went from Buchenwald to other camps, we requested from the Reichs headquarters of the Criminal Police to have commissions sent to the other camps to work there, and I should estimate that approximately 200 proceedings were carried out against the SS; Lublin, Auschwitz, Sachsenhausen, Oranienburg, Neuengamme; and these investigations were not only because of the corruption which was originally planned to be investigated but it was because of the cases which developed throughout those investigations, and it was the intention of Dr. Morgen and myself to do something about it in a very severe manner, to do away with those conditions which had existed.

Q Did not any suspicion arise during your investigation against Pister?

A I never heard anything about it, neither during our investigations nor afterwards, and after I was well acquainted with Pister I got to know him as a very decent and a correct type of official and I got to like him.

Q Did you also investigate the shootings while attempting to escape, as to their legality?

A Yes; and we sent for the files to Kassel and had them sent to Buchenwald to check these cases of shootings while escaping. They were put at our disposal immediately.

Ta 333 Buch jpb
12 June 47 - 8

... in your investigation that that all these shootings were
conducted in stages had been laid?

Q Mr. Hott, please tell the court, in brief, what was contained
in one of these files concerning one of these shooting cases while
escaping.

A So far as the facts of the case are concerned, according to the
regulations governing Criminal Police, there had to be the facts, there
had to be a picture where the deed had been committed and the interrogation
of the man who had fired the shot and at least one or two witnesses who
had seen the shooting. The doctor had to give his diagnosis either right
there on the spot or afterwards after he had done his autopsy; and on
the outside, on their face, these reports looked quite correct to me as
a man familiar with criminology.

... as to the investigation, there was no need to go
into further investigations. ...

Q For any such case, did you get from Hott?

A I estimate approximately 10-15% of the high (industrial)
afterwards were over reported. I don't know how many, it could have been
10. It took time to find out that it had been done; the same
could not have been doing the shooting, to have a quiet case. ...

Q ... of the investigation over investigated the significance in Hott?

A ... Hott Direct ...

(Hott-Direct)

(Hott-Direct)

Q Did your investigation show that all these shootings while attempting to escape had been legal?

A If we would have been able to determine something which was incorrect on its face, we would have taken that as a reason to investigate further.

Q I would like to confine myself to the time during which Pister was commandant. Do you know when Pister became commandant of Buchenwald?

A The beginning of 1942.

Q Did any case become known to you whereby during Pister's time shooting while attempting to escape was illegal?

A We heard by way of rumor about many things that occurred and it was our greatest job to prove that these things had happened. So far as official reports of shootings were concerned, we couldn't do anything with those. We had to recognize them, otherwise we would have been able to go into further investigations. We couldn't do that.

Q How many such files did you get from Kassel?

A I estimate approximately 50 -- a pile that high (indicating). Afterwards some were requested. I don't know how many, it could have been 30. At that time we tried to find out whether it had been always the same guards who had been doing the shooting, to have a point there. At any rate we were not successful.

Q Do you know whether you or Doctor Mergen or any of the gentlemen of the commission ever investigated the experiments in block 46?

A Those were typhus examinations in block 46. Block 45 must have been typhus. This block must have also been investigated by Doctor Mergen after he had spoken to the Reichs physician, Doctor Grawitz, in Berlin. After the prescribed legality of those experiments had been determined, we tried to find out whether any killings were conducted under that cover.

Q Why did Doctor Mergen have a talk with Doctor Grawitz, the Reichs

(Hett-direct)

physician in Berlin, and not with the commandant, Pister?

A So far as I know the physician, Doctor Ding Schuler was directly under Grawitz and not under Pister. I never noticed that commandant Pister was ever in block 46.

Q Do you know what the detail 99 was in Buchenwald?

A I got acquainted with that here in the internment camp. For the first time I heard of detail 99.

Q Did the investigations of Buchenwald not concern the shooting of Russian commissars?

A Doctor Morgen knows more about that, since he examined the conditions surrounding the shootings, and he has made his reports about that.

Q Do you know a certain Doctor Wehner?

A Doctor Wehner was sent to Buchenwald from our Reichs Headquarters for Criminal Police in Berlin to investigate these cases of murder and clear them up, since our activity should have been confined to other things.

Q Do you know where Doctor Wehner is now?

A I never heard from him again. The last time I saw him was in Berlin in 1944, for a short period of time. At the time he was still working on the investigations of Buchenwald and told me he had not finished yet.

Q How were the prisoners housed in Buchenwald at the time you were there?

A So far as I could determine, they were housed in normal barracks just like you can see here in Dachau.

Q Did each prisoner have his own bed?

A So far as I could determine, yes. They were stacked quite high. However, it happened to me at times that I didn't have a bed or had to sleep on boards. That was a temporary condition.

(Nett-direct)

2926

Q How was the cleanliness?

A The conditions of hygiene in the concentration camp were so far as I have always been able to determine, good, because I had prisoners' doctors treat me in Buchenwald as well as here in Dachau.

Q Were you able to find out what the prisoners got to eat?

A I am judging that now by what prisoners with whom I got together told me and they never told me they were suffering from hunger. That was during the time -- and I want to emphasize it -- the end of 1943.

Q Did you go to Buchenwald later on, namely, in the Spring of 1945?

A No.

Q Did you have a conversation with Pister mainly concerning the manner in which Buchenwald was conducted?

A In general I can only reproduce what had become known to me during my conversation with Pister that he had always tried to get the best for his prisoners. For the first time I heard of the so-called premium system which had been inaugurated by Pister. When a man had done his duty, and had gone beyond his duty, then he received a premium slip to get some extra food or to use the brothel, or whatever it might have been. Pister was always happy when he was able to say: "I have filled my quota for this month and I have done so much more." I was not able to determine the conditions in the concentration camp during my presence there as they are being described to you today.

DOCTOR WACKER: No further questions.

CAPTAIN LEWIS: Direct examination on behalf of Koch.

QUESTIONS BY CAPTAIN LEWIS:

Q During your investigation at Camp Buchenwald did you have occasion to meet also Mrs. Ilse Koch, the wife of the camp commander?

A Yes, and I arrested her.

Q When did that occur?

A I believe it was the 12th of September, 1943.

Q Before she was arrested did you have any occasion to visit her

house?

A No, at least I did not recall it. I don't know exactly. I have been in the house a few times, but I believe it was for the first time on the day I arrested her and after that a few times.

Q At the time of her arrest did Mrs. Koch know she was going to be arrested?

A No, this thing was a surprise.

Q Did Mrs. Koch know at that time that her conduct was being examined into?

A I don't think so. I cannot state it with certainty, but I don't think she had known it.

Q At the time of her arrest was a search made of her house?

A Yes, upon the arrest and after that, and since we didn't have the time to do it, the Gestapo of Weimar took care of it and they made an inventory of every piece contained in the house.

Q Did you partake of the search of Mrs. Koch's house?

A Yes, I took care of that and gave them instructions as to what they were to do. I also took the children to Mrs. Roedel, the neighbor of Mrs. Koch, because I had to take care of all of these things.

Q When you examined Mrs. Koch's house, did you have occasion to find there any articles made of human skins?

A That was one of the points with which Koch was charged and we paid particular attention to these articles made of human skin, but neither we found anything nor did the officials of the Gestapo who searched everything very thoroughly, nor did anyone else find anything there.

Q When you said this is one of the charges against Koch, do you mean Commander Koch or Mrs. Koch?

A Commander Koch, and all these charges preferred against Koch that he had gotten himself rich, that he had corporal punishment dealt out, and

these things were brought to us by Weimar only. I didn't determine any such thing. One was able to determine that Mrs. Koch did not have too good a reputation and we tried to find out something about it, but were not successful. My personal opinion has always been that something like that didn't exist. We found prepared human skin in the concentration camp of Buchenwald and took it with us for the Criminal Museum in Berlin.

Q Did you examine the lamp shades in Mrs. Koch's house?

A Yes, we saw those, too.

Q Could you determine of what material these lamp shades were made?

A Those were regular lamp shades. They were an imitation pig skin or some material made of cardboard. Whatever it was, at least no human skin, not at all.

Q Did you examine the gloves you found in Mrs. Koch's house?

A We found quite a few gloves but none of them made of human skin, as has always been asserted.

Q Did you find any photo albums or family chronicles in Mrs. Koch's house?

A We saw family chronicles as well as photo albums, but not made from human skin. The stories of the prepared human skin were well known to us at the time. For that reason we looked for it but didn't find anything.

Q Did you have occasion to interrogate the prisoners in Buchenwald?

A Yes, in all respects.

Q Can you estimate for us the number of prisoners you interrogated in Buchenwald in connection with your investigation?

A No, that is impossible. We questioned dozens of them but I can't guess an exact number.

Q Did you have an occasion to interrogate prisoners in Buchenwald after Mrs. Koch was arrested?

A Yes.
(Indirect)

(Nett-direct)

Q Continue.

A We only started our investigation in the beginning of August. Five weeks after we arrested Mr. and Mrs. Koch and only after that our main investigation started, after they had been arrested. Up to that time everybody was confused as to our activities there. Up to that time we only worked on the crimes against War Economics concerning Bornscheim.

Q At the time you interrogated these prisoners in Buchenwald was it common knowledge that Mr. Koch had been arrested?

A That became known very quickly, not only in the camp of Buchenwald, where everything goes around fast, but also in Weimar.

Q Was there any reason for the prisoners whom you interrogated not to tell you the truth about Mrs. Koch?

A We tried everything to make these people talk. We told them we wouldn't tell their names. As a matter of fact, we would have treated that as confidential matter. However, these people would have said something if they had known something. They had no reason not to tell the truth. For that reason I ordered these people to come not to my official office but to an interrogation room which was far removed from that place and no one saw whom I ordered there.

Q Did you have an occasion to interrogate a prisoner by the name of Titz?

A Yes, this case at first promised to be very interesting.

Q Did you examine Titz after Mrs. Koch's arrest?

A Yes, afterwards.

Q Did Titz at that time know Mrs. Koch was arrested?

A Yes.

Q Tell us what Titz told you?

A I told Titz in Miller's presence that he was going to be poisoned for the simple reason he had stolen some alcohol in the house of Koch and

got drunk and put on the dresses of Mrs. Koch. For days and days I interrogated him and tried to find out what it was all about -- this poison murder. He had every opportunity that if he had known something about the house of Koch he could have told me, mainly as Miller was present. I told him he was to be poisoned and I asked him to tell me what it was all about and to tell me all about the things that happened in the house of Koch. After I tried for days I finally gave up because all he did was laugh and say no.

Q Did Tits tell you he had seen lamp shades of human skins in Mrs. Koch's house?

A If he had seen something he would definitely have told me.

Q Did Tits tell you at that time that he had been beaten by Mrs. Koch?

A No.

Q Did any of the prisoners whom you interrogated at that time tell you they had been beaten by Mrs. Koch?

A We heard repeatedly that prisoners had been beaten allegedly, but I didn't determine any.

Q Did a prisoner by the name of Froboess come to you and tell you what he knew about Mrs. Koch?

A The name Froboess is not known to me.

Q Did any prisoner come forward and tell you he had been beaten by Mrs. Koch?

A No, all they had to do was to put just one word on a slip of paper and put it on our desk in our absence. That would have been sufficient for us.

Q Did any prisoner do that while you were interrogating him?

A No.

(Matt-direct)

Q Mrs. Koch was finally brought to trial, was she not?

A I wasn't there at that time any more. I was only there during the investigation and when the trial came up I was back in Berlin.

(Nett-direct

Ts 335, Buch, idb-1
6/12

Q Do you know what the charges against Mrs. Koch contained?
A I don't know. Dr. Morgen took care of that. He compiled all the evidence and made the report. At any rate, we tried to charge her with the same thing that her husband had been charged with.

Q Did you ever have occasion to interrogate Mrs. Koch at the time she was arrested or shortly thereafter?

A At the time I interrogated Mrs. Koch myself.

Q And did you ask her questions about her activities in Buchenwald?

A Yes, I interrogated her very thoroughly, and I also interrogated her thereafter all the time.

Q Did she ever make any statement to you that she had the opportunity to look into the files of the prisoners in her husband's office?

A That's out of the question; she couldn't do that.

Q Did she admit to you at that time that she had reported prisoners for punishment?

A No, we couldn't prove that.

Q Do you know what the result of the trial against Mrs. Koch was?

A I don't know that.

CAPTAIN LEWIS: Direct examination on behalf of Schobert.

Q During your investigation at Buchenwald, did you have occasion to meet a man by the name of Schobert?

A Yes, he was the first protective custody camp leader at the time.

(Nett-Direct)

Ta 335, Buch, idb-2

Q Will you please point out the man you knew as Schobert?

A The upper row, but I can't see the number--26, yes.

CAPTAIN LEWIS: Let the record indicate that the witness correctly identified the accused Schobert.

Q During your investigation at Camp Buchenwald, can you tell us what Schobert did during your investigation?

A At the time Schobert was the first protective custody camp leader, and I talked to him frequently because as far as our job was concerned we had to have close contact with all these people.

Q What was Schobert's conduct concerning this investigation?

A Never anything became known to us for which we could have preferred charges against Schobert. I only got acquainted with him and knew him as a sober and modest man.

Q Did Schobert take any steps to hinder you in your investigation?

A No, never.

Q Did the police whom you interrogated in Buchenwald have the same opportunity to make statements against Schobert as they did against Mrs. Koch?

A I have always had the impression that the prisoners liked Schobert because of his comments.

CAPTAIN LEWIS: Direct examination on behalf of Hackmann.

Q During your investigation at Buchenwald, did the name of Hackmann come to your attention?

A Yes.

Q And what did you find out about Hackmann?

(Nett-Direct)
(Nett-Direct)

✓
prisoners

Ta 335, Buch, 1db-3

A The things for which charges were preferred against Hackmann concerned only activities in Lublin.

Q Did you attempt to ascertain during your investigation at Buchenwald any crimes committed by Hackmann while he was adjutant at Buchenwald?

A I do not recall anything having happened in Buchenwald.

Q Did your investigation attempt to find out such evidence?

A We were not bound by Lublin at all. If we had had any accusations so far as Buchenwald was concerned, we would have picked them up.

Q I don't think you understood my question. Did you attempt to find any evidence against Hackmann concerning his activities as adjutant of Buchenwald?

A Of course. If there had been anything, we would have started proceedings against Hackmann in Buchenwald.

CAPTAIN LEWIS: No further questions.

CAPTAIN GROTH: Direct examination on behalf of the accused Bergmeier.

QUESTIONS BY CAPTAIN GROTH:

Q Mr. Nett, do you know the accused Bergmeier?

A I don't know whether I would recognize him--it seems to be number 5.

Q Are you sure?

A No, I don't recall exactly any more.

Q When did you first hear his name?

A While Sommer was investigated at Buchenwald in the bunker I also heard the name of Bergmeier.

Q Do you know a man by the name of Cohen?

(Nett-Direct)

2935

Ta 835, Buch, 1db-4

A We brought Cohen from the Reichs Headquarters of the Criminal Police to Buchenwald as support, because we couldn't do it alone any more.

Q What connection did Cohen have with the investigation of the arrest bunker?

A Cohen was to work on it unless we had found out about the former bunker leader, Sommer.

Q Did he complete his investigation?

A He didn't find out anything.

Q Who took over the investigation then?

A I took care of the bunker then.

Q In what manner did you go about making your investigation?

A It was heard every place that Sommer was a sadist of the worst kind. Even the SS were in fear of this man.

Q What connection did Sommer have with the arrest bunker?

A Sommer was in charge of the bunker. It had been proven clearly, and I have picked out 30 cases among the first number of cases whereby it was shown that Sommer had inflicted various kinds of deaths upon prisoners there.

Q Did you have access to all the records?

A Yes, everything was at my disposal.

Q Name those who assisted you in conducting the investigation of the bunker.

Miller was the orderly in the bunker at that time. He was the one who gave me the tips so I could start my work in the first place; and then there was Heigel. He always showed me his books and said he didn't want to have anything to do with this at all, but he nevertheless supported me and made things clear to me.

Ta 335, Buch, 1db-5

Q Anybody else? ...

A The others were just unimportant people. We couldn't do much with them. And there was Haedelmeyer. He gave us some pointers and told us some things. Then we also got Bergmeier who was in the garrison, and we heard from others later on.

Q Who was Haedelmeyer?

A Mr. Haedelmeyer had been with Miller in the bunker as orderly.

Q Are there any people that know more concerning what happened in the bunker than Miller and Haedelmeyer?

A I don't think so; at any rate to get this whole thing straight we got Haedelmeyer from the southeast theater of war well back from the front lines.

Q Why do you say that you know of no one who knew more about the operation of the bunker than Miller and Haedelmeyer?

A Because they had the insight into it, and they were around there all the time.

Q Is there anybody else who had equal opportunity for insight?

A At first we suspected that Bergmeier had some kind of connection with the things which had been done by Sommer.

Q What did you establish with respect to that suspicion?

A No, he didn't have anything to do with it. He was on the outside of all that. As a matter of fact, when I was interrogated, Sommer time and again, saying Bergmeier must have had something to do with it, Sommer said, "No, Bergmeier was not all there. I was a little tricky about this whole business."

(Nett-Direct)

Ca 335, Buch, idb-6
Ca 335, Buch, idb-7

For instance, Sommer would take two consecutive shifts for Bergmeier or the other man who was there so he could conceal those things from those people or anyone who might have been there. When Sommer, who had committed all these murders, said that Bergmeier didn't have anything to do with it, although he would have loved to drag him into them, we had to believe that. I am saying that because Sommer was in every respect a racist and a pig, and he certainly would have loaded things on to others, if he could have done so.

Q Did your investigation disclose any information as to the attitude that Bergmeier took towards the prisoners?

A Bergmeier was described to us by Haedelmeier, as well as Miller, as having acted decently and correctly, having done things for the prisoners and having obtained things for them. I do not know whether Bergmeier was recalled once again later on, but at any rate he was not accused in this whole thing, and I don't see any reason why we couldn't have started proceedings against these people, the accused, if there had been any accusations or if they certainly would have told us about it. The investigation was conducted in a serious manner, and it is impossible that one of the people who had given us information had mentioned any disadvantages by anyone, including members of the headquarters.

Q What efforts, Mr. Nett, did you make to obtain evidence against Bergmeier for acts of cruelty or mistreatment during your investigation?

A We have had all the opportunities to find out about his actions since we had gotten the word and we found out all the time that these crimes committed by Sommer were committed during the absence of Bergmeier or the other men. We were not able to determine any case of death of a prisoner in the bunker whenever Haedelmeier or Bergmeier was on duty, but always when Sommer was on duty.

(Nett-Direct)

Ta 335, Buch, idb-7

Q Did you find any evidence of any participation on the part of Bergmeier during any murders, killing, mistreatments, cruelties or atrocities committed in the bunker?

A That's impossible, because the charges would have been preferred against Bergmeier. Later on, Bergmeier was released to us and was returned to the troops. As a matter of fact, later on he was promoted, which was a sign that he didn't have any connection with this.

Q Did you find any evidence in the arrest bunker that any of these killings or murders occurred on the days when Bergmeier was on duty?

A No.

Q What opportunity was given to people to bring in complaints to you concerning Bergmeier?

A We could have found out about all these things by way of Haedelmeyer and Miller, because after that the connection with the prisoners was there, and if anyone would have known anything they certainly would have told us about it. The investigation was conducted in a serious manner, and it is impossible that any one of the people who had given us information had suffered any disadvantages by anyone, including members of the headquarters.

Q Did your investigation extend to the gardening detail, Mr. Nett?

A But I cannot recall the exact connection concerning the gardening detail. We tested all the rumors which had been carried to us. It didn't make any difference what it was, the things were tested. That was our business.

Ta 335, Buch, 1cb-8

CAPTAIN GROTE: No further questions, your honor.

MR. KOPF: A few questions on behalf of the accused
Grimm.

QUESTIONS BY MR. KOPF:

Q Is it correct, Mr. Nett, that you answered, after a question had been propounded to you by the lawyer, Dr. Wacker, that you had followed up every culpable act committed in Buchenwald during the time that you were there in 1943-1944?

A And we didn't have any kind of regulations or orders to limit ourselves or to overlook something.

Q Is an SS First Lieutenant by the name of Philipp Grimm known to you?

A No, I don't know him.

Q Was a First Lieutenant of the SS, Grimm, ever accused in Buchenwald during the time 1943-1944 of having committed any kind of culpable act?

A I would at least recall the name, but that's not the case.

Q Would you have to know about any such accusation, if it had existed?

A If there would have been any kind of accusation against Grimm, I would have to know about it.

MR. KOPF: A few questions on behalf of the accused
Merbach.

Q Mr. Nett, has a First Lieutenant of the SS, Hans Merbach, ever been accused during the investigation going on in 1943-1944 of having committed any kind of culpable act in Buchenwald?

(Nett-Direct)

2940

Ta 335, Buch, 1db-9

A That name never became known to me. I only became acquainted with that name here in the internment camp, and then I only heard good things about it so far as his being a troop leader is concerned. If anything had been known about Werbach at the time, I would have had to know about it, but that's not the case.

MR. KOFF: No further questions.

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

(Whereupon at 2220 hours, 12 June 1947, the Court recessed until 0900, 13 June 1947.)