

before this court stand accused, individually and separately, of maliciously and cruelly murdering human beings out of sadism or other base motives and with violent means within the confines of the concentration camp at Auschwitz (Poland) in the years 1940 to 1945.

AUSCHWITZ

A Report on
the Proceedings Against
Robert Karl Ludwig Mulka
and Others
Before the Court
at Frankfurt
by Bernd Naumann

Introduction
by Hannah Arendt

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"People did occasionally die in the camp," the defendant acknowledged. "But I don't remember any special incidents."

There were, historians estimate, from 1 to 4 million "special incidents" at Auschwitz—mass murders and isolated murders of individuals, all part of Hitler's "final solution of the Jewish problem." On December 20, 1963, twenty-two former SS men went "before the court at Frankfurt" for their roles in these "special incidents." This is the record of their trial, which lasted for twenty months. It is a record of human degradation and of human tragedy on a scale virtually unparalleled in history.

Bernd Naumann, of the *Frankfurter Allgemeine Zeitung*, was present in the courtroom at Frankfurt on each of the 182 days of the Auschwitz trial. As Hannah Arendt notes: "His was the most substantial and most perceptive reportage during the trial. In book form, it confronts the reader even more directly with the accused, giving for each day the highlights of the dialogue between the participants."

Writing in a terse, documentary style, alternating paraphrase with direct quotation, Bernd Naumann does more than just record the day-by-day events of the trial. He captures every nuance in the dramatic confrontation of defendants, witnesses, prosecutors, defense attorneys, and judges. The appalling recitals by the prosecution witnesses of brutality and of mass exterminations contrast starkly with the parrot-like reiteration by the defendants that they themselves had done nothing and at best could remember little beyond the fact that they had

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Introduction

By HANNAH ARENDT

Of about 2,000 SS men posted at Auschwitz between 1940 and 1945 (and many must still be alive), "a handful of intolerable cases" had been selected and charged with murder, the only offense not covered by the statute of limitation in December, 1963, when the Frankfurt trial began. Investigation into the Auschwitz complex had lasted many years—documents ("not very informative," according to the court) had been collected and 1,300 witnesses questioned—and other Auschwitz trials were to follow. (Only one subsequent trial has so far taken place. This second trial began in December, 1965; one of the defendants, Gerhard Neubert, had been among those originally accused in the first trial. In contrast to the first trial, the second has been so poorly covered by the press that it took some "research" to determine whether it had occurred at all.) Yet in the words of the prosecutors in Frankfurt: "*The majority of the German people do not want to conduct any more trials against the Nazi criminals.*"

Exposure for twenty months to the monstrous deeds and the grotesquely unrepentant, aggressive behavior of the defendants, who more than once almost succeeded in turning the trial into a farce, had no impact on this climate of public opinion, although the proceedings were well covered by German newspapers and radio stations. (Bernd Naumann's highly perceptive reportage, which originally appeared in the *Frankfurter Allgemeine Zeitung*, was the most substantial.) This came to light during the heated debates in the first months of 1965—in the midst of the Auschwitz proceedings—over the proposed extension of the statute of limitation for Nazi criminals, when even Bonn's Minister of Justice, Mr. Bucher, pleaded that the "murderers among us" be left in peace. And yet, these "intolerable cases" in the "proceedings against Mulka and others," as the Auschwitz trial was officially called, were no desk murderers. Nor—with a few exceptions—were they even "regime criminals" who executed orders. Rather, they were the parasites and profiteers of a criminal system that had made mass murder, the extermination of millions, a legal duty. Among

the many awful truths with which this book confronts us is the perplexing fact that German public opinion in this matter was able to survive the revelations of the Auschwitz trial.

For what the majority think and wish constitutes public opinion even though the public channels of communication—the press, radio, and television—may run counter to it. It is the familiar difference between *le pays réel* and the country's public organs; and once this difference has widened into a gap, it constitutes a sign of clear and present danger to the body politic. It was just this kind of public opinion, which can be all-pervasive and still only rarely come into the open, that the trial in Frankfurt revealed in its true strength and significance. It was manifest in the behavior of the defendants—in their laughing, smiling, smirking impertinence toward prosecution and witnesses, their lack of respect for the court, their “disdainful and threatening” glances toward the public in the rare instances when gasps of horror were heard. Only once does one hear a lonely voice shouting back, Why don't you kill him and get it over with? It was manifest in the behavior of the lawyers who kept reminding the judges that they must pay no attention to “what one will think of us in the outside world,” implying over and over again that not a German desire for justice but world opinion influenced by the victims' desire for “retribution” and “vengeance” was the true cause of their clients' present trouble. Foreign correspondents, but no German reporter so far as I know, were shocked that “those of the accused who still live at home are by no means treated as outcasts by their communities.”* Naumann reports an incident in which two defendants passed the uniformed guard outside the building, greeted him cordially with “Happy Holidays,” and were greeted in return with “Happy Easter.” Was this the *vox populi*?

It is, of course, because of this climate of public opinion that the defendants had been able to lead normal lives under their own names for many years before they were indicted. These years, according to the worst among them—Boger, the camp's specialist for “rigorous interrogations” with the help of the “Boger swing,” his “talking machine” or “typewriter”—had “proved that Germans stick together, because [where he lived] everyone knew who [he] was.” Most of them lived peacefully unless they had the misfortune to be recognized by a survivor and denounced either to the International Auschwitz Committee in Vienna or to the Central Office for Prosecution of National Socialist Crimes in West Germany, which late in 1958 had begun to collect material for the prosecution of Nazi criminals in local courts. But even this risk was not too great, for the local courts—with the exception of Frankfurt, where the state's attorney's office was under Dr. Fritz Bauer, a German Jew—had not been eager to prosecute, and German witnesses were notoriously unwilling to cooperate.

* Sybille Bedford, in *The Observer* (London), January 5, 1964.

Who then were the witnesses at Frankfurt? The court had called them, Jews and non-Jews, from many lands—from Russia, Poland, Austria, East Germany, Israel, America. Few of those residing in West Germany were Jews; most were either former SS men who risked self-incrimination (the court heard many such cases and one such witness was arrested) or former political prisoners who, according to the “majority of the German people,” represented at Frankfurt by a gentleman from IG Farben, were “mostly asocial elements” anyhow. As it turned out, this was an opinion now shared by some of the former inmates themselves: “The SS men were infected” by the inmates; not the guards but the prisoners “were beasts in human form”; the brutality of the guards was understandable because their victims, especially “the Galician Jews, were highly undisciplined”; and the SS became “bad” because of the influence of the capos, the trustee prisoners. But even those German witnesses who did not indulge in this kind of talk were unwilling to repeat in court what they had said in the pre-trial examinations: They denied their testimony, didn’t remember it, and talked of having been bullied (certainly untrue); maybe they were drunk, maybe they had lied, and so on in monotonous repetition. The discrepancies are glaring, irritating, embarrassing, and behind them one can sense public opinion, which the witnesses had not faced when they testified *in camera*. Almost every one of them would rather admit that he is a liar than risk having his neighbors read in the newspapers that he does not belong among the Germans who “stick together.”

What a predicament for the judges in a case that must “rely exclusively on witness testimony,” notoriously unreliable even under the best of circumstances. But the weak link in the evidence of this trial was not so much the lack of objective “incontrovertible” proof—the “small, mosaic-like pieces” of fingerprints, footprints, post-mortem reports on the cause of death, and the like—nor was it the inevitable memory lapses of witnesses testifying on dates and details of events that happened more than twenty years ago, or the almost irresistible temptation to project “things others described vividly in that setting as his own experiences.” It was rather the fantastic discrepancy between pretrial testimony and testimony in court in the case of most of the German witnesses; the justified suspicion that the testimony of the Polish witnesses had been doctored by some governmental agency for the prosecution of Nazi crimes in Warsaw; the less justified suspicion that the testimony of some Jewish witnesses may have been manipulated by the International Auschwitz Committee in Vienna; the unavoidable admission to the witness stand of former capos, stool pigeons, and Ukrainians who “were working hand in glove with the camp Gestapo”; and, finally, the sad fact that the most reliable category, the survivors, consisted of two very different groups—those who had survived by sheer luck, which in effect meant holding an inside job in office, hos-

pital, or kitchen, and those who, in the words of one of them, had understood immediately that "only a few could be saved and I was going to be among them."

The court, under the guidance of the able and calm presiding judge Hans Hofmeyer, tried hard to exclude all political issues—"Political guilt, moral and ethical guilt, were not the subject of its concern"—and to conduct the truly extraordinary proceedings as "an ordinary criminal trial, regardless of its background." But the political background of both past and present—the legally criminal state order of the Third Reich, to which the Federal Republic is the successor, and the present opinions of the majority of the German people about this past—made itself felt factually and juridically in every single session.

Even more striking than the discrepancies between the witnesses' pretrial and trial testimony—and inexplicable except on the grounds of public opinion outside the courtroom—was the fact that exactly the same should happen with the testimony of the defendants. To be sure, these men had now probably been told by their lawyers that the safest course was to deny everything regardless of the most elementary credibility: "I have yet to meet anyone who did anything in Auschwitz," said Judge Hofmeyer. "The commandant was not there, the officer in charge only happened to be present, the representative of the Political Section only carried lists, and still another one only came with the keys." This explains "the wall of silence" and the persistent, though not consistent, lying of the defendants, many of whom simply were not intelligent enough to be consistent. (In Germany, defendants do not testify under oath.) It explains why Kaduk—a former butcher and a sly, primitive brute who, after identification by a former inmate, had been sentenced to death by a Soviet military tribunal and then pardoned in 1956—will not boast in court, as he had done in the pretrial examination, of having been "a sharp cookie . . . not the type to break down" or voice his regret of having only beaten but not killed Polish President Cyrankiewicz. (Immediately after the war, such boasts could still be heard in court. Naumann mentions the Sachsenhausen trial of 1947 before an Allied tribunal in which a defendant could say proudly that other guards might have been "exceptionally brutal, but they couldn't hold a candle to me.") And it was also probably upon advice from their lawyers that the defendants, who before the pretrial examining judge had charged each other freely and "could only laugh" about their colleagues' claims to innocence, could "not seem to remember this portion of their deposition" in court. All this is no more than could be expected of murderers who had in mind least of all what Judge Hofmeyer called "expiation."

We learn little about these pretrial examinations here, but the information we get seems to indicate that the discrepancies mentioned were a

matter not only of deposition but of general attitude and behavior as well. The outstanding example of this more fundamental aspect—and perhaps the most interesting psychological phenomenon that came to light during the trial—is the case of Pery Broad, one of the youngest defendants, who wrote an excellent, entirely trustworthy description of the Auschwitz camp shortly after the end of the war for the British occupation authorities. The Broad Report—dry, objective, matter-of-fact—reads as though its author were an Englishman who knows how to conceal his fury behind a façade of supreme sobriety. Yet there is no doubt that Broad—who had taken part in the Boger-swing game, was described by witnesses as “clever, intelligent, and cunning,” had been known among the inmates as “death in kid gloves,” and seemed “amused by all that went on in Auschwitz”—was its sole author and wrote it voluntarily. And there is even less doubt that he now greatly regrets having done so. During his pretrial examination before a police officer, he had been “communicative,” admitted to having shot at least one inmate (“I am not sure that the person I shot wasn’t a woman”), and said he felt “relieved” by his arrest. The judge calls him a many-faceted (*schillernde*) personality, but that says little and could just as well apply, though on an altogether different level, to the brute Kaduk, whom the patients in the West Berlin hospital where he worked as a male nurse used to call Papa Kaduk. These seemingly inexplicable differences in behavior, most striking in the case of Pery Broad—first in Auschwitz, then before the British authorities, then before the examining officer, and now back again among the old “comrades” in court—must be compared with the behavior of Nazi criminals before non-German courts. In the context of the Frankfurt proceedings there was hardly any occasion to mention non-German trials, except when statements of dead people whose depositions had incriminated the defendants were read into the record. This happened with the statement of an Auschwitz medical officer, Dr. Fritz Klein, who had been examined by British interrogators at the very moment of defeat, in May, 1945, and who before his execution had signed a confession of guilt: “I recognize that I am responsible for the slaying of thousands, particularly in Auschwitz, as are all the others, from the top down.”

The point of the matter is that the defendants at Frankfurt, like almost all other Nazi criminals, not only acted out of self-protection but showed a remarkable tendency to fall in line with whoever happened to constitute their surroundings—to “coordinate” themselves, as it were, at a moment’s notice. It is as though they had become sensitized not to authority and not to fear but to the general climate of opinion to which they happened to be exposed. (This atmosphere did not make itself felt in the lonely confrontation with examining officers, who, in the case of those in Frankfurt and in Ludwigsburg—where the Central Office for the Prosecution of

Nazi Crimes is located and where some of the defendants had undergone their first interrogation—were clearly and openly in favor of conducting these trials.) What made Broad, who had concluded his report to the British authorities twenty years earlier with a kind of cheer for England and America, the outstanding example of this sensitization was not so much his dubious character as the simple fact that he was the most intelligent and articulate of this company.

Only one of the defendants, the physician Dr. Lucas, does not show open contempt for the court, does not laugh, insult witnesses, demand that the prosecuting attorneys apologize, and try to have fun with the others. One doesn't quite understand why he is there at all, for he seems the very opposite of an "intolerable case." He spent only a few months in Auschwitz and is praised by numerous witnesses for his kindness and desperate eagerness to help; he is also the only one who agrees to accompany the court on the trip to Auschwitz, and who sounds entirely convincing when he mentions in his closing statement that he "will never recover" from his experiences in concentration and extermination camps, that he sought, as many witnesses testified, "to save the lives of as many Jewish prisoners as possible," and that "today as then, [he is] torn by the question: And what about the others?" His codefendants show by their behavior what only Baretzki, whose chief claim to notoriety in the camp was his ability to kill inmates with one blow of his hand, is stupid enough to say openly: *"If today I were to talk, who knows, if everything should change tomorrow I could be shot."*

For the point of the matter is that none of the defendants, except Dr. Lucas, takes the proceedings before the district court very seriously. The verdict here is not deemed to be the last word of either history or justice. And in view of German jurisdiction and the climate of public opinion, it is difficult to maintain that they are altogether wrong. The last word at Frankfurt was a verdict that sentenced seventeen of the defendants to many years of hard labor—six of them for life—and acquitted three. But only two of the sentences (both acquittals) have become operative. In Germany, the defendant must either accept the sentence or ask the higher court to review it; naturally, the defense filed appeals in all cases that did not end with acquittal. The same right to appeal is open to the prosecution, and the prosecution also appealed ten cases, including the acquittal of Dr. Schatz. Once the appeal is filed, the convicted is free until notified of the verdict of the Court of Appeals, unless the judge signs a new warrant of confinement, which was done in all cases for the next six months. Since then, however, a whole year has elapsed, and no review proceedings have as yet taken place; nor has a date for any been set. I do not know if new warrants were signed or if the defendants, with the exception of

those who were in prison for other offenses, have gone home. The case, at any rate, is not closed.

Boger smiled when he heard that the prosecution had demanded a life sentence. What did he have in mind? His appeal, or a possible amnesty for all Nazi criminals, or his age (but he is only sixty years old and apparently in good health), or, perhaps, that "everything could change tomorrow"?

II

It would be quite unfair to blame the "majority of the German people" for their lack of enthusiasm for legal proceedings against Nazi criminals without mentioning the facts of life during the Adenauer era. It is a secret to nobody that the West German administration on all levels is shot through with former Nazis. The name of Hans Globke, noted first for his infamous commentary on the Nuremberg Laws and then as close adviser to Adenauer himself, has become a symbol for a state of affairs that has done more harm to the reputation and authority of the Federal Republic than anything else. The facts of this situation—not the official statements or the public organs of communication—have created the climate of opinion in the *pays réel*, and it is not surprising under the circumstances that public opinion says: *The small fish are caught, while the big fish continue their careers.*

For it is indeed true that in terms of the Nazi hierarchy the Frankfurt defendants were all small fry: The highest SS officer rank—held by Mulka, adjutant to camp Commandant Höss, by Höcker, adjutant to Höss's successor, Richard Baer, and by former camp leader Hofmann—was captain (Hauptsturmführer). The same is true for their status in German society. Half of them came from the working class, had gone through eight years of elementary school, and worked as manual laborers; and of the ten others, only five belonged to the middle class—the physician, the two dentists, and the two businessmen (Mulka and Capesius)—while the other five were rather lower middle class. Four of them, moreover, seem to have had previous convictions: Mulka in 1920 for "failing to account for funds"; Boger in 1940, while he was a member of the criminal police, for abortion; Bischoff (who died during the trial) and Dr. Schatz, expelled from the Nazi party in 1934 and 1937, respectively, for unknown (but certainly not political) reasons. These were small fry in every respect, even in terms of criminal record. And as far as the trial is concerned, it must be kept in mind that none of them had volunteered—or even been in a position to volunteer—for duty in Auschwitz. Nor can they be held basically responsible for the main crime committed in the camp, the extermination of millions of people through gas; for the decision to commit

the crime of genocide had indeed, as the defense said, "been irrevocably reached by order of Hitler" and was organized with meticulous care by desk murderers in more exalted positions who did not have to dirty their hands.

The defense, curiously inconsistent even apart from the "hollow oratory," based its little-man theory on two arguments: first, that the defendants had been *forced* to do what they did and were in no position to know that it was criminally wrong. But if they had not considered it wrong (and it turned out that most had never given this question a second thought), why had it been necessary to force them? The defense's second argument was that the selections of able-bodied people on the ramp had in effect been a rescue operation because otherwise "all those coming in would have been exterminated." But leaving aside the spurious nature of this argument, had not the selections also taken place upon orders from above? And how could the accused be *credited* with obeying orders when this same obedience constituted their main, and actually, their only possible, excuse?

Still, given the conditions of public life in the Federal Republic, the little-man theory is not without merit. The brute Kaduk sums it up: "The issue is not what we have done, but the men who led us into misfortune. Most of them still are at liberty. Like Globke. That hurts." And on another occasion: "Now we are being made responsible for everything. The last ones get it in the neck, right?" The same theme is sounded by Hofmann, who had been convicted two years before the Auschwitz trial started for two murders in Dachau (two life sentences at hard labor) and who, according to Höss, "wielded real power in the camp," although according to his own testimony, he hadn't done a thing except "set up the children's playground, with sandboxes for the little ones." Hofmann shouts: "But where are the gentlemen who stood on top? They were the guilty ones, the ones who sat at their desks and telephoned." And he mentions names—not Hitler or Himmler or Heydrich or Eichmann, but the higher-ups in Auschwitz, Höss and Aumeier (the officer in charge before him) and Schwarz. The answer to his question is simple: They are all dead, which means to one of his mentality that they have left the "little man" in the lurch, that, like cowards, they have evaded their responsibility for him by allowing themselves to be hanged or by committing suicide.

The matter is not that easily settled, however—especially not at Frankfurt, where the court had called as witnesses former department chiefs of the *Reichssicherheitshauptamt* (the SS Head Office for Reich Security), in charge, among other things, of the organization of the "final solution of the Jewish question," to be executed in Auschwitz. In terms of the military equivalents of their former SS ranks, these gentlemen ranked high above

children were killed in this way.) Finally (but the reader can easily find more examples in the book) there is Wilhelm Boger's lawyer, who in his final address voices "surprise that 'serious men [*sic!*] have written about the Boger swing,' which he does consider as 'the only effective means of physical suasion . . . to which people react.'"

This then is the standpoint of the accused and their attorneys. After their initial attempt at "making Auschwitz into an idyll . . . as far as the staff and their conduct are concerned" has broken down and witness after witness, document after document have demonstrated that they could not have been in the camp without doing something, without seeing something, without knowing what was going on (Höcker, the adjutant to camp Commandant Baer, hadn't known "anything about the gas chambers" until rather late, when he had heard about them through rumors), they tell the court why they "are sitting here": first, because "the witnesses are testifying out of revenge" ("Why can't the Jews be decent and tell the truth? But obviously they don't want to."); second, because they carried out orders as "soldiers" and "did not ask about right and wrong"; and third, because the little ones are needed as scapegoats for the higher-ups (that's why they are "so bitter today").

All postwar trials of Nazi criminals, from the Trial of Major War Criminals in Nuremberg to the Eichmann trial in Jerusalem and the Auschwitz trial in Frankfurt, have been plagued by legal and moral difficulties in establishing responsibilities and determining the extent of criminal guilt. Public and legal opinion from the beginning has tended to hold that the desk murderers—whose chief instruments were typewriters, telephones, and teletypes—were guiltier than those who actually operated the extermination machinery, threw the gas pellets into the chambers, manned the machine guns for the massacre of civilians, or were busy with the cremation of mountains of corpses. In the trial of Adolf Eichmann, desk murderer *par excellence*, the court declared that "the degree of responsibility increases as we draw further away from the man who uses the fatal instruments with his own hands." Having followed the proceedings in Jerusalem, one was more than inclined to agree with this opinion. The Frankfurt trial, which in many respects reads like a much-needed supplement to the Jerusalem trial, will cause many to doubt what they had thought was almost self-evident. What stands revealed in these trials is not only the complicated issue of personal responsibility but naked criminal guilt; and the faces of those who did their best, or rather their worst, to obey criminal orders are still very different from those who within a legally criminal system did not so much obey orders as do with their doomed victims as they pleased. The defendants admitted this occasionally in their primitive way—"those on top had it easy . . . issuing orders that prisoners were not to be beaten"—but the defense lawyers to a man conducted the

case as though they were dealing here, too, with desk murderers or with "soldiers" who had obeyed their superiors. This was the big lie in their presentation of the cases. The prosecution had indicted for "murder and complicity in murder of *individuals*," together with "mass murder and complicity in mass murder"—that is, for two altogether different offenses.

III

Only at the end of this book, when on the 182d day of the proceedings Judge Hofmeyer pronounces the sentences and reads the opinion of the court, does one realize how much damage to justice was done—and inevitably done—because the distinctive line between these two different offenses had become blurred. The court, it was said, was concerned not with Auschwitz as an institution but only with "the proceedings against Mulka and others," with the guilt or innocence of the accused men. "The search for truth lay at the heart of the trial," but since the court's considerations were limited by the categories of criminal deeds as they had been known and defined in the German penal code of 1871, it was almost a matter of course that, in the words of Bernd Naumann, "neither the judges nor the jury found the truth—in any event, not the whole truth." For, in the nearly hundred-year-old code, there was no article that covered organized murder as a governmental institution, none that dealt with the extermination of whole peoples as part of demographic policies, with the "regime criminal," or with the everyday conditions under a criminal government (the *Verbrecherstaat*, as Karl Jaspers has termed it)—let alone with the circumstances in an extermination camp where everybody who arrived was doomed to die, either immediately by being gassed or in a few months by being worked to death. The Broad Report states that "at most 10–15 per cent of a given transport were classified as able-bodied and permitted to live," and the life expectancy of these selected men and women was about three months. What is most difficult to imagine in retrospect is this ever-present atmosphere of violent death; not even on the battlefield is death such a certainty and life so completely dependent on the miraculous. (Nor could the lower ranks among the guards ever be entirely free from fear; they thought it entirely possible, as Broad put it, "that to preserve secrecy they might also be marched off to the gas chambers. Nobody seemed to doubt that Himmler possessed the requisite callousness and brutality." Broad only forgot to mention that they must still have reckoned this danger less formidable than what they might face on the Eastern Front, for hardly any doubt remains that many of them could have voluntarily transferred from the camp to front-line duty.)

Hence, what the old penal code had utterly failed to take into account

was nothing less than the everyday reality of Nazi Germany in general and of Auschwitz in particular. In so far as the prosecution had indicted for mass murder, the assumption of the court that this could be an "ordinary trial regardless of its background" simply did not square with the facts. Compared with ordinary proceedings, everything here could only be topsy-turvy: For example, a man who had caused the death of thousands because he was one of the few whose job it was to throw the gas pellets into the chambers could be criminally less guilty than another man who had killed "only" hundreds, but upon his own initiative and according to his perverted fantasies. The background here was administrative massacres on a gigantic scale committed with the means of mass production—the mass production of corpses. "Mass murder and complicity in mass murder" was a charge that could and should be leveled against every single SS man who had ever done duty in any of the extermination camps and against many who had never set foot into one. From this viewpoint, and it was the viewpoint of the indictment, the witness Dr. Heinrich Dürmayer, a lawyer and state councilor from Vienna, was quite right when he implied the need for a reversal of ordinary courtroom procedure—that the defendants under these circumstances should be assumed guilty unless they could prove otherwise: *"I was fully convinced that these people would have to prove their innocence."* And by the same token, people who had "only" participated in the routine operations of extermination couldn't possibly be included among a "handful of intolerable cases." Within the setting of Auschwitz, there was indeed "no one who was not guilty," as the witness said, which for the purposes of the trial clearly meant that "intolerable" guilt was to be measured by rather unusual yardsticks not to be found in any penal code.

All such arguments were countered by the court thus: "National Socialism was also subject to the rule of law." It would seem that the court wanted to remind us that the Nazis had never bothered to rewrite the penal code, just as they had never bothered to abolish the Weimar Constitution. But the carelessness was in appearance only; for the totalitarian ruler realizes early that all laws, including those he gives himself, will impose certain limitations on his otherwise boundless power. In Nazi Germany, then, the Führer's *will* was the *source* of law, and the Führer's order was valid law. What could be more limitless than a man's will, and more arbitrary than an order justified by nothing but the "I will"? In Frankfurt, at any rate, the unhappy result of the court's unrealistic assumptions was that the chief argument of the defense—"a state cannot possibly punish that which it ordered in another phase of its history"—gained considerably in plausibility since the court, too, agreed to the underlying thesis of a "continuity of identity" of the German state from Bismarck's Reich to the Bonn Government.

Moreover, if this continuity of state institutions actually exists—and indeed it does apply to the main body of civil servants whom the Nazis were able to “coordinate” and whom Adenauer, without much ado, simply re-employed—what about the institutions of court and prosecution? As Dr. Laternser—by far the most intelligent among the attorneys for the defense—pointed out, wouldn’t it then have been the duty of the prosecution to take action “against flagrant violations of law, like the destruction of Jewish businesses and dwellings in November, 1938, the murder of mentally retarded [in 1939 and 1940], and, finally, the murder of Jews? Hadn’t the prosecution known at the time that these were crimes? Which judge or state’s attorney at the time had protested, let alone resigned?” These questions remained unanswered, indicating just how precarious were the legal foundations of the proceedings. In glaring contrast to the legal assumptions and theories, each and every one of the postwar trials of Nazis has demonstrated the total complicity—and hence, one would hope, the nonexistence of a “continuous identity”—of all state organs, all civil servants, all public figures in high positions in the business world in the crimes of the Nazi regime. Dr. Laternser went on to charge “the Allies with having dissipated the chance of finding a definitive yardstick for future law and thus of having contributed to the confusion of the legal situation.” No one who is acquainted with the proceedings at Nuremberg will gainsay this. But why does Laternser not level the same charge against the Federal Republic, which obviously would have a much more immediate interest in correcting the situation? For is it not obvious that all talk about “mastering the past” will remain hollow rhetoric so long as the government has not come to terms with the very criminality of its predecessor? Instead, it now turned out at Frankfurt that a decision on the legality of the infamous Commissar Order—on the basis of which untold thousands of Russian prisoners of war were killed upon arrival in Auschwitz—“has not yet been reached by the Federal Court,” although the same court has proclaimed the nonlegality of the extermination of the Jews “by referring to natural law,” which, incidentally and for reasons outside these considerations, is not a very satisfactory solution either. (The trouble with the Commissar Order seems to be that it did not originate clearly enough with Hitler but came directly from the German High Command; the prisoners “brought with them a file card that bore the notation ‘On orders of the OKW’ [*Oberstes Kommando der Wehrmacht*].” Was that the reason why the court acquitted the defendant Breitwieser, on the ground that the testimony of the witness Petzold must have been mistaken without mentioning the testimony of Eugeniusc Motz, another witness who had charged Breitwieser with having tried out Zyklon B in the early gassing experiments on Soviet officers and commissars?) For the defense, the decision of the highest German court at any rate represents no more than “*present* legal

thinking," and there is little doubt that these lawyers are in agreement with "the majority of the German people"—and perhaps with their colleagues in the legal profession as well.

Technically, it was the indictment for "mass murder and complicity in mass murder" that was bound to call forth the troublesome "background" of unsolved legal questions, of the absence of "definitive yardsticks" for meting out justice, thus preventing the trial from becoming the "essentially very simple case" that State's Attorney Bauer had hoped it would be. For as far as the personalities of the defendants and their deeds were concerned, this was indeed a "very simple case" since nearly all the atrocities they were accused of by the witnesses had not been covered by superior orders of either the desk murderers or the actual initiator, or initiators, of the "final solution." No one in high position had ever bothered to give instructions for such "details" as the "rabbit chase," the "Boger swing," the "sport," the bunkers, the "standing cells," the "Black Wall," or "cap shooting." No one had issued orders that infants should be thrown into the air as shooting targets, or hurled into the fire alive, or have their heads smashed against walls; there had been no orders that people should be trampled to death, or become the objects of the murderous "sport," including that of killing with one blow of the hand. No one had told them to conduct the selections on the ramp like a "cozy family gathering," from which they would return bragging "about what they had taken from this or the other new arrival. 'Like a hunt party returning from the hunt and telling each other all about it.'" They hadn't been sent to Auschwitz in order to get rich and have "fun." Thus the doubtful legal ruling of all Nazi-criminal trials that they were "ordinary criminal trials" and that the accused were not distinct from other criminals for once came true—more true, perhaps, than anybody would have cared to know. Innumerable individual crimes, one more horrible than the next, surrounded and created the atmosphere of the gigantic crime of extermination. And it was these "circumstances"—if this is the name for something that lacks a word in any language—and the "little men" responsible for and guilty of them, not the state crime and not the gentlemen in "exalted" positions, that were fully illuminated in the Auschwitz trial. Here—in contrast to the Jerusalem trial, where Eichmann could have been convicted on the grounds of irrefutable documentary evidence and his own admissions—the testimony of every witness counted, for these men, and not the desk murderers, were the only ones with whom the victims were confronted and whom they knew, the only ones who mattered to them.

Even the otherwise rather spurious argument of the "continuity of identity" of the German state could be invoked in these cases, albeit with some qualifications. For it was not only true that the defendants, as the court said in the case of the trustee prisoner Bednarek, "did not kill the people

on order, but *acted contrary to an order* that no prisoner in the camp was to be murdered"—except, of course, by gassing; the fact was that most of these cases could have been prosecuted even by a Nazi or SS court, although this did not often happen. Thus the former head of the Political Section in Auschwitz, a certain Grabner, had been charged by an SS court in 1944 "with having arbitrarily selected 2,000 prisoners for execution"; and two former SS judges, Konrad Morgen and Gerhard Wiebeck, both today practicing lawyers, testified about SS investigations into "corrupt practices and . . . independent killings," which led to charges of murder brought before SS courts. Prosecutor Vogel pointed out that "Himmler had stated that without his special order prisoners were to be neither beaten nor liquidated," which did not prevent him from visiting "the camp a few times to watch the corporal punishment of women."

The lack of definitive yardsticks for judging crimes committed in these extraordinary and horrible conditions becomes painfully conspicuous in the court's verdict against Dr. Franz Lucas. Three years and three months of hard labor—the minimum punishment—for the man who had always been "ostracized by his comrades" and who is now openly attacked by the defendants, who as a rule are very careful to avoid mutual incrimination (only once do they contradict each other, and they retract in court the incriminating remarks made in their pretrial examinations): "If he now claims to have helped people, he may have done so in 1945, when he tried to buy a return ticket." The point is, of course, that this is doubly untrue: Dr. Lucas had helped people from beginning to end; and not only did he not pose as a "savior"—very much in contrast to most of the other defendants—he consistently refused to recognize the witnesses who testified in his favor and to remember the incidents recounted by them. He had discussed sanitary conditions with his colleagues among the inmates, addressing them by their proper titles; he had even stolen in the SS pharmacy "for the prisoners, bought food with his own money," and shared his rations; "he was the only doctor who treated us humanely," who "did not look on us as unacceptable people," who gave advice to the physicians among the inmates on how to "save some fellow prisoners from the gas chambers." To sum up: "We were quite desperate after Dr. Lucas was gone. When Dr. Lucas was with us we were so gay. Really, we learned how to laugh again." And Dr. Lucas says: "I did not know the name of the witness until now." To be sure, none of the acquitted defendants, none of the lawyers for the defense, none of the "exalted gentlemen" who had gone scot-free and had come to testify could hold a candle to Dr. Franz Lucas. But the court, bound by its legal assumptions, could not help but mete out the minimum punishment to this man, although the judges knew quite well that in the words of a witness, he "didn't belong there at all. He was too good." Even the prosecution did not want "to lump

him together with the others." It is true, Dr. Lucas had been on the ramp to select the able-bodied, but he had been sent there because he was suspected of "favoring prisoners," and he had been told that he would be "arrested on the spot" if he refused to obey the order. Hence, the charge of "mass murder or complicity in mass murder." When Dr. Lucas had first been confronted with his camp duties, he had sought advice: His bishop had told him that "immoral orders must not be obeyed, but that did not mean that one had to risk one's own life"; a high-ranking jurist justified the horrors because of the war. Neither was very helpful. But let us suppose he had asked the inmates what he ought to do. Wouldn't they have begged him to stay and pay the price of participation in the selections on the ramp—which were an everyday occurrence, a routine horror, as it were—in order to save them from the feeble-minded, Satanic ingenuity of all the others?

IV

Reading the trial proceedings, one must always keep in mind that Auschwitz had been established for *administrative* massacres that were to be executed according to the strictest rules and regulations. These rules and regulations had been laid down by the desk murderers, and they seemed to exclude—probably they were meant to exclude—all individual initiative either for better or for worse. The extermination of millions was planned to function like a machine: the arrivals from all over Europe; the selections on the ramp, and the subsequent selections among those who had been able-bodied on arrival; the division into categories (all old people, children, and mothers with children were to be gassed immediately); the human experiments; the system of "trustee prisoners," the capos, and the prisoner-commandos, who manned the extermination facilities and held privileged positions. Everything seemed foreseen and hence predictable—day after day, month after month, year after year. And yet, what came out of the bureaucratic calculations was the exact opposite of predictability. It was complete arbitrariness. In the words of Dr. Wolken—a former inmate, now a physician in Vienna, and the first and one of the best of the witnesses: *Everything "changed almost from day to day. It depended on the officer in charge, on the roll-call leader, on the block leader, and on their moods"*—most of all, it turns out, on their moods. "Things could happen one day that were completely out of the question two days later. . . . One and the same work detail could be either a death detail . . . or it could be a fairly pleasant affair." Thus, one day the medical officer was in a cheerful mood and had the idea of establishing a block for convalescents; two months later, all the convalescents were rounded up and sent into the gas. What the desk murderers had over-

looked, *horribile dictu*, was the human factor. And what makes this so horrible is precisely the fact that these monsters were by no means sadists in a clinical sense, which is amply proved by their behavior under normal circumstances, and they had not been chosen for their monstrous duties on such a basis at all. The reason they came to Auschwitz or similar camps was simply that they were, for one reason or another, not fit for military service. ? see xx1

Upon a first and careless reading of this book, one might be tempted to indulge in sweeping statements about the evil nature of the human race, about original sin, about innate human "aggressiveness," etc., in general—and about the German "national character" in particular. It is easy and dangerous to overlook the not too numerous instances in which the court was told how "occasionally a 'human being' came into the camp" and after one short glance left in a hurry: "No, this is no place for my mother's child." Contrary to the view generally held prior to these trials, it was relatively simple for SS men to escape under one pretext or another—that is, unless one had the bad luck to fall into the hands of someone like Dr. Emil Finnberg, who even today thinks that it was perfectly all right to demand penalties ranging "from prison to death" for the "crime" of physical inability to shoot women and children. It was by far less dangerous to claim "bad nerves" than to stay in the camp, help the inmates, and risk the much greater charge of "favoring the prisoners." Hence those who stayed year in and year out, and did not belong to the select few who became heroes in the process, represented something of an automatic selection of the worst elements in the population. We do not know and are not likely ever to learn anything about percentages in these matters, but if we think of these overt acts of sadism as having been committed by perfectly normal people who in normal life had never come into conflict with the law on such counts, we begin to wonder about the dream world of many an average citizen who may lack not much more than the opportunity.

In any event, one thing is sure, and this one had not dared to believe any more—namely, "that everyone could decide for himself to be either good or evil in Auschwitz." (Isn't it grotesque that German courts of justice today should be unable to render justice to the good as well as the bad?) And this decision depended in no way on being a Jew or a Pole or a German; nor did it even depend upon being a member of the SS. For in the midst of this horror, there was Oberscharführer Flacke, who had established an "island of peace" and didn't want to believe that, as a prisoner said to him, in the end "we'll all be murdered. No witnesses will be allowed to survive." "I hope," he answered, "there'll be enough among us to prevent that."

The clinical normality of the defendants notwithstanding, the chief

human factor in Auschwitz was sadism, and sadism is basically sexual. One suspects that the smiling reminiscences of the defendants, who listen delightedly to the recounting of deeds that occasionally make not only the witnesses but the jurors cry and faint; their incredible bows to those who bear testimony against them and recognize them, having once been their helpless victims; their open joy at being recognized (though incriminated) and hence remembered; and their unusually high spirits throughout: that all this reflects the sweet remembrance of great sexual pleasure, as well as indicating blatant insolence. Had not Boger approached a victim with the line of a medieval love song, "Thou art mine" (*Du bist mein/ Ich bin dein/ des solt du gewiss sein*)—a refinement of which such almost illiterate brutes as Kaduk, Schlage, Baretzki, and Bednarek would hardly have been capable? But here in the courtroom they all behave alike. From what the witnesses describe, there must have been an atmosphere of black magic and monstrous orgies in the ritual of "rigorous interrogation," in the "white gloves" they put on when they went to the bunker, in the cheap bragging about being Satan incorporated, which was the specialty of Boger and the Romanian pharmacist Capesius. The latter—sentenced to death in absentia in Romania and now to nine years at Frankfurt—is the ghoul among them. With the spoils from Auschwitz, he settled in Germany, established his business, and has now charged a "friend" with influencing the witnesses in his favor. His misfortunes in Frankfurt have done his business no harm; his shop in Göppingen, as Sybille Bedford reported in *The Observer*, was "more flourishing than ever."

Only second in importance, as far as the human factor in Auschwitz is concerned, must have been sheer moodiness. What changes more often and swifter than moods, and what is left of the humanity of a man who has completely yielded up to them? Surrounded by a never-ending supply of people who were destined to die in any event, the SS men actually could do as they pleased. These, to be sure, were not the "major war criminals," as the defendants in the Nuremberg trial were called. They were the parasites of the "great" criminals, and when one sees them one begins to wonder whether they were not worse than those whom today they accuse of having caused their misfortunes. Not only had the Nazis, through their lies, elevated the scum of the earth to the elite of the people; but those who lived up to the Nazi ideal of "toughness," and are still proud of it ("sharp cookies" indeed), were in fact like jelly. It was as though their ever-changing moods had eaten up all substance—the firm surface of personal identity, of being either good or bad, tender or brutal, an "idealistic" idiot or a cynical sex pervert. The same man who rightly received one of the most severe sentences—life plus eight years—could on occasion distribute sausages to children; Bednarek, after performing his specialty of trampling prisoners to death, went into his room and prayed,

for he was then in the right mood; the same medical officer who handed tens of thousands over to death could also save a woman who had studied at his old alma mater and therefore reminded him of his youth; flowers and chocolates might be sent to a mother who had given birth, although she was to be gassed the next morning. The defendant Hans Stark, a very young man at the time, on one occasion selected two Jews, ordered the capo to kill them, and then proceeded to show him how this was done; and in demonstrating, he killed an additional two Jews. But on another occasion, he mused to an inmate, pointing to a village: "Look how beautifully the village was built. There are so many bricks here. When the war is over *the bricks will bear the names of those who were killed. Perhaps there won't be enough bricks.*"

It certainly is true that there was "almost no SS man who could not claim to have saved someone's life" if he was in the right mood for it; and most of the survivors—about 1 per cent of the selected labor force—owed their lives to these "saviors." Death was the supreme ruler in Auschwitz, but side by side with death it was accident—the most outrageous, arbitrary haphazardness, incorporated in the changing moods of death's servants—that determined the destinies of the inmates.

V

Had the judge been wise as Solomon and the court in possession of the "definitive yardstick" that could put the unprecedented crime of our century into categories and paragraphs to help achieve the little that human justice is capable of, it still would be more than doubtful that "the truth, the whole truth," which Bernd Naumann demanded, could have appeared. No generality—and what is truth if it is not general?—can as yet dam up the chaotic flood of senseless atrocities into which one must submerge oneself in order to realize what happens when men say that "everything is possible," and not merely that everything is permitted.

Instead of *the* truth, however, the reader will find *moments of truth*, and these moments are actually the only means of articulating this chaos of viciousness and evil. The moments arise unexpectedly like oases out of the desert. They are anecdotes, and they tell in utter brevity what it was all about.

There is the boy who knows he will die, and so writes with his blood on the barrack walls: "Andreas Rapaport—lived sixteen years."

There is the nine-year-old who knows he knows "a lot," but "won't learn any more."

There is the defendant Boger, who finds a child eating an apple, grabs

him by the legs, smashes his head against the wall, and calmly picks up the apple to eat it an hour later.

There is the son of an SS man on duty who comes to the camp to visit his father. But a child is a child, and the rule of this particular place is that all children must die. Thus he must wear a sign around his neck "so they wouldn't grab him, and into the gas oven with him."

There is the prisoner who holds the selectees to be killed by the "medical orderly" Klehr with phenol injections. The door opens and in comes the prisoner's father. When all is over: "I cried and had to carry out my father myself." The next day, Klehr asks him why he had cried, and Klehr, on being told, "would have let him live." Why hadn't the prisoner told him? Could it be that he was afraid of him, Klehr? What a mistake. Klehr was in such a good mood.

Finally, there is the woman witness who had come to Frankfurt from Miami because she had read the papers and seen the name of Dr. Lucas: "the man who murdered my mother and family, interests me." She tells how it happened. She had arrived from Hungary in May, 1944. "I held a baby in my arms. They said that mothers could stay with their children, and therefore my mother gave me the baby and dressed me so as to make me look older. [The mother held a third child by the hand.] When Dr. Lucas saw me he probably realized that the baby was not mine. He took it from me and threw it to my mother." The court immediately knows the truth. "Did you perhaps have the courage to save the witness?" Lucas, after a pause, denies everything. And the woman, apparently still ignorant of the rules of Auschwitz—where all mothers with children were gassed upon arrival—leaves the courtroom, unaware that she who had sought out the murderer of her family had faced the savior of her own life. This is what happens when men decide to stand the world on its head.

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to head an execution squad. The chief of the guard company warned him ("He saw that I was a soldier"): "Mulka, be careful. Better try to get out of things because of your stomach ailment."

Why was it, the court wants to know, that Höss made the softest and least reliable SS officer his deputy?

"I don't know the answer to that."

What did he do when he heard that some peculiar things were going on at Auschwitz?

"I said nothing. I was careful."

"To whom were reports sent if, for example, a hundred people died?"

"I don't know. Perhaps the Political Section."

"You were after all the adjutant of the chief. His right ear. Didn't he ever speak to you about these things?"

"Never. I was obviously not his right ear."

Mulka had never heard of "rabbit hunts," of prisoners having their caps knocked off, and then, when they stooped to pick them up, being shot down—killed "while escaping"; he had never heard of them being driven into the barbed wire and being shot just before getting there. "I don't remember any special incidents."

Mulka claims to have believed that Auschwitz was a protective custody camp in which enemies of the state were to be re-educated to a different way of thinking. "There are such things. But it wasn't my job to look after the prisoners."

"Didn't you know that there were gas chambers there?"

Mulka is silent for a while: "Yes, but I had no reason to ask about that. I would say that there was no one whom one could have asked."

"The commandant?"

"He was an opaque man. I refrained from asking him things."

Mulka at first disclaims any knowledge about "special treatment." He seems to think this referred to the selection of prisoners. But in answer to a second round of questioning, he admits excitedly:

"Special treatment was murder, and I was deeply incensed."

"Why were these orders labeled special treatment?"

It was classified information. "Everyone who knew about it was in danger of his life."

"How did you know about it?"

"I can't answer that."

Mulka, according to his testimony, had never ordered the formation of execution squads; he believes that such orders came from the Reich Main Security Office (RSHA) directly to the Political Section of the camp. He knew of three or four transports of Jewish prisoners. He also knew that

"No."

"Do you know anything about the gravel pit?"

"No."

"Do you know anything about Block 11?"

"No."

"About the penal block?"

"The internal conditions of the camp were not known to me. I did not pay any attention to them."

"Did you know anything about the gas chambers?"

"No. Word only got out in the course of time."

"Could one smell it?"

"Yes."

Höcker did not see the fiery smokestacks at night, he says. He does not know how many transports arrived: "I did not have jurisdiction over Camp II. I was horrified when I learned of these things. And then I suddenly understood what Höss had meant. Many SS officers tried to think of ways to help. But we did not have the means."

Over and over again he says that the officer in charge was the man with the direct line to the commandant; the adjutant had no knowledge of the crimes. At least not officially. Every now and then he did look into a file in headquarters . . .

"Well," says Judge Hofmeyer, "at least you did that."

"We were told that the Führer decided on the life or death of a prisoner," Höcker says, and that "all orders for executions or punishment were secret. I never read them. I merely entered them into the secret journal."

"Did you ever entertain doubts about the legality of these orders?"

"The camp had no doubts about the legality of these orders. Whatever came from the RSHA was a legal order."

No, he did not know that illegal orders do not have to be carried out. "I did not have sufficient legal training for that."

Höcker did not have the right to issue orders; he could not assign men from his company to other units, as, for example, for duty on the ramp or in the gas chambers or the crematories; he did not even know of these activities. His jurisdiction over the company was fictitious; he was a company commander on paper only.

"I think, Your Honor, you do not understand how things were."

"No, I don't think I do."

Höcker explains once more: He had been a company commander but had not held the powers ordinarily held by a company commander.

"It was only a paper collection of members of various sections. They were under me only in so far as personnel matters were concerned, not functionally."

In August he was transferred to the headquarters staff. No, he didn't like it.

"I had no idea that I was to become witness to terrible things which perhaps I might not have seen in the guard company."

Broad "had already heard about the gassings in summer, 1942—that is, only through rumors. They were unconfirmed rumors; the matter was being kept secret." But then he did see something:

"In the summer of that year the camp thoroughfare was closed. I could see through the window how a gassing was being carried out. SS men with gas masks opened some containers with hammers and poured the contents through the roof of the Old Crematory."

Broad says that he occasionally spoke with prisoners on the old loading ramp between Auschwitz and Birkenau, but only to answer their questions: "Will we be able to work at our trade? Where are we?" Judge Hofmeyer refrains from asking him what he answered. Broad was repeatedly in the vicinity of the new loading ramps, where the mass transports of the victims arrived, but only because he had to pass by there going from the billets to headquarters. At that time, 1943, he was attached to the Political Division and in charge of the Gypsy compound, which he estimates had between 10,000 and 12,000 inmates.

"I was under the impression that there were still about 8,000 when we left," Broad says. He used to pass by the ramp on his bicycle; he eagerly points out the route on the map of Birkenau: "Can you follow me, Your Honor?" He always stopped when transports of prisoners arrived. They arrived during the day, but also at night. They arrived all the time.

No, he had not recognized any of the SS officers helping in the selections. He cannot even remember whether a medical officer was present. However, he did notice that "the people selected moved up in the direction of the crematory." He could also see the line of victims from the window of his quarters, but he says: "Of course I couldn't see which way they were going, whether to the crematory or to the clothing store."

Broad claims not to know how the selections were "carried out"; he was not in Auschwitz with any of the other defendants; he was not his own boss. "In the first place, I was working for Grabner himself" (the chief of the Political Section); the witnesses who testified against him during the pretrial hearings were mistaken. "Your Honor, perhaps there is a case of mistaken identity."

"You insist that you never were assigned to the ramp?"

"No, I was never assigned to it."

"One witness claims that you decided on the fate of prisoners—gas chamber or camp—by a gesture of your hand."

"There is only one possible explanation for that: Whenever a transport

ff. No, he didn't. From France arrived, the people crowded around me—they were glad to find someone with whom they could talk French—and I tried to get them back into line by gesturing [Broad gently spreads his arms to demonstrate what he means]. That is absolutely everything I remember." For the rest, he only got off his bicycle "because he wanted to see what was going on."

"Did you know that all these transports were gassed?"

"I knew nothing about it and saw nothing."

"Did you know that entire barracks were gassed?"

"I heard nothing about selections inside the camp."

"Did you know that the chief of the Political Section was given prisoners for liquidation who were then 'injected'?"

"I never heard about that."

"Did you know that the members of the special squad Zeppelin [a Russian unit which was murdered in Auschwitz] were liquidated?"

"I never heard about that."

It is obvious: The defendant never found out anything at Auschwitz. Judge Hofmeyer, a man of cool calm, has also become aware of this: "Mr. Broad, do you still feel bound by your oath of secrecy?"

"No," says the accused.

The interrogations, at least those at which he was present, were conducted very properly, "just like today." He got along well with the Gypsies. There were no attempted escapes: "It was, after all, a family camp." He passed the crematories only once, while riding his bicycle. He was with a friend.

The defendants are making Auschwitz into an idyl, at least as far as the staff and their conduct are concerned.

Judge Hofmeyer wants to know how Broad felt about his duties and about everything that was happening in Auschwitz.

"As to the criminal aspect, the court will decide on that. I can only talk about the moral aspect," Broad answers.

"Do you believe that what happened in Auschwitz was right?" the judge asks.

"One has to differentiate between what happened in Auschwitz I and in the extermination camp. The original idea of Auschwitz I wasn't bad, because there the prisoners could be made to work. But later it was linked up with the extermination machinery."

Broad is reminded that a mere 10 per cent of Auschwitz I prisoners were not gassed, and that Auschwitz I therefore was also an extermination camp, in which the prisoners were killed through hard labor and starvation. The prisoners there also led a miserable existence.

"Do you still believe that detention in the camp was legal?"

"Under these circumstances, no."

He then claims that the mass executions were legal if based on sentences of a "summary court." He himself once briefly attended a summary court trial; he believes that this court sentenced 120 prisoners to death in 2 hours.

"The investigative work had been done beforehand," Broad says in explanation of why he considered these sentences legal.

"And the selections?"

"The selections on the ramp were undoubtedly a crime."

"And the subsequent gassings?"

"They, of course, too."

Broad admits that the prison bunker evacuations and the subsequent mass shootings were carried out to make room for new prisoners in the overcrowded prison bunker. But Broad claims that Grabner, the chief of the camp Gestapo, only took him to these executions so that he could, if necessary, write things down for Grabner. Grabner did not explain why he wanted him to attend. He saw no prisoners whom he, Broad, had interrogated at these executions.

Thus he witnessed two executions of approximately thirty prisoners each at the Black Wall. According to Broad, two or three naked prisoners were led by Jakob, a prisoner, to the Black Wall and then were "liquidated" by an SS officer, who, from a distance of about 2 inches, shot them in the back of the neck with a small-caliber rifle. It was his "most terrible" experience in Auschwitz. Broad insists that he himself never killed prisoners by shooting them in the neck.

Prosecutor Vogel confronts Broad with the transcript of his police examination, when he did not deny his participation in the executions: "I cannot deny with certainty having shot with the others," he then said. "But I know beyond all doubt that there were no women involved." Broad claims to have been excited and sick during those interrogations. Therefore he had used "incorrect formulations."

"The truth is that I did not shoot. I tried repeatedly later on to rectify this [statement]. But I did not succeed."

The defendant Klaus Dylewski—interrogation officer in the Political Section—also never issued any orders. "Grabner was the one who always did." He did not shoot. The orders he received he held to be legal: "I was still very young and did not even know the difference between a judge and a prosecutor. An order from above was legal as far as I was concerned. Sometimes Grabner also said: 'I'll take responsibility for this, I am empowered to do this.'"

"What do you know about the shootings at the Black Wall?"

"The prisoners to be executed had to undress in the washroom. They were brought over by a prison guard of Block 11."

the admissions office. There a list of arrivals indicating whether they were political or criminal prisoners was drawn up. This list was then distributed to the various departments."

"To whom did you give this list?"

"To the officer in charge of the prison compound, to the medical office, and to headquarters. It was made out in eleven or twelve copies."

"Do you know whether the adjutant also received such a list?"

"I don't know, because all lists that weren't kept at the prison compound went to the Political Section, which distributed them with the daily mail. After that I had no more dealings with the prisoners. From that point on the prisoners were no longer the concern of the admissions office."

"That means," Judge Hofmeyer sums up, looking thoughtfully at the defendant, "you only took in arriving prisoners, admitted them, gave the lists to the Political Section, which in turn distributed these lists. After that you had no contact with the people. And in that case you could do them no harm. Is that it?"

"That's right, I couldn't," Stark answers.

But more, after all, had to be done than these mere formalities. "I would say this happened either in June-July or in August, 1941. An order came from the Armed Forces High Command (OKW) according to which any commissars found among Russian prisoners of war were to be sent on to the nearest concentration camp and liquidated." The court does not quite believe that this order originated with the High Command, but the defendant insists it did, and Defense Attorney Dr. Aschenauer tells the court that he will furnish these orders.

These commissars soon met their fate. They were shot upon arrival. In September, 1941, the first ones came.

Stark: "These people were immediately taken to Block 11 and shot at the Black Wall. They were not admitted and not registered. They brought with them a file card that bore the notation 'On orders of the OKW,' and so forth, and their identity cards. Those I tore in half; one half stayed in the files."

Once he himself fired the fatal shots at the defenseless men. That was in October, 1941.

"How come?"

"The roll had been called and the identity cards torn. It was pretty nearly over when Grabner suddenly said: 'Now Stark will take over.' Before that block leaders and Palitzsch had done the firing. The block leaders had already taken turns. I had to take Palitzsch's place. I don't know how many there were."

"More than one?"

"There must have been four or five."

Jews; the Jews are our misfortune.' That was hammered into us. And as far as the orders for special treatment [murder] were concerned, we accepted them quietly. Without comment . . ."

The former SS noncom Johann Schoberth of Aufsess denies all the crimes he is charged with. He knows little about who was responsible for what and about the duties of the various SS officers in Auschwitz. Schoberth also was part of the camp Gestapo: He worked in the "registry" of the Political Section, where he stayed until the summer of 1944, when he, like Stark, succeeded in being transferred back to his outfit.

Schoberth tells the court that "no one lost his life because of me, neither directly nor indirectly. I wasn't even armed in Auschwitz; I couldn't even carry a holster because of my injury."

To listen to him, he spent his entire time in Auschwitz "notarizing the deaths."

"Weren't you startled by the many deaths?"

"We did not think about that."

The contention of the next defendant, Bruno Schlage, who as guard of the feared penal block—Block 11—claims to have seen nothing, but nothing at all, causes a stir among the audience.

Schlage had heard only "rumors" about the shootings at the Black Wall, because his work in Block 11 was done "up front." According to him, his only job was the opening and closing of the cells, and taking the prisoners to the washroom and latrine in the morning. In this connection he might possibly, he admits, have hit a prisoner who spoke, because speaking was prohibited.

Prosecuting Attorney Vogel wants to know a little more about the notorious "standing cells," to which Schlage as guard also had the keys. After some hesitation the defendant admits that these cells were really so narrow that all one could do was stand. But as long as he was chief guard there no prisoner ever died in these cells. The prosecutor says that these cells had no doors, only openings through which the prisoners had to climb on all fours. Moreover, the prisoners couldn't even really stand in them, because of the small cement humps built into the floor. There were no windows.

"Do you still claim that no prisoners ever died there from exhaustion?"

"Not that I know of."

The judge cannot quite believe this. Schlage says: "Occasionally someone fainted, Your Honor. But nobody died."

Bruno Schlage also assures Prosecuting Attorney Vogel that all he did was open and close the cells and take the prisoners in or out.

"Did interrogations take place in Block 11?"

"What was your job?"

"It was inexcusable how Schwarz crowded people together there. It was a morass of windowless stables."

Hofmann walks over to the map of the actual mass extermination camp, of Birkenau, in which the Gypsies were held.

"Your Honor, may I show you where I set up the children's playground, with sandboxes for the little ones?"

He may, and he quickly adds that he also saw to it that the children got special rations.

"As officer in charge, it was under your jurisdiction." The judge harks back to his original question, about what Hofmann's job had been.

"It was a camp, a camp . . ." Hofmann hesitates, and the judge helps him out: "With the most primitive kind of equipment?"

Hofmann shouts: "With no equipment." He even stole cement and tools from the building department of the camp together with the Gypsies, at night, so that nobody could see them. Thus they were at least able to build a bridge across the ditch running through the camp; after all, it was a family camp with many small children.

"How much room was there for each inmate in the stables?"

"That I couldn't say."

"Would you say about 20 inches, or were they lying on top of each other?"

"One was glad if one didn't have to go in."

"Why didn't you have the camp enlarged? Gypsies after all didn't have to work in Auschwitz."

"Yes, I could have done that. But my superiors were against it. Whatever I was able to do with my empty pockets, I did."

"A Dutch prisoner testified that during a selection you shoved a prisoner against a freight car and then trampled on him and killed him."

"This case is not known to me."

Hofmann merely admits that sometimes he was forced to slap a prisoner.

He did not send prisoners into the gas chambers; nor did he kill any through mistreatment; nor did he let them freeze to death, nude; nor did he supervise mass executions.

"The commandant had jurisdiction over everything, if I may say so."

Adjunct Prosecutor Ormond points out that Hofmann now seeks to put all guilt on dead men:

"Did it ever occur to you that you ought to be glad not to have been tried with them years ago?"

"If I had known how I would be involved, I would have turned myself in. Then I'd have my peace," says Hofmann. He then announces that he will not answer any question by Mr. Ormond.

In front of the gas chambers there "naturally were some incidents."

"There were beatings and physical abuse as the Jewish details pushed the prisoners into the gas chambers, which were disguised as shower rooms. The details were then gassed as well. That always led to great confusion; I even had to watch out to see that working prisoners weren't gassed along with the others. Yes, and sometimes we helped push. Well, what were we supposed to do? We were under orders."

"Is your previous testimony correct that Grabner and Boger were especially feared?"

"I meant Grabner."

"So you meant Grabner and said Boger. Mr. Hofmann, at the time you described everything very clearly, and today all that is no longer true. You know nothing and saw nothing. Are we really supposed to believe that?"

The defendant Hofmann remains silent.

"You further testified," the judge continues, "that where Grabner was, Boger was too. Is that correct?"

"Your Honor," the defendant says, "since that time, between 1959 and now, since the interrogation and so on, I can't say today what is correct and what isn't."

But what is true today, and he emphasizes that, is that he never saw the defendant Boger on the ramp.

"What are we to do now with your testimony?" asks Judge Hofmeyer. "You have been very close-mouthed. You cannot possibly feel unburdened after this testimony."

This angers the defendant:

"If I had to do it all over again, I wouldn't say one word. I am being saddled with one charge after another. If I had known then everything that was still to come, I would have said nothing. Everybody is shouting for Hofmann: Hofmann is there and Hofmann isn't there. I don't know what you want from me. There are now eight charges against me; three have been dropped altogether."

"All right, then," says the judge, "you may sit down again."

The defendant Oswald Kaduk is called up. He walks up front, swaggering, a ghost of a smile lurking in the corner of his pinched mouth. He clicks his heels imperceptibly and correctly before the judges, the palms of his hands at his sides. Then he bows slightly, fully aware of his ironic manner, and announces nonchalantly and loudly:

"Your Honor, I refuse to testify."

However, a question put to him by Mr. Ormond, who wishes to know whether he, Kaduk, recognizes the standing cells, airshafts, and stakes on pictures shown him by Ormond so outrages Kaduk's sense of fair play that

"Then they were lined up and counted. In two sections, men and women. The children went with the women. Then they were selected. The unfit went to the crematories, the others to the camp."

Perhaps constant familiarity with death leaves no trace, no mark of Cain. The doomed march along, children held by their mothers; unknowing yet suspecting, the little innocent babes go their bitter way. And on the ramp there stand the "select," and they select and steal from their victims, and accept their extra liquor ration and carry on their bloody, bloodless trade without even taking off their gloves.

"Who conducted the selections?"

"The officers."

"Not you?"

"No, only officers, not even noncoms. Your Honor, the commission was made up largely of officers. How do you think they would have liked it if a noncom had run around among them?"

After the selection the work-detail leaders came to get the able-bodied; the unfit went directly to the crematories.

"How did they get there? By trucks?"

"No, on foot. It was only a few steps from the ramp to the crematory. The sick were driven over in ambulances."

"In ambulances?"

"Not the usual kind, for individuals. Bigger ones, one- or two-ton ones."

"Where were they taken to?"

"I don't know."

What about the special grips he used to kill prisoners?

"Your Honor, I don't even know any special grips. Some say I have a special trick and don't need a club. Others say I have a club, but then I wouldn't need any special grip," he says.

Nor is he guilty of any other crimes. His rapid answers are stereotyped: No; he doesn't know; that is not known to him; the charges in the indictment are not based on truth; he didn't knock the cap off any prisoner and then shoot the man while trying to escape; he drove no one into the electrically charged barbed wire; he did not shoot any women; he did not kill any prisoners with his club; he did not murder anybody with the side of his hand; he did not blindly shoot into crowds of prisoners while riding on his bicycle.

"Your Honor, none of that is true."

"Did you beat a Russian to a bloody pulp and then hang him?"

"That is not true."

He casually mentions a rebellion of inmates in March, 1944, in which the desperate people overpowered the guards, blew up a crematory, and escaped. But they did not get far, at least not all of them.

there. The guard reported to me: 'Prisoner killed while trying to escape.' But that wasn't true. He was still alive. The other prisoners begged me: 'Mr. Block Leader, please stop his suffering and shoot him.'"

It is also not true, Bischoff says, that he, as has been charged by another witness, had shot two prisoners during the evacuation march in January, 1945, nor had he ever strangled a prisoner by pressing the handle of a shovel against his throat.

"That is news to me. None of our prisoners was ever killed in this fashion. We were under orders to treat the workers gently," Bischoff defends himself.

On this day of the trial it is announced that State's Attorney Kügler has received a death threat on the letterhead of something calling itself "Working Group for Justice and Freedom." The anonymous letter, postmarked Kempten, January 13, reads: "One day you too will disappear, just like Colonel Argoud. You will die a painful death. Our Frankfurt comrades are watching you in court daily. You have the choice of life or death."

The fifty-three-year-old Arthur Breitwieser is facing the judge. He seems much younger than his age. Slim, rather short, secretive-looking, calm, intelligent, he answers without hesitation.

He tells how in the summer of 1941 two civilians came from Hamburg to teach them how to handle the gas and brought with them special gas masks. The Zyklon B was for use in the disinfection of clothing and buildings. About ten to fifteen men were assigned to the job.

Judge: "Tell us something about Zyklon B. Was it granular?"

"Zyklon B was packed in small, 2-pound containers which at first resembled cardboard discs, something like beer coasters, always a bit damp and gray. Later on they were no longer made of cardboard. It is hard to describe—not really like starch, but similar, blue-white. The huts to be disinfected were sealed, the windows secured, and then the preparations for gassing the rooms began. The containers were pried open with the help of a hammer. Then a rubber cap was pulled over them, to prevent the gas from escaping while the other cans were opened. Then we went into the rooms and scattered the stuff."

"Was that in the summer of 1941?"

"Yes, that was in the summer of 1941."

"Was the Zyklon B mixed with another material? I want to know whether something was added to it to warn you in case you ran the danger of inhaling poison gas."

"No, nothing was added. Zyklon B worked terribly fast. I remember one of the SS men going into a house that had already been disinfected. The ground floor had been aired out in the evening, and the next morning

Jewish. I can only say I considered what was happening to be monstrous."

Judge Hofmeyer nods his head three times, but this movement is not necessarily merely an indication of complete agreement: "Yes, yes, I have yet to meet anyone who did anything in Auschwitz."

The defendant Dr. Lucas undoubtedly has shed the clearest light on the horror chambers of Auschwitz up to this part. He is the first of the defendants who tells of the despair that enveloped the camp, the endless feeling of desertion in every one of its inmates. Yes, one can sense that the doctor himself felt locked out, that he had begun to feel like a prisoner burdened with the terrible certainty of guilt.

"Well, Dr. Lucas, as you know, you are accused of having participated in the selections on the Birkenau ramp. You are said to have carried out and supervised them." With these words the judge starts the interrogation of the defendant.

The now fifty-two-year-old gynecologist recalls his arrival at Auschwitz. He reported to the chief medical officer, who sent a car to meet him at the Auschwitz railroad station. While waiting for the vehicle, Lucas says, "I had my first horrible impression, when I saw a column of prisoners marched to work." Lucas was given a few days to acclimatize himself, "then I was invited for a drink and asked whether I knew what was happening here, whether I had ever heard anything about gas chambers. After being told, I said I was a doctor pledged to save, not to destroy, human lives. I wrote a letter to my superior, but he merely answered that an order was an order, that this was the fifth year of the war, and that, furthermore my old unit was about to be dispersed. I would be well advised to avoid calling undue attention to myself."

The next few days he was shown the agricultural and fishery installations of the camp—that is, things "meant to eradicate the other. Then one day I was informed that I was to take over the Gypsy compound and the Theresienstadt compound. Since my mother had died during that period, I applied for and was granted leave." Lucas went home, also as he says to visit Bishop Dr. Berning at Osnabrück, a friend of his father's, in order to tell him what he had seen and heard in Auschwitz.

"He told me that immoral orders must not be obeyed, but that did not mean that one had to risk one's own life. A high-ranking jurist also failed to give me any helpful advice: We were in the fifth year of the war, he said, and a number of things were therefore going on."

Armed with these not very instructive and highly ambiguous pieces of advice, Lucas returned to Auschwitz, where medical officer Hauptsturmführer Thilo acquainted him with his job.

"He did not tell me what awaited me, and thus I came to Birkenau com-

He also wishes to correct a mistaken notion, says Wolken, who was imprisoned in Auschwitz because he was Jewish: "Auschwitz was not a Jewish affair." Non-Jews, members of other religions and nationalities, also were brutally mistreated and gassed. "The gassing was not a privilege solely of the Jews. And another point seems extremely important to me: the atmosphere in the camp. It changed almost from day to day. It depended on the officer in charge, on the roll-call leader, on the block leader, and on their moods. It depended upon the war. If something bad happened out there, then the prisoners got to feel it right away and there were indescribable cruelties. Things could happen one day that were completely out of the question two days later. [Later on Wolken will have this to say on that same point: "A work detail, one and the same work detail, could be either a death detail, it could mean untold suffering, or it could be a fairly pleasant affair."] But what should give us pause is the fact that this murder machinery could never have become operative if there hadn't been tens of thousands who were willing to operate it. That is the guilt of the defendants, even had they not committed murder. The measure of their guilt, however, is also determined by what they did voluntarily once they had tasted blood. There were SS men who could not sleep well unless they had beaten some men during the day."

Wolken worked as a doctor in one sector of the quarantine compound of Birkenau, and his duties included reporting on the "departures," the illnesses, and the delousing.

"Everything is always done with great thoroughness in Germany, and therefore I had to make up these reports every three months, every six months, and every year. The death reports could not always mention the cause of death. In those cases it said 'shot while escaping' or some cause which the family could be told."

Wolken describes the equipment of this prisoner dispensary as follows: "Well, what did we have? There were bandages made of crepe paper, a little cotton wool, a batch of ichthyol ointment, a batch of chalk, a few aspirin tablets; and after the arrival of the first transport from Hungary we had Ultraseptil, a sulfa drug the Hungarian doctors brought with them. Yes, and once we got potassium permanganate. We tried to make a therapeutic ointment out of it. Every wound was treated with ichthyol ointment. We had to put something on it. Eczema was treated with chalk to make it less visible. I once pointed out the appalling conditions to the SDG [Wolken, too, still speaks the camp language, as do the defendants—what links between victim and executioner, even in the language!]. I attached an aspirin tablet to a string in the dispensary and said: 'In case of slight temperature, lick it once; in case of higher fever, twice.'"

The witness Wolken tells about things as they come to his mind, some-

what disjointedly. Medical officer Dr. Thilo once had the idea that there ought to be a convalescent block (*Schonungsblock*) for sick prisoners. That worked for exactly two months.

"Then they rounded them all up and sent them into the gas, and there was again nothing."

Wolken kept fairly exact records on his sphere of jurisdiction, the quarantine compound, marking down the number of those sent into the gas.

"Thilo once asked me what these numbers meant and I said it was the number of those 'not quarantined.' He accepted this." When, as the Eastern front moved close, "the order was issued to destroy all written records I went to the hospital to find out how these files were being destroyed. Well, the trustee there simply took them out of my hands and threw them into the flames."

Seeing that there was no check on the papers being destroyed, he stopped handing them over, sealed them in metal containers after making a notation on them—"so that whoever found them could use them"—and buried them in the ground next to the entrance to the infirmary.

"It was the first authentic material that was preserved." He also based his memorandum, on which he began to work after his liberation and on which he is basing his testimony, on this material. "I only wrote down things which I could remember at the time."

Wolken says that all his recollections are drawn from these papers, including the description of the barracks, horse stables with a capacity of 500 people, but in which 1,200 were crammed together. The prisoners were lying like "sardines in a can."

"I will now turn to the camp sanitary conditions."

The witness is completely calm; he does not accuse. The slender face below the sparse hair remains controlled, collected. From the lips of this calm reporter comes a pitiless account.

Billions of fleas tortured the prisoners in Auschwitz, and those who had shoes gave them away because the vermin prevented the use of this valuable possession. "Those who had only stockings or rags could at least scratch. The bugs didn't get much to eat, but still they were well-nourished.

"In Birkenau we didn't have fleas. Instead we had rats. They gnawed not only at corpses but also at the seriously sick. I have pictures showing women near death being bitten by rats. These animals were bold and impudent; they were not deterred by anything and at night even helped themselves to the bread the prisoners had saved in their pockets from the evening meal because at 'breakfast' there was nothing except a coffeelike brew. Then the prisoners would often accuse each other of having stolen bread from each other, but it was the rats."

The morning washing up: a row of wooden troughs under an iron pipe with holes through which some water trickled.

"Just enough so that one couldn't say it dripped. Then one hurried to get to the latrine. That was a concrete trough across which lay boards with round holes. There was room for 200 to 300 at one sitting. Latrine details watched to see that no one stayed too long and used sticks to chase the prisoners away. But some couldn't move so quickly, and others weren't through, and because of the strain a portion of the rectum would still protrude. When the latrine detail hit them they would run away and then once more get on line. There was no paper. Those who had jackets with linings would tear off a little piece at a time to clean themselves. Or they would steal a piece from somebody during the night to have some in reserve. The waste water of the washrooms was piped into the latrines to wash away the excrement. But again and again there were major stoppages, especially in places where the water pressure wasn't strong enough. When that happened a terrible stench spread throughout. Then pump details—'shit details'—would come to pump out the mess.

"The people in the camp were so hungry that if a bit of soup spilled over, the prisoners would come running from all sides and like a swarm of wasps converge on the spot, dig their spoons into the mud, and stuff the mess into their mouths. Hunger and extreme want made them into animals."

Occasionally a "human being" came into the camp, the witness Wolken says—for example, the medical officer Dr. Bartzel. When he ran across the imprisoned Professor Epstein in the Gypsy compound, he asked him: "Don't I know you? What is your name?" Epstein, came the answer, and the doctor said to him: "You are the children-Epstein, I studied pediatrics under you. No, this is no place for my mother's child." Then he left and was never again seen in the camp. "And we didn't hear that he was punished, either.

"I will now describe my own arrival in Auschwitz. I first came to Auschwitz I. Even before we got to the camp, SS men came over to us and asked: 'Do you have money, a watch? Hand it over. In the camp you can't keep it anyway, and I will help you there.' Above the gate through which we marched was written 'Work makes man free.' From the left came the sound of waltz music; an orchestra was practicing. We didn't think we were coming into hell. Everything looked so peaceful, so quiet."

After the prisoners handed in their things, Wolken says, they were brought to the washroom, which was soon crammed full of naked people.

"We waited and waited for them to bring us a little food. But there was nothing. The only thing we could do was to lick the dripping water. At night we were chased out into the open. It was a cool May evening, the

rain falling softly, and we stood and waited. We stood all night long. Next morning we were shaved, if you can call it shaving. Our hair was torn out. After that they rubbed the famous Cuprex [a delousing ointment] into us. If the shave wasn't good we were beaten, although we weren't the shavers but the shaved."

Those who passed muster with the SS men, those who had been well shaved without soap, were given a chit, "our clothing chit," and sent to the tattooing station. "There it was made clear to us that we were not human beings but only numbers."

Wolken barely and only accidentally escaped gassing. He was standing in the shadow of the chimneys, in front of the doors to the gas chamber, when the group with which he had been brought to the crematory was taken back to camp on orders of some SS man or other. Later he found out that the bodies of members of a French transport who had been gassed during the night had not yet been removed and thus had temporarily blocked the murder of new victims.

"Then the hyenas of the battlefield came to our block."

One spoke to him, an Austrian, and when he heard that he, Wolken, was from Vienna, he said: "I'll have you taken out of here."

"True enough, a medical officer came and asked: 'Are you the doctor? Are you a good doctor?' I said: 'I don't know.' He took me along, and that's how I was saved. After that I became doctor in the quarantine compound, and only there did I learn about the purpose of the camp."

"Three things will remain etched in my memory," the witness says, "because they concern children: There was a little boy in the dispensary, and I asked him: 'Well, boy, how are you? Are you afraid?' He answered: 'I am not afraid. Everything here is so terrible it can only be better up there.'"

There is a deadly silence. One of the women jurors is crying. Everyone sits rigidly. But it isn't over yet.

Again children arrived, and Wolken saw and heard an SS man talking with a nine-year-old boy across the barbed wire: "Well, my boy, you know a lot for your age." The boy replied: "I know that I know a lot, and I also know that I won't learn any more."

And still another: A group of ninety children arrived and stayed in the quarantine compound for a few days; then trucks came and they were loaded on them to be taken to the gas chambers.

"There was one boy, a little older than the rest, who called out to them when they resisted: 'Climb into the car, don't scream. You saw how your parents and grandparents were gassed. We'll see them again up there.' And then he turned to the SS men and shouted: 'But don't think you'll get away with it. You'll perish the way you let us perish.' He was a brave boy. In this moment he said what he had to say."

the camp on his bicycle, and how the prisoners left and right scattered out of fear as he approached."

Then Dr. Wolken, the first witness to testify in the Auschwitz trial, is sworn.

MARCH, 1964

I feel no personal hatred toward the defendants, says the woman on the witness stand. She had not known them personally. Upon hearing this, the twenty-two men and their counsels undoubtedly felt relieved. There does not seem to be any threat from this side, for if the witness did not personally know any of the former SS men, she cannot tell the court anything useful about any specific case.

Ella Lingens, MD, PhD, born in Germany, is now an Austrian citizen. She lives in Vienna and works for the Austrian Ministry of Social Administration. She was brought to Auschwitz in 1943 as a political prisoner because she had helped Jews escape. She was the only non-Jewish woman prisoner-doctor in the camp. She considered the "Austrian-German Cooperative Auschwitz" such infamy that she still has not been able to get over it.

The witness is talking about the chances of survival:

"Coincidence played a decisive role. The first few weeks determined life and death. It depended upon whether one had the chance to perform inside work or not."

She says that she too owed her life to accident. "Medical officer Dr. Rohde asked me where I had studied. When I said Marburg, he said: 'Then you must have known me,' and mentioned the name of a pub in which he had downed many a glass of wine. I thought to myself, well, perhaps this is a good thing, and said: 'Of course, Herr Untersturmführer, by sight.' He really believed that he saved my life. I am sure he did it for sentimental reasons, because I reminded him of his youth. Yes, he saved my life, but he also handed tens of thousands over to death.

"I know of almost no SS man who could not claim to have saved someone's life. There were few sadists. Not more than 5 or 10 per cent were pathological criminals in the clinical sense. The others were all perfectly normal men who knew the difference between right and wrong. They all knew what was going on."

And they seriously believed that—as Rohde allegedly said to the prisoner Ella Lingens—those who escaped from that hell "could drink a glass of wine together after the war."

Living conditions in the camp, so the witness said, "improved a bit as time went by, but only terribly slowly. Prisoners had to live on a maximum

of 700 to 800 calories per day. The average prisoners did not survive for more than four months. No prisoner who came to Auschwitz before the summer of 1944 survived unless he held a special job."

Dr. Lingens tells of a transport of 2,000 women which had come to Auschwitz some time before she did:

"When I arrived, 260 of them were still alive. The others had all died. They were not gassed, they simply died."

Dr. Lingens never saw the "injecting" of prisoners or the gassings, but she knows of pretexts used to pronounce these death sentences. One day, for example, the medical officer asked for a list of all inmates suffering from malaria; they were to be transferred to another camp with no mosquitoes.

"I really believed it and wrote them all down, when a Czech woman doctor came up to me and said: 'Please, only put down the very sick.' I said that transfer was the best thing that could happen to the malaria patients and that I would report all of them. 'For God's sake,' she said, 'what are you doing? They'll all be killed.' That was my first inkling about what was happening at Auschwitz. So I crossed most of them off the list again. Interestingly enough, these prisoners were transferred, and I was full of self-recriminations and told myself I should have listed all of them. Only later did I find out that they were brought to Lublin and gassed. One simply didn't know whether one was sending them into the gas or into freedom."

Another time Dr. Mengele got the idea of removing pregnant women from the camp. A pathologist whom Dr. Lingens reported was actually transferred and continued to do laboratory work for Mengele in Cracow.

"Mengele then sent her flowers and congratulations upon the birth of her son. That, too, could happen. And so one played a role without really knowing what one was doing. The women often lapped up their food like dogs; the only source of water was right next to the latrine, and this thin stream also served to wash away the excrement. There the women stood and drank or tried to take a little water with them in some container while next to them their fellow sufferers sat on the latrines. And throughout it all the female guards hit them with clubs. And while all this was going on the SS walked up and down and watched."

The winter of 1943-44 was truly horrible. "In the fall, there were 30,000 of us in the women's camp; by spring, the number had declined to 20,000, primarily because of malnutrition and sickness. I saw diseases which you find only in textbooks. I never thought I'd see any of them—for example, phemphicus, a very rare disease, in which large areas of the skin become detached and the patient dies within a few days."

The most common diseases were typhus, a stubborn diarrhea—the "camp

disease"—typhoid fever and paratyphoid, erysipelas, and tuberculosis. As many as 700 patients were in the hospital of Dr. Lingens, "and in this same block with all these sick people babies also were born. We couldn't even wash them; we wiped them off as best we could with some tissue paper. I remember once the wife of Commandant Höss sent a pink jacket with best wishes into this hell. I have read that in all the accounts of the atrocities there has been much talk also of kindergartens and similar things. There is nothing contradictory in this; I myself have seen how a man would feel compelled to draw charming little figures on the walls of the children's block because he thought it appropriate. There were humane impulses of this sort, but they were in utter contradiction to the reality."

The witness remembers Dr. Mengele "exactly, the way he stood there with his thumbs in his pistol belt. I also remember Dr. König, and to his credit I must say that he always got very drunk beforehand, as did Dr. Rohde. Mengele didn't; he didn't have to, he did it sober."

Capesius? All she heard was that he administered the camp pharmacy.

There was one "island of peace" in the Auschwitz camp complex, the Babice labor camp.

"That was the work of one man alone, Oberscharführer Flacke. How he did it I don't know. His camp was clean, and the food also. The women called him 'daddy,' and he even got eggs from the outside. Later he came to Birkenau, and all the men in his area said, 'Flacke is here, everything'll be all right.' I don't know what happened to him. I once talked to him. 'You know, sir,' I said, 'everything we do is so horrible, so pointless. Because when this war ends we'll all be murdered. No witnesses will be allowed to survive.' And Flacke answered: 'I hope there'll be enough among us to prevent that.'"

"Do you wish to say that everyone could decide for himself to be either good or evil in Auschwitz?" the judge asks.

"That is exactly what I wish to say."

Late in 1943, Dr. Lingens says, she saw for the first time how people were driven into the gas chambers. Trucks with screaming women were standing near the guards at the gates.

"One knew that they were going to their death and wanted to call out to them. But one didn't know what to say."

Judge Hofmeyer says that children were allegedly thrown into the flames while still alive. He asks the witness what she knows about this.

"We saw a huge fire and people walking around it throwing things in. I saw a man carrying something that moved its head. I said, 'For the love of God, Marushka, he is throwing in a live dog.' But my companion said to me: 'That's no dog, that's a child.' I thought that this could not be, it could not be a child. I should like to say at this point that I am nearsighted and

that I was given a pair of glasses in camp, but that I didn't dare put them on because I did not wish to believe it and therefore did not wish to see whether it was a child. But other inmates later confirmed it and so I had to believe it."

"Did you see Mulka?"

"No."

"Do you think it possible that the adjutant of the camp commandant knew nothing about these conditions?"

"I consider it absolutely impossible."

Capesius makes it known that he does not wish to rule out the possibility that witnesses are confusing him with a certain Dr. Klein, who was on the ramp when the prisoners arriving in cattle cars were being selected. Dr. Lingens, who knew Klein well, is asked to describe him.

"He was stocky, rather short, a pyknic type."

"Please get up, Dr. Capesius."

Dr. Lingens also gets up, puts on her glasses, and looks at the defendant searchingly.

"Yes, a similar type."

The defense makes a note.

The witness believes that the available space in the camp played a role in determining how many had to go into the gas chambers. She talks about the bodies piled up next to her block, a row as long as the block and about 3 feet high. She also knows that the bodies were gnawed by rats, as were unconscious women. She saw how blankets were torn off women selected for extermination with the words "You don't need it any more." As many as 600 sick women and more were in the hospital barracks in 180 beds. They were plagued with lice, the carriers of typhus, yet the delousings were much feared; moreover, three days afterward there were as many lice as before.

"Then Mengele came. He was the first one to rid the entire women's camp of lice. He simply had an entire block gassed. Then he disinfected that block, put in a bathtub, and let the inmates of the adjoining block bathe there. And it went on like that. After this procedure the A Compound was free of lice. But it began with the gassing of the 750 women in the first block."

Prosecuting Attorney Kügler wants the witness to look at Capesius from close up. Defense Attorney Laternser objects, saying that the resemblance has already been established. The witness says that although there was a certain resemblance in height and shape of head, there was none in features.

Kügler: "I would like to propose that the defendant Capesius be asked to speak a sentence." The purpose of this suggestion is to invalidate Dr.

Capesius' claim that he might have been confused with Dr. Klein because of a similarity in inflection and voice.

Laternser: "I can assure you that Dr. Capesius will not do so. That is his decision."

Judge Hofmeyer wants to know how Laternser knows that it is. The attorney answers he has advised his client to that effect. Well, that is another matter, to give advice or to listen to his decision—and that is exactly what the defense is not allowed to do. Laternser takes exception to this interpretation of the penal code; the judge asks the defendant whether he would say a complete sentence. That which no one expected now happens, to the amusement of all present. The defendant Capesius says:

"No, I will not do it, because the German language is not at issue."

The witness Lingens states laconically: "There is no similarity in the speech. Klein spoke a pure High German."

The former SS medical officer Dr. Wilhelm Münch is on the witness stand. At one time a bacteriologist, he now is a general practitioner in Bavaria. In the early days of the war he had been classified as unfit for active service. He was subsequently taken into the Waffen SS and sent to the Auschwitz section of the Hygienic Institute of the Waffen SS. According to him, it was a question of character whether an SS doctor carried out the orders for mass murder.

After the war, Münch was tried by a Polish court in Cracow, together with forty other former SS members, including Auschwitz Commandant Liebehenschel, who was sentenced to death. Münch was acquitted because former camp inmates testified on his behalf.

The witness came to Auschwitz in mid-1943. Over a bottle of alcohol the head of the laboratory, Dr. Weber, told him what was going on in camp: "That is all new to you, but it's not half so bad. We have nothing to do with people being killed here. That is none of our business. If after two weeks you don't want to stay here you can leave," Weber told him, but asked him to stay at least that long because he, Weber, had to go on leave for urgent personal reasons.

Münch says he agreed and firmly intended to leave Auschwitz after two weeks.

Then, after a few days, Dr. Wirths, the chief medical officer, ordered him to the ramp to select victims for the gas chambers from an incoming transport. He told Wirths that he would have no part in it, but Wirths told him he wouldn't have much work on the ramp.

Deeply troubled, Münch immediately went to Berlin and asked to see the head of the Hygienic Institute.

"One could react like a normal human being in Auschwitz only for the

first few hours. Once one had spent some time there it was impossible to react normally. In that setup everyone was sullied. You were caught and had to go along."

The chief of the Institute said he could well understand Münch's refusal to participate in the murders in Auschwitz. He then sent a teletype to the commandant of Auschwitz, and consequently Münch was not assigned either to the selections or to the gassings.

The witness now being heard is Joachim Cäsar, doctor of natural sciences and agricultural expert. In earlier, different times he was SS Oberführer, head of the SS training school, and, finally, beginning in March, 1942, also head of the agricultural plant of the Auschwitz concentration camp. Cäsar devoted himself to the planting of rubber trees. "The agricultural plant had no direct connection with Auschwitz; it was under the jurisdiction of the Administrative and Economic Head Office of the SS in Berlin-Oranienburg. It was an enterprise vital to the war effort, and it served mainly scientific purposes." Today the witness runs a laundry.

"We are particularly interested in finding out," the judge states, "if you know whether or not the witnesses committed the crimes with which they are charged."

The witness Cäsar begins with a sort of extenuating statement in his own behalf: "I would like to stress one thing: The fact that I came to Auschwitz under these circumstances has troubled me for twenty years, particularly the question of whether it would have been possible for us to do something for the prisoners beyond what we were able to do."

When he came to Auschwitz, Cäsar says, he found fallow land. "The entire area consisted of land, with a few wooden barracks for horses and cows." The total area was about 8,000 acres. Cäsar's domain was about 7,200; the remainder was given over to the various compounds and the munitions plants. The distances between the two main camps, Auschwitz I and II, were "vast," sometimes extending for "miles," which the prisoners generally covered on foot, but sometimes on trucks. "That was a terrible burden for us as well; but the worst part was the roll call after the day's work."

In the course of time, Cäsar says, he tried more and more to get prisoners out of the camp and have them assigned to the various labor camps. Those so assigned were then "settled" there. But this required "great pressure."

"I wish to be honest and say that in exerting this pressure I frequently resorted to the use of Himmler's name. We had highest priority, and I could point to that. And also, I couldn't have a constant turnover."

Cäsar calls the Birkenau camp "an impossible situation." "It began like

and so forth, and that in this connection the general conditions prevalent in the Auschwitz camp were naturally of interest. The witness now is allowed to proceed.

He had come to Auschwitz with seventeen prisoners and was assigned to work in the prisoner hospital.

"In Dachau I had also worked as a clerk and been in charge of the daily death register. A day in which we had ten deaths was considered a very bad day. In Auschwitz, on the other hand, we worked day and night in shifts at seven typewriters making out death reports. The SS called this 'deposing' [*absetzen*]."

The day and hour of death was entered on the file card.

"The way it was entered, no two persons died at exactly the same time—on paper, that is. There was one rule: No infectious diseases could appear as the cause of death, and the death had to have some relation to age. A twenty-year-old, for example, could not die of a heart condition."

There were two tables with file cards. One held the cabinets with the numbers of those alive; the other those with the numbers of the dead.

"Thus one could tell how many of a recently arrived transport were still living. Hundreds came and only a handful survived."

And lest there be a mistake: "The file contained only the names of those who had been classified as able to work. We prisoners died at breakneck speed."

No file cards were made out for the others, those who were "specially treated" right away, who "went on transport" although they had just arrived.

"Once I was in Auschwitz, Dachau seemed almost idyllic in retrospect. But please don't take that literally, because at Dachau, too, I witnessed horrible things.

"One very great difference was the camp hierarchy, the big shots."

On the one hand there were the SS men and the prisoners responsible to the SS, the "band wearers," so called because of their armbands. These were primarily criminal prisoners "who were to keep the camp on its toes, as the SS put it."

There were exceptions among these, men who sympathized with the prisoners. However, "That was not the rule. The rule was that these prisoners reigned brutally."

The first, ineradicable impression Langbein had of Auschwitz derived from the march into the camp accompanied by the eerie sounds of martial music played by the camp orchestra next to the gate.

"On Sundays they serenaded the commandant."

Langbein remembers August 29, 1942, only "too clearly." He was hospitalized and heard the windows being closed. Regulations, he was told.

What peculiar regulations, he thought to himself, and then he saw how the yard suddenly filled up with prisoners, both bedridden patients and convalescents.

"They held their fever charts in their hands. Many had to lie down because they couldn't stand any longer."

Suddenly there was movement among the prisoners. Dr. Entress, the medical officer, and the medic Klehr came to select.

"All the prisoners had to do was to go from one side to the other, and Dr. Entress knew what therapy to prescribe. Mostly it was the gas-chamber treatment. He looked at them from a distance. Then he left. Klehr had a chair brought to him, sat down, and watched like a hawk to see that none of the selected went back through the door."

Later on trucks came and transported the selectees to their death: "All this was done under the pretext of fighting typhus."

The witness recalls another incident: "I saw the empty yard with only one person lying there. His eyes were open, his mouth was open, and his teeth were showing, as if he was about to laugh. He was dead."

But the medical officer could not have conducted this selection without the knowledge of the then chief medical officer, Dr. Kurt Uhlenbroock, now living in Hamburg and not yet indicted.

Dr. Wirths—in whose office Langbein had already worked in Dachau—succeeded Uhlenbroock, and he saw to it that Langbein got the same job in Auschwitz. Before Langbein took up his duties, he was told by the chief: "'Here you will see and hear more than an Auschwitz prisoner should. Look out the window.' And I saw the crematory. 'If you talk about what you can see from here you'll go through the chimney.'"

Langbein was introduced to the "secret of the file symbols" and was soon entrusted with the "secret correspondence." There were two monthly reports, an official one giving a general picture and a secret report without any embellishments, which even mentioned the big "special campaigns." Langbein took advantage of Wirth's weakness for statistics to set up daily camp lists, and these figures on the camp population, deaths, and sick calls gave him an exact picture of what was going on in the camp. In early 1943, two schools of thought on the treatment of prisoners became apparent. One believed in liquidating as many as possible; the other in letting more prisoners work, thereby reducing the death rate.

Because of "these two trends, which also existed in Oranienburg, SS men could preserve some remnant of humanity. It also made it possible for us to play one against the other. But in Auschwitz there were many ways of dying."

Prisoners reporting sick were given a preliminary examination by a prisoner-doctor, who made a diagnosis and wrote it down. "Then the medical

officer arrived after some time. The unclothed prisoners had to go out in the hall so that the air in the room in which the SS doctor performed his job wouldn't be so bad."

There were two methods of treatment: admission to the prisoner hospital or "injections."

"Then regularly there were injections in Block 20. I could tell very clearly from my lists. As it was, the daily murders in the hospital barracks could not remain a secret. The prisoners were mortally afraid of the hospital. I well remember that even the sick dragged themselves off to work out of fear."

Langbein said that he called the attention of the chief medical officer to these "injections when the typhus epidemic spread to the SS personnel and could not be controlled, at least not with the available means, among them a poster that had a certain degree of humor in view of the camp atmosphere. It had been put up by order of Wirths and read: 'One louse can mean your death.'

"I told Wirths that as long as the prisoners were afraid of the hospital the epidemic would continue. He asked: 'Why are the prisoners afraid?' I said: 'May I speak freely to you about something which the prisoners really aren't supposed to know?' Then I told him that the prisoners were being killed by injections."

Wirths was of the opinion that only the incurably sick were thus disposed of, but he was shown proof of the murder of persons who were not mortally ill.

The witness seriously incriminates the defendant Klehr: "'As long as Klehr remains SDG in the base camp,' Wirths once said, 'it is impossible for the prisoners not to be afraid.'

"After the selections, he [Klehr] would go through the hospital and pick out prisoners."

Once he stood before him in the hospital and said: "'Ah, Langbein, high time that you got well again.' I then found out from the attendants that he walked on and selected victims for the injections."

Later Klehr was transferred, having gotten a new medal and a promotion. Then in spring, 1943, he became chief of the disinfectors, who threw the poison gas into the crematories.

"Life had no value. To kill a man was nothing, not worth talking about. SS men wielded incredible power. Only from that vantage point can the happenings in Auschwitz be explained. There were many who weren't fanatical nationalists or anti-Semites. Dr. Vetter, for example, was a man with exquisite manners, also toward us prisoners. Dr. Schatz and Dr. Frank also never did anything terrible to us prisoners. But in the atmosphere of

Auschwitz they obviously felt no compulsion about sending people into the gas."

According to Langbein's testimony, the Gypsy compound had the highest mortality rate.

"Conditions there were indescribable. The children looked worst, but perhaps one only got that impression because children are so moving. In the barracks there were also women who had just given birth. I saw a lot in Auschwitz, but what I saw there was the worst. The only concern was that the newborn infants should have the prisoner number tattooed on their thighs right away, because the arm of an infant was too small for a number."

And when the Gypsy children, who got almost nothing to eat, died of malnutrition, they were thrown on a heap:

"I saw a mountain of corpses, children's corpses. And scurrying among them the rats."

Langbein remembers "Boger above all. He always gave me the feeling that he hunted down prisoners with real passion. Most of the time he rode around on a bicycle."

In the bunker where Langbein was detained for a while he shared a cell with another prisoner. "I saw him being called to Boger and I saw him after he returned."

The prisoners twice went through the ordeal of the "Boger swing," and both times emerged in terrible shape. (Boger is charged with "inventing" a torture instrument resembling a rack. The prisoner being interrogated had to put his bound hands on his bent knees, a pole was inserted between his bent knees and his arms, and the prisoner suspended, head down. He was then beaten with a stick on his buttocks and genitals until he "confessed" or passed out.) A few days later, Boger came with a commission that was rounding up prisoners for execution at the Black Wall "and said with a certain amount of pride when the people were led out of the bunker, 'Six are mine.'"

A partial confession by the defendant Oswald Kaduk at his pretrial examination in September, 1961, at Frankfurt is read to the court. The former roll-call officer listens with bowed head to what he had said about his role in the mass murders.

Kaduk admitted to having been present at the selections on the ramp. However, he claimed never to have selected victims for the gas chambers from the incoming transports. That had been done by the doctors and higher-ranking SS officers. He only carried out orders to "watch like a hawk" that none of the chosen victims went over to the group selected for

labor service. According to Kaduk's testimony, children, unless selected for experiments by SS doctors, were immediately gassed. The same was true for mothers who refused to part from their children even when selected for work.

"The transports kept on coming in one after the other," Kaduk had told Dr. Dux, the examining judge, and described how he together with other SS men drove the people to the gas chambers. He denied having whipped these miserable wretches and voiced surprise to the examining judge that the victims had accepted everything "with such equanimity. They did not defend themselves because they realized that there was no point to it." The defendant had denied the murders with which he is charged. "I never consciously killed anybody; sometimes I might have hit someone if he tried to get out of working."

Kaduk had also denied having had any part in the shooting at the Black Wall. These had been carried out by members of the camp Gestapo, he said. His co-defendants Boger, Frank, and Broad had gone to the Black Wall with pistols. Adjutant Mulka, like other SS officers, had supervised the selections at the ramp and as motor-pool officer had made the trucks for the transports to the gas chambers available. "I was really only a minor figure and I cannot understand why I am being treated like this. The really guilty ones—like Globke and Oberländer—are running around free. I've already had one nervous breakdown in jail. Why are two yardsticks used?" Kaduk had become so upset that the questioning had to be interrupted.

Before this, however, he did let it be known to an examining judge that he had been "a sharp cookie. A concentration camp taxed the nerves, but I am not the type to break down."

He voiced regret that he had not killed the one-time Auschwitz prisoner and now Polish President Cyrankiewicz; he had only beaten him. "If I had had the chance at the time, I would have gotten rid of him," the record reads.

The next witness called is the SS Judge Dr. Konrad Morgen, whose job it was to combat corruption in the concentration camps. (Morgen, now a lawyer in Frankfurt, had arrested and indicted Koch, the commandant of the Buchenwald concentration camp, and Koch's wife, because they had helped themselves to the property of prisoners. During the trial Koch was also found guilty of the murder of an SS man. He was sentenced to death and executed during the war.)

Morgen investigated cases of corruption in Auschwitz after a package containing gold was sent by an SS man in Auschwitz to his wife. At that

time he learned to his horror that people were being murdered in Auschwitz. The gold was melted-down dental gold.

In the yard of the crematories, Morgen says, Jewish prisoners circled him like dogs, eager to read his least wish from his face, hoping that they might escape being gassed. The gas chambers and crematories were set up so diabolically that the victims really did not become aware of their fate until the last minute. Everything was sparkling clean in the huge crematory. Nothing pointed to the fact that only the day before thousands had been gassed and cremated there.

"Nothing was left of them, not even a speck of dust on the armatures."

He then saw the SS men who had carried out the mass murders the night before lying around in the guard rooms half-drunk. In the middle stood a huge hotel stove at which specially selected attractive Jewish women prisoners made potato pancakes for their executioners, "who were being waited on like pashas." According to his testimony he found that the lockers of the SS men contained a fortune in jewelry, the property of the murdered victims.

He decided to bring charges of murder in addition to prosecuting the corrupt practices. Consequently, he charged the chief of the camp Gestapo, Grabner, with mass murder and also accused other Gestapo members of murder before an SS court. The trial against Grabner was begun but was not completed, because Grabner was brought to Berlin to prison on orders of the chief of the Gestapo, Obergruppenführer Müller; he later died in the battle of Berlin. At least, Morgen says, his investigations and charges publicized the mass murders of Auschwitz—kept secret until then—in SS leadership circles and created a certain degree of unease.

Prosecuting Attorney Kügler wants to know what happened to the SS man who had sent the gold to his wife. Morgen says that he received a twelve-year prison sentence.

One of the defendants is not present on March 13, the twenty-fifth day of the trial. It is the fifty-nine-year-old Heinrich Bischoff, who is free on bail. His attorney tells the court that his client has suffered a heart attack and will be bedridden for a few days. He thinks Bischoff will be able to appear again in court on March 16. Bischoff's case is severed temporarily and the court orders an immediate medical examination of the defendant.

The defense agrees to the reading of the verdict of a Soviet military tribunal which met in Bautzen on August 25, 1947, and sentenced Oswald Kaduk to twenty-five years of hard labor. The record shows that only one witness testified in person, and that the testimony of another witness was

read. At the beginning of the present trial Kaduk demanded that his case be discontinued because, so he claimed, he had been sentenced to death for crimes committed in Auschwitz by a military court in a trial in which 150 witnesses had testified. This alleged sentence was later commuted. According to the record, Kaduk was found guilty of mistreating prisoners, of participation in mass gassings and executions, of hanging 6 prisoners, of responsibility for the fatal shooting of 8,000 prisoners during the evacuation of the camp in January, 1945. The present indictment charges Kaduk with innumerable additional murders.

The next witness is the fifty-five-year-old Maryla Rosenthal, now a resident of Zurich. Mrs. Rosenthal was taken to Auschwitz from Cracow in 1942—five days before she was to have been married—together with her non-Jewish fiancé, her mother, and a number of relatives. Because of her knowledge of languages, she was assigned as interpreter and clerk to the office of former Gestapo man Boger and thus survived. Her mother, her fiancé, and many of her relatives all were killed.

Mrs. Rosenthal testifies that she herself was treated humanely by Boger. He gave her food and even saved her life when a female capo denounced her for sloppy dusting, an offense for which she was to have been transferred to the penal company, which would have meant certain death. But she also tells the court that Boger struck and trampled on prisoners during interrogations and that she remembers two or three instances when he had people suspended from the Boger swing. If prisoners refused to testify, she recalls, Boger would say: "My talking machine will make you talk." Then he took them into the adjoining room and terrible cries could be heard. After an hour or more the victims would be carried out on a stretcher. They no longer looked human. I could not recognize them."

If she cried, Boger would tell her: "You must turn off all personal feelings here."

The defendant Wilhelm Boger is also incriminated by the Frankfurt businessman Diamanski. Boger continues to deny ever having fired a shot in the camp. The witness testifies under oath that he saw from a distance of about 15 feet or so how the defendant shot the Czech woman journalist Novotny during the loading of a prisoner transport.

Diamanski was standing on the camp street when Mrs. Novotny was being taken away. "She walked up to Mr. Boger"—the witness always refers to him as Mr. Boger—"and she spat out her contempt of him. At that Mr. Boger reached for his pistol and killed the woman who in another twenty minutes would have been gassed anyway."

The judge wants to know whether the defendant could have felt per-

sonally threatened by Mrs. Novotny. "How can one feel threatened," he answers, "with so many SS men standing about?"

The witness Paul Leo Scheidel, a Munich businessman, reports having seen the defendant Boger shoot at least three prisoners at the Black Wall.

Scheidel joined the German counterespionage service of Admiral Canaris in 1936, was captured in Czechoslovakia and condemned to death, later was exchanged against three Czechs, and then was welcomed back by Canaris himself. His refusal to work for the Gestapo led to his arrest in Prague. Scheidel says that in Prague he was interrogated in Department II GH, the "murder department," by Untersturmführer Fritz Wilhelm Fiedler, now is an administrative assistant at the Hamburg Senate. Fiedler ordered a "change of air" for Scheidel.

That was how Scheidel got to Auschwitz. He describes the arrival procedure in detail. Whoever looked tired or ill was sorted out on the spot. Trustees took valuables from the new arrivals ("and then they made deals with them"). The new prisoners didn't get to their barracks for eighteen hours. Then they had to strip before being issued the camp uniform, stand for hours in the cold, be disinfected, and go through the steam room. At the end there was, "for those who managed to get hold of it, a pair of pants and a cap, and a number for everyone; nothing else."

Scheidel was assigned to a 300-man transportation detail, which had to bring bricks to the crematories. He was responsible for 100 men. The prisoners formed a chain and passed bricks along. He had a count made every half-hour. But "suddenly three men were gone, dead." Scheidel had to report this to the guards. "Three men are missing," he told them. No sooner had he said this when one of his teeth was knocked out. "What do you mean, 'men'? Prisoners!"

The next morning Scheidel was called to the Political Section at Auschwitz I. Scharführer Hoyer accompanied him. While talking to him he found out that relatives of Hoyer were working in one of Scheidel's factories. In this way he established "some human contact with him."

In camp Scheidel made the acquaintance of a prisoner from Munich, Gustl Berger. One day, Berger and another prisoner, Rohmann, were locked up because they supposedly had gotten some alcohol from the SS canteen. "Rohmann was put into the bunker; after nineteen days there he starved to death, finis, gone," the witness reports.

Berger, on the other hand, was brought before Boger at the Political Section, who strung him up on the Boger swing. (The witness has brought with him a replica of this torture instrument.) Berger came back to the block after three-quarters of an hour. "The skin on his hands was gone, his buttocks were ripped open, his face was smeared with blood."

Now Schlage admits for the first time that standing cells existed in the prison bunker. But he immediately attempts to modify his admission, claiming that the cells were big enough for two to three prisoners.

"As prison guard you ought to know that people starved to death there."

"I didn't pay any attention to it."

"One can also murder by omission, by not giving the prisoners any food. Did you give them anything to eat? Couldn't you have given them something? Did you have orders not to?"

"I can't give a proper answer to that."

"That is also my impression," says the judge.

There were SS men in the camp—the witness Breiden continues his testimony—who did not mistreat and torture prisoners. The witness remembers that one day a troop of SS men came to Auschwitz from the front. They treated the prisoners decently. When they were reprimanded for this by an SS officer, the work-detail leader of the camp, these SS men reached for their pistols and chased him away, saying that he ought to prove his courage at the front. The next night shots were heard and it was rumored in the camp that these SS men had attacked the commandant's villa. After that they were not seen in the camp.

There is a sudden interruption in the studied monotony of the roll call. Where is Dylewski? Defense Attorney Steinacker does not know; he assumes that he is coming. But then word is received that Dylewski had suffered a heart attack and was in the office of Dr. Laternser. Prosecuting Attorney Vogel moves that Dylewski's case be severed. Steinacker informs the court that Mrs. Dylewski thinks his client will be all right in half an hour and is opposed to the severing—that is, not he, but perhaps there might be objections from other quarters.

The decision is made to sever the case "with the agreement of all interested parties," as Judge Hofmeyer carefully has it recorded. He obviously wants to keep the trial moving, and moreover, the testimony of the next witness has no bearing on Dylewski's case.

The name of the next witness is Curt Posener. The sixty-one-year-old archivist grew up in Hohensalza, attended school at Frankfurt/Oder, and, in 1933, was arrested by the Gestapo and charged with having distributed illegal pamphlets. He was not detained too long, but he also did not remain free too long after his release either. In 1935 he was again arrested, and in 1942 he was transferred to Auschwitz from Buchenwald.

"During that time did you have any contact with the Political Section?"

"Yes. One day Unterscharführer Boger appeared in the camp, put me in a prison van, and took me to the bunker. I was put into a cell in the basement with two others. I had to lie on the floor because the others had

And, if one is to believe the defendant's account, no doctor was necessary. At the moment blood began to flow, "I stopped; it was over."

"The purpose of the 'rigorous interrogation' was fulfilled when the blood ran out of the trouser legs."

Gasps of horror come from the auditorium. The defendant looks at the audience disdainfully and threateningly.

Judge Hummerich says he can imagine that a man who is tortured will say anything one wishes to hear to stop the torture, but Boger, excited, reproves him sharply:

"I am of a different opinion, particularly with regard to Auschwitz. I believe that in some cases corporal punishment is still desirable, for example in the case of juvenile offenders."

And now Boger really gets going. No, he says, rigorous interrogation "could not be carried out without bodily injury." He knew nothing about any regulation to the effect that "rigorous interrogation was not to be used to extract confessions."

"I did not kill; I carried out orders."

They should go after the big shots, not the little guys. And there were also other regulations he knew nothing about.

"You up there may laugh, you weren't there," he shouts at the spectators.

Yes, he would like to get the record straight. He would like to see the tortures and the murders weighed against his own helpless situation. He does not plead, he demands. He is cold and detached about others and an exhibitionist braggart as far as he himself is concerned. And furthermore, he says, Grabner was much worse than he, so bad that he doesn't even want to talk about what Grabner had done. Supercilious and arrogant, he still seems very much a part of Auschwitz.

Had they had the right to pass these countless death sentences?

"Naturally."

The testimony of Walter Petzold incriminates Breitwieser. Petzold tells the court that Breitwieser together with another SS man put the lethal Zyklon B pellets into the basement windows of Block 11 for the first mass gassing in Auschwitz I, in which around 1,000 persons were killed. The bodies were left lying in the bunker for days to permit the poisonous fumes to dissipate. Then the recovery detail was sent in, to look for whatever clothing was still usable. "But the clothing could not be stripped from them, because their flesh had turned into a gelatinous mass and literally stuck to the clothes."

Afterward, in front of the Frankfurt Town Hall, two of the defendants wish the uniformed guard "Happy holidays." He puts his hand to his cap and returns the greeting: "Happy Easter."

that time that it all would come to an end, one would have made notes."

But Sternol says that he well remembers Boger's actions during the liquidation of the so-called family compound, the Theresienstadt compound, "in retaliation for Heydrich's assassination."

"There were 2,359. I will not forget that figure as long as I live."

Some refused to leave their barracks.

"Boger heard of that; he had them dragged out, and all of them were killed. Beaten down and killed. The corpses were dumped on trucks—together with those just barely alive."

"Baretzki was also there. He was always around. He had a way of hitting that could kill a prisoner with one blow. How did he do it? He hit the main artery with the edge of his hand and the man would collapse. Dead. Finished."

The witness hits the air with an open palm. Baretzki stares at the table in front of him.

"And I also remember one night distinctly, the night of July 31–August 1, 1944. It was the liquidation of the Gypsy compound. Terrible scenes took place. Women and children were on their knees in front of Mengele and Boger crying, 'Take pity, take pity on us.' Nothing helped. They were beaten down brutally, trampled on, and pushed on the trucks. It was a terrible, gruesome night."

"Did Boger also hit them?"

"Yes, he killed them. They collapsed and died and were thrown on the trucks. The entire Political Section was there. Yes, I saw Baretzki and Broad."

The fifty-eight-year-old Munich grocer Ludwig Wörl, a stocky, powerful Bavarian, now takes the witness stand.

In the summer of 1943—the witness, a former senior camp inmate, testifies—a ghetto not far from Auschwitz was cleaned out and 30,000–40,000 people gassed and cremated in the huge crematories of Birkenau. An SS officer "for some reason or other" put the children into his, Wörl's, care. Wörl thought they were saved, because at the end of 1943 a new camp commandant came to Auschwitz. Höss was succeeded by Liebehenschel, whom the SS later on replaced because he was too soft. He stopped the selections and had the notorious standing cells demolished.

But one day in January, 1944, there was another selection: 600 sick prisoners unable to work were sorted out and sent to the gas chambers. Wörl thought that a transport to another camp was being assembled in front of the laundry, when suddenly he was surrounded by the children in his care. They clutched at his legs imploringly and told him that they were to be gassed with the others.

"Even the four- and five-year-olds knew it. They rolled up their shirts and showed me their little arms: 'Look how strong we are.'"

Wörl, appalled, rushed over to Dr. Rohde and asked him to notify Liebehenschel immediately. The medical officer called headquarters and received the devastating information that the selection had been ordered by Berlin. There was nothing to be done.

Wörl ran out to the camp street and saw the defendant Kaduk, pistol in hand, driving the pleading children toward the gas chambers.

Wörl jumps up from the witness chair and shouts: "Where is Kaduk? You shoved a pistol against their backs, like this . . . and this," and he demonstrates how Kaduk drove the children on.

Kaduk also jumps up, and in a high-pitched voice he shouts at the witness. His words are indistinguishable. It looks as if he wants to grab the witness. Policemen rush forward.

"Sit down! Don't shout at the witness!" Judge Hofmeyer tells Kaduk.

Kaduk continues to shout. The police push him back into his seat. He jumps up again. The audience becomes restless. Indignant voices are heard: "Why don't you kill him?" Kaduk is held down in his seat by the police. Gradually the waves of excitement subside. Kaduk sits crouched forward, his facial muscles working feverishly.

"I got to know Kaduk as roll-call officer—and as a vicious man. He was always ready to shoot. Kaduk was known to be more trigger-happy than any other SS man. Let him not tell us today that he was drunk. He almost always was. But liquor wasn't enough for him."

Wörl was the first political prisoner to get an important position in the so-called camp self-government at Auschwitz. At first he became senior inmate of the prisoner hospitals and ultimately camp senior inmate. Before that, these jobs were given only to criminal prisoners. Wörl explains his special position by the fact that, as a long-time Dachau inmate, he had been transferred to Auschwitz on August 19, 1942, together with sixteen others, to work as hospital aide and help to fight the typhus epidemic. "That was the time they were starting the camp at Monowitz, and because of my experience in Dachau—I was capo at the hospital—I was to take over the hospital barracks as senior inmate."

In August, 1943, the camp Gestapo had Wörl sent to the notorious prison bunker; he was confined there for about three months. He tried to fight the squealers in Monowitz: "That cost me my neck." The camp Gestapo accused him of having blocked gassings and of other acts of resistance, and during the interrogations he was beaten quite badly with a leather strap.

"Jews were simply shot. But in my case, as a German, they first had to get permission from Berlin." So Wörl explains the fact that he survived the incarceration.

"The Jews *had* to die, the Poles were *supposed* to die, and the Germans were *allowed* to die."

In reply to Judge Hofmeyer's question as to why Boger shot the inmates of the prison cells, the witness says that it usually was for some minor reason—a stolen bit of bread—or for no reason at all, because of a denunciation.

"There was the so-called stool-pigeon box in Block 5, and all that was needed was for a prisoner to put a piece of paper [with somebody's name] in it."

Wörl testifies that Boger shot Lili Tofter, and at that point Boger suddenly remembers the Tofter case in detail. He admits that she was shot because as clerk in the camp Gestapo she was a "carrier of secrets" and was not supposed to have any contact with other prisoners. But according to Boger's version Lili Tofter was shot by SS man Gering. Boger claims that he was as upset about it as "Bunker Jakob," who broke into tears.

But Wörl insists that Boger went into the washroom with the girl and shot her.

"That's defamation! What a story!" shouts former SS medic Klehr indignantly when Wörl accuses him of having murdered thousands of prisoners by injecting phenolic acid into their hearts. Klehr has admitted to 250-300 "injections," but insists that he had administered them reluctantly and never on his own authority but only on orders of prisoner-doctors.

"Just in the two weeks I spent at the X-ray station there were hundreds. There were at least thirty a day, and sometimes as many as two hundred."

Defense Attorney Dr. Latenser asks Wörl whether, in his lectures in Munich, in which he also talked about Auschwitz, he used information furnished by others, since he had delivered forty such lectures.

The witness: "The knowledge of a single person can furnish enough material for a year of talking."

The witness Barcz, forty-nine years of age, a journalist living in Warsaw, is called up, but there is no response. The prosecution thinks that he may have gotten lost in the big, foreign city, this being his first visit to Frankfurt, and asks that inquiries be made. But suddenly the witness shows up: tall and straight, wearing glasses, looking older than his years.

"Yes, I speak German, but I would like to testify in Polish for the sake of accuracy."

Barcz was a political prisoner in Auschwitz from 1940 until 1945. He left the concentration camp with the last group of evacuees.

"Which of the defendants do you know from that time?"

"Personally I knew—I talked to them daily since I was in the hospital

barracks—Dr. Lucas, Klehr, Scherpe, and Hantl. I knew Boger, Broad, and Dylewski by sight. That is to say, I saw them daily in the camp and also in the Gypsy compound.”

“Would the witness tell us what he knows about each prisoner. Let us begin with Boger.” (The questioning is in the third person because it is being conducted via an interpreter.)

“I knew the defendant Boger from reports of my fellow prisoners.”

“Did the witness see the defendant mistreat any prisoners with his own eyes?”

“No.”

“Did he see him beat or shoot anyone?”

“No.”

“Had he heard that he [Boger] had done so?”

“Yes.”

“The witness should tell what he heard.”

“I can remember no particular case.” Barcz can only remember “cases in which prisoners were badly mauled during interrogations.”

Broad?

“It was generally known that the defendant Broad was very dangerous for the camp inmates. I cannot remember any particular cases.”

Dylewski?

“I know nothing specific about him. My knowledge is of a general nature.”

“Who participated in the liquidation of the Gypsy compound?”

“Mengele, the personnel of the Political Section, and the camp administration.”

“What did you see?”

The witness cannot remember exactly. Yes, Boger and Lachmann probably. How about Broad and Dylewski?

“At any rate, some of these four were certainly there.”

The witness does not know from firsthand observation what went on during the rounding-up of the Gypsies.

“Prisoner-doctors told me about it, how the people were rounded up, mostly the children, because they knew that everyone was going to be gassed. They were dragged out from under the beds and taken away.”

Later on Barcz explains how the children always watched the trainloads of those earmarked for gassing because the train went right past their barracks. And he says that they often told each other: “Watch out or you too will end up in the gas.”

“What does the witness know about the activities of Dr. Lucas?”

“As far as the treatment of individual prisoners is concerned I could not

"Did prisoners die in the prison block?"

"Possibly, but I can't remember."

Judge Hofmeyer thereupon informs Schlage that the court will soon get a chance to look at the death register of the prison block. Did the prisoners in the prison block really do everything themselves? Did they keep the death register and enter into it the fictitious causes of death? Did they themselves bring the food to the prisoners in the cell?

"The prisoners did all that by themselves?" asks the judge. "You as the guard must have done something."

"I had to guard the SS men in the upper floor. At times there were as many as eighteen men there. I had to watch that they did not take their own lives or do other foolish things."

What are the emotions of the witness called upon to identify one or the other defendant, and what the emotions of the accused? Erwin Olszowka, who spent almost five of his forty-eight years in Auschwitz, looks at them carefully, walks by the defendants, turns around, and calmly proclaims, with outstretched arm: "Kaduk." Then he says: "Schlage," but it is Hantl, who smiles maliciously. Then: "Scherpe, Klehr, Stark." He is standing in front of Schlage, looks at him for a moment, and says: "This is Schlage." He recognizes Mulka, "the adjutant," and also Broad, but it is Dylewski. However, the witness immediately corrects himself, saying: "No, this is Dylewski." He identifies Hofmann, the former camp officer in charge, and Boger, who smiles.

The witness accuses Boger of having executed people without trial, citing the hanging of twelve members of the so-called surveying detail in retribution for the escape of a prisoner. Boger and Kaduk personally put the noose around the neck of the prisoners and pushed away the footstools on which the men were standing.

"Boger even mistreated dying men. So did Kaduk."

In the course of his testimony the witness tells of another execution: "Polish prisoners were shouting: 'Long live Poland, long live Socialism; down with the Brown murderers; long live the Red Army; long live Communism.' They continued their shouts while being strung up. This drove the SS men standing around into a frenzy. They kicked the hanging men, slapped their faces, and pulled at their legs."

The witness calls the execution of the surveying detail an arbitrary act of Boger's, not one ordered by Berlin.

"How do you know that there was no order from Berlin, or that there was no summary court sentence?"

"The execution took place immediately after the escape; the interval was much too brief for the SS in Berlin to have had time to investigate the case

and pass sentence. It is possible that the SS in Berlin learned about the case, but only afterward. Most of the time the punishment was carried out first and the sentence pronounced afterward."

The witness experienced such a sequence of events himself.

He received twenty-five strokes with a leather strap and three days later was called to the doctor, who was to see whether he was "physically able to sustain the punishment."

Olszowka's version of the execution of the Jewish woman Lili Tofler differs from Wörl's. But he had not seen it; he is only drawing conclusions. The names of two Jews who were mixed up in the matter did not appear on the roll in the evening, and he therefore assumes that they had already been shot and that Lili Tofler had shared their fate.

Lili Tofler was supposed to denounce a prisoner publicly, Olszowka says.

"I still remember clearly how the young girl stood before the prisoner, looked into his eyes briefly, and then went on, without saying a word."

The witness testifies under oath that Boger and Kaduk on their own authority shot between fifty and a hundred prisoners daily during the evacuation march.

"I was an eyewitness to the fact that prisoners who could not go on and stopped for a moment were shot. Boger killed in a particularly sadistic fashion." Although Boger himself was also quite tired, he acted as though on a rampage. This seems to amuse pharmacist Capesius. He shakes his head in disbelief.

"I am ready to testify on my oath that Boger shot between fifty and one hundred persons every day. Kaduk carried on in a similar manner," the witness says.

Defense Attorneys Aschenauer and Schallock find it hard to believe that Boger went on foot, since SS vehicles accompanied the trek. The witness remains firm:

"All of them were firing. I saw Boger shoot. He was directly beside me."

"This is probably the most horrifying thing that has been said here. It is almost beyond belief. Did you really see it?" Adjunct Prosecutor Raabe asks the former Polish Army Officer Josef Piwko of Chorzow.

"I do not retract my testimony," the seventy-year-old witness says in a firm voice. When Judge Hofmeyer points out to him what his testimony means for the defendant Boger, Piwko declares: "Where there is guilt there must also be punishment."

"So we can rely on your having told nothing but the truth?"

"Yes," says the witness and swears to his testimony.

The former officer, who had been brought to Auschwitz in the beginning of 1943 as a political prisoner, witnessed the extermination of the so-

called Theresienstadt compound as well as the liquidation of the Gypsy compound in the summer of 1943.

"It happened about three to four weeks after the events in the Czech compound [Theresienstadt]. The children frequently came to the barbed wire and we would give them little things. Then one day the trucks came, and there was great excitement in the camp, because the Gypsies now knew that they were to be gassed. They had a good intelligence network because the SS men had pretty Gypsy girls and they told them a lot of things."

The witness tells how he hid in the bushes and saw that the Gypsies were beaten as they were herded onto the trucks and driven off to the gas chambers. Then the SS men searched the barracks and dragged out about six children between the ages of four and seven.

"They were brought before Boger, who first trampled on them, then grabbed their little legs and smashed their heads against the wall."

Judge Hofmeyer: "No one thus far has told us this. You were an officer. Did you see it with your own eyes?"

"Yes, there were five, six, perhaps even seven. It was horrible."

"Were they dead?"

"I believe so."

"How old were the children?"

"Four, five, up to seven years."

"What else did Boger do?"

"I saw nothing else."

"Are you sure that you are not confusing Boger with another SS man?" asks Judge Perseke.

"I am quite sure, because I had to pass the Political Section every day. Sometimes I met Mr. Boger on his bicycle on the way to the Political Section, pulling a prisoner behind him on a line like a dog. I remember him because he caused the most heartache: He liquidated children."

Before that the witness had told how a few weeks earlier the inmates of the Theresienstadt compound had also been driven into the gas chambers in a most horrifying manner with the help of Boger. There had been heart-breaking scenes, because the women refused to part from their children, preferring to die with them rather than join a labor detail.

"There were many young, strong women who were beaten terribly, but no mother let her child go alone. All of them went along," the witness tells with tears in his eyes. He then asks for time out to compose himself.

"Defendant Boger. Do you . . ." the judge begins, but Boger interrupts him with a "No."

"You have nothing to say?"

"No."

After the judge tells him that the witness has leveled very serious accusations, Boger says that he did not participate in the liquidation of the Gypsy compound and therefore could not have murdered the children.

The Czech witness Erich Kulka, whose first wife died in the Stutthof concentration camp, reports that a prisoner-clerk had passed on the contents of an order from Berlin for the "special treatment" of the Jewish family camp in Auschwitz. The unfortunate people were warned and their leaders decided to resist. Flasks filled with gasoline between the straw pallets were to turn the barracks of the compound into an ocean of flames.

"But Schwarzhuber, the officer in charge, broke this will to resist with all sorts of tricks."

He tricked the prisoners. He sent them to the steam baths and, all expectations to the contrary, they returned. No one, the witness says, any longer believed in the imminence of danger, and the alleged transfer to a work camp the next day was carried out without any resistance. The sick people remained behind temporarily, "until they get well," Mengele said. But no prisoner ever lived to see the "Heidebreck labor camp." Their last trip took them past the loading ramp into the gas chambers of the crematories. Only too late did they realize that this was the end.

"They resisted with bare hands, but the SS people hit them over their heads with the butts of their rifles. In the gas chambers the prisoners sang the Czech national anthem and a Hebrew song.

"Of the 5,007 people in the first transport from Theresienstadt, gassed on March 7, 1944, only 14 are still alive today."

Fourteen out of more than 5,000 survived the massacre. Among them, Kulka says, was his son, who escaped being gassed because the truck on which he rode could not start in the deep mud of the camp road. Schwarzhuber chased the prisoners off the truck again and told the driver to leave: "Take off, they'll croak anyway."

The witness got around in Birkenau more than other prisoners. He was working as a locksmith: "I passed the ramp when I went from Section I [the women's compound] to Section II [the men's compound], where we worked on the cooking kettles. In this manner I saw things I can document with photographs."

"Do you have the photographs with you?"

"Yes."

"How did you come into possession of these photographs?"

He had taken them from an album which he found in a house vacated by an SS officer. The copies came into the possession of the official Jewish Museum of Prague. There the witness, in search of documentary evidence about Auschwitz, discovered them in 1956.

The Polish witness Wysoczinski, a member of the Polish underground movement, was brought to the camp with about 400 of his comrades.

"Immediately after our arrival at the ramp twenty were taken away. We never saw them again."

When they got to the camp they saw how SS men pounced on people who were dragging themselves around and sicked their dogs on them.

"We thought we'd never get out of there alive."

The defendant Boger had so beaten and kicked him before an interrogation that he lost consciousness.

Wysoczinski tells about an execution of four Soviet prisoners of war who had escaped and been captured.

"A group of SS men brought the four prisoners, their arms tied behind their backs. Suddenly I saw a peculiar movement. It looked as if one of the Russians had called out something or as if he wanted to approach one of the SS men. Whereupon Boger, whom I knew only too well, ran over to the Russian and began to beat him. The prisoner fell down, but Boger continued to hit him. He was in such a rage that he personally put the noose around the prisoner's neck and pushed away the stool."

On January 18, 1945, Wysoczinski was marched out of Auschwitz together with several thousand prisoners and "during the trek we were shot down like dogs or beaten by the SS men." About a month later he managed to escape.

"It is hard to describe what we went through, but perhaps this will give you an idea: Out of several thousand who left Auschwitz, 730 arrived in Waldenburg."

Defendant Boger replies in deposition language:

"According to the testimony of the witness he obviously was interrogated in connection with an investigation carried out by Unterscharführer Lachmann."

That may be so, but what about the charge that he had mistreated the witness?

"To that there is only one answer: a clear and unequivocal no," says Boger with raised voice.

"I still bear the traces today," the witness tells him.

"But not from beatings by me."

"From your boots."

Boger's recollection of the execution also differs from that of the witness. After much talk of orders and stringent security measures, Boger says that shortly before the execution something happened "which seemed to indicate resistance." One of the prisoners managed to untie himself. "He waved his arms around" and kicked Boger, who had thrown himself on him. Boger thought he was injured.

"I had a broken rib."

The ripple of amusement in the audience makes him angry. He reacts with exceptional sensitivity:

"Yes, you may well laugh, but it is a fact. The man was then overpowered. He was again tied up, and I read the sentence. It was hard to hear, the Russians were shouting, but it was read out nonetheless and carried out, as all were carried out. I myself did not carry it out, that was done by capos."

Yes, he had read out a sentence from Berlin. But the witness flatly denies that. The prisoners were executed about twenty-four hours after their escape. And without being sentenced.

Perhaps the defendant Höcker, the then camp adjutant, has something to say on this?

"I did not take part in any execution, nor can I remember this execution."

On April 17, all defendants without exception stand up straight when their names are called, including those—for example, Capesius—who as a rule only raise themselves up an inch or two. It is hard to say whether this change in bearing is due to the presence of Soviet journalists, who took their places in the front rows of the auditorium shortly before the opening of the session, or whether only to a mood. Kaduk remains standing for a while and stares at the foreign visitors with interest.

Fifty-two-year-old Beranovsky, a Czech citizen of Polish birth, takes the stand. He was brought to Auschwitz on September 15, 1941, and escaped from a "death transport" on January 18, 1945.

The witness testifies that on Christmas, 1941, the defendant Bednarek had "held court" over a prisoner who had stolen some bread: "The theft of bread was a terrible crime in the camp." A prisoners' court had sentenced the guilty man to fifty strokes—twenty-five right away, and twenty-five after two weeks.

"Bednarek was very excited, reviled the court, and said: 'I'll hold court myself.' There was a table in the block, and they put the prisoner on it and held him. Bednarek himself administered the lashing. But he didn't have to count up to fifty, because the prisoner died before that. Then he threw him into the washroom. That is how our holiday ended, and also the court."

Beranovsky recognizes Boger, and also Kaduk, who smiles broadly at the witness.

He identifies Bednarek, Dylewski, and Broad. He is not sure about Mulka; he had seen him but doesn't know where. He is sure about Capesius.

understand the whole thing. We didn't know what was happening to us. I did this for ten days."

The witness remembers that the Dutch women suffered particularly, that they found it more difficult to bear up. One of them turned to the work-detail leader and begged him: "For God's sake, sir, I cannot work like this, I am pregnant." And the SS man, the witness says, answered: "What, you swine, you pig!" Then he knocked her down and she was carried away on a stretcher.

"I was so desperate that I told a female guard that I could not do this much longer and asked whether there wasn't any office work; I was a stenographer-typist."

Perhaps, she said, and told me not to go out to work the next morning.

"I then stayed home," Mrs. Schaner says, but immediately corrects herself: "I then stayed in the block and was taken out of the work detail." She was given clothes, a kerchief, and real shoes.

"That was unheard-of."

First she worked in the admissions office, where she saw much misery: "There was no end." She remembers a woman who came to her and said: "I left four little ones. Who will look after them?" And another one had to leave her critically sick husband.

One day an SS man asked her, "Do you have strong nerves?" She said yes, and came to the Political Section, to the "registry," where the death lists were kept.

"Personal data, day of death, and cause of death had to be entered, with great precision. If there was a typing error, they might become terribly angry."

In the death books were entered the names of those who had died in the camp as a result of sickness or on the electrified barbed wire, or had been shot or hanged by the execution squad. Not "processed" were those who had been sent directly from the ramp into the gas ovens. The individual death reports were signed by doctors. The witness remembers the name of Dr. Lucas.

"Most of the recorded causes of death were fictitious. Thus, for example, we were never allowed to enter 'shot while escaping' in the book; I had to write 'heart failure.' And 'cardiac weakness' was the cause listed instead of 'malnutrition.'"

The witness wrote and wrote and filled the columns with the names of the people who died in Auschwitz. They were carefully registered and filed away. Later on, beginning in 1943, only Aryans were given this attention; the Jews died without any special entry.

"I had so much to do that I was soon given an assistant, a French woman. In the course of the year a third worker was added."

The three prisoners wrote for fourteen to sixteen hours a day. Personal data and causes of death filled line after line, page after page, and still it wasn't possible "to include all the daily deaths." The families got letters saying that despite the best possible medical care it was not possible to save the life of the prisoner: "We express our heartfelt condolences at this great loss. Upon request you may get the urn against a payment of 15 marks." The urn, of course, did contain the ashes of someone, but not those of a particular person. In the yard in front of the crematory the bodies were piled up and new ones were constantly being added. Many women, the witness says, were still alive when taken to the crematories "like vegetables, like cabbages."

The witness talks about the interrogations conducted "with the help of" the notorious Boger swing:

"If someone didn't want to talk they forced him. The victims howled like dogs. It was horrible."

She remembers a Yugoslav prisoner who was tortured in this manner. "I thought he was dead when they carried him out. The next day Boger asked for him once more, but the doctor said he was not in a condition to be interrogated. Broad however went to get him over the objections of the doctor."

The prisoner did not survive the second "interrogation."

"The next day I got the death notice for entry in the death lists."

One SS man, an ethnic German named Lorenczyk, showed compassion for the prisoners and frequently brought her some food. But he was transferred after having shouted at a young SS man who had put an old woman into the Boger swing: "You snotnose, what are you doing? Don't you have a mother? Aren't you ashamed?" He was succeeded by Schoberth—a stupid man with a constant idiotic smile fixed on his face. On a number of occasions she saw him return from shootings "with bloodshot eyes, his collar unbuttoned, his shirt torn, and very exhausted. Upset, or should I say excited? He made one feel afraid."

Yes, she knows about Lili Tofler.

"She was a very pretty girl, a Slovakian aged about twenty or twenty-one. There was something about a love letter, but I don't know whether it was a letter sent to her or one written by her."

Lili Tofler had to stand against a wall, nude, many times in the course of her interrogation, and then they pretended they were about to shoot her, but instead gave sham orders to fire:

"She died a thousand deaths. At the end she had reached such a state that she pleaded on bended knees to be shot. She finally was. And all because of a scrap of paper."

Another young woman cut her wrists before she was to be executed by

hanging. An SS man flung himself at her. She hit him in the face and was herself knocked down. The unconscious woman was thrown on a cart: "And that was how she was brought to the crematory."

The next few minutes in the courtroom are horrible, and no one there, perhaps even including some of the defendants, would want to go through them again. The witness, until then so controlled and straightforward, breaks into bitter tears as she tells about approximately fifty children who one day were brought to the camp by truck.

"The oldest were five years old. I still remember a little girl, she might have been four." Mrs. Schaner stops. Then she continues tearfully: "A little girl went up to Quackernack [an SS man] and said something to him . . . The boy whose hand she held was perhaps a year older; he may have sensed something . . . With her little brother at her side she stood there and lifted her little head and asked something . . ." And it takes all her remaining strength for the witness to close her sad recital: "Quackernack kicked her. She lay sprawling. All the children were crying. We too were crying. We were horrified. Then they took their baggage up again and followed Quackernack. I don't know where he took them."

The witness apologizes for crying when talking about these children. "I cannot tell you how horrible it was."

Things got a little better under Commandant Liebehenschel, she says, but Boger, obviously on his own, against orders, continued to torture. His only comment on the commandant's prohibition of corporal punishment was: "What does he think? How can one get these swine to talk if one can't hit them?"

No, Adjutant Mulka didn't notice the enormous death rate. He states:

"I cannot remember seeing continuous camp figures. I would say that in the course of a day there were eight, ten, twelve, or perhaps fifteen departures. But I never heard figures of the scope revealed here today."

The prosecution had offered in evidence the official Auschwitz death register from the period September 28–October 2, 1942. It gives the names of 1,500 prisoners who died in the Auschwitz concentration camp during that five-day period.

At the end of this thick book is the following statement:

"This twenty-second volume of the death register of 1942, which contains numbers 31,500–33,000, is herewith closed and reference made to Volume 23."

Fifty-five-year-old Dunja Wasserstrom, a French national born in Russia, is now a language teacher in Mexico. She spent two and a half years at Auschwitz. After her arrival in July, 1942, she worked as a brick carrier in the construction of barracks. She continued to work even while running

a high fever lest someone get the idea of treating her illness in the gas chambers. After about six months a fellow prisoner helped her get work in the office, and she became camp interpreter.

"Now at least I could wash, keep myself clean. Before that I washed with tea or some sort of brown liquid. In the winter I washed with snow."

The witnesses have been revealing page after page of new and terrible pictures from the book of horrors begun over twenty years ago in Auschwitz and heretofore closed to the public. It is not so hard to understand if witnesses say that at times they cannot believe that what they experienced in this concentration camp actually happened.

"I once walked through a barrack filled with corpses, all of them stripped. Then I saw something moving between the corpses, and that something wasn't nude. It was a young girl. I pulled her to the outside and said: 'Who are you?' She said she was a Greek Jewess from Salonika. 'How long have you been there?' 'I don't know.' 'Why are you here?' And she answered: 'I can no longer live with the ones alive. I prefer to be with the dead.' I gave her a piece of bread. By nightfall she was dead."

The "welfare department" of the Political Section, in which the witness was then working as interpreter, had no jurisdiction over such cases. What they did, among other things, was to answer thousands of letters of inquiry sent by the International Red Cross.

"There were form letters and we were told to insert in them that so-and-so was not in the camp, although, according to the files, he may have been there."

The witness knows four of the defendants: Boger and Broad, with whom she had direct dealings, and Dylewski and Stark by sight. "Boger was a criminologist who loved his job. After an interrogation he would take his bicycle and ride over to Birkenau to look for something. And he always found something."

He probably hated Poles worse than Jews. In interrogations he used his terrible "talking machine": "Without the swing Boger could not interrogate."

"Boger forced me to watch. I pleaded with him: 'Please, let me leave. I can't look at this.'"

But Boger did not let her, the witness says; she had to watch. She remembers two cases particularly well:

"A Russian was put on the swing. Boger wanted to know why he had escaped. He was beaten and was almost dead when he was taken down from the swing. He was then thrown out into the hall. Two, three days later his card came into the death files."

A Polish woman was also tied to the swing: "It was terrible to see the young Polish woman on the swing."

The witness remembers one particular day in November, 1944:

"Jewish children were brought to Auschwitz. A truck came and stopped for a moment in front of the Political Section. A little boy jumped off. He held an apple in his hand. Boger and Draser [an SS man] were standing in the doorway. I was standing at the window. The child was standing next to the car with his apple and was enjoying himself. Suddenly Boger went over to the boy, grabbed his legs, and smashed his head against the wall. Then he calmly picked up the apple. And Draser told me to wipe 'that' off the wall. About an hour later I was called to Boger to interpret in an interrogation and I saw him eating the child's apple."

Nobody can quite believe that he has heard right, but the witness reiterates the description of this insane act.

"You saw it with your own eyes?"

"I saw it with my own eyes."

"You can swear to it in good conscience?"

"Absolutely."

Moreover, the SS men were never particularly reticent in front of her. They would say: "You can stick around, Dunja. You'll never leave Auschwitz anyway, you know too much."

No, before Boger's arrival there had been no "swing."

"I have no doubt that it was his doing. He always bragged about it and often said: 'This is my typewriter.'"

Judge Hofmeyer wants to know how many prisoners died after being removed from the swing.

"At least twenty."

"You can swear to at least twenty instances of prisoners dying in your presence?"

"In my presence, yes."

The young policeman sitting behind the defendant looks at him surreptitiously from the side, and Boger also turns his head. They look at each other for a fraction of a second: the one born when the other, Boger, Gestapo man and criminologist, already raged in Auschwitz. Then they again look straight ahead.

And Boger speaks his obligatory piece, jovial and without anger:

"The witness, as she herself has stated, was interpreter in our Political Section."

But he immediately becomes louder, more biting, angrier: She interpreted for him at most five times, and she was not present at even one of the rigorous interrogations.

"As to the matter of the child, I have nothing to say. That is a monstrous invention which might appeal to the press. During the interrogations not one person was ever killed by me."

And he also stresses that "during the rigorous interrogations no lady was ever present."

"Lady?" asks the witness.

Boger, without embarrassment and with a trace of annoyance that his manners are being questioned, says: "Today I may say so."

Broad was of an entirely different type, says the witness.

"I did not tremble before Broad as I trembled before Boger. He was clever, intelligent, and cunning. I never knew whether he pitied us or hated us."

His interrogations always began the same way, with the request: "Please sit down." He would question the prisoner about his schooling and profession, and also about Stalin. Then he would suddenly get up and shout at him: "You Soviet swine, how can you remain seated if an SS man is standing in front of you?"

He probably was amused by all that went on in Auschwitz. She remembers that once—after the opening of a brothel—he said: "One can't say that Auschwitz is not a model camp. Everyone works in his profession. Now we even have that."

All members of the Political Section attended the executions in the bunker, according to the witness: "It often happened when they were drunk. Then they put on white gloves and went to the bunker, and then we knew that something was again going on."

She once talked with Broad about Auschwitz: "How can you murder so many people each day?"

"He answered: 'It has to be.' He never wanted to talk to me about it again."

Did the defendant wish to say anything about that?

Broad bows slightly and politely: "No."

Dr. Czeslaw Glowacki, now a Warsaw physician, worked in Auschwitz as a stretcher bearer because he was a medical student. He had been a member of a Polish secret organization.

"I was present at almost all executions in Block 11. We picked up the corpses from the bunker in Block 11 and then they were brought to the crematory."

The witness talks about the experimental gassings of Soviet prisoners of war in the basement of the bunker block.

"I saw people clutching hair in their fists which they had torn from their own heads or those of others. I saw people locked in a tight embrace. I saw fingers that had been bitten through. The victims were kept in the bunker for about two days, so the bodies were already in a state of decomposition. The skin of the dead stuck to our hands."

of person than Klehr. Not as sadistic, and not a misanthrope. He was quieter, more pleasant in his attitude toward people. I can remember no instance in which Scherpe ever struck or kicked an assistant as did Klehr." But the witness saw how Scherpe "personally administered injections in Block 20. It happened during the murder of children from the vicinity of Zamosc. There were so many of them that they had to line them up between the barracks. Some of the children were led into the area of Block 20, where Scherpe killed them while the others were still playing outside. There were more than 100."

He remembers this case so well because Scherpe had suddenly paused. "We thought he was conscience-stricken and that was the reason he broke off in the middle of murdering the children. I clearly remember him stopping. He left, and we never saw him again after that. Hantl took over. Hantl finished the murder of the children."

The words are pale and dispassionate. And yet they conjure up the terrible moment when the children of Zamosc put their thin arms across their mouths, the poison needle jabbed between their skinny ribs, and they fell down like cut blades of grass and were dragged out to the other victims, to make room for those who were still playing outside.

Once more Dunja Wasserstrom is called. Judge Hofmeyer wants to be certain. Did Boger really grab a child by its legs and smash its head against the wall?

"Is what you have told us the absolute truth?"

"I swear it is."

The Polish surgeon Dr. Thadeus Paczula, a former inmate of Auschwitz, was arrested by the Gestapo in December, 1940, as a resistance fighter and brought to the camp. The number tattooed on his arm was 7,725. Beginning in summer, 1942, he kept the death register of Auschwitz, and into it he entered 130,000 names in the next two years. His memory is as astonishing as is the fact that he, a witness to the atrocities, was sent into combat on September 27, 1944, to fight for the "final victory" at the Italian front. Paczula deserted to the British and fought in the Polish Corps against the Germans.

Judge Hofmeyer is surprised that Paczula gives a figure of only 130,000 for the recorded dead during the two years. According to existing documents, he says, there must have been many more. The witness explains the discrepancy. He only recorded those who had been given numbers in the camp and for whom file cards existed. Those who were gassed as soon as they arrived—there were millions of them—did not get numbers.

"The register was a thick volume bound in black. I filled several such

particular, said that "for the so and so many special treatments on this and that day—the number and date would be given—so and so much liquor, cigarettes, and money is requested.

"Yes, I wrote that myself."

The forty-four-year-old barber Leon Czekalski, a Pole, is on the stand: "Bednarek was a man of very weak character. The defendants taught him to murder.

"I saw the following: When Bednarek came across someone sick or a *Muselmann*, he punished him." Czekalski gets up, goes into a knee bend, and lifts his chair: "This is how they had to stand for hours in the hall. If they keeled over, Bednarek hit them with a stool or with a stick."

"And when the people were dead, what did he do then?"

"Then he rounded up four prisoners and they had to carry the bodies to the morgue in a blanket."

"Did you also see what Bednarek did after that?"

"Yes. After he killed them he went into his room and prayed."

"And then?"

"Then he'd come and continue to beat prisoners."

"How many people did he kill in this way?"

"About ten or eleven."

"What experience did you have with Bednarek when he was senior block inmate in the penal company?"

"He had changed a lot. But there I no longer had any direct dealings with him because the front was moving closer. It was November, 1944."

A Polish witness, Karl Doering, is speaking: "Bednarek was senior block inmate in the penal company. I was not directly under him because I was not in his block. But I happened to see him mistreat prisoners until they died, the first time in spring, 1944. One day I came into the block of the penal company. I knew one of the room seniors and visited him after roll call. While I was there I heard something going on. After a while Bednarek came into the corridor with a German prisoner, not from the penal company. Bednarek was hitting him with a stick. As I found out later, the man being hit had wanted to bring one of the prisoners of the penal company some food. Bednarek hit him blindly on his head and in the stomach until he fell over. Then he put the stick across his neck and stood on both ends of the stick with both his feet. In this way he throttled the prisoner. I was afraid that the same thing might happen to me, so I stayed put until I could sneak away unnoticed."

"Was Bednarek standing still on the stick?"

"He rocked to and fro on both ends of the stick."

"Until death set in," adds Judge Hofmeyer.

"It took some minutes."

Bednarek accuses the witness of lying: "I can only say that there isn't a word of truth in this."

"Did Bednarek ever do you any harm?" Judge Hummerich wants to know.

"No," says Doering.

The fifty-one-year-old engineer Jan Pilecki has come to Frankfurt from Tokyo. He is a member of a Polish trade mission. This former Polish resistance fighter was one of the first prisoners brought to Auschwitz. Arrested on the Hungarian frontier by Ukrainians while attempting to get to France via Hungary, he was handed over to the Gestapo. He reached Auschwitz on June 20, 1940, where the prisoner number 808 was tattooed on his arm. He was assigned to the electrical work detail.

Sent to the penal company for listening to "enemy broadcasts," Pilecki in the course of time succeeded in becoming company clerk of the penal company, and in December, 1942, he became clerk in the notorious prison bunker of Block 11.

The witness walks through the rows of prisoners and identifies Boger, Kaduk, and Schlage by name, and still remembers the faces of Dylewski and Broad. He says: "Mr. Kaduk is laughing. He probably has also recognized me again."

Judge Hofmeyer wants to know which prisoners were taken to the prison cells and how they were registered there. The death notices could not state that prisoners had been shot or had starved to death: "They were entered as having been transferred to the hospital."

Judge Hofmeyer: "But that was a lie."

"It was not the only one."

"Why did they do it?"

"In order to keep the deaths secret."

"Who ordered that?"

"The order came from the Political Section."

According to Pilecki, hundreds of men and women were sent directly to the prison block by the Gestapo office in Kattowitz, whose staff members then came to the camp and held a "summary court" session. In addition to the list of prisoners they also brought along blank death sentences signed by the district chief of Silesia, on which they merely entered the names of the victims. The summary court sat in the office of the prison block around a table covered with a green cloth. The so-called police prisoners were brought in one by one, and came out after less than a minute, having been sentenced to death. They were immediately shot at the Black Wall.

were standing in front of the building. The interrogation lasted until 11 P.M.

"Next day I was interrogated in the same fashion and taken back to the bunker with my hands tied behind my back. The interrogations went on for days. In the bunker I went through terrible things. I was put into a standing cell and had to stand there for six weeks with my hands tied behind my back. I got food only every three days. Around me prisoners were dying from hunger. Kurt Pachala from Breslau died in the cell next to me after fifteen days. Also a French Jew, a Russian, and a Pole. Prisoners who did not get food for three days were sentenced to death by starvation. Kurt Pachala, who at the end ate his shoes, died on January 14, 1943. It was my birthday. The SS men didn't know what it was like to die from hunger.

"The door never opened. One could shout and curse Hitler and everybody else. Nobody would come. Death from hunger is not an easy death. Hunger pangs cease after five days. After seven days thirst sets in. The prisoners screamed, begged, pleaded, licked the walls, and drank their own urine. After thirteen days the prisoners would collapse. They stopped talking, only moaned, and tried in vain to call for help. After fifteen days they died.

"One day Boger came for me. I again stood in the hall with my face to the wall and was not allowed to turn around. Whoever turned around had his head bashed against the wall—which meant broken teeth or a broken nose. I heard screams, but this time saw no mistreated prisoners in the hall.

"When I was called in I saw plates of herring on the table, the so-called Boger salad, prepared by Boger. When I came in, Grabner asked whether I was hungry. I said no, because I really wasn't hungry. But Grabner said: 'I know when you last ate. You will get to know my soft heart today. Today I'll give you some food.' Then he called Boger and told him to give me something to eat.

"Boger took me and the salad into his room and ordered me to eat. But I couldn't because my hands were bound. I asked him to free my hands because the handcuffs were cutting deeply into my flesh. I still bear the scars."

Kral lifts up his hands and shows his scars.

"Grabner opened my handcuffs and Boger gave me the herring. It was terribly salty. The point was to make one very thirsty. After finishing half the plate I vomited. Boger kept on hitting me until I finished everything. When I was through something still stuck in my mouth and Boger called out: 'Watch out so he doesn't spit out the rest in the hall.'"

Kral describes further tortures:

"I was brought to the attic of Block 11 and hung up with my hands tied

behind my back. My wrists nearly split open and I was in excruciating pain. A pail of water was standing before me and I was asked whether I wanted to drink. They laughed and kept moving me around to increase the pain. After fifteen minutes I was taken down and interrogated. If a prisoner still didn't talk, he got twenty-five lashes on his backside and was tied to the post for another fifty minutes. One could only last there two hours, then the circulation in the arms was gone. There were such prisoners in the bunker. They never came out again.

"Later I was again interrogated together with my comrades, in the presence of Security Service men from Berlin. Boger interrogated and mistreated the prisoners until they died. He told us: 'If you don't tell the truth, the same thing will happen to you.' First Janicki was put on the swing and tied hand and foot. One SS man put him into proper position and two others alternated hitting him. They simply made mincemeat out of Janicki. He was torn to bits. Afterward Boger threw him out into the corridor. After a while he moved his lips; it was obvious that he was thirsty, because he stuck out his tongue all the way. Boger went over to him and pushed his head around with his boot.

"After that Zdzislaw Wroblewski was called in for interrogation. When he had been beaten by the two men, Wroblewski said he wanted to confess everything. He was taken down and was gone with Boger for half an hour. When they returned, Boger brought an old rusty pistol with him. He struck my jaw with it and said: 'We finally got what we were looking for.'"

The two tortured comrades were brought back to the bunker. Janicki didn't last the night.

"Next morning Boger opened the cell. 'Get up, you swine,' he called out to Wroblewski, who was lying on the ground. But he couldn't move, so Boger reached for his pistol and shot him," the witness says. That same morning, Kral, who had spent six weeks in the standing cell, was released from the bunker and came to the hospital building. There he found out that some of his comrades had not survived the tortures.

"Were you charged with the same things as the others?"

"Yes. Everyone was asked. But we did not know what it was all about. We were supposed to talk. No one knew what it was about. Only later did I find out. I was asked whether I belonged to a secret organization."

Judge Hofmeyer orders Boger to stand up and asks him whether, "in view of this terrible tale," he does not wish to say something. Boger looks at him for a long time without saying a word.

"Mr. Boger. Do you consider this account of the witness incomplete?"

"Incomplete and not true in all respects."

"You told us that you never fired a shot in the camp."

"And I still say so today."

"All right, then. You may sit down."

Josef Kral tells of the death of a prisoner:

"Stark walked straight up to him. It was in the gravel pit. He asked the prisoner why he was working so slowly and hit him across the neck with the handle of the shovel." In desperation the young man called upon the Virgin Mary for help. "But Stark said: 'Now no black Madonna will help you' and killed him."

Kral knew Stark from the time when he worked in the construction detail. In the summer of 1941, Kral was doing masonry work in Auschwitz I; close by some prisoners were trying to excavate a ditch filled with water. The witness says that Stark, carbine slung over his shoulder, was escorting three civilians to Block 11. Because the prisoners turned around to look at the civilians, Stark made them jump into the water-filled excavation. Two of them drowned.

When Stark returned from the prison block with another SS man, the two of them and the SS men guarding the prisoners amused themselves by chasing the twenty men of the work detail into the water hole.

"They had to jump into the water and swim. Then they ordered a prisoner named Isaac—he was called Isaac the Strong in the camp—to drown his comrades. Finally they also ordered him to kill his own father. In the act of drowning his father, Isaac went berserk and started to scream. So Stark shot Isaac in the water."

Attorney Erhard, Stark's defense counsel, asks the witness whether he had discussed his testimony with Smolen, the director of the Auschwitz Institute. No, the witness says, he has not discussed Auschwitz with anyone. And then Kral says something rather peculiar: He was ashamed of the people who had done "things like that" and also he had never understood why they didn't kill people in a "more humane fashion" in Auschwitz, by gassing or some such means.

The defense wants to know when the witness was doing masonry work, where and when he was digging ditches, where he had seen the man "whom he took to be Stark," where Stark was working. At issue are two murders of prisoners and the credibility of the witness, about whom Defense Attorney Dr. Staiger says: "The testimony keeps on changing constantly."

But Judge Hofmeyer sees things differently:

"No, no, no, Mr. Staiger, it is you who are confusing things." Then he has one of the cases put into the record:

"I saw with my own eyes how one of my fellow prisoners [the witness does not wish to give this prisoner's name because his parents still believe

"There was deadly quiet everywhere. All patients in the block knew exactly what was happening in Block 20, while the chosen victims did not know what was awaiting them. The medical orderly then went to Room 1."

That was a room with windows painted white, a small table, and a bag of hypodermics. There were long needles, injection needles, and "a glass filled with a yellow-pinkish liquid. That was phenolic acid. In addition there were two stools and a hook on which hung the rubber apron of the orderly."

The first victim was then called up from the list. "The prisoners lined up for death did not see what was happening." A big gray-green curtain hid the "treatment" of their comrades from their eyes. After the lethal injection, the witness says, the victims were led into the washroom across the hall by two prisoner-orderlies, and there, "still in their death agony," were thrown on the floor. It was a matter of pride that they sometimes killed two or three prisoners in one minute.

But not only those designated for extermination by the doctor were "injected." According to the witness, the defendant Klehr helped out.

"Defendant Klehr loved round figures. He would go into the hospital of Block 20 and select as many patients as he needed to round out a figure."

Patients picked out by the camp doctor during his hospital rounds were also murdered.

"Those were not sick calls meant to save the lives of prisoners, but only inspections, to see whether the hospital wasn't overcrowded. If there was overcrowding, then he would select patients for killing. Those were the so-called small selections. He looked at the fever charts. He wanted them kept accurately and neatly."

Those most in danger were the patients who had been hospitalized for some time. Even convalescents were frequently selected. The big selections, which sometimes took place once a month and sometimes every two weeks, were an important component of the machinery of death.

"It depended on how crowded the hospital was."

The stripped patients had to file by the camp doctor, "and he decided just by looking whether the patient would be allowed to go on living or whether he was to be killed. Sometimes between 200 and 300 persons were condemned in one of these large selections."

Judge Hofmeyer: "What was the round figure that Mr. Klehr liked?"

The witness explains that Klehr would round off twenty-seven to thirty, twenty-three to thirty, thirty-three to thirty-five or forty.

"How do you know this?"

"Well, I saw how Klehr came to the patients in my ward and I saw how Klehr ordered them killed."

"How was the order given?"

"He would say: 'You come along, you come along . . .' The prisoners then had to get up and join the others in the corridor."

"As to the murder itself, who carried it out?"

"In most cases an SS medical orderly. But there were prisoners who were so terrorized that they also 'injected' their comrades."

Had he seen murders and pheno^l injections with his own eyes?

"I only saw it once, and that was the defendant Klehr, and only once."

He remembers Klehr, coatless and with rolled-up shirt-sleeves, wearing rubber gloves and a rubber apron, holding a hypodermic in his hand. A prisoner sat on the chair, his right hand behind his neck, his left behind his back, "so that the spot could be found easily." Sometimes the eyes of the victims were covered with a towel, at other times they were ordered to hold their own left hand in front of their face.

How often had he seen Klehr making selections on his own?

"A number of times, ten or twenty, I don't know exactly. I was struck by it because he was concerned with rounding off figures."

"Did you yourself see the needle marks on the corpses?"

"Yes."

What did he know about Scherpe and Hantl?

"They, I must say, were much more quiet SS men, not as malicious as Klehr."

"Did Scherpe and Hantl also carry out killings?"

"I did not see it, but I observed the same procedure as with Klehr."

There was no doubt that they, too, killed.

In January, 1943, children, two boys aged ten and fourteen, were killed by injection for the first time.

"The two boys came into the washroom of Block 20. They were wearing civilian clothes. They were ordered to undress. Then they singly went through the corridor into Room 1. I did not see what took place behind the curtain of the murder chamber. I only saw the bodies."

This witness also knows about the children from Zamosc. It happened in February, 1943.

"One morning a group of thirty or perhaps forty children arrived at the camp. They played happily in the yard of Block 20."

The prisoners gave them everything, "the best they had. Even a ball somehow turned up. In the afternoon came the order to kill the children. They were led into the washroom, and told to undress and line up. And then Scherpe came; I still remember that."

Klodzinski speaks of the dead silence in Block 20 at that moment; nothing was heard except thumps—"It was a muffled sound"—as the heads and bodies of the slain children fell to the floor of the washroom.

"Suddenly Scherpe came out of the room and said: 'I can't anymore,'

The witness remembers that Klehr, in the summer of 1943, led two doctors, one Pole and one Czech, into the yard between Block 20 and Block 21, and there "he did exercises with them." Afterward he sent the one who was still alive, the Pole, back.

"He took Dr. Samson to Block 20, and there he injected him. I saw the body an hour later."

"How did you know that Klehr had killed him?"

"Everyone knew it."

The causes of death on the death certificates were limited to a few stereotypes. Fejkiel recalls that "a very well-known lawyer, an Austrian, who was shot and whose body I saw," officially died of pneumonia. Once Dr. Rohde ran into a little problem. A German prisoner allegedly died of phlebitis in his right leg. But a letter came back from Germany asking how this could have happened since the man had no right leg. It had been amputated.

Scherpe had behaved decently in Auschwitz, "but he too killed with phenol, but of course much less frequently than Klehr."

"I know Hantl only through that one case with the Zamosc children. Prisoners said that Scherpe simply collapsed and Hantl finished the job."

Fejkiel estimates the number of these children killed at a hundred at most. "We had gotten hold of a balloon for them, and they were playing between Blocks 20 and 21."

The witness recalls the big typhus selection on August 29, 1942. The hospital was surrounded and trucks pulled up to take the people selected to the gas chambers.

"All were taken out, even the mortally ill, as well as the straw pallets on which they were lying. This campaign was led by Dr. Entress."

The chief medical officer was also present, "and every time he showed up, word went through the camp that things would get worse, except in the case of Wirths."

"Who was then chief medical officer?"

The witness says Dr. Uhlenbroock, now a practicing physician in Hamburg.

"Entress decided who had to get on the truck."

There was an interesting conversation between Entress and a former Polish Minister of Health, who said to Entress: "I am an officer and you are an officer. You are a physician and I am a physician." Entress answered: "I know, and you deserve this rest before anyone else. Please, won't you get on."

Fejkiel reports about an experiment performed on four prisoners in 1944. Dr. Capesius, Dr. Weber, and Dr. Rohde fed them some sort of coffee-like brew and they lost consciousness: "All of them died from it."

gotten but did not get—who had to go into the gas and who would be allowed to live.

“As a rule, if a patient was not fit for work after two weeks, he was marked for death.”

Once, the witness says, he saw how Entress “left the work to Klehr and then went away.”

De Martini claims that in early 1943 Klehr had been his superior in the hospital. Klehr denies this. The witness says that he can produce a letter written by Klehr during that time. The defendant Scherpe had also written him. The witness claims to have kept these letters as mementos. After his release from the camp and his conscription into the army he had, as sort of a joke, written to his former guards.

Only once did he see how a prisoner was killed by injection. “It was dangerous to watch.” The prisoner was put on a chair and held down by two other prisoners.

“Who did this when you were watching?”

“Klehr.”

The witness tells of moral scruples in the camp. Twelve or fourteen boys aged eight to fourteen were brought to the camp for stealing coal from freight cars at railroad stations. The boys were scattered in various barracks.

“Then one day they said it was immoral to have these boys sleep with men. So in order to preserve morality the children were ‘injected.’ Thus morality in the camp was preserved.”

Various groups within the SS—for example, medical doctors and the Political Section—fought each other.

“Each wanted to have his way.”

One night a list of names was stolen from Klehr’s desk. On this list, many of the names, including that of the witness, were bracketed with the notation “Can go. Grabner.”

“That meant that they could go to Birkenau, into the gas.” Next morning, however, there was quite a scene between the medical officer and the officer in charge, Aumeier, and the doctor kept the transport from taking off.”

Judge Hofmeyer: “If Dr. Entress had joined in this . . .”

Witness: “Then all would have been transported.”

The witness said that all officers were assigned to work on the ramp—that is, in selections.

“Many Jews were asked if they had any physical troubles. They thought they might be given easier work if they said they did. But they were immediately sent into the gas.”

He had had many conversations with Klehr, also about Klehr’s work.

be rid of their torturers and torture forever. The numbers were to facilitate the registration in the mortuary or crematory. Meanwhile Aumeier, Grabner, and some of the other SS men had gone into the yard. The majority, however, had already left. Nobody felt at ease in the presence of Grabner, for it was dangerous to be forever reprimanded for softness by a Gestapo man. At that, most of the men were fanatics who were anything but soft by nature.

The Black Wall stood against one of the stone walls in the yard of Block 11. For thousands of innocent people, patriots unwilling to betray their countries for material advantages, men who managed to escape the hell of Auschwitz only to be recaptured, for patriotic men and women from all German-occupied countries, this wall of black cork had become the last milestone on their road through life. The detail leader or a prison guard carried out the executions. In order not to attract the attention of people passing on the outside road, which was not far from the stone wall, small-caliber rifles with chambers holding ten to fifteen bullets were used. Aumeier, Grabner, and the executioner of the moment, who held the loaded rifle behind his back, would stand around proudly reveling in their sense of power. In the background stood the frightened stretcher bearers, waiting for their sad cargo, unable to control the horror in their faces. Next to the Black Wall stood a prisoner with a shovel. A particularly strong prisoner of the clean-up detail would bring in the first two victims, holding them by their arms and pressing their faces against the wall. "Proste!" ["Straight ahead!"] someone shouted in case they turned their heads to the side. Although these walking corpses, some of whom had spent months in a stinking basement not fit for an animal to live in, could hardly stand up, many of them still managed to cry out at the last moment: "Long live Poland!" and "Long live freedom!" When that happened, the executioners fired very quickly or tried to make the prisoners shut up by beating them brutally. The power-conscious SS people might possibly have laughed, but they did not like to hear such testimony to national pride and such indomitable love for freedom, which no amount of terror could vanquish. That is how Poles and Jews died, people whom Nazi propaganda called whining slaves, who had no right to live, or not nearly the same right as Germans. Whether men or women, young people or old, almost without exception these people pulled themselves together with their last bit of strength and died on their feet. No whining for pity; instead, looks of abysmal contempt, which these primitive murderers repaid with sadistic fury. Almost soundlessly they fired shot after shot. The victims collapsed, gasping. The executioner bent down to see whether his shots, fired from a distance of only a few inches, had found their mark. He would step on their faces and pull back the skin to see in their eyes whether they were

dead. Aumeier and Grabner stood by as expert observers. If a victim still breathed, then one of the two would say: "He has to get another one." A bullet into the skull or eye then put a definite end to this unhappy life. The stretcher bearers rushed around in double time, piling the bodies on the stretchers and throwing them down at the other end of the yard. More and more bleeding bodies piled up. For minutes blood would continue to flow from the bullet hole in the back of the head and run down the back. Wordlessly and without any sign of their inner turmoil, prisoners with shovels covered the foaming pools of blood with sand after every pair of executions. Mechanically the executioner reloaded his rifle and carried out execution after execution. In case of a delay he would lower his weapon, whistle to himself, or chat with the others about all sorts of insignificant matters. This cynical stance was supposed to prove that it did not bother him "to mow down this pack," how "tough" he was, his pride in being able to kill innocent people without any qualms. A prisoner who moved his head would get the barrel of a gun pushed against his neck and his face pressed to the wall. The same thing happened to those who shouted patriotic slogans, for the SS people sensed the moral strength and support the prisoners on the other side of the wall derived from this last manifestation of fanatic faith by these tortured martyrs. Frequently the last moments of the people at the Black Wall were prolonged painfully. They felt the cold, blood-covered gun barrel being pressed against their neck, they heard the click of the trigger . . . misfire. Looking bored, the executioner would stop, examine his weapon at length, tell the others standing around that it might be advisable to buy a new gun. Nobody bothered about the agony of the victim waiting at the Wall. His arm would be held in an iron grip. Finally the gun would be pointed again. This time it might work, but there could of course be repeated misfirings. After half an hour this indescribably horrible performance would come to an end. Grabner had "cleaned out" his bunker and now could sit down to a decent breakfast. The yard of Block 11 became completely deserted; the sand in front of the Black Wall was freshly hoed; a swarm of flies danced around a few dark-red spots at the other end.

Once or twice a month the "Police and Summary Court" of the State Police office of Kattowitz was convened at Auschwitz. At those times, the top boss of Upper Silesia, SS Obersturmbannführer and Oberregierungsrat Dr. Mildner, would make an appearance. This man was one of the most bloodthirsty slaughterers in the Third Reich. He even looked like a despot. His most striking feature was his broad, bull-like head, out of which two ice-cold, cruel eyes stared at one searchingly. He headed the State Police office of Kattowitz and presided over the summary courts. The sessions were

always held at the Auschwitz camp because there the sentences could be carried out immediately.

The organizational preparations for summary-court sessions were carried out by Kriminalsekretär Kraus, also a member of the Kattowitz Gestapo. He wore an SD uniform. This seemingly innocuous clerical type with his thick glasses did not look like a man in charge of this special assignment. The victims of the summary court were brought to Auschwitz from prisons, primarily from Byslowitz, by truck.

In mid-1943 a peculiar procession could be seen every morning at Auschwitz. It wound its way from the camp gate, across which huge letters proclaimed that "Work makes man free," to a former postal barracks which had been turned into an interrogation room. At the head of the procession were two police prisoners who carried two strange-looking wooden scaffolds that looked something like hurdles. They were followed by sixty to eighty other police prisoners who could just barely make it to the interrogation room and many of whom helped to prop each other up. A large number of Gestapo employees brought up the rear of this sad procession. Some had horse whips stuck in their gun belts or the specially treated, dried bull whips so familiar in all concentration camps. Typewriters and thick file folders were also part of their equipment. Guards with automatic pistols escorted the weak, unresisting prisoners. The Gestapo men disappeared with the wooden scaffolds, and the prisoners whom they wished to interrogate first followed them into the barrack. The majority had to wait outside under guard. Before long, one could hear the shouts of the interrogating Gestapo men, the noise of chairs falling over, and resounding slaps. The terrible cries of the tortured victims could be heard far away. Everyone who was not prepared to confess his "guilt" or who was suspected of knowing something about arms caches or the names of "gang members" was treated brutally. Not too many people in Auschwitz knew the significance of these wooden scaffolds. Those who did knew that they were "swings," the name by which these torture instruments were known. A Gestapo man had been the inspiration for the construction of the swing in Auschwitz. He had come from a Gestapo office to interrogate a prisoner. Suddenly a strangled, muffled moaning came from the room he was in. The scene that met the eyes of those entering surprised even concentration camp people who had become used to all sorts of things. Two tables stood about three feet apart. The victim was made to sit down on the floor and fold his hands in front of his bent knees. Then his wrists were handcuffed, a heavy rod inserted between his elbows and knees, and the ends of the rod put on the tables. Thus he swung helplessly, head down, between the tables. The victim was then hit with a bullwhip on his backside and the soles of his feet so violently that he would make an almost complete somersault. Ev-

everytime his backside came into proper position he would be hit full force. When his cries became too loud the sadistic Gestapo fiend would put a gas mask over him. Now only stifled moans were to be heard. From time to time the mask was removed and he was asked whether he was now ready to confess. The victim of some informer or other, he had been accused of possession of a weapon. After about fifteen minutes the convulsive movements of the tortured man abated. He was no longer able to talk and only shook his head feebly when the gas mask was removed and he was asked to confess. His pants had become drenched with blood and the blood trickled to the floor. Finally his head just hung down motionlessly; he had become unconscious. The Gestapo man, however, was by no means dismayed. With a knowing smile he pulled a flask with a highly pungent liquid from his pocket and held it to the prisoner's nose. After a few minutes the man regained consciousness. Since his backside was already so bloodied that further beatings could hardly have increased his pain, the inquisitor had a fresh idea. He dripped hot water into the nose of his prisoner. The burning pain must have been unbearable. He had achieved his goal. In response to a new question, posed with mocking certainty, the brutally abused man nodded his head. Now the rod was taken off the table and upended, so that the chained man slid down, and the rod was removed. The handcuffs could be removed from the discolored, swollen wrists only with difficulty. The prisoner was lying on the floor lifelessly. When he was unable to follow the order to come to the table and sign his "confession," he was hit over the head with the bull whip and kicked. Finally he managed to get to his feet and with fingers hardly able to hold a pen he signed his "confession." From the shaky letters and the perspiration on the paper an expert could tell that this was a "rigorous" interrogation, conducted "with all the means at one's disposal," or, as is frequently said in interrogation reports, it was a "probing questioning." This method was in favor in Auschwitz. But they considered this arrangement with the two tables on which the rod moved around and sometimes rolled off with the prisoners too primitive. They therefore had two wooden scaffolds made by prisoners in the carpentry shops and fitted with removable steel poles. Thus they achieved an intensification of the torture, because the victim could now be turned around the pole as well.

Then came the day on which 210 police prisoners were to be brought before the summary court.

Kraus called the first name. The SS guard passed the word on to the clerk, who sat in the next room with the prisoners. From among the softly murmuring crowd of people who were now waiting for their death after long, unspeakable suffering, a weak voice answered "Present," and a hollow-eyed figure stepped forward. The clerk helped him to the door of the

room. Being himself a prisoner, he knew that he might meet the same fate in the near future. The prisoner was ordered to stand right next to the door. Mildner read the verdict: "According to the findings of the state political investigation, the Pole . . . has violated the laws of the Third Reich by . . ." That is how it usually began, and it ended with the monotonously and unemotionally read sentence: "The Police and Summary Court of the State Police office of Kattowitz condemns him to death." The session lasted less than two hours. Of the 210 persons, 206 were sentenced to death, and 4 ordered into protective custody. Mildner hurried to the executions. He would not have wanted to miss the execution of the sentence for anything. The condemned men were lined up in rows of 5 in the yard of Block 11. On this day the executions were not to take place at the Black Wall of Block 11, because there were so many, **but right** at the crematory. A covered truck backed up to the gate. The medallions and other last, dear mementoes thrown away by the prisoners in the yard looked like symbols of a farewell to life. No one thought of resistance. With death awaiting them, each thought of the past and of those he was leaving behind. The truck drove away and came back, over and over again. Each time it was jammed full of people. Mildner's big blue car was already waiting in front of the crematory. The Old Crematory of Auschwitz was about 300 feet from the compound. Originally it was said to have been a storage shed for beets. The brick building was then enclosed by earth fill on three sides, in which grass, small trees, and lovely flowers were planted. The roof was made of a special concrete. A high wall with a huge gate enclosed a space in front of the actual entrance, and each evening the piled-up carts coming from the mortuary of Block 28 brought the corpses and unloaded them out of view of unwelcome onlookers. When the ovens, in which four to six bodies could be cremated simultaneously, were newly lit and the thick black smoke poured out of the chimney—or at night, when a high flame visible for miles round shot out through the chimney—then the significance of this hill must have become clear to all. On the side opposite the street the earth fill was interrupted in order to permit air to get into the oven through a barred window. From the dark room one could hear the eerie sound of steel rods and shovels with which fuel was shoveled into the ovens and the bodies pushed in. The interior of the crematory consisted mainly of the oven chamber, a vestibule, and the big mortuary with its six covered air vents and exhaust mechanism.

The condemned prisoners were standing in the yard of the crematory. The wrought-iron lamp over the door, reminiscent of the entrance into a comfortable house, seemed ironical at this gate, through which countless people passed without returning and over whose threshold carloads of bodies were carted daily. The summary court prisoners were taken into

the vestibule in groups of forty and ordered to undress. An SS guard stood at the door of the mortuary in which the executions were to take place. He took ten into the room at one time. The shots and the thud of the falling bodies on the concrete floor could be heard in the vestibule. Heartbreaking scenes took place. Mothers had to part from daughters; men of military bearing shook hands for the last time; others said a last prayer. While all this was going on, murder most foul was being committed in the mortuary. The groups of ten nude prisoners were led into the chamber whose walls were covered with blood. The bodies of the dead prisoners were piled up in the rear. A wide ribbon of blood ran through the center of the room into the drain. The prisoners were ordered to go up close to the dead bodies and line up. Their feet became stained red by the blood in which they stood. Some of them recognized close relatives, perhaps fathers, among the dying. SS Hauptscharführer Palitzsch carried out the executions, killing one after the other in his practiced fashion. The mortuary became more and more crowded. Mildner, who was present with his staff, watched the executioner do his work with cold eyes. The corpses were also piling up around him. Finally the guard called in from the vestibule that there was nobody left. Palitzsch then walked around amid the bodies to administer a final shot to anyone who was still moaning or moving. Mildner watched him with a meaningful, demonic smile and slowly raised his hand for the Hitler salute, a pose he held for several seconds. Thus he expressed his approval to the executioner. Finally Mildner turned away and, with his hand raised jovially in farewell to the SS people to the left and the right of him, he clambered over the corpses and toward the exit.

Department II, meanwhile, was kept busy signing the execution reports. Cause of death: Bullet wounds in the chest, including one heart and two lung shots, is the usual finding. They were very careful, and even in this sham report they never said in writing that in National Socialist Germany people were being shot in the back of the head.

In the winter of 1941-42, about 12,000 Russian prisoners of war were brought to Auschwitz. According to figures in the registry it seems that barely six months later only 150 were still alive. These 150, however, had succeeded in gaining the confidence of the SS men and in getting assigned to work details where there was a chance of survival. After a while they even earned such trust that they were assigned to search parties looking for escaped prisoners in the vicinity of the big guard chain. The fact that they never found any prisoner who was hiding until it got dark enough for him to try to get away did not strike anyone as peculiar. The camp administration was highly surprised one evening to receive a report that ninety Russians had broken through the guard chain one night while on a search

party and had escaped. A search with bloodhounds and all available troops was instituted immediately but met with little success. But how small the number of those who succeeded in getting out of Birkenau alive compared with the many thousands who starved or were murdered there. Russians were as insignificant as Jews. Aside from these 12,000 prisoners of war, there was a constant flow of Russians and Ukrainians whom the commandant of some prisoner-of-war camp had found to be too active politically or too obstreperous; some were even sent in by Russian-manned units fighting on the German side. These latter came to Auschwitz because of "political unreliability" or because they were suspected of having been Soviet commissars. They were usually shot in Block 11 before they knew quite where they were. The same fate befell those Russians, Cossacks, and Caucasians in units trained for political work behind the Russian lines under the aegis of the SD. Anyone who attracted attention was apt to land in Auschwitz. These Russians frequently arrived by car not suspecting what was happening. They came to with a jolt when the driver, a German SD man, informed them that they were staying and that he was returning alone. That happened to many Russians of the so-called "Zeppelin" unit, which had been prepared for intelligence service in the vicinity of Auschwitz by an SD Untersturmführer. Nobody, certainly not their former comrades, knew what had happened to them.

The Russians brought to Auschwitz in 1941-42 came to Birkenau, which had just been set up. The misery there was indescribable. People went out of their minds with hunger. They fell on every scrap of food, every piece of beet root, like vultures. The dead were taken off to the crematory at Auschwitz by the cartful every evening. The dying, who could no longer take the indescribable suffering, crawled on the carts voluntarily and were then slaughtered like animals. Thousands of prisoners of war were shot in a copse near Birkenau and buried in mass graves. The graves were about 150-200 feet long, 15 feet deep, and perhaps just as wide. The camp administration had solved the Russian problem to its satisfaction. Then came the day when the German press started to raise the cry about Katyn. The camp administration was reminded unpleasantly of its Russian graves. At the same time the fisheries began to complain that the fish in the ponds in the vicinity of Birkenau—for instance, near Harmense—were dying. Experts said this was due to the pollution of the ground water through cadaveric poison. But that was not all. The summer sun was beating down on Birkenau, the bodies, which had not yet decomposed but had only rotted, started to swell up, and a dark red mass began to seep through the cracks of the earth, spreading an indescribable stench throughout. Something had to be done quickly. In view of Katyn, mass graves in which the cadavers obviously did not decompose—and, what's more, reappeared—

were something they could not afford. SS Hauptscharführer (later Obersturmführer) Franz Hössler, who was arrested in Belsen in 1945, was ordered to dig up the bodies in all possible secrecy and have them burned. He picked out twenty to thirty very reliable SS men for this job. They had to sign a statement that if they violated their oath of secrecy or even hinted at the nature of their job they would be punished by death. Of course it could not be expected that these SS men would personally wield a shovel to remove the evidence of this shameful deed. There were enough prisoners to do this. Hössler's special detail tackled the job in two shifts, using a few hundred people of the Jewish faith from all German-occupied territories. Many of the prisoners refused and were shot. The SS men supervising the disinterment and cremation of the rotting but partially preserved cadavers received daily special rations from the SS kitchen: 1 quart of milk, sausage, cigarettes, and, of course, liquor. The prisoners of the special detail in Birkenau were housed in separate blocks surrounded by picket fences. For weeks, thick, white smoke continued to rise from that isolated tract of land, a rather pleasant-looking area not nearly so swampy as the rest of the camp. Access to it was by special identification only, but the odor emanating from it testified to the truth of the rumors about the white clouds over Birkenau.

One day the bodies of Russian prisoners of war were dragged out of a dark cell and left lying in the courtyard. Although comparatively fresh, the bloated corpses had a peculiar bluish cast. Some of the older prisoners who had been in World War I remembered having seen corpses that looked just like these. Suddenly they realized what was going on . . . poison gas!

The first experiment in the biggest of the crimes planned by Hitler and his helpers—plans put into horrible and irrevocable execution—was a success. The biggest drama, which was to claim the lives of millions of ordinary, unsuspecting people, was about to be launched.

It began with SS Hauptscharführer Vaupel picking out six highly reliable men of the First Company of the Auschwitz SS Death's-Head unit. Vaupel preferred old General SS members. They were told to report to Hauptscharführer Hössler, who impressed on them the need for complete secrecy about everything they were about to witness. These six men were to seal off all roads and streets within a given distance around the Auschwitz crematory. Nobody was to be allowed through, regardless of rank. The offices with a view of the crematories were to be evacuated. The troops quartered in the first story of a building near the crematory were not allowed near the windows, because they opened out to the roof and the courtyard of that dark place. After all preparations were completed and Hössler was sure that no unauthorized persons were in the closed-off area,

a sad line began to move through the camp. It was coming from the ramp that ran between the garrison stores and the munitions works alongside the railroad tracks leading into the camp. There the people who were slowly wending their way toward an unknown goal had been unloaded from cattle cars. All were wearing large, yellow Jewish stars on their poor garments. Their faces bore the traces of great suffering. Most were elderly, and until their unexpected transfer they had operated machines in factories. They were obviously willing to continue to work with all their strength. The line was taken to the crematory by guards who carried unobtrusive pistols in their pockets rather than rifles. In accordance with Hössler's orders, the SS men reassured the people that they would all be put to work using their skills. Before this, new arrivals had been treated brutally by the guards, but now not an angry word was spoken. Between 300 and 400 people were in the line. The SS man at the gate waited somewhat nervously for the last person to come through the gate. He then closed and bolted the door. Grabner and Hössler stood on the roof of the crematory. Grabner then spoke to the unsuspecting Jews waiting in the courtyard: "You will now be bathed and disinfected, so that we don't get any epidemics in the camp. Then you will be taken to your barracks, where you will get some warm soup, and you will be put to work utilizing your skills. Get undressed here in the yard and put your clothing down in front of you on the ground." Everyone gladly followed this request made in such a friendly, warm manner. Some of them looked forward to the warm soup, others seemed relieved to be rid of the nerve-wracking uncertainty about their future and to find that their dire forebodings had not come true. All of them seemed to feel protected. Grabner and Hössler went on giving reassuring instructions from the roof: "Put your shoes right next to your clothes, so that you can find them again after the bath." "Is the water warm? Of course, warm showers." "What is your trade? Shoemaker? We need them urgently. Report to me right away afterward." These and similar phrases were meant to remove the last doubts of those who might have remained skeptical. Then the first ones went through the vestibule into the mortuary. Everything was spotlessly clean. Only the peculiar odor made some of them apprehensive. In vain they looked for showers or spigots on the ceiling. The room filled up with people. Talking and smiling disingenuously, SS men went in with them, all the time looking at the door through which the people were continuing to come in. Once the last one was through, the SS men left. The door with its rubber seals and iron locks was closed and the prisoners heard the bolts being fastened on the outside. Then the door was sealed with screw closings. A leaden, paralyzing fear spread over the people inside. They hammered against the door in impotent fury and despair, only to be greeted by derisive laughter.

"Don't scald yourself while bathing," a voice called to them. Some of them saw that the seals of the six apertures on the ceiling were being removed. Then a loud cry of horror could be heard as a head wearing a gas mask appeared at the aperture. The "disinfectors," among them SS Unterscharführer Theuer, wearing his decorations, had begun their task. They opened a few harmless-looking containers with a lever and hammer. The label read "Zyklon for combating pests. Careful, poison! To be opened only by trained personnel." The cans were filled to the rim with blue pellets the size of peas. Immediately after being opened, the containers were emptied through the openings, which were quickly closed again. In the meantime, Grabner had signaled a truck driver to pull up next to the crematory. The driver then started his motor to drown out the deafening noise of the cries of the hundreds being gassed. Grabner looked at the second hand of his wrist watch with scientific detachment. After two minutes the cries began to die down, changing into a humming moaning. Most of the victims had already lost consciousness. After another two minutes Grabner stopped looking at his watch. Everything was over. Complete silence fell. The truck left. The guards were called back and a clean-up detail began to sort out the clothing which lay neatly folded in the courtyard of the crematory. SS men and civilians working in the camp area began to run around busily past the grass-covered hill, on whose man-made slopes small trees swayed peacefully in the wind. That is how it began in 1942!

Transport after transport disappeared into the Auschwitz crematory. Every day. More and more victims came, and the mass murder had to be organized on a larger scale. The mortuary was too small. The cremation of the bodies took too long. And Hitler was waiting impatiently for the extermination of millions of French, Belgian, Dutch, German, Polish, Greek, Italian, Slovakian, Czech, and Hungarian Jews, who were being brought in cattle cars from central camps such as Verne near Paris, Westerberg in Holland, Theresienstadt in Czechoslovakia, from Antwerp, Warsaw, Salonika, Cracow, Berlin, and later also from Budapest. There was room in Birkenau for expansion. A year later it no longer looked the same.

A typical scene: On a railroad siding of the switch terminal stands a long train of closed freight cars whose sliding doors have wire seals. Floodlights bathe the train and ramp in harsh light. Frightened faces peer out of small, wire-covered peepholes in the cars. A troop detachment has taken up its position around the train and the ramp. The leader of the detail reports to the SS leader responsible for the disposition of the entire transport that the guards are ready. The train can now be unloaded. The leader of the troop detail that accompanied the transport, almost invariably a police officer, hands the SS man of the admissions division the transport list which tells where the transport originated, the number of the train,

and the names and dates of birth of all the Jews on it. The SS men of the protective custody camp meanwhile see to it that the prisoners detrain. There is complete confusion on the ramp. Elegant Frenchwomen in furs and silk stockings, helpless old men, curly-haired children, old ladies, men in the prime of life, some dressed in well-tailored business suits, others in work clothes, mothers carrying infants, and sick people helped along by others, all leave the train. Men and women are separated on the spot. Heartbreaking farewell scenes take place. Married couples part, mothers wave to their sons for the last time. The two columns, five abreast, stand a few feet apart on the ramp. Those who, overcome by the pain of parting, cross over to hold the hand of a beloved person once more and to say a few consoling words are pushed back brutally by SS men. Now the medical officer begins to separate those able to work from those he thinks are unfit. Mothers of young children are on principle considered unable to work, as are all those who appear to be sickly or weak.

A prisoner detail is busy on the ramp loading the valises and cases on carts and taking them away. The engineer, who could have taken his empty train away a long time ago, tries to hang around the ramp as long as possible. He fusses with his locomotive, waiting for a chance to steal some of the food and valuables lying on the ramp. The SS people of the admissions section check their count against the transport list. Small discrepancies don't matter. Next morning a slip of paper is put under the glass plate on Grabner's desk. It states briefly: "Arrivals on . . . with Transport No. . . . : 4,722, of which 612 able-bodied, 4,110 to work." Afterward, every SS man gets a coupon for a special ration and liquor. A half-pint for every transport. Alcohol flows freely in headquarters. Higher-ranking staff members—that is, the prominent camp officers—automatically get a coupon for every transport, even though they may have had nothing to do with its processing. After a little while the ramp is cleared, and only the wooden steps are left standing, walked on by hundreds of thousands who had only minutes more to live.

Polish civilians who worked in the camp building big new crematories a few hundred feet away from the barns used as gas chambers could see prisoners drag something through the doors, put it on flat lorries, and drive off to the pits from which columns of smoke were rising day and night. Layers of more than a thousand bodies were put into pits by specialists. The layers were separated by wooden boards. This "open-air stage" was then burned down with the help of methanol.

Himmler had become dissatisfied with the Auschwitz extermination methods. To begin with, things were moving much too slowly. Moreover, the stench given off by the huge pyres contaminated the surrounding countryside. At night the red sky over Auschwitz could be seen for miles. But

these huge pyres were necessary to dispose of the countless numbers who died in the camp, as well as the gassed victims. The chimneys of the Auschwitz crematory already sported dangerous cracks brought on by overheating. And although indiscreet guards were punished severely and blamed when the veil of secrecy was lifted somewhat, it was inevitable that the unmistakable, sweet odor and the reflections of the flames at night should spread tales about what was happening at the Auschwitz death camp, at least in the immediate vicinity. Railroad workers told the civilian population about the thousands brought daily to Auschwitz, and yet the camp did not expand at a comparable rate. The transport guards also fed these rumors. As a result, a speaker had to be sent to the city of Auschwitz to calm down the refractory population. The SS men in the camp itself were genuinely amused by the indignation of the German press over Katyn and the comparisons between that deed and German ethics and the caliber of German wartime conduct. The guard troops had seen too much of the gasings, knowledge of which could not remain confined to the special detail. The chief of Section VI, SS Oberscharführer Knittel, who was responsible for the permanent station complement and who, because of his flamboyant manner was derisively dubbed troop savior by the guard troops, was hard put to combat the spreading poor morale. Again and again, simple guard troops were heard to say that they could not imagine ever being discharged and being free men again. Some thought that to preserve secrecy they might also be marched off to the gas chambers. Nobody seemed to doubt that Himmler possessed the requisite callousness and brutality. Morale deteriorated still more when the garrison troops were confined to camp for an entire year allegedly because of the danger of epidemics. Everyone knew, however, that the real reason was to limit contacts with the civilian population.

Everything pointed to the fact that abolishing the open funeral pyres had become mandatory, and that the still greater anti-Jewish measures planned required greater secrecy. The construction of the four new crematories in Birkenau was tackled vigorously. Two of them had subterranean gas chambers which could hold about 4,000 persons at a time. Two three-room gas chambers were added on to the ground floor of two somewhat smaller crematories. In addition, each one of these murder factories had a huge hall in which the "resettlers" had to undress. In Crematories 1 and 2, these halls were underground. A 6-foot-wide stone staircase led down to them. But before the four crematories were completed, the chimney of one already in operation burst because it was overtaxed and had to be repaired. Crematories 1 and 2 had fifteen ovens each, able to accommodate four to five bodies. The central construction office of Auschwitz was so proud of its accomplishment that it exhibited pictures of the crematories in the ves-

tibule of its main building. It did not seem to occur to members of the office that the civilians who went in and out of the building, seeing these enlarged photographs of fifteen neatly laid-out ovens, might not be quite so impressed with the office's technical know-how, but instead might wonder about these highly questionable installations of the Third Reich. Grabner soon put a stop to this peculiar propaganda, but he could not prevent the construction office from employing civilian workers in these projects, and these workers, of course, learned about the layout of the crematories and talked about it.

Auschwitz reached its peak in the spring of 1944. Long trains went back and forth between Birkenau and Hungary. All Hungarian Jews were to be exterminated in quick order. The ex-Commandant of Auschwitz, Sturmbannführer Höss, who had since become head of Department D1 of the SS Main Economic and Administrative Office in Berlin, was responsible for this campaign. At the time, SS Hauptsturmführer Kramer was commandant of Birkenau, the same Kramer who later did his bit in Belsen. A three-track railroad siding led directly to the new crematories, thus making it possible for a train to pull in while another one was still unloading. An average of 10,000 persons arrived in Birkenau daily. The percentage of those destined for "special housing"—the term that came into use instead of "special treatment"—was extremely high. Extreme thirst and apprehension had driven many of the people out of their heads during the journey. The reputation of Auschwitz had already spread. Once the people jammed into the cattle cars saw the dreaded name "Auschwitz" as they passed through the railroad station of the town, they could no longer be fooled. All four crematories were working at full capacity. But soon the uninterrupted use of the ovens put them out of commission again, and only Crematory 3 continued to send up smoke. There was nothing to be done; the pyres had to be constructed again to cremate the thousands of bodies piling up behind the crematories. The gas chambers were opened and ventilated before the last moan had even died down. The camp streets were again clogged with endless columns of new victims. The special details had been augmented and were working feverishly to empty the gas chambers. One of the white barns was again put into operation. It was designated Bunker 5, and there Moll did his bloody job. Crematories 1 and 2 were run by SS Oberscharführer Hussfeld, who had gained good experience in mass murder at Lublin. SS Oberscharführer Voss was responsible for the gassing and cremation in Crematories 3 and 4. It went on without interruption. No sooner was the last body removed from the chambers and dragged past the cadaver-littered area behind the crematories to the incineration pit, when the next contingent undressed for gassing in the hall. . . . Given this hurry, it was almost impossible to remove the clothing from the dressing rooms.

Sometimes the voice of a little child who had been forgotten would emerge from beneath a pile of clothing. They would drag the child out, lift it up, and some dehumanized henchman would put a bullet through its head. Höss exhorted the generally drunk SS men assigned to these five extermination sites to greater speed. The Russians had already taken all of eastern Hungary. No time was to be lost. Lublin, the notorious sister enterprise of Auschwitz, was already in Russian hands, and so they already knew about the gas chambers. There was talk that Höss was about to receive a high decoration. An estimate of 5,000 killed in the span of these few weeks would be on the low side. In-between, of course, there were the regular transports from Poland, Theresienstadt, etc. In the face of these mass murders, prisoner morale, regardless of nationality, was very low. This terrible slaughter, unknown even to Auschwitz in such numbers, caused widespread depression. Many of the prisoners lost their only surviving relatives, who had fled to Hungary from Slovakia and Poland.

The German prisoners had to watch these crimes in impotent anger and shame. They knew that this unprecedented act of human desecration would forever remain an indelible blot on the name of Germany.

The weeks of the Hungarian campaign represented both the height of insanity and the turning point in the history of this extermination camp. Soon the gassings of the Jews had to be stopped. The Germans were being pushed back from all occupied territories. The prisoners no longer looked toward the future with dark despair. They knew that the day of liberation was at hand, and this certainty helped them to hold on with all their strength. Some of the SS men also had slight feelings of unease while eating their Greek figs or Hungarian salamis. They began to curse their tattooed insignias and became more gentle in their dealings with the prisoners. However, what had been done could not be undone. All written material about "special treatment" and "special housing" was removed from the files. On order of the RSHA in Berlin, the same was done with records making mention of corporal punishment.

A few hours after the disposal of a transport a special teletype would often arrive at Auschwitz from the RSHA signed by SS Sturmbannführer Eichmann or SS Obersturmbannführer Liebehenschel, later the Commandant of Auschwitz, then stationed at Berlin. Such a teletype would say that the press of a friendly or Allied power or Berlin itself had found out that a transport on the way to Birkenau from Paris or some other place included such and such a person, who, because he was an Aryan or because of some other reason, was under no circumstances to be sent to the extermination camp. All persons in the transport were listed on the document handed to the admissions office by the transport leader, and a copy of this list was kept in the admissions office. Those brought to the camp as prison-

ers and assigned to work were registered in Section II. They were given personnel sheets or file cards. In the column headed "Reason for Internment," it would say "According to order No. . . . of the RSHA." The number depended on the country of origin of the transport. In addition, the numbers of the new arrivals were recorded on an arrival list, which would be the first list checked in the search for persons mentioned in these special teletypes. If they could not be found there, it was too late. A check of the transport list at the admissions office would confirm that this particular person had been part of a transport, had been classified as unfit to work, and had been "specially treated." Not only the lame, the aged, and the sick were classified as unfit. Things were done pretty arbitrarily on the crowded ramp where the doctor was selecting. At most 10-15 per cent of a given transport were classified as able-bodied and permitted to live. Despite all protestations about wanting to save the labor force, the first task of an extermination camp was to weed out as many "enemies of the state" as possible.

As a rule nothing could be checked in the case of RSHA inquiries about transports that had arrived some time back. Old transport lists were destroyed and nothing could be found out any more about the fate of a given person. The answers usually read that the person asked about "is not here and has never been here," or "is not in the files." Now that Auschwitz has been evacuated and all documents and files destroyed, the fate of millions of human beings will remain shrouded in impenetrable darkness. Transport or arrival lists no longer exist.

While the sole aim of the RSHA transport was the extinction of all Jews in the then German-occupied countries of Europe, the Gestapo or the Criminal Police also ordered arrests for political reasons. The purpose of this system created by the Nazi regime was to make it possible to have undesirable Germans and suspect or suspicious foreigners disappear for a given period of time or forever without much ado or without a legal trial. There was no legal justification for the arrest of any concentration camp inmate, except for the infinitesimally small criminal element among them. Arbitrariness reigned uncontrolled. In many cases the prisoner did not know why he had been arrested. Especially in the occupied territories, where terror ruled, the unsupported suspicions or personal ill-will of a Gestapo official could and did send innocent men to concentration camps. The Koch case is an example of the confinement of people for personal reasons. The engineer Georg Koch of Breslau had been sent to Auschwitz on charges of war profiteering. The available evidence was not sufficient for a court trial, and therefore he was put in protective custody "for the time being." After a few months Auschwitz headquarters was informed that an official by the name of Horawa would visit and he was to be allowed to talk to Koch. The

prisoner was brought to an office where he was told by Horawa that an SS Brigadeführer wished to buy his estate, which was assessed at about 1 million marks. Koch refused and said that he had bought the estate for his son, a disabled veteran studying agriculture. Horawa told him in unmistakably threatening tones that his refusal would displease the highly influential SS officer and might have extremely unpleasant consequences for a man in his situation. Koch knew that he was the victim of arbitrariness and could not protect himself against this sort of blackmail. In his helpless condition he finally agreed to the sale if his son also agreed. Horawa left, sure of having won. He knew that the agreement of the son, who was worried about his father's safety, would be gotten without any difficulty if the connection between his father's well-being and the SS were hinted at.

In mid-January, 1945, Auschwitz was evacuated precipitously. All prisoners able to walk were dragged to camps in the interior of Germany, where most were liberated a few months later. The sick were left to their own devices in Auschwitz and its subsidiary camps. The SS leaders would have liked to shoot the remaining prisoners at the last minute, but by then they were already terribly afraid and none dared give such an order. The flames consuming the documents and files in front of every Auschwitz office were burning brightly, and the buildings in which the greatest mass murder in the history of mankind had been carried out were blown up. Somewhere amid the ruins there was a dented tin bowl from which some prisoner had probably eaten his watery soup. A crudely drawn picture of a boat dancing on top of waves was scratched into it. Over this was written [in English] "Don't forget the forlorn man." On the other side was a picture of a plane with an American star on its wings about to drop a bomb. It was entitled "Vox Dei."

On June 8, the fifty-third day of the trial, Adjunct Prosecutor Ormond announces that the Polish Government is willing to assist the Frankfurt court in its efforts and permit it to inspect the concentration camp site. The details are to be worked out by authorized representatives.

Among the reasons given by Ormond for his request to "inspect the place of the deeds, Auschwitz" is that even the most reliable testimony, the most accurate sketches and pictures, were not a substitute for personal impressions. Ormond says he is aware of the juridical, technical, and perhaps even political problems posed by his request, but he is nonetheless of the opinion that these can be overcome with some good will on the part of the Polish and German parties.

Judge Hofmeyer points out the problems of international law, saying

that having a German judge officiate in a foreign country may violate the sovereignty of that nation. Ormond replies that the court will see from the document prepared by his Polish counterpart that the Polish Government is ready to go into that question.

Defense Attorney Latenser takes up the problems of international law mentioned by Judge Hofmeyer. He believes that even if the Polish Government were to permit the inspection of the site, there would still be basic objections from the German side. The Federal Republic would never agree to a judicial procedure on foreign soil, because that—in his opinion—violated the law. Defense Attorney Schallock does not share these reservations and seconds Mr. Ormond's motion.

The witness Stanislaus Glowa enters the room. A short, suntanned man, he walks the last few steps to the witness stand on tiptoe. Now sixty-five years of age, he is suffering from a heart ailment. He graduated from high school in Cracow in 1918, studied philosophy, took his state examination, and entered government service. He was arrested for belonging to the Organization for Armed Resistance, and was held in Auschwitz from August 12, 1941, until August 30, 1944, when he was transferred to the Mauthausen concentration camp. From October, 1941, until his transfer, Glowa worked in Block 20, first as nurse's assistant and later as block clerk.

Which of the defendants had he known? Dr. Lucas?

"I had no dealings with Dr. Lucas, and he did not work in Block 20."

He also does not know Dr. Frank or Dr. Schatz. He thinks he saw Dr. Capesius a few times, but had had no further contact with him.

Klehr, Scherpe, Hantl?

"I know them very well, since I was forced to work with them for years."

Glowa, like many of the witnesses who preceded him, tells of the "experimental gassing" at the end of 1941 in Block 11, of the slayings with phenol, first at Block 28 and then in Block 20 of the prisoner hospital.

"Klehr, Scherpe, and Hantl regularly took part in the killings with phenol. But I would like to point out at this time, for the sake of justice, if I had to set up a scale of responsibility, then I would say that the last-named two behaved like saints compared with Klehr. They never beat anyone. When they came into the block they acted politely. And most important of all, they said 'good morning' when they came in, and 'good-by' when they left. For us who had been so degraded, these were small tokens of humanity."

The witness remembers many occasions when Klehr "carried out" selec-

tions "by himself" and "decided after a brief glance at the prisoners" whether they had to die.

"At the end of August, 1942, I was shaken to hear that the hospital was to be liquidated because the typhus epidemic had gotten out of control."

An order to this effect from Berlin became known to the prisoners.

"Not the cause of the epidemic, the lice, but the victims of the disease, the people, were to be liquidated. At first it was said that all of us were to be killed: doctors, nurses, patients."

After a consultation between Drs. Wirths and Entress, it was decided that prisoner-doctors were to be spared.

"I bade my comrades farewell. I was ready to die. But the day before the liquidation the medical orderlies were spared, I among them."

At 5:30 the next day began the preparations for the death of the luckless victims. Trucks pulled up, and "sick and convalescent patients alike were brutally pushed on the trucks. The defendant [Klehr] displayed great energy." It was very hot, and consequently the whole business dragged on.

"The SS men would walk over to the tables for some water or beer and failed to watch the trucks as carefully as they might have. I opened the front door of a truck and called in: 'Quick, run and hide wherever you can.'"

In this way he and others helped save some of the 1,600 people from being gassed. For example, a lawyer was hidden in a large wooden casket generally used for corpses. The witness locked the casket and took the key with him. At night the man was let out. It was days before he recovered from the shock.

The witness states that he saw with his own eyes that Klehr "carried out" selections without a doctor, and once or twice "such selections had to be interrupted because Klehr was in a state of intoxication."

Yes, Glowa can remember the death of a Soviet political commissar in summer, 1942:

"I ran into the examination room after hearing a frightened Klehr cry out. There I saw the following tableau: Four men were sitting on the commissar, who was covered with blood. Klehr was standing next to him in a white coat holding a hypodermic, ready to kill."

One of the four men, all of them prisoners, later told the witness what had happened.

"The commissar was put down on a stool and ordered to unbutton his shirt. The prisoners covered his face and propped him up. He probably caught on to what was going on. He bent forward and threw the stool over. Then he brandished the stool and threatened Klehr. Thereupon one of the four hit the commissar over the head from the back with a poker. He collapsed, covered with blood. At that moment I came in."

State's Attorney Kügler wants to know whether the witness saw the commissar being murdered.

"I saw how the defendant sat on the victim, hypodermic in hand, ready to jab it into the victim. Yes, I saw the dead body."

Judge Hofmeyer asks the witness about newborn infants, whom Klehr is said to have wrapped in cotton wool and killed.

"Two or three times I saw Klehr bring in something wrapped in cotton wool, which he threw into the furnace. After he left the room we opened the furnace door and saw the body of a child on the coals."

But he does not know whether the children were still alive when Klehr threw them into the fire.

This witness also knows of two women prisoners—a Polish woman and a German woman "who were noted for their beauty"—whom Klehr is accused of having murdered.

"They were brought by ambulance from Birkenau and killed by Klehr in the examination room."

According to another witness, these two women had been killed in Block 28.

"And I say that the murder took place in Block 20."

The court also hears this witness tell of the fate of 120 boys from the Polish village of Zamosc. Their parents had been killed, and the children were brought to Auschwitz, where, after a few weeks, it was decided to kill them as well. Work-detail leader Palitzsch brought them into the courtyard of the hospital on a February morning in 1943, where they played and were given food by older prisoners.

"They were hungry and frightened and told of having been beaten. All of us felt sorry for them. Again and again they asked: 'Will we be killed? Why?' They had to wait a few hours for the end."

Prisoner-clerk Glowa sat in the aisle of hospital building 20, where almost daily he crossed off the names of patients "injected" by Klehr from the list of inmates. Not far from where he sat was the curtain behind which the victims had to stand in the corridor until a prisoner took them into the "examination room," where Klehr was waiting for them with his phenol injection.

"Scherpe and Hantl came in that afternoon [when the children were killed], and they worked for a long time. In order to shorten the terrible torment of the children, I would take two of them to the curtain and tell them they were going to be bathed. The first ones had screamed with terror in the room.

"Do you have children?" Glowa asks in a breaking voice, and then continues: "It was horrible. Why did they kill us? That is why I helped, to shorten the torment. After it was over I saw Hantl in a state of complete

collapse. There were 120 children. They were killed in two batches. The first day about 80, and the rest the next day. That's how the extermination of the children from the vicinity of Zamosc was conducted."

One of the defendants' chairs is vacant. Kaduk is missing. It is announced that he has had an accident, a traffic accident. The police van in which he was sitting stopped suddenly and the prisoner lost his balance and bumped his head. Judge Hofmeyer separates his case from the others.

The next witness, Dr. Jerzy Tabeau, a physician and teacher living in Cracow, is of medium height, slender, controlled, aggressive in answering injudicious questions. The forty-five-year-old Dr. Tabeau is one of the few who succeeded in escaping from Auschwitz. He was brought in on March 26, 1942, and escaped on March 19, 1943. He spent most of his term in the hospital, first as patient, then as attendant, still later as nurse.

"What were your duties in these jobs?"

"While a patient I had the duties of a patient. I lay in bed and waited for what was going to happen."

Later one of his jobs was to keep things in order, to see that the beds were made up properly, to prepare for the admission of patients from the dispensary, to distribute meals, and to hand out drugs.

"Did you have to do anything in connection with selections?"

"I saw the selections and was myself selected in Block 28."

Early in 1943 he was sent to Block 20 of Auschwitz I, and after two or three months was transferred to the Gypsy compound. A slight smile plays on the supercilious face of defendant Capesius as the witness describes Birkenau. He seems amused by Dr. Tabeau's self-assurance—or perhaps he is irritated by it.

Tabeau claims to have seen Dr. Entress, Klehr, and Scherpe at the selections. Entress made the decisions; when he was not there, Klehr and Scherpe decided. There were four possible categories: (1) those who were sent to the hospital; (2) those who first went to the dispensary and then to the hospital; (3) those who were returned to the camp immediately; and (4) those whose cards were kept by the medical orderly. The last were killed by phenol injection, or "if by chance a transport was going to the gas chambers then they went into the gas chambers."

The witness believes that at one time he was "also marked for the gas." But senior block inmate Stössel "felt sorry for me. He went to Klehr and told him that I had gotten on the list by mistake.

"Klehr said he wanted to see me. I was taken to him. He was sitting at a table in the small surgery on the left. I reported to him; he looked at me and told me to leave. I was not sent into the gas."

cause of death given by the witness was a rather ordinary one, why does he remember such an everyday event?

"Because very many visitors inquired about him. That is why I remember."

The witness briefly, and only after being asked, tells how he managed to escape from the camp. His curt recital reflects none of the desperate nature of his undertaking in the shadow of death:

"Three of us decided to escape by short-circuiting the electrical wiring, cutting through the barbed wire of the block and the wires around Compound F, and making for the woods through the crematory."

Thadeus Holuj, General Secretary of the International Auschwitz Committee, a forty-seven-year-old Pole from Cracow, tells of the bombing of the concentration camp in the fall of 1944. About 100 SS men and prisoners were killed, and another 100 were wounded. The wounded prisoners were given flowers and chocolate by the camp administration.

"But the next day," the witness says, "the prisoners were selected and gassed."

Dr. Zarnack, Breitwieser's defense counsel, supports the motion of Adjunct Prosecutor Ormond for an inspection of the site in Auschwitz. It is his hope that an inspection would alter the picture of his client's involvement in the first gassing of Auschwitz. Zarnack is of the opinion that if Poland and Germany reach an agreement, a German court could conduct official business on sovereign foreign territory. Defense Attorney Laternser takes this opportunity to attack Adjunct Prosecutor Kaul, saying that the promise of unhampered passage through East Germany could not be trusted since it was given by a government that had built the wall in Berlin. Kaul calls this point "inadmissible" and "political agitation."

The next witness, Bartosz Oziemkowski, was brought to Auschwitz when only sixteen. He incriminates Klehr:

"Whenever I went to Block 28 he mistreated me. It was not always very painful. He would hit me in the face, either with gloves he held in his hand or with his bare hand. Frequently he ordered me to stand in the corner. Then he would hit me in the stomach, and if I doubled up he hit me in the face. One day he played a typical SS joke on me.

"He tapped me on the shoulder, quite friendly, and asked me: 'Are you afraid of me?' I thought to myself, tell him you are not afraid, and answered: 'No, I am not afraid.' Whereupon he ordered me into the room

and there I had to take off my trousers. He took a broom, still smiling, and hit me with it. At first I thought it was a joke."

But it was no joke. Klehr told him: "You see, that's what happens to people who're not afraid of me."

The witness tells of the executions at the Black Wall, how Soviet prisoners of war were made to run to Block 11, where they were shot in the back of the neck.

"I was closely connected with this business, inasmuch as the prisoners of war ran across a patch of grass in front of my block and trampled it. And because the grass was trampled, Klehr slapped my face. After that I would stand in front of the grass and spread my arms, so that the prisoners of war had to run around it."

This witness also tells of having seen Klehr "for some seconds" through a crack in the door in the act of killing prisoners with phenol, bending over a prisoner with the hypodermic held against his chest. Also Klehr himself, in the afternoon when there was no doctor in the camp, selected patients for "injecting."

"Your Honor," says the defendant, "I would like to make a brief statement: I deny all these accusations."

He spurts out: Injections were never "carried out" in the infirmary; they were "carried out" in the basement into which he had followed the nude prisoners and there saw how injections were being "carried out" on them by prisoners. In 1941, however, contrary to what the witness was saying, none were yet being "carried out" at all; later, prisoner-nurses and prisoner-doctors "carried out" the first injections.

The witness Wilhelm Prokop, sixty-seven years of age, is a native of Loslau. He was arrested in 1939 and sentenced to three years in prison because of "membership in Polish organizations in Poland." After his release the Gestapo sent him to Auschwitz, where he passed his miserable days from July, 1943, to October, 1944, in the SS pharmacy in Block 9. Capesius, wearing glasses, is busy making notes.

"In the attic there was a room in which drugs were being sorted. In the cellar there was a washroom and some vats. The other rooms were closed off. But I had occasion to find out what they were."

There were four bare walls. "I was very surprised. Why would anyone go into an empty basement?" But then he saw something more—a small chest with iron doors:

"The Zyklon gas was stored in that."

"Who was in charge of the key to that chest?"

"Dr. Capesius."

The former SS camp pharmacist denies unequivocally that Zyklon B gas was stored in the camp pharmacy. He can only smile at this sort of testimony. He seems to be in a jolly mood today anyway.

The witness says: "I saw him as a man to whom a prisoner was nothing but a cipher, whose only purpose was extinction."

The defendant shakes his head and laughs in amusement.

"One day he threatened me with death."

The witness describes how Capesius appeared on the ramp one day to see about drugs brought by prisoners. He returned with a number of suitcases and parcels. "I was ordered to stow the suitcases away." Capesius was present during the unpacking.

"He went over to a big packing case and opened it. I saw that it contained a wide assortment of drugs. I thought to myself that there was enough there to stock a pharmacy."

The drugs went into the SS pharmacy, according to the witness.

"Then the other suitcases were opened. To my surprise I saw that they contained first-class new suits."

The defendant laughs.

The second suitcase had underwear, shoes, and other items, but certainly not drugs. He, Prokop, must have looked "somewhat dumfounded" when he saw this.

"Capesius noticed this and told me: 'Prokop, you know why you are here. Sooner or later you'll have to die.'" Capesius smiles. "It is up to you to decide when this time will come. If you notice things and talk about them, then this time will come sooner than you expect. I hope you have understood me." I understood him very well."

Capesius is happy. The witness seems to amuse him. Thereupon Judge Hofmeyer reprimands him:

"Dr. Capesius, this is really no cause for laughter. This was a death threat."

"Or a warning to exercise caution," Dr. Laternser interjects.

The witness had understood it to mean that Capesius was threatening him with a bullet in the head or the gas chamber.

What happened to the suitcases?

"Capesius ordered me to put these two suitcases away so that they wouldn't attract too much attention. He had me show him where, and he approved the spot. Next day both suitcases were gone."

One side of the attic was lined with open suitcases filled with teeth and dentures.

"That is the most horrible sight I have to report."

Capesius asked to be shown around and noticed the filled trunks on the right side of the attic.

officers to deny having been on the ramp. In reply to this reminder he says: "Yes, I still stand by this. I can say in all good conscience that all were on the ramp." But he never noticed at the time what they were doing there.

"That, after all, was the top, and being just an ordinary SS man I did not get close to that."

He remembers something else: "Most of the work was done by the prisoner details."

During a recess the witness looks at the defendants with curiosity. He is now an employee of the Brunswick Finance Office.

The witness Dr. Heinrich Dürmayer, a lawyer and state councillor from Vienna, fifty-nine years old, had fought on the Republican side in Spain. Afterward he had gone to France; there he was handed over to the Gestapo when the Germans entered France. He came to Auschwitz in early 1944, then was transferred to Mauthausen with the last transport, and was liberated on May 7, 1945. One of the prisoner elite, he was senior camp inmate and one of the camp's resistance leaders. The witness, although well acquainted with the general camp conditions, says that he cannot really recall details. Boger was a "feared torturer," but he is unable to say whom and how he killed.

The Boger swing?

"I know for a fact that he used it."

"Did Boger have a hand in the executions at the Black Wall?"

"At first, yes, at least there was talk about it in the camp. But people were shot and killed all the time; it wasn't anything special."

If he may be permitted to make an observation, he says, and it is not one directed against this court, he would never have thought it possible that he would have difficulty offering evidence in proceedings against the guards of Auschwitz.

"I was fully convinced that these people would have to prove their innocence. And there was no one there who was not guilty. If there had been even one with any human feelings we would have remembered him."

The witness says that Kaduk was one of the most unpleasant work-detail leaders; he hit people at the slightest provocation. Dürmayer assumes that Kaduk suffered because of his national background. "I was told that his own comrades called him a Polack. He had to prove once and for all that he was a good German. Yes, he took part in the selections."

Furthermore, what was going on in the camp at the time was no secret. The SS men probably were so open because they did not think any prisoner would survive.

"It's simply ridiculous for any one of them to claim that he didn't know anything about it."

The atmosphere at the selections wasn't rigidly Prussian. Rather, it was like a cozy family gathering. The SS men kidded around and talked about their girl friends. Afterward they would brag about what they had taken from this or the other new arrival.

"Like a hunt party returning from the hunt and telling each other all about it."

The so-called Grabner Report, a paper written by the former head of the camp Gestapo in Vienna after Germany's defeat, is read. In it Grabner described general conditions in the camp, stressing throughout how he had always tried to ease the lot of the prisoners and even helped them to escape. This report incriminates Boger directly. According to his former boss, Boger and his colleagues Lachmann and Clausen always consulted Höss on important matters. He, Grabner, had had no influence over these three. Boger had introduced the Boger swing, and all three had received "top rations" from Höss.

Boger shakes his head.

Intimate relations between SS men and female prisoners were commonplace. The women were willing if they were promised to be spared. If word of a particular affair leaked out, the woman was killed. Boger, too, had a Polish woman killed when it became known that she had had relations with him. Himmler visited the camp a few times to watch the corporal punishment of women; Commandant Höss and his adjutant were the only other ones present. At the end of his report, Grabner wrote: "My constant fight against crime and these subhumans became my doom." (Grabner was sentenced to death and executed in Poland in 1947.)

Judge Hofmeyer asks Boger to comment on Grabner's charges. The defendant leaps up and says in a loud voice:

"In 1947 a higher power prevented me from being confronted with this testimony."

"What is that supposed to mean?"

"Just what I said."

"What's that about a higher power?"

At that Boger gets terribly excited and shouts that he didn't testify then.

"Yes, but that was your own decision. You can do so now."

"No, I will not answer, regardless of who may ask the question."

Defendant Mulka: "I don't feel that these statements of Mr. Grabner involve me and I have nothing to say about them."

His answers to the questions of Adjunct Prosecutor Ormond are stereotyped:

"That happened after my time.—No I did not have any orders.—That must have been after my time."

"Are you saying that in your days no public hangings took place?"

"I saw none."

The beating of women?

"I do not recollect that. I never visited a prisoner compound with Himmler."

The number of dead, the camp statistics?

"I know nothing about it. On principle I talk only about what I know or what came to my attention."

Adjunct Prosecutor Kaul decides to refrain from asking questions, since everything said here was a lie.

"That's also not the way, Your Honor." Dr. Eggert voices regrets about this plain language. He considers it an insult to his client, and he wants it put into the record, unless Kaul agrees to retract. Kaul does not retract, but Judge Hofmeyer quickly calms the ruffled tempers by interpreting the words of Dr. Kaul. He probably meant to say that everything said by the defendants that reached the ears of the public was untrue.

At the request of Dr. Aschenauer, an address by Himmler on October 4, 1944, in Poznan to the SS leaders is read to the court. Thereupon State's Attorney Vogel requests the reading of one portion of the speech which the defense attorney seemed to have omitted. This is the portion:

"I am talking about the evacuation of the Jews, the extermination of the Jewish people. It is one of those things one speaks of in a low voice: 'The Jewish people are being exterminated,' every party member says; 'obviously, it's part of our program, the exclusion of the Jews. All right, we'll exterminate.' And then they all come, the 80 million decent Germans, and every one of them has his decent Jew. Of course, all the others are swine, but this particular one is a wonderful Jew. Those who talk like this have not been present, have not gone through it. Most of you will know what it means to have 100 corpses piled up—or 500, or 1,000. To have gone through this and—except for human weakness—to have remained decent, that has made us tough. That is an unwritten glorious page in our history."

JULY, 1964

A reading of the statements made by the medical officer Dr. Fritz Klein to British interrogators in May, 1945, reveals that Klein had known the defendant Dr. Lucas, whom he named together with other medical officers, such as Wirths and Mengele. He said: "All doctors whom I mentioned earlier participated in the separations [selections]."

Klein, who was executed, had signed a confession of guilt: "I recognize that I am responsible for the slaying of thousands, particularly in Auschwitz, as are all the others, from the top down."

The defendants listen silently.

The sixty-two-year-old civil engineer Kauer takes the witness stand. Defense Attorney Steinacker points out that Kauer had volunteered to testify on behalf of Dylewski and Broad. Incriminating statements made in the course of the pretrial examination were not true. Steinacker says that the witness will tell the court how he came to make them.

The witness Kauer says that he spent five and a half years in the Waldheim prison, and that he was interned in Auschwitz from May, 1941, to September, 1944. After a relatively short time he enjoyed astonishing privileges; he even had a private room in Block 1. He did planning work and after a while he was even permitted to move about freely within the big guard chain. Until early 1943, he worked in the construction section, then in the Political Section. Other witnesses at this trial have called him a stool pigeon.

"Were you present at interrogations?"

"No."

Kauer claims that all he had to do was draw the so-called escape plans. "Oberscharführer Dylewski was primarily in charge of escapes."

"What kind of reputation did he have?"

"He was harmless."

But hadn't he incriminated Dylewski in the pretrial examination?

"Well, I'd had a little drink and I said things which I can no longer be responsible for."

"You said that he was a killer."

"Possibly, but he wasn't."

Had someone swayed the witness?

"Your Honor, nobody can sway me. I have a thick head."

"Why did you incriminate Dylewski?"

"Well, I was a little drunk."

"You also mentioned Boger's name."

"What I said about Boger is also not true."

Judge Hofmeyer wants to know whether the witness was always drunk, because his testimony about Boger was given at another time.

Mr. Kauer becomes quite noisy. Everything he said at the time was false. "We don't have to waste words over it. It doesn't pay." Judge Hofmeyer still finds it peculiar. The witness says: "All right, so I was stupid when I said that." Once, it emerges in the course of his testimony, he was present at an interrogation: "Yes, I just stood there; Boger didn't even notice it."

Kauer calls his previous testimony about a particularly brutal interrogation and mistreatment of a young Polish woman "not pertinent." It was an "atrocious story" that was making the rounds in the camp and that he "accepted." Hofmeyer confronts him with his signed testimony, in which he reported how Boger, wielding a leather whip, had torn open the breast of a twenty-year-old Polish woman whom he had stripped, and how then, as the

quently saw Klehr and Boger go to the courtyard between Blocks 10 and 11, where people were murdered in front of the Black Wall.

In answer to another question, the witness says that he too was visited some years ago by a Mr. Eisler of Göppingen, who seemed interested in gathering favorable evidence for Capesius. Krumme says that this conversation did not exactly go so far as an offer for a bribe, but he remembers some vague story from which he gathered "that there was some money available. But Eisler didn't express himself quite so concretely; he remained somewhat vague, and he was exceedingly clever, so that I couldn't nail him now."

In March, 1943, Krumme was given a slip telling him to report to the Political Section. There Untersturmführer Grabner informed him that his Jewish wife was no longer alive, and added:

"'Be glad that you're rid of that Jewish sow.' Then he ordered me to draft a petition about serving in the Wehrmacht."

Kaduk denies that he sorted out prisoners. He only made reports. He speaks rapidly, too much so, and touches on many things: block closing, roll call in the birch woods, orders to which he was subject. "Your Honor, what I said is the truth."

The witness, reserved and cool, says: "I leave it to the court to decide who is to be given greater credence, the defendant or I."

Kaduk: "I know that I as the defendant . . ."

Judge Hofmeyer only wishes to know whether the defendant has any more questions. He has none.

The witness Jenny Harmann, sent to Auschwitz in March, 1943, for racial reasons, survived because she was a dental technician and could work in the dental station. She arrived at the ramp in Birkenau as part of a transport: "It was night and bright lights were on. The guards were running around, shouting: 'Get out fast. Unload baggage.'" But she can no longer remember who the SS men were. Thirty-five women and about fifteen men out of several hundred were not loaded on the waiting trucks but were taken from Birkenau to Auschwitz on foot.

"The others were put on the trucks."

"Of course you knew what that meant?"

"No, we envied them for being allowed to ride."

The witness speaks well of Dr. Frank: "He was good to me. He helped whomever he could."

"Did you also know Dr. Schatz?"

"He was Dr. Frank's successor."

"Can you say anything about him?"

"No."

Kaduk? She knew him from hearsay. Did she remember a mother and

her newborn child who were to be allowed to live on orders of the medical officer?

"Yes, at night the block was opened and an SS man got the mother and child."

That same night the mother and child were gassed, together with a transport of Jews from Czechoslovakia.

"Who took the mother from the block?"

"It was said that Kaduk did it."

The defendant: "I had nothing to do with Block 10 [the women's block]. I wasn't in Block 10. I never went there. I had nothing to do there."

"Miss Hermann, do you stick to your testimony?"

"I do."

The fifty-two-year-old merchant Alfred Korn incriminates Kaduk when he tells about his selection in the bath. The prisoners filing past were not asked about work, "and that was very dangerous."

"Mr. Kaduk and Mr. Clausen were sitting on two stools. They held small pointers in their hand," and the prisoners walked by them in single file, "in two single files, so to speak"; as the prisoners walked past them, the two SS men pointed to this one and the other, and prisoner-clerks wrote down the numbers.

"It was all done very indiscriminately. Suppose they didn't like someone's nose or face. Then they would point at him, and that meant his death."

"Did each of them decide?"

"Each one in his file. The selectees remained in the camp for another twelve to fourteen days and didn't work. It was said: 'They're dead.' They were still alive, but they were considered dead prisoners."

The witness has another highly personal memory of the defendant Kaduk. The roll-call chief had struck him down and kicked him because the top button of his jacket was unbuttoned.

Kaduk is standing next to the microphone, his arms behind his slightly bent back. No, he cannot remember. All selectees "were put on lists," he tells the court; also, Liebehenschel in Berlin exerted himself on behalf of the prisoners. He knows nothing about sitting on a stool and a private selection: "I can only say, Your Honor, I personally did not decide about life and death. I stand by what I personally did; I am ready to do so. But, Your Honor, at night there weren't any selections at all."

Did he know the witness?

"Your Honor, the witness looks familiar to me." But: "There were seventeen thousand prisoners in Auschwitz and we had to keep them in line."

Of course he occasionally hit one or the other.

"But some fell down if I merely raised my hand; they only pretended."

Kaduk's neighbor to the left, the pharmacist Capesius, is pleased with Kaduk's spritely manner.

Friedrich Eder was in Auschwitz from fall, 1943, until January, 1945. The following incident took place on a summer Sunday afternoon. Some of the Gypsies were then in Auschwitz I, and they "went for a walk" on the camp road. Suddenly the cry went up: "Kaduk's coming, Kaduk's coming."

"I saw Mr. Kaduk come, open his holster, and take out his pistol. Then I heard shooting." Later a man was dragged away "to the spot where the bodies were put. It was said that Kaduk had shot him."

"Did you know Kaduk?"

"Kaduk was considered the camp scourge by the prisoners. Kaduk became more than just another SS man—a symbol. He was always ready to hit. He was present at all executions. Kaduk was the man who was always first."

Hofmeyer calls on the defendant: "Well, Kaduk, how was it?"

The defendant, rushing up to the microphone with head held high, and shoulders hunched, growls: "I will not make any statement."

Immediately after this the deposition of a witness named Mahlberger given to an interrogating judge in the year 1959 is read. The trial itself came too late for the witness. He had died in February, 1964, in Giessen.

In his deposition Mahlberg mentioned four SS men not connected with this trial: Two are dead and two cannot be found. However, his descriptions are probably typical of the camp atmosphere. One of these SS men three times tore caps off the heads of prisoners, tossed them outside the barbed wire, then ordered the prisoners to retrieve the caps from the so-called death zone. The moment the prisoners crawled behind the wire fence shots rang out from the guard towers and they were killed. Prisoners were not allowed to enter the death zone. Another of these SS men shot twelve people at the Black Wall, including two children between the ages of six and eight. Mahlberg had this to say about the incident: "Shortly before the execution, I saw him pat their heads."

As to Kaduk, the witness told the judge that he remembered two Jewish prisoners who were caught stealing food and reported by Kaduk. He forced them to do knee bends over side arms stuck in the ground with their points up. After a while both fell on the bayonets and were carried away. On another day the defendant shot at and hit a Gypsy looking out of a window. The Gypsy was not killed, however, and recovered from the wound. He also saw how Kaduk and the capo of the prisoner block, Bunker Jakob, pushed the heads of prisoners into tubs filled with water and held them there until the prisoners drowned.

Kaduk is asked to speak. Moving about excitedly in the narrow passage

between the tables of the defendants and the defense, he is vehement:

"I will make no statement. I will make no more statements. If I am not believed I will make no statement."

The fifty-two-year-old Friedrich Schlupper, a bank employee from Wiesbaden, was an SS guard at Auschwitz and later became camp quartermaster. He was in charge of the SS officer and noncom clothing store, and issued the requisition slips for officers who wanted new uniforms. Schlupper reluctantly admits to knowing many SS men, including the defendants. However, he does not know what they did in the camp. He did not see people beaten to death, gassed, or killed in any fashion, but he heard vague rumors that this sort of thing did happen.

Schlupper, a member of the Waffen SS wounded during the French campaign, was assigned to Auschwitz for "harvest duty," as it then was called, way back in 1940. But the original six weeks turned into more than four years, which, except for a few weeks of guard duty, he spent in the camp administration and its clothing store. Only once during these 230 weeks was he, an Oberscharführer, called for ramp duty, to watch that none of the guards appropriated any prisoner property. He does not know who decided which of the arriving prisoners were to be allowed to live and which were to be gassed immediately, because he always stayed on the sidelines.

Schlupper says that it is not true that new arrivals were selected at the ramp for extermination. "Only those who were to live were selected, people requested by the work-detail leader—for example, fifty shoemakers or tailors. The block leaders told them how they had to line up. Men and women were separated. Children stayed with the women. I think the roll-call leader was also present."

Other than that, the witness says, he knows very little about what went on in the camp. As a matter of fact, the only other thing he knows is that Arthur Breitwieser carried out the first mass gassing.

One morning, when they went off to play soccer, SS men told him that "the night before the Russians had been gassed. Breitwieser did it." But he learned nothing more about it, and whenever he passed the Old Crematory, he would ask himself: "How on earth did Arthur do it?"

Judge Hummerich says to him: "You spent four years in Auschwitz as quartermaster and now you want us to believe that you knew no one in the camp?"

"I know them all right, but I don't know what they did."

The witness Peter Budan, a sixty-seven-year-old corporation lawyer, attended schools in Königsberg and Marienborn and studied law in Königs-

berg. The author of an anti-Hitler pamphlet, he "was nabbed" immediately in 1933. After spending three years in an SA camp, he kept out of things for fear that he might be arrested again, which indeed he eventually was. A year after his arrest a special court sentenced him to eighteen months for "malice," of which he served one year; a Hitler amnesty spared him the balance of the sentence. In 1942 he was arrested a third time, and in September of that year he got to Auschwitz via Köslin and Berlin. There he stayed "until the so-called liberation." The first Russians were decent people, "but then came the NKVD, and it was almost like before. What the first ones gave us from the [belongings] of the gassed people the others took away again." He managed to escape the "death march." Everyone who could walk when the camp was evacuated had to go, but he was saved by an SS man who warned him: "Don't go with them or else I'll have to shoot you."

Lachmann of the Political Section, "the only one who did not address the prisoners by the familiar 'you,'" made him senior block inmate of Block 11, the prison block. He had to sign a paper which in effect said that "I will tell no one, including any fellow prisoner, what I see in Block 11. Lachmann drew his pistol, put it against my chest, and said: 'You know what this means.'"

Budan's job in the prison block was to write down numbers, those of the living and of the dead: He kept the "bunker book," that sad register of the names of thousands of prisoners who were felled by bullets in the back of their necks at the Black Wall. He used a moistened indelible pencil to write their numbers on the chests of the prisoners, so that when the stripped condemned men walked by, the clerk would have no trouble checking them off. Budan says it was also one of his duties to help get the prisoners into the yard and to the Black Wall:

"I cried like a baby; I couldn't do it."

Surprisingly enough, nothing happened to him. Gering, another member of the Political Section, simply said to him: "Get out. If Aumeier should see you he'd shoot you down." Budan quickly skips over what went on in Block 11. He mentions the sawdust that absorbed the blood and the boxes into which the dead prisoners were thrown "like pigs." "Death came quickly. Their eyes became glassy." They were better off than others who were tortured to death slowly.

"I also sometimes saw them being hanged; at first they moved their legs and then slowly stopped."

Yes, prisoners were hanged not only in the yard but in Block 11 itself: "Up in the attic it must have been pretty gruesome." Budan was never up there. Gering told him: "Stay down here." Budan after that "did not want

to see anything more, was relieved, and again became an ordinary working prisoner."

The witness Budan says that the witness Scheidel, who had testified on March 20 that he had watched executions at the Black Wall, had lied. Scheidel's testimony two years earlier at his political interrogation was "pure invention." Budan is of the opinion that "some people, out of sheer braggadocio" might say things they cannot back up.

He had had "no personal contact" with Boger. In camp one was generally warned to watch out for Boger.

"I saw him once or twice in Block 11. He came to the office."

"What was his reputation in the camp?"

"He was feared for his violence."

Did he know Baretzki?

"Yes. He had a habit of hitting people in the face and breaking their noses."

The witness talks about the reasons for the brutality rampant in Auschwitz: "Your Honor, if you had wanted to keep order there you could not have done it without beatings." The German and Polish prisoners let the Jews work and then tried to take their food. The Galician Jews were highly undisciplined.

The witness tells of instances of lynch justice: Prisoners who stole from their fellow inmates were killed during the night.

"Whoever stole bread was dead the next morning. The people became brutalized." There even were cases, Budan says, of cooperation between the prisoners and SS men. As a matter of fact, the SS men were infected by the general hysteria in the camp. There were some "pretty decent guys, basically good people" among them, "but the SS men were infected." Not the guards but the prisoners "were beasts in human form."

Moreover, he owes his life to SS-man Baretzki. One day some Russians from Block 10, who got more presumptuous toward the end of the war, surrounded him and threatened to kill him.

"If Baretzki had not come and together with another SS man rescued me I wouldn't be sitting here today."

"Yes, Baretzki had a very special punch. When he hit, something happened." Prisoners beaten by Baretzki usually were told to be glad still to be alive, because if Baretzki had really hit them they'd be dead.

No, the witness says he did not see Baretzki kill prisoners. How does he explain his pretrial deposition, in which he said the opposite?

The witness: "I cannot understand how I gave such testimony."

Did he know Broad?

"I also cannot say anything bad about Broad. Quite the contrary."

ber, 1942, the defendant shot to death three Jewish prisoners when the three prisoners, members of his work detail, were found taking straw pallets out of the camp. Mulka, speaking in controlled tones, politely acknowledges the filing of the supplementary charges. As to the rest, he refers to his testimony before the police and the pretrial examiner. At that time he said: "I never fired a shot in the camp."

The witness Marek is a living example of what can happen to a man caught between the millstones of two nations. In 1942, Marek, who was born in Flensburg but who later moved to Poland with his parents, was arrested by the Gestapo for belonging to a Polish underground movement. In 1947 he was expelled from Poland because of his German citizenship. He remembers the defendant Baretzki from camp days: "He was known as a bully and murderer." In 1944, he shot a woman, a member of a Jewish transport from Lodz, who had spotted her brother in the camp and had called out to him. Defendant Baretzki has a ready answer: "Your Honor, I never escorted people to the crematory; I never shot any woman."

The responses of the defendants have grown boring in the course of the proceedings. Earlier in the trial they occasionally got involved in details and consequently in contradictions. Now they restrict themselves to the simple observation that the accusations are not true. The witnesses are liars, all of them.

The next witness, the fifty-year-old Franz Ruprecht, a Mannheim businessman, can look back on very special experiences in Auschwitz. He states at the outset:

"The German capos were a thousand times worse than the SS men, because among the SS men there were some human beings." Later, in answer to a question of Adjunct Prosecutor Raabe, he admits that he had been called "capo" in the camp, but that he had not been one.

The witness describes how he and other prisoners were brought to Birkenau to be gassed in August, 1942. The prisoners, about 2,000 in all, stood around for some hours:

"The crematories were filled with the members of a Dutch transport. They did not have any room for us."

After two days some trucks came for them. Those selected for gassing were loaded on them and taken to the gas chambers.

"As you can see, I stayed alive; 1,999 were gassed, I am alive."

If one is to believe the account of the witness, it was very easy to return to life from the crematories: Twenty men were standing around, at some distance from the vehicles.

"Suddenly a young man came by, a very young man, and said: 'You're here too?'"

Ruprecht then recounts this dialogue:

"'What should I do?' He said: 'Go away from here.' I didn't wait for him to say it again. I took my wooden clogs and went off. But where to? I turned a corner and there was another young man. He asked: 'Where do you think you're going?' I said: 'They sent me away.' 'Oh well,' the other one said, 'then come along.'"

In this manner, the witness tells the court, he got to the hospital.

"There the doctor asked: 'Do you want to live?' I said: 'Yes.' He looked at me for a while and then admitted me to the hospital."

Ruprecht, who was in charge of the prisoners' package room, says: "These people are a tragedy. The thing about every SS man was that once he became part of the machinery there was no turning back for him."

The witness testifies erratically. He knows about the executions at the Black Wall: "I heard a rattling. May I demonstrate?" And then he taps the table in front of him, to simulate the shots.

He names the defendant Baretzki reluctantly: "He was under the influence of professional criminals. He had no conception what murder meant."

Ruprecht doesn't know anything about Baretzki having kicked people to death: "He was completely under the influence of the trustees. The heroes who can tell right from wrong are rare. I don't think the SS men were the worst. They were no angels, but on the whole the professional criminals were more feared."

A little while later he declares that while he does not wish to exonerate Boger, "another one might have been much worse. Mr. Boger was a bit slow, a bit halting."

Finally, the witness says that wherever in the world many nations live together there is hatred: "That can be seen in America today."

Prosecutor Kügler asks Mulka whether he knew that people were being taken to the crematories in trucks.

Mulka: "I had no knowledge of that." He had nothing to do with the prisoner compound or with the gassings.

Kügler: "I don't want to know whether you had something to do with it, but only whether you knew about it."

Mulka: "In so far as I was not told about it, I had no knowledge of it."

"Are you saying that you did not know that people were being taken in trucks to be gassed?"

Mulka, excitedly and in a loud voice: "No!"

Ludwig Kowalczyk of Cracow corroborates the testimony of a number

of previous witnesses: that after a British bombing raid in September, 1944, wounded prisoners "received medical treatment" and voiced astonishment at being cared for so well. They also got flowers and chocolate. The witness recalls that an SS officer made a speech bemoaning the cruel treatment of the poor prisoners at the hands of the British.

"What happened to the prisoners?"

These prisoners were also gassed on orders of the commandant.

"Nobody knew why."

Kowalczyk knows of fatal experiments that were performed on female prisoners, but he does not know whether any of the defendants took part in them. A woman prisoner told him that women were artificially inseminated and sterilized. "She asked me to get her some poison. But the resistance group in the camp refused the poison, saying that the war would soon be over and that these women had a chance to survive."

(The primary concern of the resistance group of the Auschwitz prisoners was to ease the lot of the prisoners as much as possible. For example, they obtained drugs and extra food and clothing for sick prisoners through bribes. They hid persons who seemed in danger of being killed and maintained intelligence contacts with the outside. Because of the hopelessness of armed resistance no such course was contemplated.)

It cannot be very pleasant for Hildegard Bischoff to appear as a witness before the court and testify about her life at Auschwitz. Hildegard Bischoff came to Auschwitz at the end of 1941 together with her husband, "who worked in the construction section," remained there until her "escape," and lived "in a one-family house inside the big guard chain." (The witness is not related to the defendant Bischoff.)

"Yes, I once saw that someone was killed. That is to say, it had already happened. A woman was shot behind our garden. I heard my name being called; then there were shots. I think perhaps she was trying to escape."

The witness tells her story with long pauses, hesitatingly. If Judge Hofmeyer would not prod her with repeated questions she would stop talking altogether. Had she seen a crematory? "Yes, once, while it was being built." Did she know the purpose it served? No, she had thought it a normal crematory, the kind in which bodies are ordinarily cremated.

"When did you hear that gassings were taking place?"

"Gassings?" The witness falls into a profound silence, and without the renewed prodding of Judge Hofmeyer finds no answer. Then she says: "Yes, it was mentioned to me by a woman who lived in the camp. She called my attention to the odor."

"Did you ever tell your husband of your dismay?"

"Certainly."

came with a stick and beat me and the woman. 'Why are you playing around with this filth?' he yelled at me. The infant fell to the ground and he kicked it away like a football. Then he ordered me: 'Bring the shit over here.' By then the baby was dead."

"Can you swear to that in all good conscience?"

"I can swear with a pure heart that it was a hundred per cent worse than I have described it. I am not an evil man; perhaps they were sick when they did it. My wounds had already healed, but now they are bleeding again."

Although Mulka was furnished with two court-appointed lawyers, he has hired a third lawyer himself, a Dr. Müller of Hamburg. In reply to the judge's question as to whether he is in a position to pay for a private lawyer, Mulka says that his family would raise the money. The lawyer indicates that he would be able to attend the trial only once a week. The court consequently decides to retain both court-appointed attorneys to assure the "continuous defense of the defendant."

Attorney Göllner calls on the wife of Klehr as a defense witness. She is to corroborate the claim that her husband was home on leave during Christmas, 1942, and therefore could not have killed prisoners that Christmas Eve by injecting phenol into their hearts, as a number of witnesses had testified.

At first Mrs. Klehr wants to make use of her privilege and refuse to testify. But her husband prods her: "My wife finds the situation embarrassing. I would like to ask her to testify nonetheless. She knows nothing of the camp."

His wife, now ready to testify, can no longer remember whether her husband was at home or in Auschwitz on Christmas, 1942. She affirms that Klehr had always wanted to volunteer for combat duty, but that they never let him go.

"Whenever he was home on leave he told me that he would rather die at the front than be in the camp."

AUGUST, 1964

The fifty-five-year-old commercial traveler Otto Küsel from the Palatinate is called to the stand. He was among the first group of prisoners brought to Auschwitz in May, 1940, from Sachsenhausen and was given prisoner number 2. He was to help in the construction of the camp, which at the time consisted only of three old barracks. Because he was not shot after an attempted escape and recapture, there is the suspicion that he saved his

neck by performing stool-pigeon services for the Gestapo. But Dylewski, who picked up Küsel after his capture in Warsaw and brought him back to Auschwitz, denies this.

In December, 1942, the witness, a clerk in a labor detail, succeeded in escaping together with three Poles. Küsel does not say how they managed to escape and how he was the only one to be recaptured months later in Warsaw. After his arrest he was mistreated so badly by the head of the camp Gestapo, Grabner, that he had to be brought to the hospital on a wheelbarrow. There a Jewish woman doctor nursed him back to health. He was not executed, Küsel says, because during the period in which he was being interrogated the camp commandant, Höss, was replaced by the more lenient Liebehenschel. Dylewski interjects that the witness never had cause to fear for his life. No Germans who were captured after an escape were ever shot in the camp. However, Judge Hammerich leafs through the bunker book and proves this to be untrue.

Mulka is asked who was responsible for requisitioning the five big trucks for transporting the victims to the gas chambers.

He claims not to know anything about the requisitioning of these vehicles, nor had he known that they were destined for "special campaigns," as is proved by a paper signed by former Auschwitz Commandant Liebehenschel, which the prosecution puts in evidence.

"Who requisitioned the trucks?"

"The chief of the motor pool, Oberscharführer Wiegand. He had a superior in Berlin but not in Auschwitz."

"Wasn't Wiegand under your jurisdiction as adjutant?"

"Only in matters of discipline."

"But a motor-pool officer cannot simply dispose of five vans."

"No," Mulka agrees with the judge and says in that case the commandant must have ordered them. Mulka admits to having known that these trucks were used to bring the victims to the gas chambers.

"Did you consent to that? If not, what did you do to stop it?"

"In my days the prisoners went on foot."

"You just now said they were driven. Did you consent to that, in view of the fact that Wiegand was under your disciplinary jurisdiction?"

"I found out nothing about it because the trips took place within the confines of the camp and for that no trip tickets were necessary."

Then Mulka again admits to having known of these death trips, assures the court that he did not approve, but yet was unable to do anything about it.

"Why not? Let us assume that the trucks were used for joy rides. Wouldn't you have stopped that?"

"Of course."

"Then why not the trips to the gas chambers? You were in a position to do so."

Mulka says it would have been futile. Since the commandant would immediately have countermanded such an order, he didn't bother to issue it.

During the interrogation of the fifty-five-year old former SS man Richard Böck of Günzburg on the Danube, a slight contretemps occurs. Defendant Mulka feels insulted. The witness, a driver in the camp motor pool, testifies that when the gassings began six huge trucks—at least 5-ton vehicles—were acquired to cart new arrivals to the crematories. Prosecutor Kügler wants to know from Mulka who proposed the acquisition of these vans.

Mulka declares that since the State's Attorney has accused him of untruths and even has said that he was not a soldier but merely belonged to a uniformed murder squad, he will not answer any of his questions or those of Adjunct Prosecutor Kaul.

Kügler: "I find that not only were you not a soldier, but that you are also a liar and a coward." Mulka's defense counsel, Dr. Müller, requests that Kügler apologize to Mulka and announces that he will file a libel suit when Kügler declares that he does not have the faintest intention of doing so.

Judge Hofmeyer: "I must protest such name-calling of a defendant. The State's Attorney can say what he thinks of the defendant later in his summation."

Dr. Stolting, one of the court-appointed lawyers, moves to have the incident put into the record. Prosecutor Kügler seconds the motion.

Helmut Pommereinke of Bettelbach, a driver, initially was assigned to watchtower guard duty in the camp. Later on he was transferred to the motor pool, but he only handled food and merchandise and never drove prisoners to the gas chambers. According to his testimony the motor pool was under the jurisdiction of Mulka, and he signed the orders for trips outside the camp. No orders were issued for the death trips within the camp itself.

Pommereinke would like to ask Mulka a question. He wants Mulka to tell the court what happened to Pommereinke's fiancée, whom he had asked to come to Auschwitz so that they might marry. He says he had gotten her quarters in a private house and had already obtained all the documents required for the marriage, but Mulka in his presence tore up the papers and said that it was out of the question for "Hottentots" (the witness is a resettled ethnic German from Romania) to marry in Auschwitz. This question

was brought on by Dr. Müller, who, hoping to prod the witness' memory, had asked him the date of his marriage. There was no marriage because Mulka, according to the testimony, shipped the girl to Hamburg to work as a maid in his house. Mulka remembers the affair. The permit for the girl's stay in Auschwitz had expired, and moreover, "we needed someone in our house." But he had not torn up the marriage papers, because "one doesn't do such a thing. I am a family man and would have been very pleased about a wedding." As to the accusation that he had called Pommerinke a Hottentot when he tore up the papers, Mulka replied: "That is not the way in which I customarily express myself."

The next witness is a fifty-three-year-old movie projectionist, Bernhard Walter, a native of Fürth, who had volunteered for guard duty in Dachau back in 1934, having lost his regular job because he had belonged to the SS. The first Auschwitz commandant, Höss, summoned him to Auschwitz in 1940 to set up the identification section, of which he became the head. Although he remained head of this section for five years and toward the end was also top sergeant at headquarters, he claims never to have seen any prisoners being killed. His job was merely to photograph prisoners for the identification section, to register them, and possibly to identify those who might have been shot while trying to escape or who had committed suicide.

The fact that Walter claims not to have seen any of the crimes committed in Auschwitz seems to amuse some of the defendants. Prosecutor Kügler points this out to the witness. Not until his third appearance at the state's attorney's pretrial hearings did he admit to having been top headquarters sergeant. Walter replies: "I had completely forgotten it."

"Were you ever at the ramp when transports arrived?"

"No."

"Mr. Walter, you may refuse to testify if you are afraid of incriminating yourself."

At that, Baretzki jumps up: "I have to say something here. I myself saw this man on the ramp. He is a big liar. I still remember the motorcycle he used to ride around on."

Walter claims never to have been on the ramp and says he cannot understand why Baretzki would want to incriminate him.

The court decides not to swear in Walter since he is suspected of having participated in the Auschwitz crimes. State's Attorney Wiese has the witness arrested in the courtroom because of the suspicion of his having given false testimony.

The next day, former SS Hauptscharführer Walter is recalled to the stand. Having corrected his testimony when questioned at the Frankfurt police headquarters, he was released. He explains his false statements of

the previous day by saying that he was very excited during his interrogation by Judge Hofmeyer and had not understood the questions properly.

Walter now admits to having been on the ramp when prisoner transports arrived. He had not participated in the selection of the victims and he had not murdered anybody at Auschwitz. He had only passed by the ramp accidentally when transports arrived and sometimes had stopped to chat with SS officers. The witness also admits to having failed to tell the court that the defendant Höcker, in his role as adjutant to Commandant Baer, notified the Political Section and the administration when teletypes announcing the arrival of new prisoner transports were received.

Josef Glück, now a Haifa businessman and formerly a textile manufacturer in Klausenburg, was arrested on May 10, 1944, "because I was a Jew." He left Klausenburg on June 11, part of the final transport of 2,800 fellow sufferers. Of these, 400 were selected for work, the rest gassed. His wife, two children, his mother, his sister and her two children, his brother, mother-in-law, and sister-in-law were part of the same transport.

"Are you the only one of all those whom you have mentioned to have survived?"

The old man's reply is remembrance and mourning for all those who once shared his life:

"Yes."

For a moment the word hovers over the courtroom, irrevocable yet uncertain to whom and where it should turn so that it might not only be heard but also comprehended. The old man sits motionless. The judge slowly leafs through the papers in front of him.

Yes, the witness says, he had seen the pharmacist Capesius at the ramp during selections, making deals. Glück says he had recognized Capesius right away and told his fellow prisoners: "Capesius is a fellow townsman. I know him from Klausenburg."

But Capesius only asked whether one wanted to work, yes or no. Those who said no were sent to the left, to death, the others to the right, into the camp. Glück says that on a number of occasions he also saw the former camp pharmacist "selecting in the camp," in the company of Dr. Mengele—for example, in October, 1944. Mengele came to Barrack 11 with three officers, "among them Capesius." Jewish children between the ages of sixteen and eighteen, "all of them healthy," were housed there.

"They probably sensed what they were in for and dispersed. Thereupon the camp leader rounded them up with dogs. That happened on a Jewish holiday. After two days vans came, and these boys were put on the vans and taken to the gas. This was done amidst laughter. They probably were very amused because these children cried out for their mothers."

The witness is overcome by memories. He has gathered from reading the papers, he says with great emotion, "that these gentlemen did not know what was happening in Auschwitz." They, the prisoners, even the children, knew it after only two days there. Then he reaches into his coat, takes a small picture out of his wallet, holds it out to the judges with a stiff arm, and says tearfully:

"Children scratched their arms and with their own blood would write on the barracks walls, as did my nephew, this child here, who wrote: 'Andreas Rappaport—lived sixteen years.'"

The boy had called out to him: "Uncle, I know that I have to die. Tell my mother that I thought of her up to the very last."

"This little boy, he knew that he had to die after two days. He did not know that his mother had already been gassed."

The witness named Glück* sits there, shriveled and exhausted. He sits at the table in tears, in his hand the picture of his nephew Andreas Rappaport—who "lived sixteen years."

Slowly Judge Hofmeyer continues to turn the wheel of the trial. Josef Glück witnessed another selection, on August 13, 1944, in the women's compound, while working there on a water pipe. Mengele and Capesius were present. His own wife was then selected and sent to her death.

He also saw Capesius during the extermination of the Gypsy compound. He stayed with the few healthy Gypsies who were not sent into the gas.

"Do you know for certain that you are not mistaken? Could you have confused Dr. Capesius with Dr. Klein?"

"No."

"There can be no doubts that you saw Capesius in the camp during various selections?"

"No."

"And you cannot be mistaken?"

"No."

Defense Attorney Laternser remonstrates with the witness. Had Dr. Capesius spoken Hungarian or German, or does he, Glück, perhaps no longer know?

"Sir, those are details. Every year there is more and more that I cannot remember."

Were the women selected first and then the men, or vice versa, or doesn't the witness remember? Which of these three was the case?

"Probably all three. I can no longer remember."

Who had selected the women?

"Capesius."

* "Glück" means "happiness" or "good fortune."

Dr. Klein, according to the witness, was "small, as his name signified,* slender, I think white-haired. I saw the two together; they were very unlike each other."

No, there were no more questions. It seems pointless. The witness Samuel Lubowski moves in commonplaces, although Auschwitz, where he suffered as a prisoner, was an unusual place. But he only heard things and did not see anything specific. He does create a stir with some of his statements, such as: "I know Kaduk better than my own brothers. I forgot them a long time ago. I will not forget him as long as I live." But he can add nothing more concrete, no specifics. Yet he succeeds in giving a thumbnail sketch of the function of this particular defendant.

"What was his job?"

"Beatings, beatings, beatings."

He also testifies that "this well-known murderer was present" at every selection, and in contrast to previous testimony he says that these selections took place mostly during the night. He is sworn and excused.

Hersz Kugelman, a businessman, was arrested in early August, 1943, when his native city, Benzburg, "was cleansed of Jews." For three days he succeeded in hiding out with his family and relatives, but the hiding place of these fifty-two persons was discovered. The witness breaks down and cries. A frightened, apprehensive, compassionate silence settles over the courtroom. And then, brittle and broken, comes the voice of the man telling how the women and children were separated from the men at the ramp, describing the shouting and the line-up for the march into the gas chambers.

"My wife was sent to the camp, like me, and also my sister-in-law. All the others were gassed."

"Were children among them?"

"Yes," the witness says and puts his hands up to his face, "my two."

"How old were they?"

The man cries and cries and does not say anything, and nobody can help him. And then he says softly: "Born 1935 and 1938."

Then he apologizes to "the Honorable Court."

Kugelman incriminates Baretzki, who was called the "stutterer" and the "cripple." He himself was badly mauled by the former block leader. The defendants are asked to get up and the witness is asked to pick out Baretzki. Kugelman stands in front of them. He looks at one after an-

* "Klein" means "small."

other, raises his arm, points his finger, and says: "I would say that's him, Number 12." It is.

The defendant says: "I have done none of these things, Your Honor."

Ludwig Damm, the next witness, joined both the SA and NSDAP in 1931. In 1933 he entered the SS. A friend persuaded him: "It's very special, so noble, exalted." He became Scharführer in 1936 and also Mayor of Morlautern near Kaiserslautern, a job to which he returned in 1952, being elected almost unanimously, by twelve out of fifteen town councillors, the representatives of "diverse parties."

He was at various times suspected of having Jewish ancestors, accused of a serious lack of discipline, reprimanded, and ultimately assigned to the Waffen SS. In early 1942 he was reclassified "limited service" because of a circulatory ailment and sent to the town of Auschwitz, "to help organize the mayoralty." For a while, Damm worked in the prison fiscal office, where money sent to prisoners by relatives "was properly entered and exchanged for coupons," which were then distributed in the camp each week, "primarily to women."

Damm was shaken, "shocked" by what he saw in Auschwitz, and talked about it at home while on sick leave. "Good friends" denounced him for defeatist talk. The report went through channels and he was advised to return to Auschwitz and to report to adjutant Mulka, who accused him of treason and wanted to have him court-martialed. But somebody or other succeeded in getting the matter settled. All that happened to Damm was a reprimand from Höss. After that he devoted himself exclusively to "communal affairs." "In effect I had no contact with SS men." True, he did see arriving transports. "Everybody saw those." Other than that he knows nothing about the concentration camp, and after some remonstrance admits to having signed some orders about secrecy and the evacuation of Jews and death penalties for loose talk.

Prosecutor Kügler, whose questions the defendant Mulka still refuses to answer, requests that Robert Mulka be asked (what a grotesque game) whether he recognizes the signature on a teletype to the commandant's office as his own.

Defense Attorney Stolting makes a point of first examining the document himself, then Mulka says "No" superciliously, scrawls his signature on a piece of paper, and adds it to the teletype.

The witness Magda Szabo is now a teacher in Romania. On May 5, 1944, she was brought to the ghetto of Tirku Mures (Transylvania). At

ness through the newspapers. Laternser looks at him coolly and replies calmly: "I do not keep a record of when the Chief Prosecutor was in bed and when he wasn't." He then denies having acted frivolously and says that if the prosecution could not continue as heretofore after testifying that would be a "by-product." The judges in their black robes smile imperceptibly. At the height of the battle Judge Hofmeyer points out that the conduct of the trial still rests in his hands, a point which he will probably have to repeat over and over again.

The first witness of this eighty-second day of the trial is the Polish pharmacist Tadeusz Szewczyk. He had been arrested in Radom in January, 1943, for membership in the Polish resistance and brought to Auschwitz in the closing days of March. Around the end of August or early September, after "being employed" for a while on road construction and regulation of the Sola River, he was detailed to the SS pharmacy. Szewczyk remembers having seen "small quantities of Zyklon B once." The poison gas, packed in cartons, was standing in the basement of the pharmacy. He was told by the SS-men Jurrasek and Dobranski that Capesius had ordered them to pick up the Zyklon B. Judge Hofmeyer points out that Jurrasek in his testimony had said nothing about such an order by Capesius.

Witness: "I don't know what he says now. At that time he did say it."

Capesius himself one day told him that he had to work on the ramp.

"What he did there and whether he was there I don't know."

Szewczyk accuses the defendant Capesius of having taken valuables belonging to prisoners. Capesius had instructed him "to take some suitcases down from the ambulance. These were leather valises of various sizes, and I was to bring them into the storeroom of the pharmacy. There were fifteen of them." The room was closed off, "and I stayed there with Capesius and sorted the contents."

Capesius shakes his head and takes some notes.

"Better things" were packed into "better suitcases," which Capesius then took. He also pocketed foreign currency and jewelry. The money went straight into his own pockets, the jewelry into the freshly packed suitcases.

"Dr. Capesius took everything."

The defendant smiles and writes.

In summer, 1944, a newly arrived SS man who spoke excellent Polish had a nervous breakdown after being ordered to work on the ramp. "He threw his cap and pistol into a corner and yelled: 'Let them do what they want with me, I will not work on the ramp.' A little while later Capesius came, took the SS man into his room, and kept him there for quite some time. When the man came out he said: 'I took care of that. Dr. Capesius said that I would not have to work on the ramp.'"

Adjunct Prosecutor Ormond asks about Dr. Klein, with whom the defendant Capesius would so much like to be confused.

"What did he look like?"

"Small, like his name, slight."

Did Capesius resemble him?

"No, not in the least."

Defense Attorney Laternser: "How did Capesius behave toward the prisoners?"

"Very calm, decent."

"I have no further questions."

The defendant Capesius has further questions to ask of "Colleague Szewczyk," but is asked to address the witness as "Mr. Witness." The defendant has set out on an involved course when his attorney, Laternser, interrupts him and, holding his hand over the microphone, talks to him at length. Capesius thereupon says that he wishes to refer to his previous testimony. He had "not enriched" himself at Auschwitz and had not "pocketed anything."

And as to the packages of Zyklon B gas, those were a shipment of an "ovaltine substitute from the Swiss Red Cross."

Capesius: "The witness is the victim of an error."

Judge Hofmeyer asks the witness once more whether he could have been confused?

"No, impossible."

The Polish civil engineer Erwin Bartel is in the witness box.

Judge Hofmeyer: "You are not related to any of the defendants?"

Witness: "Thank God, no."

Bartel was born in Auschwitz, and he was sent to the camp there on June 5, 1941. Between his birth and internment were years of schooling, flight to France, fighting in the war against Germany as part of a Polish unit of the French Army. He returned to his home via various German POW camps, as prisoner number 17044. The Jews and priests in his transport were sent to the penal company, whereas he, after a few in-between stops, ended up in the admissions office. He had gotten the assignment through Stark: "He was somewhat friendly toward me."

"Stark was in charge of receiving the transports," the witness says. Later Stark was given help. "I remember names like Broad." And then lists of SS men who had to work on the ramp were drawn up.

The witness tells of something that happened in spring, 1942.

"We went to Birkenau for some reason or other. Stark took me along." Presumably because a transport was delayed, Stark and Bartel went to Block A of the first compound of Birkenau, which had just been completed.

"We went into a room. The senior room inmate reported. Thereupon Stark selected two Jews and ordered the senior inmate to kill them. He said: 'I don't know how.' Stark ordered the Jews to kneel down in front of a stool, with their fingertips touching the floor. He hit first one Jew and then the other in the neck with the stool. And then he told the senior: 'Now I showed you how it's done. If you don't obey my orders you know what'll happen to you.'"

Judge Hofmeyer: "Mr. Witness, you will have to swear to your testimony."

Witness: "Yes."

The witness remembers many things. Once Stark pointed to the village and said: "Look how beautifully the village was built. There are so many bricks here. When the war is over the bricks will bear the names of those who were killed. Perhaps there won't be enough bricks."

Defense Attorney Erhard attempts to shake the testimony. Had Prosecutor Kügler shown the witness pictures of the defendants during the pretrial hearings?

"Yes."

"Was Stark among them?"

"Yes."

"Were you asked directly what you knew about the defendant?"

"Yes."

"Did you say that you could not make any further statements?"

"Yes."

"Did you swear to that testimony?"

"Yes."

"Can you explain the reason you had forgotten the murder of the two Jews you have now described here?"

"I think that one can forget such specifics, in the belief that one has already told everything about a man."

Attorney Erhard also wants to know why in 1947 the witness said the SS man Palitzsch was responsible for the death of a prisoner shot "in error," and now says that it was Stark.

"I did not take notes, so it is possible that some details don't jibe."

Erhard: "All right, then."

Stark is also accused of being responsible for the death of a number of prisoners who drowned in the water of a construction ditch, and Erhard asks if, contrary to the opinion of the defendant, the witness noticed whether there was water in the ditches.

"Yes, that's right."

"How much?"

"I didn't measure it."

Stark maintains that the witness is not telling the truth.

"I never went to Birkenau with the witness, I never inspected blocks in Birkenau, I never killed anyone in Auschwitz."

Judge Hofmeyer "in all candor" confronts the witness with a number of points: On August 2, 1947—that is, soon after his liberation—he testified about his experiences in Auschwitz before a Polish court. He later talked about them to the secretary of the Auschwitz Committee, Hermann Langbein; in 1959 he was questioned at length by Prosecuting Attorney Vogel, and a few days thereafter by the examining judge. Not once did he mention the murder of the two Jews by Stark which he described now.

"Now you tell of an event that is so grave that it must be among the worst things that you experienced in Auschwitz. It probably was the very worst thing you experienced in Auschwitz. Do you wish to say something about it or do you wish to be sworn in immediately?"

"All I would like to say is that this was not one of the most tragic incidents that I experienced. I lost my entire family in Auschwitz. Many worse things happened there."

The sixty-year-old Jonas Friedrich accuses Kaduk of having selected prisoners for the crematories. Kaduk replies that they were prisoners for the work detail. Judge Hofmeyer cannot quite understand that, since most of the men in question were very weak.

"They weren't sent to work, were they?"

Kaduk does not think about this very long. In a firm voice he states:

"No, they were sent to the gas."

Mieczyslaw Kieta, a forty-one-year-old journalist from Cracow, was arrested with his father in spring, 1942, for working for the Polish Social Democrats and for passing food over the walls of the Cracow ghetto. On August 17, 1942, father and son were brought to Auschwitz, together with about eighty other prisoners. They were shipped in a black bus with curtained windows. Kieta's father, who was fifty-two at the time and "emaciated," had been an officer in the Austrian Army in World War I, and less than twenty-five years later, in Auschwitz, "he was beaten constantly because he didn't understand the orders." They took his hearing aid away; those who did not understand the new era did not have to hear.

The son wanted to help his father and tried to get him into the hospital, but an attendant nurse warned him.

"Then I found out that the hospital held the threat of phenol injections and selections."

He found shelter for his father in the so-called convalescent block, which he thought offered some degree of security. This was on August 27, 1942. Two days later there was a selection. The convalescents had to step out. "I saw my father step out. I saw how Klehr walked up to them. His face has

remained in my memory. They had to take off their shirts and roll up their pants to their knees."

Klehr stood there with two or three SS men, including the officer in charge, Aumeier.

"All those with bandaged or swollen legs were sent to the right to the kitchen storeroom by Klehr. There they lined up against a wall."

Then came the next "examination." It took two to three hours and yet there wasn't enough time to go through the entire squad. "It turned dark, night fell." Those who got away were ordered back into the block. "I did not know what it was all about; I wanted to see my father again."

Mieczyslaw Kieta ran around the block and "saw that the whole group of 200 to 250 were taken in the direction of the camp gate by Klehr and another SS man. What then happened to these people I do not know, because I was chased away by a camp police patrol. From that day on I waited for my father daily. In the camp they said that all of them landed in Birkenau and were gassed. When I returned home after the war, I found a telegram my mother had received which said that my father had died in Auschwitz."

The notification was curt. No cause was given, no further details; it was signed "The Commandant."

"And the telegram arrived in the first week of September. All this happened exactly twenty-two years ago."

The witness had a second encounter with Klehr when, after recovering from an illness, he worked as a hospital aide.

"Every morning at ten I brought the so-called death notices to the mortuary. On the basis of these notices the stretcher bearers came to pick up the corpses."

One day Klehr came running out of his room in the hospital area, threw an identification tag on a table in the middle of the corridor, and called out to him to put the room in order. Screams had preceded this scene.

In Klehr's room the witness saw the following:

"A man was lying on the floor, of medium height, well built, broad-shouldered. His face was smeared with blood; there was also blood on his head . . . on the floor lay a broken hypodermic syringe with the kind of needle usually used in spinal taps. The orders of Klehr were to pick up the body and put things in order. I saw nobody else besides Klehr."

The witness also incriminates Kaduk:

"It was a foggy autumn day in 1943. Above the gate with the inscription 'Work makes man free' burned a strong light. Suddenly I heard the shouting of the drunken Kaduk from the camp gate."

He was often drunk, and the prisoners feared him like the devil.* That day the prisoners were all stirred up. Shots were heard.

* The Polish word "Kaduk" means "devil."

"Through the window I saw Kaduk lurching with a pistol in his hand. A prisoner was lying on the ground. I saw him shake for a time, convulsed; then he was still. Later stretcher bearers arrived and carried him off."

Defense Attorney Dr. Jugl wants to know whether Kaduk was frequently that drunk.

Judge Hofmeyer: "Defendant Boger can answer this question unequivocally. All he has to do is repeat what he said in the pretrial examination."

Boger gets up, but he has not understood the question. It is repeated. Boger laughs reminiscently, looks over at Kaduk, and doesn't quite want to speak up. Yes, he drank all right.

Judge: "At the time you said: 'He was a terrible drunk.'"

"Oh, well, he drank."

The witness talks of another incident:

"There were times when Klehr didn't hit the heart. Then the phenol went into the lungs. The victims passed out from the pain, but sometimes they regained consciousness."

The witness remembers a day in early March, 1943, a short while after the slaughter of the children from Zamosc. A van with corpses passed by.

"Suddenly I heard a shout and saw a 'corpse' jump down from the top. The man began to run away. At the new laundry he was hit by the bullet of a guard. This was a case when an injection had missed the heart."

Defense Attorney Dr. Fertig asks that the witness not be sworn, and cites three reasons:

"He is the only witness who says that Klehr took part in a camp selection; his testimony contradicts that of another witness, who told about the murder of a Russian POW who was held down by four people before Klehr could kill him with an injection."

Klehr asks the witness: "Did you also take part in roll calls?"

"No, after October, 1942, the roll calls took place in the corridor of Block 20."

"Yes, that's right. I only wanted to know."

Now the group of defendants around Boger again takes the stage. The man who testifies against them, the fifty-one-year-old economist Feliks Mylyk of Gleiwitz, was for many years their bootblack, messenger, and waiter, and looked after their uniforms. The court learns where the notorious interrogations were held: They were moved into headquarters, and finally to a specially equipped barrack.

Witness: "At first there was a sort of iron pipe between the desks of Mr. Boger and Dylewski; that was the beginning of the Boger swing. Later the Boger swing stood in the interrogation barracks."

Judge Hofmeyer wants to hear about it in greater detail.

and didn't go there." Finally he says: "I was on the ramp in May, but not for the purpose of selection."

It was in May that the witness arrived in Auschwitz.

Judge Hofmeyer: "Who did the selecting?"

Lucas: "Mengele, Klein, Rohde, Thilo. After all, there were ten medical officers to do this job. They'd have been in each other's way if they'd had nothing to do."

Adjunct Prosecutor Ormond: "Dr. Lucas, please try to be truthful. I am not lumping you with all the others anyway. Did you perhaps want to save this girl, who at that time was extremely pretty and young?"

After a pause Lucas speaks, breaking the breathless silence:

"The witness is the victim of an error."

Judge Hummerich: "Did you perhaps have the courage to save the witness?"

Lucas remains silent.

Four defense witnesses, former SS men at Auschwitz, take the stand. The parade is led by the Hamburg physician Dr. Kurt Uhlenbroock, appearing at the request of Defense Counsel Göllner. The Frankfurt State's Attorney had originally also named Uhlenbroock in the course of his Auschwitz investigation, but later dropped the proceedings.

Uhlenbroock spent a few weeks in Auschwitz in August and September, 1942, in connection with a court-martial case in which he was involved because of a controversy with a former superior, who "on his own authority had assigned him to a field hospital at the front." The charge that he did not treat the wounded men at the field hospital properly was not corroborated. Prosecuting Attorney Kügler is able to find documentation of Uhlenbroock's acquittal in his personnel file. It seems that personal differences of this sort were responsible for the death of quite a number of soldiers.

But the witness, whose name has cropped up repeatedly in this trial, is before this court in a different connection. It is the contention of the prosecution that during his brief stay in Auschwitz, from August 17 to September 16, he fulfilled the functions of chief medical officer. Prosecutor Kügler says that according to available records, the witness was detailed to Office D3 (Economic Affairs) from August 17 to November 25, 1942, "which assigned doctors to the concentration camps."

The State's Attorney reads excerpts from a recommendation for promotion dated September 19, 1943: "He has given proof of his professional ability and his reliability in Auschwitz."

Kügler: "Your postwar curriculum vitae says that you were detailed to Auschwitz to fight epidemics."

Witness: "Höss asked for my advice on how to fight epidemics. This curriculum vitae was after all not drawn up for German officials."

The witness claims to have been sick during the few days he spent in Auschwitz and to have done nothing but take walks, except once, when he performed an emergency operation on a Polish prisoner. On August 29 and 30 he was in Berlin because of his own case. (On August 29 there was a mass gassing in Auschwitz. In the campaign to eradicate typhus, it seemed advisable to send all prisoners of Block 20 to the gas chambers, together with the lice.) According to the diary of former SS camp medical officer Professor Kremer, he reported to the highest-ranking medical officer, Dr. Uhlenbroock, on August 30.

The witness begins to behave like a defendant. When the prosecutor asks him whether he had participated in selections on the ramp or in the camp, Judge Hofmeyer intercedes: "Are you prosecuting him? This witness has been called by Attorney Göllner on behalf of Klehr."

Kügler: "Tell us, did you select?"

Witness: "Never."

Former top sergeant Wilhelmy, a previous witness, remembers Dr. Uhlenbroock very well, the prosecutor says. He would like a confrontation between the witnesses. But before the court can rule on this, Chief Prosecutor Dr. Grossmann receives an answer to his question of how Uhlenbroock came to know Mulka: "Every visitor and everything went via the adjutant of the commandant."

The witness is told that if the signature is genuine, the evidence seems to indicate that he ordered books and drugs.

That might well be so, the witness says.

"Who ordered you to perform the operation?"

"As far as I can remember, Höss asked me to perform the emergency operation."

"Do you mean to say that Höss intervened on behalf of a prisoner?"

"I don't mean to say that."

Adjunct Prosecutor Ormond: "Isn't it true that you were chief medical officer?"

Witness: "It is my understanding that Dr. Wirths was chief medical officer at that time."

Judge Hofmeyer: "The question has not been answered. Were you the chief medical officer?"

"Not according to my recollection."

Defendant Klehr: "I don't know Dr. Uhlenbroock as chief medical officer. I never met him."

Judge Hofmeyer: "I don't understand this. I thought the witness was to have testified that you received orders from him."

The court decides not to have the witness sworn.

Witness: "During the 1941 holidays no such incident occurred."

Judge Hofmeyer wants to know whether the witness saw Bednarek beat prisoners to death.

"That is a question," the witness says, "which cannot be answered in two words. If Your Honor will permit, the case was as follows."

And he tells the court that after two or three months of Auschwitz prisoners suffered an 80 per cent "decline" both physically and mentally. "Mr. Bednarek did not like to see such prisoners. It was the opinion of Mr. Bednarek that prisoners who were psychic wrecks should not be permitted to live. Especially at night prisoners were apt to die. It is of course possible that a witness whom Bednarek had struck in the face during the day subsequently died a natural death during the night."

No, he did not see Bednarek beat anyone to death. On the contrary, one could see that "he found it very unpleasant; when he struck a prisoner he would always give him additional food."

No, the witness says, he did not have any special position in the camp. "I will tell you why: because everyone who took on a job in some way inflicted harm on someone else."

State's Attorney Kügler elicits the information that the witness had become friendly with Bednarek. Uchwat had "no reason for shunning Bednarek; his treatment of me was all right." He believes that he owes his life to Bednarek.

Was Uchwat with Bednarek all the time that particular Christmas? No, he also was peeling potatoes, he says. "But I had a friend in the block, and I would have learned from him if something like that had happened."

Kügler: "That may be so. But I want to know whether you were with Bednarek all throughout Christmas Eve."

Witness: "No, not all the time."

Anton Glaser: unobtrusive, insignificant, neither clever nor particularly stupid, neither brave nor cowardly, neither sly nor candid. A family man, fifty-three-years old, he seems a man like any other. At first glance there is no reason for doubt. But he too bears the mark of Cain: He joined the Nazi Party and SS in 1938; in January, 1940, he came with the Waffen SS to Lublin. In October he became a guard in Auschwitz, member of the 1st Company, and for fifteen months served in both the small and big guard chains, and, also guarded work details: "There was field work, demolition, canalization, drainage."

"What was your job?"

"It was my job to see that nobody escaped."

Had he been instructed about how to act in cases of attempted escapes?

"In case of flight the weapon was to be used" if the prisoner did not "stop" when ordered.

Gerhard Hess tells of a gassing he witnessed in the Old Crematory in Auschwitz I. No names of defendants are mentioned in this connection. He met adjutant Mulka "in the course of duty." He has no clear recollection of him. The witness, who was quartermaster at Auschwitz, cannot say who had jurisdiction over the motor pool or what orders and regulations were issued by Mulka.

Judge Hofmeyer: "At one time you knew everything much better."

Adjunct Prosecutor Kaul wants to know how come the witness was able to make such exact statements about the conduct and legal responsibility of Mulka in his deposition in 1962 and why today he is so imprecise. At that time, Kaul points out to the witness, he had said that Mulka had jurisdiction over the motor pool, in particular over the transport of prisoner property to the Canada Compound and for the transport of prisoners. "As adjutant and deputy he was fully responsible for everything that happened in camp, and if today he tries to deny responsibility, he is being childish and naïve."

Judge: "What do you have to say to this?"

"I still believe that he was responsible for the motor pool in the camp."

Asked whether pressure had been brought to bear on him, the witness says that even if he had been threatened he would testify:

"If I do, then I can sleep at night, while the others have to fight ghosts."

The driver of Commandant Höss, the sixty-five-year-old Leopold Heger of Dischingen/Heidenheim, was in Auschwitz from May, 1940, until the dissolution of the camp in 1945. At times he acted as chief of the motor pool. All orders for trips were issued either by the commandant, or more frequently by the adjutant, the witness states.

Judge Hofmeyer: "Who was the adjutant at the time?"

"I cannot remember the names."

"Do you know the name Mulka?"

"Yes."

"Did he also sign?"

"Yes, when the commandant was not around."

Were there trips to the gas chambers?

"There were no written orders for that."

"Were there verbal ones?"

"Yes."

"By whom?"

"By the commandant or the adjutant."

This is the first witness to testify about the direct connection between the motor pool, which was responsible for transporting poison gas and prisoners to the crematories, and the adjutant, i.e., Mulka and Höcker.

Both defendants have steadfastly denied the existence of such a connection.

Judge: "Now I ask you whether Mulka was among the adjutants who gave you such an order?"

"Must have been, because without an order no vehicle went out."

Judge Hofmeyer asks Mulka whether he had issued an order for a trip to Dessau. (The poison gas Zyklon B was manufactured in Dessau.)

Mulka: "I know of only one instance in which I issued a travel order for picking up disinfectants from Dessau."

Judge Hofmeyer, leafing through his papers: "But I seem to have more than one here. Is that your signature? You can look at them."

Mulka walks up to the bench.

"What does this mean on this travel order, 'material for resettlement of Jews'? What did you take this to mean?"

Mulka, after an embarrassed pause: "Well, Zyklon B."

Judge: "You see, until now you have maintained that you had nothing to do with the gassings. But it isn't so. You signed a number of things here."

Again former SS men are in the witness stand. Some were conscripted; others joined the SS voluntarily. As convalescents unfit for active service, they were sent to the camp as guards. Many of them were tried by the Poles right after the war and received sentences ranging from three years to life. They complain that they suffered terribly during their internment in Poland. All of them were released by 1956, including those sentenced to life.

The mechanic Theodor Küper from Burgsdorf/Hanover claims to have resisted a long time before swearing the oath to the Waffen SS, since he had volunteered for the Wehrmacht. He capitulated only after seeing the camp. In answer to the routine question of Judge Hofmeyer as to whether he knew about the gassing of human beings comes the stereotype answer: "From hearsay."

"And the odor?"

"What do you mean?"

After receiving an explanation the witness remembers having said at the time: "Does it always stink like that here?"

And after intensive questioning the witness also remembers that the trip orders came from headquarters, "from the top."

Eduard Lorenz from Gersthofen drove food trucks in the Auschwitz motor pool.

"Did you also transport people from the ramp to the gas chambers?"

"I would like to refrain from answering this."

Karl Morle, now an administrative employee in Bad Neuenahr, was responsible for the prisoners' baggage on the ramp, the "Reich property." He, too, was "disgusted" by his ramp duty. He saw nothing, just like the auto mechanic Christian Pfauth, also a member of the Auschwitz motor pool.

"What was your job there?"

"I ran around in my blue overalls and made repairs all day long. I saw nothing; I only heard things.

"And what did you hear?"

"That people were being gassed."

Dr. Lajos Schlinger, a doctor from Klausenburg.

Judge Hofmeyer: "Are you married?"

"I have no wife. She stayed behind in Auschwitz."

Dr. Schlinger had known Dr. Victor Capesius. "I think, since 1939. He was doing publicity for Bayer. He visited me two or three times." Each time he spoke with Capesius ten or twenty minutes. In addition, he had run into him in Klausenburg on the street.

In mid-June, 1944, the witness was brought to Auschwitz.

"We were the last group to be deported from Klausenburg; we doctors, there were twelve of us from Klausenburg, took the ghetto hospital with us."

Capesius is busy taking notes.

"We arrived at night and had to wait for two or three hours. At around 4 A.M. the doors of our cars were opened and we were chased out. It was a hellish situation, because we had brought along the hospital patients—about 200 to 300—among them many who were critically ill and couldn't even stand up. We were driven out violently. Our cars were opened after many of the others. The sick people were lying or sitting on the ground; women were crying, children screaming. It was a terrible situation. Suddenly I saw Dr. Capesius on the ramp. I ran up to him happily and greeted him. My first question was: 'Where are we?' He told me: 'In central Germany.' We didn't believe that; we had seen signs in a Slavic language.

"I asked him what would become of us. 'Everything will be all right,' Capesius said. I told him that my wife wasn't quite well. So he said: 'She isn't quite well? Then she should stand over here.' A group of very sick people had already been assembled. I went over to my wife: 'You have to go over there and stand in line.' And I never saw my wife and my seventeen-year-old girl again."

The witness stayed in Auschwitz only six days, after which he was sent to Kaufering with a work detail.

Judge Hofmeyer: "You have no doubt whatever that the man on the ramp was Capesius?"

"No, I spoke to him. At the time I was very happy to see him there."

Schlinger hands the court Capesius' card with his signature and New Year's wishes: "From his last visit in Klausenburg."

The defendant admits that it was his card, but says that he had written hundreds of them and had them sent to names on his address list. He, at any rate, had not given the card to the witness personally. Whereupon a juror asks: "Do you know the witness at all?"

Capesius: "No."

The fifty-two-year-old, white-haired Detlef Nebbe rushes up to the witness stand. Now a commercial employee in Husum, he was, in 1943, top headquarters sergeant in Auschwitz. In 1947, he was sentenced to life imprisonment in Poland; the sentence was reduced to twelve years, and in 1956 he was released.

Shootings during escapes did take place, but they were not frequent. One cannot speak in the plural. Judge Hofmeyer, however, has other information. Two of the accounts, for example, speak of nine and ten prisoners, respectively, being shot while escaping; another one of twenty. "And then we still have some others here. I don't think it is right to say that one cannot speak in the plural."

The witness remains silent. He assigned the guards, also for the ramp, but he himself was never part of them. Judge Hofmeyer wants to know whether the escapees were called back. "One could call out to them, but whether they understood you . . ."

"You are talking around the issue. Was there a rule or wasn't there?"

"Yes."

Then the court asks the man who for a year was top headquarters sergeant in the heart of the extermination machinery about the structure of the command hierarchy, how command channels operated. The only thing the witness knows with any certainty is that nothing came across his desk, that he had had nothing to do "with it."

"How were things done when you were Mulka's sergeant?"

They had jointly drawn up work schedules for the company and the guard details and for the railroad and camp teams, and they had worked together. The judge has to put his question more precisely: "When transports arrived, to whom did the teletype center deliver its messages?"

"They were delivered to me."

"Since you were the sergeant I can understand that. But when you weren't there?"

"Then they probably were delivered to the adjutant or commandant."

"You always say probably."

But Nebbe does not know what was done with the teletypes announcing the arrival of a new prisoner transport, who set the machinery in motion, who notified the Political Section, the doctors, the guard troops. He talks about the general structure of the headquarters. But the judge doesn't let up. Who had been responsible for the subsequent orders? Nebbe thinks that it must have been the commandant or adjutant. "So they personally ran around and set everything in motion?" the judge asks in annoyed tones.

"They used the telephone."

Ormond helps to refresh the memory of the witness, who was awarded a distinguished service medal while in Auschwitz. He reads excerpts about the duties of the adjutant from the camp regulations, which among other things say that he has to make sure that nothing of any importance was kept from the commandant, that all mail was to be shown to the adjutant, that the adjutant was in charge of ideological training.

The witness agrees to the substance of this, and he admits that the motor pool was under the jurisdiction of the adjutant.

The next two witnesses are Anton-Wilhelm Siebald and Willi Wildermuth, the first an auto mechanic from Heide, the other a leather worker from Oppenweiler in Württemberg, neither particularly well-to-do. In times past, after the takeover, they were part of a new national elite, of which Himmler said: "So we lined up and marched according to immutable laws as a military, National Socialist order of Nordic men and as a sworn community of its kin along the road to the future, and we hope and believe that we are not only the grandchildren who have fought a better fight, but beyond that the forefathers of the generations necessary to the eternal life of the Germanic people."

Today the "forefathers," a little less certain, sit on the witness bench. But they still seem to accept the questionable status which the uniform had given them, to believe in the Germanic model and in the "obedience which never wavers but follows orders given by the Führer or rightfully by one's superior"—this trinity of blood and breeding and elite.

Siebald, unemployed, joined the SS in 1933, was "caserned" in Thuringia, worked as a telephonist in Kassel, and after that in a spinning mill. He arrived in Auschwitz in the late summer of 1940, and there he stayed until January, 1945. Assigned to guard duty, he feigned illness "because he couldn't stand it." A few days later he was transferred to the motor pool where he drove food and laundry trucks, "only trucks." In 1941 he became assistant shop chief in the motor pool, and in 1943, shop chief. "Shop-wise" all vehicles in the motor pool were under him. "Discipline-wise" he was under the motor-pool chief, Wiegand, and Commandant Höss. "We had

nothing to do with the adjutant." Trip orders were signed by the commandant or the adjutant. He thinks once he saw a trip order signed by Mulka, for an ambulance to go outside the camp.

Were the trucks also used for trips to the gas chamber?

"I didn't see it, but I heard they were."

In 1942, Siebald says he had "to go along as a substitute from the ramp to the barracks, in the evening."

Where did this trip go to?

"Into the camp, where they were selected and everything. I didn't get all the way to the gas chamber. I took them to within about 300 feet of the barracks."

The witness talks around things, goes around in circles, and the chief judge admonishes him: "We won't get anywhere this way. When I ask you where the barracks were, you say 'Near the gas chambers,' and when I ask you where the gas chambers were, you say 'Near the barracks.'"

Siebald shrugs his shoulders. He doesn't know what is wanted of him, what he is supposed to say.

"Who ordered you to go there?"

"The order came from the commandant via the motor pool."

"How was the order worded?"

"The people were to be driven to the barracks on the way to the gas chambers."

"Did you know the way?"

"I followed the others."

Judge Hofmeyer confronts the witness with some of his earlier testimony. The orders for the trips to the gas chambers, he had testified, came from the adjutant.

Witness: "I have withdrawn that. I didn't understand it right."

Hofmeyer: "Earlier you testified: 'I remember Mulka's signature on trip orders.' Now you say you remember only one with Mulka's signature."

The witness, smiling: "I must have misunderstood it."

The first time he was questioned he had said that the adjutant had to sign "as a matter of principle." Was that correct?

Witness: "Yes."

But he hadn't understood that properly either. The commandant issued the trip orders.

Hofmeyer: "Funny how many things the commandant did. He obviously was very active."

The witness had seen no selections, only "afterward" did he notice that there were people "busy" doing something. He lets it be known that somebody or other told somebody or other that a transport had arrived and vehicles were needed. Then he names a name:

"Vollrath simply came and said: 'Today we have to drive again.'"

Adjunct Prosecutor Ormond asks about the so-called death march to Grossrosen when the camp was evacuated. What had Siebald seen?

"Some prisoners lying around."

"Alive or dead?"

"I just drove by. I couldn't see whether they were alive or dead."

The witness Willi Wildermuth joined the SS in 1934. He got to Auschwitz in April, 1941, and he stayed there until the end. Until the end of 1942 he worked in the guard company, and later in the motor pool. Once he got ten days for helping a prisoner get food from civilians. He did not see any prisoners who wanted to escape; he did not see them being forced to throw their caps and then being shot when they bent down to retrieve them. But minutes later the witness suddenly declares that a prisoner "left the guard area, then the guard shot at him." Not he, of course, "another one."

At the end of 1942 he got into the motor pool and "yes, he did drive to the ramp." Three or four times. He brought prisoners to the gas chambers.

"After they were unloaded they went into the barracks and after that I saw nothing any more."

"Earlier you said: 'I also saw how they came out of the barracks naked and went into the bunker.'"

"I didn't see that; I can't remember that."

"What happened to the people after they were gassed?"

"I wasn't there. They were probably burned there and then."

"In earlier testimony you said: 'The bodies were incinerated nearby in pits which were about 7-8 feet wide and about 15 feet long. I saw them myself.' That was your testimony on May 17, 1961."

"I no longer remember that."

Judge Hofmeyer continues to quote from his previous testimony: "I was drawn there by the terrible stench. I saw the burnt flesh with my own eyes. I only saw it for a few seconds because I could not bear to look at it any longer. It was among the most horrible things I have ever experienced."

Witness: "I cannot remember."

He did not see how selections were made on the ramp, he did not know the doctors, and he did not know the block leaders.

Prosecuting Attorney Kügler asks whether he really hadn't seen that corpses were being burned.

The witness, stolidly: "I did. Now I remember."

Now Judge Hofmeyer has had enough. Why hadn't he said so earlier?

"I didn't catch on right away. It just came back to me this moment."

The court learns that the witness has had frequent meetings with five

former SS comrades, but only for the purpose of "talking with each other."

Grossmann: "You didn't talk about Auschwitz?"

The witness denies he did. Grossmann is surprised: "The whole world is talking about Auschwitz, but you and your former comrades aren't? What did you talk about, the weather?"

The witness remains silent.

How about the discrepancy in his testimony between preliminary hearings and trial? The witness has no explanation.

Martin Wilks got into the Waffen SS via a different route. He first served in the Lithuanian Army. After the occupation of his country by Germany he was sent to a resettlement camp, selected in Schneidemühl, and sent to the Waffen SS, "not voluntarily." From October, 1941, to January, 1945, he was assigned to Auschwitz, where he worked as bookkeeper in the garrison from January, 1942, on.

The witness says that the chief medical officer was responsible for the assignment of the doctors. "He was the boss. He could assign any job."

In 1942, Wilks says, he witnessed a gassing in the Old Crematory, but did not recognize the SS men involved. He knows of the extra rations for the people working on the ramp or "present at killings." Once he himself picked up the extra ration for Dr. Wirths. Who were the doctors who worked on the ramp?

"I would say all were assigned and all worked on the ramp."

His office was notified of the arrival of prisoner shipments by headquarters or by the Political Section. Whoever was on duty had to notify the doctor and the disinfector. Had he ever notified Klehr?

"I couldn't say. If Klehr was disinfector at the time, then he too was notified."

"Why were they notified?"

"They were notified so that they could do their job."

"What was their job?"

"Their job was to gas people."

The witness says that to the best of his knowledge selections on the ramp were made only by doctors and they had to go along to the gas chambers.

What was their job?

"I don't think there was anything specific they had to do. It is possible that they had to go along to watch over the SS men."

Karl Lill, fifty-six-years of age, works as a translator in East Berlin. He was arrested on September 17, 1938, "because of political activity." First he was sent to Dachau, where he built houses for the families of the SS men, worked in the tea plantation and in the hog-raising station, and

finally as a clerk in the hospital compound. In August, 1942, he was sent to Auschwitz with eighteen prisoners "to help fight a typhus epidemic of such magnitude that not only prisoners but also SS men died by the hundreds." Soon after that Dr. Wirths, the chief medical officer of Dachau, became chief medical officer of Auschwitz. Early in September, Lill was ordered to the office of the SS compound, where a Stabsscharführer said to him: "You will learn a number of things here which no one in the camp knows. If anything became known, it could only be through you. If that happens, you'll go through the chimney."

Two prisoners worked as clerks in the compound, Lill for the garrison doctor, and Hermann Langbein for the chief medical officer.

"What kind of man was Wirths?"

Lill: "He was a man whom we had already noticed in Dachau, because he treated sick prisoners like a real doctor."

"Did you at one time write a letter of thanks to Wirths?"

"Yes. Not personally, however, but together with my work detail."

Judge Hofmeyer reads the letter:

"Last year you saved the lives of 93,000 men. We have no right to tell you our wishes, but we hope that you'll stay here."

Lill so states himself and corroborates the testimony of other witnesses that Wirths put a stop to the murder through phenol injections. Lill knew Commandants Höss and Baer. The name Mulka "didn't mean anything [to him] at that time."

Capesius?

"Of course. He was jovial and amenable, talked to prisoners like colleagues; he could joke and laugh."

The witness has no actual evidence that Capesius administered, requisitioned, and handed out the Zyklon B gas in Auschwitz. He believes that the prisoners in the pharmacy were best qualified to speak about that.

"Yes, but unfortunately they are not," Judge Hofmeyer says.

Lill accuses Klehr of things not heretofore heard at this trial:

"Klehr was the man who, before our eyes, climbed up on the bunker innumerable times—let us say I saw him do it thirty times, one does not want to keep a record of such things—put on a gas mask, tore open the cans, and poured the contents into the gun barrels . . ."

The witness stops, has difficulty in regaining his composure, reaches for a glass of water, and continues haltingly:

"A few seconds later a cry, muffled, stifled by the concrete walls. And then, a few minutes afterward, a brownish-yellow vapor poured out of the chimney."

Hofmeyer: "Defendant Klehr has been denying that he personally took part in the gassings."

"Of course."

Klehr has said he was never present when poison gas was poured into the gas chamber and, Hofmeyer goes on, no witness up to now has said he was.

"Did you see Klehr before he donned the gas mask?"

"Of course."

"From where?"

"From the window of my office."

The witness walks up to the sketch of the camp and points to the window of the room in which he worked, which looked out to the Old Crematory, a former bunker.

"Was Klehr alone when he climbed up?"

The witness can remember Klehr, Koch, and Theuer in particular:

"Not once did this man Klehr show any emotion." There were some who, coming back from home leave, talked of Auschwitz as "this murder den." Klehr, however, had no such qualms:

"Klehr could murder a few hundred or thousand people the way a shoemaker tears an old sole off a shoe. He sought out and killed people out of passion for the hunt, going from hospital room to hospital room."

Prosecutor Kügler closes in on Capesius, who continues to maintain that all the witnesses who have incriminated him mistook him for Dr. Klein.

"Is it possible to confuse these two?"

"Absolutely impossible."

Klehr asks to make a statement. He lets loose a torrent of words: the arrival of Karl Lill in Auschwitz did not "take place" on the fourteenth but on the twentieth; he "had not carried out gassings."

"I did not even own a gas mask. Also, a special filter was needed, and I didn't own that either."

"How did you know that about the filter?"

"I knew about it because I was always together with the disinfectors. I also didn't carry out any selections."

He only went on "inspection tours" through the rooms of the hospital compound "and looked after cleanliness and order."

"May I be struck down dead if I am not speaking the truth here."

The defendant Klehr does not fall down dead. But despite such fortitude there remain doubts whether he has succeeded in delivering proof of his credibility.

On September 24, Judge Hofmeyer expresses the hope that the presentation of evidence may soon come to a close:

"We have to come to an end sometime."

The State's Attorney: "We shall have to call on more witnesses within the next three weeks."

The first witness of the day is the thirty-nine-year-old Paula Rosenberg of East Berlin, who had been taken to Auschwitz at the age of sixteen. She talks Party dialect, a language which, according to one of the defense lawyers, does not make any impression in West Germany. For example, she says that in 1942, the Nazis wanted to open an anti-Soviet exhibit in Berlin: "But fortunately there already existed friends of the Soviet Union who would not permit it." After that, 250 "friends of the Soviet Union" were arrested and brought to Auschwitz. The uninterrupted flow of ideological, stereotyped phrases finally prompts Judge Hofmeyer to ask the witness whether she had written all this down or whether she had memorized it.

"What makes you think so?"

"We get that impression."

The witness tells of the selection after her arrival on the ramp; how she clung to her mother and was torn away from her by an SS officer, who said: "You'll get there too." The man who did this was the former camp adjutant Höcker. Later she asked a fellow prisoner the name of the man who selected her: "Capesius."

The witness is the forty-six-year-old Hans Spieker, a typesetter from East Berlin. In February, 1943, he and his wife were arrested for racial reasons, and about two weeks after his arrest they were brought to Auschwitz. When they arrived at the ramp, his wife was "pushed away" from him. "I then went over to my wife, was pushed away by someone, shoved over to the smaller group, beaten, and kicked."

Does he know the SS men involved?

"Yes, one of them I know for certain. I found out his name later. It was Mulka."

There is silence in the room. This is the first witness to testify that he had seen Mulka on the ramp. Mulka shakes his head and makes notes. Judge Hofmeyer wants to know what the man looked like. Spieker remembers his unmistakable countenance very well:

"He was hawk-faced."

Who had told him the man's name?

"I got the name from 'Napoleon,' a block senior."

The defendants are asked to rise. The witness stands in front of them, studies their faces, and points to one: "That's Kaduk," who is always flattered to be recognized. He bows repeatedly, smiles, laughs, looks to see what the reaction of the spectators is.

The witness continues to look, stops at Number 2: "That's Mulka."

Mr. Mulka is also pleased, but ironically rather than from any sense of flattery, and his smile quickly freezes on his face.

Later Judge Hofmeyer shows Mulka a document dealing with the ne-

cessity of the urgent completion of the crematories in Birkenau. The prisoners working on that assignment would also have to work on Sunday, January 31, 1943.

Was the signature under this letter his? Mulka looks at the letter, somewhat puzzled it would seem, examines it closely, and then says: "Yes, that's my signature."

Had he dictated it? Was the symbol "Mu" also his?

"Yes," the former adjutant says reluctantly and grudgingly, he probably had dictated it as well.

Prosecutor Kügler asks the defendant—also in view of the lower ranks sitting on the defendants' bench with him—finally to speak the truth.

Mulka, pointedly: "All my statements conform to the truth."

Kügler: "Until now at any rate you had known nothing about gassings."

Mulka: "I have already commented on that."

On January 9, in reply to the question of how he had known about the gassing of prisoners unfit for work, he had said: "There was talk about it."

The Polish witness Zdzisław Mikolajski worked in the dental station, last under Dr. Frank. He also knew Dr. Schatz, who came toward the end of 1943, two or three months after Frank. He remembers the time because Dr. Schatz had gone hare-hunting and had shot his own dog by mistake. "The men dug the buckshot out of the dog." Dr. Schatz sits in his place with bowed head. He does not consider his hunting skill worthy of mention.

The witness corroborates that the SS dental station was engaged in melting down the dental gold of gassed prisoners. The teeth were brought into the laboratory by a prisoner, cleaned, and given to a Stabsscharführer. Later the prisoner who used to do this was released. "The boss asked me and another prisoner to remove the teeth. But I didn't want to and told him that even if I were transferred to another work detail I wouldn't go to Birkenau."

It was possible to talk to the head of the dental station and he finally decided "that a prisoner from the prisoner dental station had to go to Birkenau." Judge Hofmeyer asks about irregularities. The witness recalls that a special messenger from Berlin who had come to pick up the dental gold "absconded" with a suitcase full. He was arrested in Düsseldorf. After that Dr. Frank took charge of the melted-down gold. It was handed over to the administration. He was assisted by Dr. Schatz and an SS man by the name of Unrat.

"Do you have any idea whether Dr. Frank and Dr. Schatz had been to the crematory?"

"Dr. Frank and Dr. Schatz frequently came to the dental station after having been on night duty and took off their gas masks and clothes. Then

they'd go to sleep. They also said that they'd been to Birkenau. Frequently Schatz and Frank would take their gas masks along before going to Birkenau. Dr. Schatz even took a steel helmet with him. Franz Mang [an SS man] kidded Dr. Schatz about it, saying that he looked like a mushroom."

"How did you know that they had come from Birkenau and had been on night duty there?"

"Unrat and Mang also went to Birkenau and they talked about it."

One day, the witness says, he asked Josef Simon, an SS man, why he was so dejected, and he answered: "I've been to Birkenau. What I saw there is far beyond my imagination. Those aren't SS men; they're criminals, murderers.' Simon said that even if he were punished and sent back to the Eastern Front, he would not go to Birkenau again."

"What happened to this Simon?"

"Nothing, he never went there again. And others also managed to get out of it."

Another time, Franz Mang showed up in a good mood and said that he had managed to get out of working in Birkenau. His chief himself was going to take his place.

"Who was his chief?"

"Dr. Frank."

The witness does not know what the actual duty in Birkenau consisted of:

"I can only conjecture, on the basis of observation. One day I and another prisoner carried a packing case to an ambulance in front of the dental compound. When we hoisted the case we saw cartons in the truck. They bore the inscription 'Danger-Gas-Zyklon B.' Dr. Frank sat in the back with the packing case. In front next to the driver sat Dr. Capesius and Dr. Schatz. In front where Dr. Schatz was sitting were the gas masks."

The witness tells of the murder of a man and two children aged nine and eleven in the Old Crematory. Dylewski read something, "then Boger came and wanted to take the fur coat off the man. The man wouldn't let him, and Boger took him into the crematory as he was. Dylewski was standing in the yard with the children. Then Boger came out again and also took the two children."

"Did the children come out again?"

"Nobody came out again. They didn't go in there to take a walk."

"That remark is out of order," Judge Hofmeyer tells the witness.

The witness tells in detail about the extermination of a group of country people in the Old Crematory near Auschwitz I, in the presence of Boger and Kaduk, Dylewski and Broad, as well as another member of the Political Section. They took turns going into the crematory with the prisoners, among them children.

"I know that Boger shot people, because he came out holding a pistol which he had some problem in loading."

Judge Hofmeyer tells the witness that in his first written deposition he named only Kaduk and Boger, whereas now he also names Dylewski and Broad.

"My statement was of a general nature. Now I remember more and more details."

"It wouldn't have been too far-fetched for you to have mentioned Broad and Dylewski also."

The witness repeats his reasons and also recounts an incident that incriminates Broad and Dylewski even more. Both of them had poured Zyklon B into the vents of the Old Crematory, killing the members of a special prisoner detail of the Birkenau gas chambers. Judge Hofmeyer points out that in telling of this incident earlier, the witness also had spoken only of Boger and Kaduk, but not Broad and Dylewski.

"Yes, I wrote that Boger and Kaduk had taken part. I wanted to explain the part played by Broad and Dylewski in the gassing to the court. I had only reported generally, without going into detail. I had hoped that I would have the opportunity to tell the details to the court. I also remember the block senior of this detail leading a little boy by the hand. It was his son."

"Was the boy also gassed?"

"He was gassed with his father."

Franz Tomaszewski, forty-four years old, is a master smith. He grew up in Transylvania, was resettled in 1940, recruited by the SS, and in October of that year assigned to Buchenwald. In the fall of 1942 he was transferred to the Auschwitz guard unit. From early 1943 on he drove trucks in the motor pool, transporting "personal effects," the last possessions of the newly arrived prisoners, from the ramp to "Canada"; sometimes he also drove prisoners to the so-called bunker, where they were killed by gas. He never left his cab: "We were not allowed to get out."

He does not know the names of any of the SS officers who selected on the ramp, but after thinking hard he does recall the name of Commandant Baer.

Sometimes this former SS man can also distinguish individual faces. He tells Adjunct Prosecutor Ormond that one day Sonja Klein, a school acquaintance from a neighboring village, appeared on the ramp at Auschwitz, clung to him, and was driven away.

"But I don't know whether I dreamed this."

The next witness is of the same ilk. Albert Stenzel, fifty-two, works in the finance office at Stadel. He does not grant permission to have his testi-

assigned to the motor pool in spring, 1941, where he drove trucks. His superior was Oberscharführer Wiegand, who received his orders from headquarters, either from the commandant himself or from the adjutant.

"And who was the adjutant?"

"I think Mulka."

"Did you ever see trip orders signed by Mulka?"

"I don't think so. Most of them were signed by Höss." Vollrath admits having driven vans from the ramp to the crematory "when the Hungarian transports got under way."

"There was an old house back in the woods; that's where we took the people."

Regina Steinberg was arrested for "racial reasons" on July 23, 1942, in Bratislava. Two days later at dawn she arrived in Auschwitz, together with about a thousand men, women, and children. She was selected on the ramp. "The children were put in a car; we saw them being driven off. We went to the Auschwitz camp on foot."

She was put to work in the registry of the Political Section, where she came across the death notice of her husband, who died in the gas chamber. She incriminates the defendant Broad, saying that he had taken part in the torture of prisoners by tying them to the so-called Boger swing. She heard him tell a prisoner, "You'll learn to talk, we have a language for you." After that the prisoner was put on the swing.

"Did you witness such things often?"

"Yes."

"Also with Broad?"

"Mostly with Broad."

Boger was the author of a saying used to pledge prisoners to secrecy: "We'll prepare you for a happy trip to heaven if you say one word."

"Once Broad came back in the morning," the witness recalls. "We were already at work. His uniform had blood stains. He came with Lachmann and said: 'You know, Gerhard, it spurted like from an animal.' Then he handed me the coat and I went to clean it."

Broad has consistently maintained that he had had no part in the liquidation of the Gypsy compound on the night of July 31, 1944, when thousands of men, women, and children were driven into the gas chambers. Mrs. Steinberg says she most certainly remembers that. Broad had been to the Gypsy compound on that day. Half an hour after the extermination of the compound she handed him the complete list of its prisoners which she had compiled at his behest. Broad left for a training course after the liquidation, not before, as he has claimed.

OCTOBER, 1964

A sudden, unexpected change of scene: The defendant becomes accuser. For more than an hour, the witness Gerhard Wiebeck, now a lawyer, formerly a state's attorney and judge on SS affairs, has been talking around things, among them that he had tried to see that law and order were enforced in Auschwitz. But all that came out of it were some investigations of corrupt practices; those about more serious matters petered out. Now the defendant Baretzki, no great intellect, but crafty and with a sense for the relevant, tells this witness, who has been turning and writhing:

"You were in Auschwitz. Why didn't you tell the people what was happening there? Thousands of people were killed there. Why didn't you say that was wrong?"

There he stands, the witness and lawyer, who at the time did not complete his investigations and had seen little and had silently tolerated what he saw; there he stands, confronted by a man who had his hand on a small lever of the murder machine, while he, the SS examining judge, after a short sojourn, turned his back on the "gigantic, white-yellow vapor and the penetrating, offensive odor—in my opinion the odor of burning bodies," untouched and spotless, at a time when the murder machine was going full blast.

The witness remembers nothing. Judge Hofmeyer comes to his aid. Baretzki could have found out without the help of a lawyer that murder was wrong. The witness certainly would not have had to tell him that. But Baretzki does not need this reprimand. He knows, he says, killing thousands of people daily was wrong. But they were also taught daily the reasons for the extermination of Jews. When they asked why the Jews were being killed, they were told because they were poisoning wells, committing acts of sabotage, and blowing up bridges.

And the women and children? Why they as well?

"We were told that if we were in the first grade we were to use the first-grade books, not the fifth-grade readers."

Judge Hofmeyer: "In other words, you could not yet understand the reasons."

"Yes."

The witness, Baretzki says, is talking a lot about corrupt practice and gold, but not a word about the murders in the camp. But he had known about those also and had done nothing.

"Whatever Hitler did was law. Today it is not the law."

The education officers were forever telling them: "You need education more badly than food."

This little prisoner and defendant Baretzki stands there before a man who, in Baretzki's opinion, should have "known it" then, a man who never got into the embarrassing position of having to put a hand on a Jew, who only looked at the gas chambers from the outside, washed his hands, turned his back on the camp, and continued to mete out justice on behalf of a social order of which, in his opinion, Auschwitz presumably was only conditionally a part. He sought to mete out justice in cases of corruption, but murder and manslaughter "stood outside judicial jurisdiction." "I was not asked to deal with anything concerning prisoners." Then he permits himself to be sworn in and leaves the courtroom, head held high. Defendant Baretzki probably watches his departure with mixed feelings.

Before him the witness Wiebeck had walked over the tightrope stretched across his past. He had worked at the Gestapo offices of Kassel and Trier, and later at the trusteeship office of Poznan. He received his military training early in 1943 at the SS training regiment Prague, from which he was transferred to the headquarters of the SS judiciary, became an SS judge in Breslau, and worked on and off in Kattowitz, the branch office. He had twice had contact with Auschwitz, once on a matter involving a ring, and once in connection with the death of an SS man who was run over by a train. The legal affairs of the prisoners were under the jurisdiction of the Ministry of Justice.

Judge Hofmeyer: "Not one German judge or state's attorney ever got into Auschwitz. I should have liked to see what that would have been like."

Thereupon Wiebeck recalls a trial he had conducted against an SS man who had attempted to smuggle a Jewish woman out of Auschwitz in a wooden box. He prosecuted him "for military disobedience and customs violation." The witness is very careful in telling about this case. It takes a number of questions before he says: "I asked for the death penalty."

In summer, 1944, he came to Auschwitz together with an SS judge, Dr. Morgen, to investigate a case involving Commandant Höss, who was having an affair with a prisoner named Eleonore Hodys. The commandant sought diversion with a certified enemy of the people. At the time of the investigation Baer was already head of the camp, and he said unequivocally: "Into the chimney with her."

The witness reports that Morgen succeeded in saving the woman and getting her out of Auschwitz. Nothing was done to Höss, but a diary of Eleonore Hodys contained incriminating statements about Grabner, the chief of the Political Section, and he, the witness, said at the time: "Hodys' account is the key to the Grabner case."

Nothing came of Wiebeck's investigation. As a matter of fact, it is not quite clear how intensive an investigation it was. He had also interviewed Boger at the time ("He was very nice to me"), but he was not willing to

Lebedev testifies that Stark "was connected with the extermination of 25,000 Russian POW's," since he was in charge of the "treatment of Soviet prisoners of war" (that was the German designation). When Judge Hofmeyer asks him how he knew that, the witness answers: "From the archives." He taps his briefcase and says that he brought the material with him. But they are Russian translations. The originals are in the National Archives and in the hands of Professor Alexeiev of Leningrad, who is waiting in Berlin for his summons to testify.

Lebedev seems sure of himself, but during the questioning it emerges that he cannot differentiate very well between what he had heard and what he himself had seen.

Lebedev accuses the defendant Dr. Lucas of active participation in selections. He had twice seen him decide between life and death, once in the camp and once on the ramp. He had also twice seen Dr. Uhlenbroock at selections. But on that point there are contradictions. Adjunct Prosecutor Raabe points out that Uhlenbroock was no longer in Auschwitz in September, 1942. Reluctantly the witness admits that he might possibly have read about Uhlenbroock's activities in the archives.

Judge Hofmeyer: "First you say you saw it yourself, and then that you read it. There's a big difference."

Finally the witness says that fellow prisoners said that Uhlenbroock had selected. He himself did not know him.

As to Lucas, Lebedev says that he had seen him on the ramp at selections at the end of May or beginning of June, 1943, together with another doctor whom he did not know.

"I do not remember the second doctor. I did not know his face. I recognized Dr. Lucas." After the first selection in the camp at which he saw him, a fellow prisoner, Dr. Alexander Goretzki, told him that his name was Lucas.

He remembers one incident on the ramp in particular:

"A woman with a child managed to get by the SS men and approach Dr. Lucas. She fell to her knees, clutched his boots, and pleaded with him. Dr. Lucas forcibly took the child from her—I think it was a little girl, wearing a sort of kerchief—and threw it down on the tracks. The other SS men did the same with others. They also beat the children and threw them to the ground. That is what I saw with my own eyes."

The witness calls the former adjutant Mulka the "Eichmann of Auschwitz," but he is unable to offer concrete evidence. He quotes a few documents from the archives of the Soviet Army and says that he will try to submit copies.

Adjunct Prosecutor Raabe finds discrepancies between this testimony and his deposition to State's Attorney Kügler, on May 19. At that time, he

had said nothing about children being thrown on the tracks. Lebedev says that this portion was missing from the deposition, had gotten lost, had been forgotten.

Defense Attorney Dr. Aschenauer attacks one statement by the witness, according to which SS men killed children by bending them over their knees like sticks of wood and breaking their spines. Did they die right away?

"Yes, absolutely. I myself saw how SS men broke the children across their knees and threw them into ditches."

Aschenauer says that adults live for days after a spinal fracture. Death occurs only as a result of inflammations of the bladder and intestines, and he expresses doubts about the medical accuracy of the witness' testimony.

The witness repeats what he said about the "classical method" of murdering children in Auschwitz.

Defense Attorney Laternser wants to know when the witness came to Frankfurt.

"Last Saturday."

"For what reason other than to appear here as a witness did you come to Frankfurt? What else do you want in Frankfurt?"

Adjunct Prosecutor Kaul does not care for questions of this sort. He objects, demands that the question be translated for the witness, and when the judge refuses, demands a ruling by the court. Laternser remarks that there is reason to doubt the legal abilities of Kaul. Judge Hofmeyer intercedes and calms the flaming tempers:

"Gentlemen, we now have luncheon recess."

Before the recess, Hofmeyer announces that all requests for witnesses must be issued by October 15. Any requests presented at a later date will require a special dispensation of the court.

Former prisoner Farber of Prague is speaking:

"On a fall day in 1943, early in the morning, I saw a little girl standing all by herself in the yard against the wall of Block 11, not the Black Wall. She was wearing a claret-colored dress and had a little pigtail. She held her hands at her side, like a soldier. Once she looked down, wiped the dust off her shoes, and again stood very still. Then I saw Boger come into the yard. He took the child by her hand—she went along very obediently—and stood her with her face to the Black Wall. Once she turned around. Boger again turned her head to the wall, walked back, and shot the child. I knew Boger. I saw him often, riding his bicycle to Block 11, gun in hand.

"How old was the child?"

"Six or seven years. A little . . ." The words that follow cannot be understood.

"The stretcher bearer said that it was a Polish child whose parents had been shot at the same spot a day or two earlier."

He would like to tell of "another incident of Block 11," since he had spotted one of the SS men involved in the courtroom. Farber tells of a family of four—a man of about thirty-five holding a boy by his hand and a younger woman carrying a little child—who had also been killed in the yard of Block 11. "An SS man came and shot the child the woman was holding in the head. The mother fell down with her child. He shot the mother, the man, and the boy. I see the SS man here."

Farber points to Dylewski, who gets up.

"I knew him by the name of Klaus. The Poles called him Klauski."

"How did you know the name?"

"From the prisoners. I also knew Stiewitz and Palitzsch. But I don't see them here."

The witness Alex Rosenstock, who had come from Israel, was a dental technician and also a hospital aide in Auschwitz I before being transferred to the prisoner dental station at Birkenau in the spring of 1943, where the former SS dentist Dr. Frank was in charge. Rosenstock wanted to escape from the camp and therefore had often peeked through a crack in the door of a laundry barrack close to the ramp and had seen the freight trains with prisoners arriving at the camp. However, he did not succeed in sneaking into any of the empty cars and leaving the camp in one of them. During his spying he saw Dr. Frank at least six times deciding between life and death on the ramp. At most 10 per cent of the mass transports were not sent to the gas chambers right away.

"You have no doubt that it was Dr. Frank? He was your boss, wasn't he?"

"Yes."

"How did Dr. Frank decide?"

"By gesturing."

Judge Hofmeyer shows the witness a picture taken during a selection on the ramp. When Rosenstock identifies one of the SS men holding a stick as Baretzki, the defendant calls out: "After all, it can be ascertained whether or not it's me."

"He did ascertain it," Judge Hofmeyer states laconically.

Baretzki wants to have his identity attested to by a "picture expert."

The witness Sarah Nebel of Israel recognizes the former SS camp pharmacist Dr. Capesius as the SS officer who, on June 3, 1944, sent her two brothers, her sister, and her father into the gas chambers of Auschwitz-Birkenau, together with many other prisoners.

"I still know Dr. Capesius from Bucharest, where I lived from 1935 to 1938. We lived in the same building; I on the ground floor, Dr. Capesius on the second floor. He was a representative of Bayer. Sometimes I spoke to him and his wife." The witness last met Capesius in 1939 in a park in her home town in Transylvania and had coffee with him and his wife. Five years later, in early June, 1944, she and 8,000 other women, men, and children were dragged to Auschwitz in cattle cars in the course of the extermination of Hungarian Jews from Transylvania. It was night when she was driven out of the car into the brightly lit ramp of Birkenau.

"When we got to the ramp, they separated us. There stood an SS officer. I recognized him right away—Dr. Capesius. I was happy to see him. When I stood in front of him all he said was: 'How old are you?' and sent me to the right." Her sisters and brothers and her father were sent over to the big group on the left, which immediately afterward was taken to the gas chambers. She did not have the courage right away to speak to the SS officer, who looked at her without any sign of recognition. But then she did decide to ask him not to separate her from her family. She tried to go up to him, but an SS man barred her way.

"Isn't that Dr. Capesius?" I asked the soldier. He looked at me with surprise and said: 'That's the pharmacist Dr. Capesius. How come you know him?' I said from Romania. But other prisoners pushed me away."

Capesius continues to deny ever having decided on the life or death of prisoners on the ramp. "The apartment is correct. But the story about 1939 with my wife is not. I was never on the ramp at night. The fact that my countrymen say so over and over again is no proof. A plot has been concocted about that in Romania."

"The witness came from Israel," says Judge Hofmeyer.

The Czechoslovak witness Farber is again being questioned. He has seriously incriminated Boger, Klehr, and Dylewski and then tells of an astonishing change in the attitude of his superior Klehr. In the fall of 1943, Klehr took over the SS and prison compound Gleiwitz, and he, Farber, went along as clerk. He entered the new prisoners in the files. Twice during that period Klehr selected on his own.

However, "Klehr changed considerably in Gleiwitz. He did not treat prisoners brutally. He was very decent, not only toward me but generally."

"Klehr objected to" the methods proposed by the chief of the Gleiwitz camp, Moll. The transformation of Klehr became even more striking in the summer of 1944, after a visit by his wife. The witness overheard a conversation between the two in which Mrs. Klehr told her husband: "I heard that you are doing terrible things here. I hope you're not involved."

"Klehr replied that he wasn't, that he was a medic and cured people.

He must have noticed that I was listening, because later he told me to keep my mouth shut."

The witness speaks warmly of Klehr's wife. She was a good, kind woman, and her two children were decent and well brought up. "I could never understand how Klehr could have such a family."

"After his wife's visit Klehr changed even more to the advantage of the prisoners. It went so far that he picked a quarrel with Hauptscharführer Moll."

To this day the witness cannot understand what had happened to Klehr. After his wife and children left Klehr volunteered for front-line duty. His request was not granted; he stayed in the camp to the very end, but he succeeded in having the brutal Moll transferred. "After Moll left, the camp really became a labor camp. The improvement in Gleiwitz was Klehr's doing."

Boger, whom this witness accused of having killed a little girl by shooting her in the neck at the Black Wall is content with this curt statement:

"I just want to say that I never murdered any child or any prisoner in Auschwitz."

Dylewski also doesn't waste many words: "The witness is mistaken when he says that I shot a family."

The witness stands by what he said.

Adjunct Prosecutor Ormond states that in view of the mass of incriminating testimony presented against a number of defendants in the past few days he does not consider it advisable to permit these defendants to continue to be free on bail:

"I therefore make the following request: one, that an arrest warrant be issued against the defendant Dr. Frank; two, that an arrest warrant be issued against the defendant Dr. Schatz; three, that the arrest warrant against the defendant Dylewski issued on December 12, 1960, be reactivated, and that the decision of March 22, 1961, which released the defendant against a 15,000-mark bail be rescinded; and four, that the arrest warrant of April 6, 1959, against the defendant Broad be reactivated and the decision of December 23, 1960, releasing him on 50,000-mark bail be rescinded."

There is reason to believe, he says, that the defendants may attempt to flee. If until now detention did not seem a necessary precaution—"the defendants, all of whom deny everything, could afford to sit back and wait to see whether the crimes with which they are charged could be proved"—this has changed in the course of the past few days. They now have reason to fear life sentences or at least long years of imprisonment. "It is only natural that they would prefer a life of freedom, perhaps in a foreign country, even under the most primitive conditions. And the defendants would

In the case of Broad, too, the situation had not changed to his disadvantage. It is inconceivable that Broad had gassed prisoners in the Old Crematory with Dylewski, since trained specialists were available for such killings. As to the accusation against Broad in connection with the liquidation of the Gypsy compound, the defense has witnesses who will testify that Broad had left for a training course in Arolsen two weeks before the extermination of the Gypsies. Moreover, the liquidation of the Gypsies in Auschwitz was not part of the indictment against Broad.

The court decides that Schatz and Broad are not to be jailed because the testimony of the witnesses has not added anything new. Dylewski and Dr. Frank are to be jailed since there now exists a real suspicion that the likelihood of a severe penalty might induce them to attempt flight.

The forty-two-year-old Prague civil servant Filip Müller worked in the very heart of the extermination camp Birkenau, in front of the gas chambers and incinerators. He testifies about "why I am sitting here, how I survived."

In the summer of 1942 he succeeded in being transferred from the "special detail" of the Old Crematory in Auschwitz I to the labor camp Monowitz. This was done with the help of an SS man "to whom I gave things." But he became ill, and during his convalescence was allowed to peel potatoes in the rehabilitation block. However, Aumeier, the officer in charge, found this out and ordered him into the special detail of the Birkenau crematories, "into the death factory."

The witness says he survived primarily because he was twenty years old at the time, "because I was young and wanted to live; I was strengthened by the constant preparation for the rebellion. The way I saw it only a few could be saved and I was going to be among them."

In 1944, when the transports of Jews from Hungary came in, the death factory was running in high gear. The special detail consisted of about 900 men "working in a variety of places, uninterruptedly. In a 24-hour period, 25,000 people were gassed. The bodies were incinerated in 46 huge ovens."

The second selection that year in effect meant the defeat of the rebellion. "About 150 to 200 prisoners remained."

In reply to a question by Adjunct Prosecutor Ormond, Müller asserts that a doctor was always present at gassings.

"Why?"

"A doctor was present at whose orders the gas chambers were opened, and when they were, the bodies of the people who had been jammed into them literally rolled out."

"Were the doctors wearing gas masks or did they carry them?"

"Sometimes the doctor would put on his gas mask after opening the gas chamber, go in, come out, take off the gas mask, and leave."

The dental gold removed from the bodies of the victims was melted down in Crematory II. For a while two prisoners, a Slovakian named Feldmann and a Polish Jew named Katz, were stationed at the crematory for this job.

Ormond: "Do you know in what special way young children were sent to death in Birkenau?"

"Sometimes when members of the special detail removed the bodies, they would find that the hearts of some children were still beating. That was reported and then the children were shot."

Were there also other methods of killing children?

"In 1944, scenes such as these happened under Oberscharführer Mehl. I saw him take a child from its mother, carry it over to Crematory IV, which had two big pits, and throw the child into the seething human fat. Then he went up to his 'servant,' a former French featherweight boxing champion, and said to him: 'It is possible to have one's fill.'"

The witness confirms that members of the special detail who warned people selected for gassing were burned alive.

There were laundry hooks and benches in the dressing rooms leading to the gas chambers. Signs in a number of languages, including Hungarian, saying "Wash yourself" were affixed to the walls. Arrows pointed "to the bath." The last door was the door to the gas chamber. Crematories I and II had floor-to-ceiling supports "encased in perforated tin with a spiral inside them. When the gas was dropped in at the top the spiral helped to disseminate the gas. At Crematories III and IV the gas was inserted through a small opening in the side wall. There were no imitation showerheads in the gas chamber."

The witness believes that the gassings were stopped in October, 1944.

Müller remembers that various "experiments" were undertaken in the crematories: The skeleton of a hunchbacked man was obtained by putting him into a tub containing various chemical salts and acids; SS men cut flesh from the thighs of people shot in the crematories—"What was done with that I don't know."

State's Attorney Kügler asks whether it is true that prisoners had to pour the fat from the corpses in the big incineration pits on newly dumped corpses.

"That is absolutely true."

The 120-foot-long, 18-to-24-foot-wide, 7-foot-deep pits had indentations at one end into which the human fat ran off. The prisoners had to pour this fat over bodies so that they might burn more easily.

Dr. Frank's defense attorney wants to know whether third parties had shown the witness pictures of the defendants and whether he had talked to anyone in Frankfurt about his testimony. The prosecution suspects that the witness is to be led onto dangerous territory. Laternser remains firm:

"What was in the note which cost three people their lives?" he asks the former Gestapo man.

"Do you wish to say what it was?" Judge Hofmeyer asks the defendant. Boger: "No."

An earlier witness testified that, to the best of her knowledge, Lili Tofler was killed because she wrote a letter saying that she wondered whether the two (Lili Tofler and Gabis) would ever be able to live together in peace, whether they would ever get out of the hell of Auschwitz.

Lili Tofler, who worked outside the compound in a plant nursery, had put the letter into a floral arrangement which two prisoners were to deliver to headquarters. The letter fell out. The two prisoners and Lili Tofler were locked up in the bunker by Boger. Gabis, too, was brought there a few days later, but unlike the three others, he was not interrogated by Boger. Lili Tofler succeeded in whispering to her friend through a crack in the cell that she would not give him away although she had been tortured terribly by Boger for four days. Every morning and every afternoon she had to stand in the nude in the washroom while Boger held a gun to her temple.

Gabis states that during the next bunker evacuation Boger took him out of the cell, saying, "Thou art mine. Come out." Then he saw Hauptsturmführer Hofmann marking a red x after his name on the list of prisoners: "On paper I was already dead."

On that morning, Gabis says, about fifty prisoners were taken out of their cells, brought upstairs, and shot in the yard. The witness managed to be the last in the line of victims waiting in the corridor for their execution. In the washroom, where the chosen victims had to undress, he saw two prisoners who were the only ones scheduled to return from the bunker to the camp.

"I don't know what made me do it and where I got the strength to go over to them. There I stood until the executions, which took more than an hour, were finished. Suddenly Bunker Jakob, covered with blood, appeared and dragged me to the execution site. I thought that now I too would be shot. But Jakob pointed to a pile of dead comrades. On top there was Lili Tofler and the other two, the two who had smuggled the note into the compound. I asked Jakob who had shot them, and he said: 'Boger.'"

When Gabis, who had already been given up for dead, returned to the compound, none of the senior block inmates wanted to take him in because they thought he was a stool pigeon: "It was a terrible tragedy. All comrades turned away from me."

Thus Gabis once more fell into Boger's hands, who brought him back to the bunker and again took him out at the next mass execution.

Suddenly standing in front of him was Lachmann, who, in the words of Gabis, "was a sort of black eminence in the Political Section." He lied to Lachmann, telling him he was to be locked up. Lachmann asked him

where he was from. It turned out that they both came from the same town. Lachmann smiled when he, Gabis, talked of mutual acquaintances and familiar places. Then Lachmann brought him to the office, where he was released and, together with six other prisoners, returned to the compound.

This is the hundredth trial day, but one day is like another in the proceedings against Mulka and others. There is no cause for anniversary celebrations.

Adjunct Prosecutor Ormond reminds the court of his request of June 8 to have the court inspect Auschwitz. As far as he knew, the Foreign Office and the Federal Ministry of Justice did not in principle object to having the defendants attend a special session at Auschwitz. The Ministry of Justice shared the belief that evidence could be obtained by going there and promised to do everything in its power to help the court. But first the court had to reach a decision on a special local session. Ormond requests that this decision not be put off any longer, particularly since the end of the presentation of evidence had been set for November 15 (it is now October 15). Asked whether the defendants could be forced to take part in the court's inspection trip, Ormond says they could, provided they are guaranteed safe conduct. There is no reason to doubt any such guarantee given by Poland. The Basic Law of the Federal Republic also does not rule out a special session in Auschwitz: There could be no question of extradition if every assurance is given that the defendants would return to Germany. Ormond asks that if his original motion should be denied, voluntary or assigned judges and a few jurors make such an inspection.

Judge Hofmeyer says that he had not decided on the motion, "because the evidence had hitherto been considered unobtainable." But he would call the pretrial examiner, Judge Dux, as witness to find out whether there was any point to an eyewitness inspection "in view of the changes time had wrought in Auschwitz." Only then would he announce the decision of the court. Defense Attorney Zarnack, who had seconded Adjunct Prosecutor Ormond's motion, also supports him in pressing for an early decision. Dr. Laternser strongly objects to the contention that the defendants could be forced to take part in a session in a foreign country against their will. From a legal point of view, he says, the security measures of the Polish police in themselves constituted extradition.

The witness is Max Kasner, fifty years of age, of Teplitz, Czechoslovakia. He escaped being gassed with a group of fifty or sixty selectees because he stood at attention in front of the SS doctor and continued to hold himself just as straight when leaving with those selected to die.

"Just before I got to the door, a voice called out: 'Stop.' I heard the words: 'This man can still work.' That saved my life."

He was returned to the hospital compound, where a Polish assistant received him with the words: "'Look through the window and you'll see a show like you've never seen before.' After about an hour the bodies of my dead comrades were tossed through the air onto the trucks."

The witness tells how he and other prisoners one day had to load about 300 corpses on trucks for transportation to the crematories.

"A sling was put around our arms, and the other end of the rope slung over the arms of the dead prisoners, and we dragged them through the sand to the vehicle. I cannot tell you how horrible it is to step on corpses, to walk all over them, to pile them up until the truck is filled."

The bodies were unloaded in front of Crematory I and dragged to the ovens across the moist cement floor.

But the worst thing he ever experienced in Auschwitz, he said, occurred when he and eight others were ordered to the yard of the bunker compound to remove bodies:

"On the left lay about seventy exceptionally beautiful dead women. Beautiful even in death. What made us shudder was something that could have been done only by cannibals. The breasts of the dead women had been cut off, as had been the flesh from many parts of their bodies—the thighs, for example. The yard sloped steeply and the drains were clogged with blood. We waded in blood over our ankles. You must keep in mind that we hospital aides were dressed in white. We looked like butchers. I cannot tell you how depressed we were. I knew what hunger was, but that evening I was unable to swallow even a crust of bread. I felt a choking in my throat, and I do now too."

The witness, terribly wrought up: "I cannot describe to you the horror that these beasts inflicted on us there."

Klehr, accused by Kasner of active participation in selections, makes a brief statement: "I never carried out selections." At the time in question he had been in the nearby Gleiwitz camp. "I have nothing more to say."

Judge Hofmeyer to the witness: "Did you hear this?"

The witness: "Yes. I beg to disagree." All medics had taken part in selections, including Klehr: "I insist on this."

Anna Palarczyk, archivist in the State Archive of Cracow, was arrested in 1942 for membership in a Polish military organization and brought to Auschwitz. She incriminates Baretzki, saying he had escorted the gas victims from the ramp to the crematory, and Boger, who together with another SS man "stood next to the SS doctor and actively participated in the decisions." She had also seen Broad there.

State's Attorney K gler wants to know what happened to small children, "the littlest ones," at Auschwitz.

"In the dispensary there were newborn children who lay there until they died. I knew a woman who expected a child. Neither she nor the child ever left the compound."

One of the judges is suffering from a malaria attack. The day's proceedings start with a ninety-minute delay. Also, only one witness has appeared. The court is concerned about the "schedule." Delay is not welcome.

The witness is Arie Fuks. He testifies that he and his parents were arrested in Poland in 1942, and were sent to Auschwitz in December of that year. The family was separated on the ramp. That was the last time he saw his mother. Three weeks later, Fuks was assigned to the clean-up detail. One day he saw his father, who was working in the special cremation detail. His father called to him: "You don't have to have any hopes about mother. I've found her shoes. Try to keep going. I can't come to your help here."

"My father was still young."

Thereupon Arie Fuks volunteered for the Canada detail: "It was said that over there there were things to eat. There were."

The Canada detail helped in the unloading of prisoner transports and collected the baggage of the arrivals, whom SS men then lined up, the witness says. No, he cannot remember names, except for Effinger, Sawatzki, and Dr. Mengele.

"Mengele cannot have been there all the time."

"In my opinion, always. Night and day."

One day a transport came in from Latvia, filled with dead and dying prisoners. After the doors were opened, all SS men were ordered to step aside.

"A terrible stench came out of the car, like the plague. These prisoners were loaded onto the trucks directly and dumped into the pits next to Crematory II."

"Were any of them still alive?"

"Yes."

No other questions are asked. Not a sound is to be heard among the spectators. Those who did not know what kind of ditches these were receive an explanation from Fuks during intermission: The prisoners still alive were also thrown into the flaming pits in which human beings were incinerated under the open sky because the ovens were overtaxed.

A lengthy discussion ensues when the court tries to find out on which side of the ramp the prisoner transports were unloaded. The witness Fuks says to the right. The previous day a witness, Mrs. Palarczik, had said to

all that could be learned was that the defendant Mulka while in Auschwitz stood pretty much on the periphery of events.

Günter Buch is called to the witness stand. He says that in the fall of 1943 Mulka looked so bad that he almost failed to recognize him: "He looked so shaken. He told such terrible things. About gas ovens, shots in the neck, and Jews."

State's Attorney Kügler: "What, he talked about shots in the neck?"

"Shots in the neck? Did I say that? I mean shootings. Shots in the neck, that is really a Russian system."

"What else did he say?"

"That even children were murdered."

Adjunct Prosecutor Raabe asks whether he had understood the witness correctly, whether Mulka had only told of things he had heard and was so overwhelmed by these accounts that he became depressed. Yes, that is what the witness understood him to mean.

Judge Hofmeyer: "Defendant Mulka, would you like to say something on this?"

Mulka: "No."

On the afternoon of October 22, Judge Hotz quite unexpectedly announces that the court has decided to delegate one of the judges to inspect the site of the former concentration camp Auschwitz if the governments of Bonn and Warsaw arrive at an agreement, and also if the Polish Government will permit a German judge to exercise his office in Poland.

Judge Hofmeyer asks which of the six defendants still at liberty wishes to go along on this mission; those who do can apply for safe conduct at the Polish Ministry of Justice. He asks the eligible defendants to let him know their decision through their attorneys. Hofmeyer states that if a judge should join the delegation, defendants under arrest would not be allowed to go along.

The fifty-one-year-old Soviet witness Nicolai Vassiliev is a machinist from Moscow. His testimony concerns mostly the general atmosphere in the camp. His personal experiences do not further incriminate any of the defendants except Bednarek. But whatever there was to be found out about brutal treatment of prisoners—above all, of Soviet POW's—he had found out, undoubtedly much of it through personal experience. But he does not know names, had had hardly any contact with any of the defendants, although he was in the camp from early October, 1941, until October 25, 1944. Vassiliev is one of the 150 Russians who survived their internment in Auschwitz—150 out of almost 13,000, as the witness puts it. The figure became known to them because of the constant roll calls.

Vassiliev describes his arrival in the camp on October 6 or 7, 1941:

"We were unloaded; there was frost; the puddles were frozen and the roofs covered with rime. We were ordered to strip. Some of us who refused to strip were beaten. Next to the ramp was a tub with cold water. We were ordered to jump into that tub. Those who resisted were driven in with sticks and kicks. After that we had to squat and wait until our group numbered 100. Then we were taken into the compound, where we stood, naked and tired. Some fell dead while waiting there. Where we were standing there were two tubs with hot water. We were driven into these hot baths, and then we again had to stand on the road. Then we were chased into the barracks. A few hundred of this shipment died. It was on this occasion that I met the SS man Klehr, who with his own hands drove me into the tub. We were surrounded by many SS men with sticks and cameras. They beat us and took pictures. That's how the Soviet prisoners of war were received in this camp. We felt that the end was near."

The witness says that fellow prisoners told him that Klehr had been an active participant in selections in the camp and had killed prisoners through injections; he called the defendant Stark one of the leading men in the Political Section.

"I saw him more than once. He took the Soviet prisoners of war to Block 11, where the mass shootings took place."

The Soviet POW's were "singled out." Stool pigeons planted among them helped to realize the goal of the Political Section to exterminate all the educated Soviet prisoners. One of the prisoners who talked about the executions of Soviet prisoners of war in the courtyard of Block 11 was a man by the name of Jakob:

"He told me that he had been a trainer of Schmeling. He was the oldest in Block 11. I asked him about the shootings, and he said: "That's how it was; I was present at all executions.'"

A prisoner-doctor by the name of Pruss then told him that block leader Baretzki had also given prisoners lethal injections "in March, 1942."

Judge Hofmeyer: "At that time Baretzki wasn't in the camp yet."

"I say he was in the camp at that time."

"In March, 1942?"

"Yes."

Vassiliev accuses the former prison guard Schlage of having taken part in the shootings together with Boger. But he himself did not witness it. Firsthand he only knows this:

"In the summer of 1943 about 300 wounded Soviet prisoners of war came to the camp. They were brought to the crematory and I saw Bruno Schlage among the guards escorting them. The Soviet prisoners were brought to a small wooded area, about 300 feet from the camp, and there

The defendant Frank raises his index finger: "At me."

The second group of defendants lined up before the witness is made up of Stark, Dylewski, Boger, Baretzki, and Bednarek. Mishin identifies Dylewski; he confuses Boger with Klehr. Dylewski had conducted Mishin's interrogation in the office of the Political Section.

The witness also incriminates Baretzki.

In addition to "hunger and cold, which cost the lives of many, there was the criminal activity of Baretzki. Besides being arrogant, he called us lousy dogs and Russian pigs, and he also hit the people."

The witness particularly remembers a roll call at the end of April, 1942.

"Whoever couldn't stand was stretched out in front of us on the ground. After the roll call the healthy people—healthy by camp standards—were chased back to the barracks. Those who couldn't get up were beaten to death or choked with sticks put across their throats. Baretzki ordered two Soviet prisoners to get up, but they couldn't. He kicked them with his boots and ordered two other prisoners to pick them up. They helped them up. Baretzki gave one of the prisoners his stick—he always carried a stick—and ordered him to kill his comrade. The Russian didn't do it, he didn't take the stick. So Baretzki hit him across the neck with the same stick and he died."

Another time Baretzki ordered a Pole to kill a Soviet prisoner of war.

"The Pole refused. So he killed the Pole. Baretzki beat up people at every occasion. The Russians called him Bielak—the name of a man who ate poisonous berries and went mad. That's how he carried on until 1943. Then a big change came over him. There were very few of us; we were a sort of museum piece in this big international camp. But that was not the major reason. It probably was a result of the situation at the front. Baretzki changed in his attitude toward us."

He traded bundles of linens with prisoners working at the laundry for margarine, bread, and alcohol.

"Baretzki changed from an SS gangster into an ordinary thief."

Mishin further testifies that he witnessed how the defendant Boger carried out a selection in the camp in 1943, when 300 Russian TB patients were sent to the crematory.

"Boger was known to us from selections. We called him the howling death."

Defense Attorney Erhard asks about the tattoo of the witness and whether he would be ready to show it to a doctor.

"Yes, but first of all I want to show it to the criminals here."

Mishin jumps up, opens his shirt under his coat and shows the prisoners sitting on the platform the prison number and the letters AU tattooed on the left side of his chest.

Attorney Erhard: "Yes, I can see it."

Stark is the only defendant who wishes to comment on the accusations made by the witness:

"Aside from registering them I had nothing to do with Russian POW's. I deny the acts of which the witness has accused me."

Of the seven defendants not under arrest only Lucas declares himself willing to take part in the trip to Poland.

The next witness, who has come from America, is a native of Klausenburg, the town in Transylvania where the defendant Capesius worked before the war. Now forty-one years of age, Dr. Adrienne Krausz, whose parents were doctors in Klausenburg, had originally heard the name Capesius mentioned in the house of her parents. After being brought to Auschwitz in June, 1944, together with her parents, her eleven-year-old sister, and 3,500 others, she saw an SS officer standing on the ramp whom her mother immediately recognized as Capesius.

"Before we came up to the officer who was selecting, my mother said: 'There's Dr. Capesius from Klausenburg.' I don't know whether he recognized us. I think he did. He only waved his hand: My mother and my sister to the right, I to the left."

"You were the only survivor of your family?"

"Yes, all the others were sent to the gas chambers immediately."

An acquaintance of her father, an engineer by the name of Adler who was also brought to Auschwitz, later told the witness that her father had also recognized Capesius. Her father had even asked Capesius why he had sent his wife and eleven-year-old daughter to the other side, and Capesius had answered: "I'll send you there too; that's a good spot."

NOVEMBER, 1964

Jehuda Bacon, a teacher in the art institute of Jerusalem, talks of the work of the children in the camp. He was fourteen when he, together with nineteen other children, was put before a horsecart. Among the duties of this so-called rolling-cart detail was hauling the ashes of the victims from the crematory in winter.

"We got the ashes from Crematory III and scattered them on the icy roads. When there were no people in the gas chambers, the capo let us warm ourselves there."

At the age of twelve, Bacon, his parents, brothers and sisters, and numerous relatives were brought first to Theresienstadt, and a year later, in December, 1943, to Auschwitz. He is the only survivor. Together with

eighty other children he was put into the penal block when the Theresienstadt family compound was liquidated, in which the former trustee and now defendant Bednarek was block senior.

The witness says that Bednarek, "measured by Auschwitz standards, treated the young people correctly," but that he mistreated the adults and frequently beat them with chairs.

The now thirty-five-year-old witness met Baretzki in Birkenau. He was much feared by the adult prisoners because of his brutality, but like Bednarek he treated the children "mildly." Thus one day Baretzki ordered him, Bacon, and nine other youthful prisoners to the block leader's room, and they followed him apprehensively: "But Baretzki took out a sausage, cut it into ten pieces, gave it to us, and then said: 'Off with the skin!'"

What could be going through the mind of the defendant Boger when he, now a prisoner, is confronted by a witness who, as chief of the security police of Kattowitz, during the war, was his direct superior?

Dr. Johann Thümmeler is fifty-eight years old, former chief of the Chemnitz Gestapo office, then commander of the police, security service, and Gestapo of Kattowitz, and chairman of the summary court in the camp at Auschwitz. He was sentenced to two and a half years in a labor camp after the war and now is a business executive (he modestly refrains from saying where he is employed). His is truly a successful life. Mr. Thümmeler carries himself seriously and righteously, wears his white waistcoat properly, has no guilt complexes. Everything is as it should be.

He took over the chairmanship of the summary court from his predecessor Mildner in the fall of 1943. Only partisans were tried by the tribunal, which was made up of three persons: the chairman, the chief of the criminal police, and a member of the security service. The trials were conducted in a barrack.

"Did you pass through the gate with the inscription 'Work makes man free'?"

"That's asking too much of me."

"Was it in Block 11?"

"That's asking too much also."

"Were you ever in the yard?"

"Perhaps once. A wall was said to have been there, but I no longer remember it."

"A black-painted wall must have been quite noticeable."

"I don't remember."

So he was the chairman, Judge Hofmeyer says. Were defense lawyers also present?

"If one was requested."

"Not personally, by name only." He did receive orders from Gestapo headquarters at Kattowitz, but:

"I cannot remember who signed them."

Karl Reinhard Broch, sixty years old, chief cashier in Langenfeld (Rhineland), was a member of the Political Section in Auschwitz. A fractured kneecap kept him out of the army; a friend got him an interview with the SS, which pronounced him fit for home service. His duty assignment read "KL [concentration camp] Auschwitz."

"I assumed it meant *Kraftfahrzeuglehrgang** Auschwitz."

Dylewski was his superior in Auschwitz. He lectured there, for example about the 98 rifle. After eight weeks an officer came to the camp and asked about the professional background of Broch, who weighed more than 200 pounds and was strong-looking. The head of the Political Section, SS officer Grabner, may have liked his type.

"Yes, Your Honor, it all happened so very long ago . . ." Yet he still manages to dig up a few things from his memory. He worked on minor cases in the office: an inquiry made by the wife of a prisoner, and similar matters. After six months he was assigned to minor interrogations:

"Most of them were conducted by a Jewess who was assigned to me. I stayed outside most of the time."

He did somewhat intimidate two Polish women accused of murdering a millowner by raising his voice about "ten octaves." "Yes, finally they admitted it. Their faces might possibly also have been slapped." Not by him, though, but by someone else who happened to be there.

"I told him: 'I can no longer take their nonsense. Why don't you smack 'em.'"

He knew the defendant Stark and had warned him against doing stupid things. The SS people whom he had seen in the bunker at selections for execution are all dead: Aumeier, Schwarz, and Grabner; as to the defendant Hofmann, of whom he said at the end of 1963 that he too was present, he no longer remembers: "Who is he, Your Honor?" As to Broad, he knows that he selected female inmates for the bordello. He knows nothing about the ramp; once he saw that "people were unloaded." All of them came into the camp.

"Did you know anything about gassings?"

"That there were gassings I do not know. That there was a very peculiar odor I do know."

"The witnesses Dr. Thümmel and Broch will not be sworn because they

* Motor-vehicle training course.

are suspected of participation in the acts that form the subject of these proceedings," Judge Hofmeyer announces.

"Normal people with normal ideas and feelings cannot imagine these things," says the fifty-eight-year-old pensioner Erna Kraft of Aurich, a former prisoner-clerk in the registration admissions office of the camp Gestapo. Erna Kraft stands in front of the map of Auschwitz I, and on request of Attorney Dr. Staiger points to the place from where she watched an execution at the Black Wall.

Twenty-two years ago Erna Kraft stood in Block 10, the women's bunker across from the penal bunker, and through a hole in the window boards peered into the yard of the penal bunker. She saw a pile of naked male corpses and a few SS men with guns drawn standing in front of the Black Wall.

"Stark was among the SS men. He had a gun."

"Did he carry it on his back?"

"I don't want to do anyone an injustice; he aimed it. The victims were standing at the wall. I was appalled, because after this execution Stark walked through the camp whistling."

Hans Stark was her superior: "That fellow was about twenty at the time, light blond and blue-eyed."

The witness tells how they were beaten by the SS women in the camp and that they therefore bribed their female guards so as to have a hold over them.

"One of the guards wanted to have a Persian-lamb coat. We gave her one. Thus she was put out of commission and couldn't beat us anymore."

The camp Gestapo got wind of it and the witness was ordered to the Political Section for questioning by Boger.

"The guard in question brought me there and I had to remain standing outside. It took hours. Many men were also standing there. When they were called in terrible cries and sounds of beatings were to be heard. I was the last. Suddenly Boger pulled out a whip and waved it in front of my face. Then he drew the whip across my face twice. I was completely disfigured. Should he ever be set free while I am still alive, the whipping will be repaid. He looked like an ape and he behaved like one. Ask him to tell the truth if he dares."

Boger is not asked, but Stark is, and he says:

"I deny the incriminating statements of the witness. I have never hit a woman."

"Do you know this woman?"

"Not that I am aware of."

"Is it possible that you are mistaken?" Judge Hofmeyer asks the witness. "Now I am sure I am not. Only his tone has become a little milder."

The witness Viktor Lederer, forty-nine years of age, born in Eger and now living in Prague, came to Auschwitz after having spent about a year in prison in Bayreuth for "political activities." His wife and children were shipped off to an unknown destination on July 10, 1942, in connection with the reprisals after the assassination of Heydrich. The witness never saw them again.

Lederer remembers a big selection (he thinks it was on August 18, 1943, but does not wish to be held to this date, for it might have been another day). He had seen many a selection, but he remembers this one in particular because of the fate of a young Frenchman who used to speak of his parents. The prisoners lined up, and when the numbers of the selectees were called, the little Frenchman stepped forward "when the defendant Kaduk was standing in front of him. He knelt down before Kaduk and pleaded for his life. Kaduk reacted in the appropriate camp fashion: kicks in the face and the body. I shall never forget the face of the young man who had not yet lived and who begged for life. From that day on Kaduk for me was the personification of Nazi brutality."

The witness reports that after unsuccessful escapes recaptured prisoners carried placards around their necks reading: "Hooray, hooray, I'm back"; that frequently when they lined up for work a band would play on one side while on the other executed prisoners lying on wooden slabs were displayed as a deterrent. The witness clearly remembers the execution of three Austrian prisoners—Burger, Friemel, and Wessely—who were hanged on the gallows on either December 30 or December 31, 1944. They had tried, the witness says, to escape from the camp on a truck together with a Polish prisoner and an SS man. However, another SS man drove them to the Political Section and denounced them. On the way to their execution the prisoners shouted insults against the Nazis. Burger spat into the face of Kaduk who tried to shut them up. During the execution, "at the moment when the boys were being hoisted in the nooses, the prisoners standing nearby took off their caps. Kaduk was very busy at this execution; up to the very last moment he tormented these people with his brutality."

The witness did not know any Oberscharführer Klaus, who Dylewski and his lawyers believe is the man the witnesses mean when they say "Klaus Dylewski."

Kaduk on the other hand seems to have known an SS man by the name of Otto Klaus—"he was in the admissions office"—but he can no longer remember how he looked. Stark also testifies that there was an Otto Klaus. "He was somewhat older, thirty-eight or forty."

Kaduk begins his obligatory explanation: "Your Honor, I personally did not select any prisoners in Auschwitz I. I personally made no decisions. That was not my realm."

Shortly thereafter, when the witness Lederer once more has been questioned about the incident with the French prisoner and once more tells about it, Kaduk gets excited: "Mr. Witness, I say that this is not true. Let the witness stick to the truth; what I did I did. I don't see why I should be made into the patsy and get the blame for everything. When I escorted prisoners into the gas I never hit any of them."

Alfred Weczler, forty-six years of age, a resident of Bratislava, is one of the few who managed to escape from Auschwitz. He was brought to the camp on April 13, 1942, and he escaped two years later, on April 7. He testifies that between August, 1942, and July 8, 1943, 30,000 prisoners of Block 7 of Birkenau were sent into the gas chambers. "That was during the time I was there." He accuses Klehr of having rounded off the number of victims and of having administered phenol injections in Barrack 8. Boger always read out verdicts before executions. Wilhelm Boger nods his head twice. Every ten to fourteen days prisoners were hanged in front of the kitchen building. Once five executed camp inmates were sat down on chairs, "and 12,000 prisoners had to march by them in parade step."

The world first heard about the monstrous crimes committed in Auschwitz from Alfred Weczler and one Dr. Vrba, who now lives in England. Both he and Weczler escaped. They went to Bratislava and there drew up a sixty-page report in German that was smuggled out to Budapest by Rabbi Weissmandel. There it was translated into a number of other languages and distributed throughout the world. Translations were sent to the Pope, the President of the United States, and the King of Sweden, among others. Weczler hands the court the English translation, sent to Roosevelt in 1944 and published in book form.

Adjunct Prosecutor Raabe states that this documentation by the witness about the horrors of Auschwitz helped save the lives of 100,000 Hungarian Jews, because the protests pouring in from all over the world persuaded the Hungarian Chief of State, Regent Horthy, to order an immediate halt to the deportation of Hungarian Jews.

Weczler says that when he told people in Bratislava of the horrors, he was not believed. But he had brought with him one of the so-called Waldsee cards, and thus he was able to prove how the SS in Hungary had tried to cover up the mass murder of the Hungarian Jews. It seems that the first Hungarian Jews to come to Auschwitz had to notify their relatives back home that they had arrived at Waldsee, a town in Thuringia. By the time

these predated cards were mailed, they had already been dead for quite some time.

Defense Attorney Laternser is worried. He asks the court to exercise its right to exclude young people from the courtroom. After all, the testimony about to be heard will deal with piled-up corpses. The teacher of the youngsters in the courtroom says that his pupils are fifteen years old. Defense Attorney Joschko doubts it. There are thirteen-year-olds among them. The court retires for a consultation. Joschko questions the boys about their ages. At that point the court returns and announces that after talking to the teacher it has decided to let the class stay. It is the senior class of an eight-year school and the students have been told about the trial. It was time to let them know about these things.

The witness, Mr. Fabian, is fifty years old. He comes from Prague and is a locksmith by trade. In Auschwitz he carried corpses for two years. He came to the camp in the fall of 1942, worked for a while in the Buna works at Monowitz, and in the spring was assigned to the stretcher-bearer detail, where he remained until January, 1945, when the camp was evacuated. The witness remembers clearly that Klehr was still in Auschwitz in the fall of 1943, and he is equally certain that he was still active there in the spring and summer of that year. (The defendant denies this vehemently.)

The witness accuses Klehr of having selected without a doctor and of having administered the lethal phenol injections to the selected prisoners. There were daily deaths in Block 20—thirty, forty, sometimes more; "often we carried out three bodies on one stretcher." Could he describe the hypodermic syringe?

"It was an ordinary ten-cubic-centimeter syringe, or perhaps even bigger. The phenol was in a bottle resembling a thermos flask, from which Klehr poured it into a little bowl at which he filled the hypodermic."

Hofmeyer: "Listen, Klehr, the witness is making very detailed statements. What do you have to say to this?"

"Sir, I have already testified to what I have done." The defendant insists that what the witness is saying is not true.

Judge Hofmeyer says that the date given by the witness for these injections, "end of April and the month of May, 1943," is a very important one. Klehr has denied still having been in Auschwitz at that time.

Klehr: "Sir, it is also significant that I don't even know the witness. I know every prisoner in the stretcher-bearer detail."

The witness: "I could refresh Klehr's memory. I came into the yard with a young Pole from Block 21. A bicycle was standing there; the Pole got on it and rode around in the yard. Let Klehr say what he did with the Pole."

Klehr: "There was never any bicycle in the yard; I didn't even have a bicycle. I had nothing to do with the boy. I deny it emphatically." He also denies that there was a curtain in front of the door of the "injection room." "When I was there there was no curtain. It must have been put up after my time."

The witness, speaking clearly and loudly:

"I insist. The defendant Klehr is lying."

Hofmeyer turns to the defendant and repeats what the witness has said: That if no SS doctor was available, Klehr did the selecting.

Klehr: "No, Your Honor, the doctor was in the compound every day and left with me. I was only there an hour before him."

But doesn't the testimony of the witness corroborate the statements of other witnesses?

Klehr: "I am only speaking the truth. I did not make decisions on my own."

Fabian then describes the incident with the Pole: Suddenly there was Klehr, standing in the door. He motioned the young Pole to get off the bicycle. "Then he had him do kneebends, I don't know how many, and then he beat him up so terribly that he couldn't walk for two days. And if he doesn't remember it he's lying. I remember it clearly and without any doubt. And I am also quite certain that it was Klehr."

The defendant Klehr shakes his head. He has never seen the witness, does not remember, there was no bicycle in the yard and no young Pole.

Fabian describes the shootings at the Black Wall: "The Pole Stachik rode into Block 28 on a bicycle and called out: "'Stretcher bearers! Two stretchers! One box! Two boxes!' If he said 'one box,' we knew it would be a small execution: one family with child. If he said 'stretcher,' then there was a big execution. Sometimes when we got there they had already been shot; but that only happened in small executions. When there were big executions we lined up in a corner of Block 11. Those who were selected were chased into the washroom and had to undress. The window was covered over with a blanket. In the yard under the window stood the staff of the SS. Everything went in double time. A certain Jakob took two prisoners by their arms and in double time marched them over to the Black Wall. Then we had to come running with the stretcher and stand behind the SS men who were doing the firing. When the prisoners were shot—they were shot in the head with a fairly silent Flobert gun—they fell over. I grabbed their hands or legs and put them on the stretcher. Then we ran to the canal in Block 10 and the stretcher was tilted so the bodies could fall off. While this was going on the two next ones were already being shot. Everything went very quickly. The shooting of 100 prisoners did not take very long. Once the following happened: I was carrying the front end of the

stretcher. Suddenly I heard a voice behind me: 'Mr. Oberscharführer, you didn't shoot well.' Stiewitz had done the shooting, and he said: 'Shut up, or you'll get it.' We had to put down the stretcher, and Stiewitz once more shot him in the head."

Fabian stops for a moment: "I am somewhat upset. There are still after-effects."

"Did you see whether Kaduk and Boger also took part in the shootings?"

"Yes, they did. Boger I saw frequently. He carried his gun on his back."

"How far away did the SS men stand?"

"Jakob put the two prisoners directly against the Wall, and the SS men held the guns directly against their heads. When there was a big execution the shooting was done by two. Sometimes Schlage also shot, and there were still others."

Hofmeyer: "Boger, do you still insist that you did not shoot any people?"

Boger jumps up: "Yes, Your Honor."

"Well, then sit down again," the judge tells him. Did Fabian see prison guard Schlage at the shootings?

"I saw him once in the washroom. A man had to do kneebends and Schlage shot him through the head. Then came the child and then the mother. They were taken to the washroom from Block 11. The child had to be shot a few times. It cried and wasn't dead right away. Then I also saw Schlage at the Black Wall during shootings."

"When was it that Schlage shot the family?"

"In spring, 1944. I remember exactly."

"Were verdicts read before the shootings?"

"At these executions nothing was read."

Hofmeyer wants to know what happened to those unfortunate ones who were still alive when thrown in with the corpses and he is told that Schlage had the prisoners who were still breathing after the execution pulled out of the pile of corpses and again shot them through the head.

"Was there ever a Gypsy among them?"

"I have often told of this incident, both in camp and later. The Gypsy was still alive, and Schlage said: 'Get up!' I will never forget it. He wanted to get up, but then Schlage said: 'Stay where you are!' Then he was shot in the head and neck. He was still alive. I don't know how many more times he was shot. Finally he got it in the neck. Black blood spurted out. It was the end. Schlage said he'd had nine lives, like a cat."

"Schlage, what do you have to say about this?"

"Sir, nothing like that is known to me. Also I never shot in Block 11."

"Where then?"

"No place."

The further interrogation of the witness Fabian results in the arrest of

Pery Broad in the courtroom. He had not been under detention until now. In the confrontation Fabian identified Broad as one of the SS man who had also shot prisoners at the infamous Black Wall. He remembers in detail a mass execution in the summer of 1944, Fabian states, during which women were also shot. At that point Broad volunteered his services by saying: "Leave her for me; it's a young one," and shot her as well as several others.

At first glance Fabian takes Boger for Schlage, but then corrects himself and says: "No, that one is Boger." He recognizes Dylewski but does not know his name. He had seen him also at the shootings in the prison bunker. He remembers Schlage immediately. Then Fabian stops in front of Broad: "He too went to Block 11."

He stops in front of Hantl for quite a while, and after remarking that Hantl has changed very much, he chats with the former SS medic for a while. Fabian reminds Hantl how he once came to the stretcher bearers in the basement when bodies brought in from one of the subcamps had to be identified.

"Hantl, you must remember that you came and jotted down the numbers. These were bodies that had already been covered with lime. The skin had to be pulled off them in order to make out the numbers."

Hantl remembers.

Finally Fabian points to the former adjutant of the camp commandant, the defendant Robert Mulka, who claims never to have set foot in the barbed-wire enclosure of Auschwitz I.

"I saw him standing around during executions wearing a leather coat, but I never saw him fire."

"What do you remember about him?"

"I saw him stand around with the staff. I know that he wore a leather coat of a certain color."

"You also recognized Broad?"

"He stood on the left wing of the formation. Once he did not shoot with the others. Then some more women came and he said: 'Leave her for me; it's a young one.'"

"How about this defendant?" Judge Hofmeyer asks, meaning Dylewski.

"He too stood on the left and fired. He also brought prisoners into the bunker and shot them. Once a family with a child. I saw that. I don't know his name. I never found it out. I also saw him during gassings in the crematory."

The former prison guard Bruno Schlage, accused of multiple murder, gets up: "Sir. Honorable Court. I deny emphatically the deed of which I am being accused. The charge is made out of great malice. I have never come across this much hatred."

"The witness was not among those locked up in the bunker. He picked up the corpses and saw you kill people."

"I deny it. I cannot possibly be accused of this act. I was in the hospital in spring, 1944."

"I am certain that Schlage was firing at that time," Fabian declares calmly.

The witness in the stand is Jean Weiss. One asks oneself under what burden this man still lives, how he can go on living at all, what nightmares haunt him at night. He was an expeditor of death at Auschwitz—stretcher bearer and corpse packer; his freight was corpses; everything was done promptly. From the Black Wall to the spot where blood was running out of still-warm bodies into the drain back to where the next batch of victims had just collapsed, covered with blood: "We looked like butchers," says Jean Weiss. And in the room in which Klehr manipulated his phenol hypodermic, Weiss and another prisoner held the selectees whose lives the "medical orderly" was about to end.

"We had to stand behind them, hold their left arm horizontally and put their right arm over their eyes. The other bearer then stepped in front of them, took them by the feet, and carried them out."

Jean Weiss's cup is not yet empty. He cries, and then he goes on:

"It happened on September 28, 1942. I don't know how many were lined up ahead of my father. The door opened and my father came in with a prisoner. Klehr talked to my father and told him: 'You will get an anti-typhus injection.' Then I cried and had to carry out my father myself. Klehr was in a hurry. He injected two prisoners at a time because he wanted to get back to his rabbits."

The next day Klehr asked him why he had cried. "I would have let him live," Klehr said after hearing the reason. Why hadn't Weiss told him?

Judge Hofmeyer: "Why didn't you?"

The witness: "I was afraid that Klehr would make me sit down next to him."

"Was the other man who came with your father also killed?"

"Yes."

"Were children ever killed by Klehr in this manner?"

"Yes, about seventy or seventy-five who had come from some place in Poland. They were very well fed and clean. He killed all of them . . . murdered them. I think it was in spring, 1943. I don't know exactly; it might also have been in early summer."

"But you know with certainty that it was Klehr?"

"Yes, that I can remember."

"Was anyone else present or was he alone?"

"He was alone."

"How did he kill?"

"He injected them in the heart."

"Did he always kill like that?"

"Sometime he also injected them in the vein of the left hand."

"When did he do one and when the other?"

The court learns that Klehr apparently killed women prisoners by injecting them in their veins. In one case Klehr assured two Polish women that they were about to receive an inoculation. Weiss then describes the extermination of a group of prisoners who had been caught trying to smuggle letters and messages to two female prisoners. He testifies that the two women died in Block 28 of Auschwitz I, killed by Klehr in March or April, 1942, and that the men involved were shot at the Black Wall. Weiss mentions the approximate dates, and Judge Hofmeyer has the relevant data in the bunker book of Auschwitz entered into the record, which notes that the people named by the witness had "died."

How were the stretcher bearers summoned?

"I was in Block 28. A clerk would come from Block 11 and call for stretcher bearers. Most of the time he would remain in the corridor. Then the people summoned came out and would ask where to. The clerk then announced how many stretchers were needed, whether one or two, and the capo decided which bearers were to go. I was called almost all the time."

The witness describes how they waited in the yard between Blocks 10 and 11 with the stretchers until the members of the Political Section appeared with the naked victims. Medical officers were present at "big executions" but not at other times. "If he was there, the doctor would call out 'Take 'em,' and we had to pick up the bodies, put them on a stretcher, the second face down on the first, run to Block 10, dump them, and run back."

"Who used to be present? Did you know any of them?"

"Yes, Boger, Kaduk, Stiewitz, Palitzsch. There is another one I recognize among the defendants, but I don't know his name."

"Point to him."

The witness walks up to Dylewski and points at him.

During "small" executions only one man would shoot. But he remembers one execution, on October 29, 1942, at which 285 prisoners were shot. The reason he remembers the exact date is because it was the Czech national holiday.

"Six or eight men were shooting. They kept on taking turns. It didn't take long, about two or two and a half hours. We were completely done in. We were covered with blood like butchers."

The witness also states that Kaduk and Boger were present at the shootings. Judge Hofmeyer points out that Boger maintains that at that time he was not yet in Auschwitz. "He was already there," the witness answers.

Dylewski. Broad and Dylewski resemble each other so greatly that he had taken one for the other.

Defendant Klehr lets it be known how the matter looks to him:

"Your Honor. Honorable Court. That which the witness accuses me of is one hundred per cent, or let me say ninety per cent, untrue.

Judge Hummerich has another question for the defendant Scherpe. Did he know the witness? Scherpe shakes his head.

Hummerich: "You were the one who said that Schwarz and Weiss had injected prisoners. But you don't know the witness and the witness knows you. How is this? What did the Weiss whom you knew look like?"

No, defendant Scherpe also is not having a good day today. Haltingly and completely unconvincingly he describes "his" Weiss as having been taller and of slighter build.

Judge Hofmeyer complains that on this day, "Friday the thirteenth," the trial is moving slowly. Defense Attorney Stolting would like to see certified translations of the pretrial deposition of the Czechoslovak witness Alexander Princz before he is called. An understandable request, since up to now his testimony has been available only to the prosecution. Attorney Laternser in addition also wants the depositions of the witnesses Fabian, Weiss, and Weckler. Aschenauer joins in the request for the Princz deposition. So does Adjunct Prosecutor Raabe. Judge Hofmeyer has the translation of the record handed to Stolting and asks that the witness be called. "No, that's out of the question," says Stolting. "I cannot read the record while the witness is being questioned." A thirty-minute recess is called.

After the court reconvenes, Hofmeyer announces that the continued detention of the defendants Frank and Dylewski has been ordered. Stolting requests that the widow of Höss be called, who could testify that the former Auschwitz commandant did not fracture his leg in the camp, as is claimed by the witness Princz. The appearance of the witness should therefore be postponed until she can be heard. Judge Hofmeyer is not enthusiastic. Perhaps, he suggests, Mrs. Höss does not have to be summoned since the court had already found out that in the period in question after the fracture, during which—according to Princz—Mulka was said to have carried out the commandant's duties, the camp orders continued to be signed by Höss and Aumeier. Moreover, a headquarters report of October 13, 1942, mentions Mulka's illness. A special order dated December 21, 1942—Mulka nods in agreement and points to himself—was the first one again to be issued by Mulka.

At issue here is the credibility of the witness Princz, who has seriously incriminated Kaduk, Boger, and Mulka.

Actually, the prosecution had invited the fifty-one-year-old Alexander

About ten or twelve children between the ages of two and four were standing around. Oberscharführer Moll lifted one of the children and threw it into the flames with the burning corpses and Boger shot the child. Then Boger said in German: "That's how we finished all the Jews in Warsaw. Do you like it?"

Again Princz talks about Mulka:

"There is something else about the commandant who substituted for Höss. There was a wooden bridge between Auschwitz and Birkenau. There were three of us drivers, and an SS man accompanying us. About 1,000 feet before the bridge Mulka overtook us in the commandant's car and 300 feet in front of us he stopped before two SS men and two prisoners. Mulka asked: "What's that?" "They got hold of this," one of the SS men said and showed him something. The prisoners had already been beaten and were covered with blood, and Mulka shouted: "Shoot the dogs." One hadn't been fatally wounded and tried to get up again. Whereupon Mulka pulled out his pistol and himself shot him again. He rode off and we had to take the bodies to Birkenau."

Judge Hofmeyer asks the defendants to line up in front of the judge's bench for a confrontation with the witness.

"Which of them was the man?" the judge asks the witness.

Princz identifies Broad, Bednarek, Boger, and Kaduk. He walks by the defendants three or four times, then stops in front of Mulka and says: "This is he." In front of Stark he says: "Him I know also."

The Romanian witnesses, who had already been written off, have also come. Capesius and his lawyers probably have not waited for them too impatiently, for they incriminated the former camp pharmacist with highly unpleasant testimony. Capesius, somewhat uncertain and nervous, has already given his opinion on their testimony: The witnesses are lying.

Paul Pajor, a sixty-six-year-old pharmacist from Oradea, Romania, is testifying on his birthday. Twenty years earlier, on June 4, 1944, he came to Auschwitz with a transport of Jewish prisoners from his home town. After four days he left again, was sent to a labor camp, and then to the concentration camp Flossenbürg. There were about seventy or eighty people in the car going to Auschwitz—men, women, and children.

"The children cried all the way. We got bread only once, which we distributed among the children."

On the ramp in Birkenau the men and women were separated; the young children were sent with the old women.

"Suddenly I saw an SS officer in front of me. He motioned to either the left or the right. Later I found out that this was a selection. When I came

closer I recognized him immediately. It seemed unbelievable to me that it was he. He addressed me in Hungarian: 'Aren't you a pharmacist?' 'Yes,' I answered. 'Don't you have a pharmacy in Oradea?' When I also said yes to this question he moved his head and said I should go to the right."

Judge Hofmeyer: "Who was that officer?"

"Dr. Victor Capesius. I recognized him. I became acquainted with him before 1940 when he was the sales representative of the Bayer works. He had visited my pharmacy. He used to say he was leaving me the Bayer wrapping paper so I wouldn't have to buy any."

The defendant Capesius says: "I know the pharmacy of the witness, but I don't remember the witness."

He had not been on the ramp, and certainly not at the time mentioned; he had not, as the witness testified, served with Josef Gorbatsch, for in the summer of 1941, the period in question, he had been stationed at the Danube. That can be seen from the Romanian pay book of the Waffen SS:

"So the whole business with Josef Gorbatsch is also not correct."

Hofmeyer: "What we want to know from you above all is whether you selected new arrivals on the ramp or not." And what the witness has just said would seem to be sufficient identification. "You did ask him whether he was from Oradea. In short, it all sounds very plausible."

Capesius does not consider it plausible: "It only sounds that way." He had already been persecuted in Romania in 1946. "At any rate I was not on the ramp."

"But one thing is certain," the witness states. "Dr. Capesius was standing about twelve to fifteen feet from me, addressed me in Hungarian, and selected me. That he did select is one hundred per cent certain; one can't forget such a thing."

Marianne Adam, an X-ray technician from Oradea, also says that she saw Capesius selecting on the ramp. In June, 1944, she was brought to Auschwitz with her parents. An SS officer, "broad-shouldered, heavy, immaculately dressed, speaking Hungarian," selected.

"He was unusually relaxed, polite, and jovial. That is why the scene has remained in my memory. He said whoever was tired should go to the other side, for assignment to a recovery camp, where everything would be well and nice; very many went over there, many of my acquaintances. I did not. Instinctively. I wanted to stay with my friends."

"Was this SS officer known to you?"

"No, and I never saw him again."

She later learned that his name was Capesius from a young doctor named Lily Blum, whose father, a pharmacist, knew Capesius.

The defendants are asked to go to the center of the room and the wit-

Then Baretzki is ready. A notable appearance. How he stands there, the words pouring out, temperamental, with commanding gestures. Although he is not from Prague, he has a little of Schweik in him. He is his nervous, tough kin with an evil past.

He had done nothing. The presiding judge and the prosecution ought finally to understand. The witness could not have seen him in the compound at that time because he was then still a member of the guard unit.

"And there nobody from the compound got in. He couldn't get in there; he had no identification."

"Perhaps you were detailed to some other assignment?"

"Do you think that in Auschwitz one worked one week here and one week there?" the defendant Baretzki reprimands the judge.

Also he was never Rottenführer there, else "they'd still be owing me back pay today." Amusement on all faces around him, from Capesius to Klehr. Baretzki barks out whatever comes to his mind. And as he does, slowly the uniform begins to fit him again, slowly the other Baretzki—block leader Baretzki—emerges.

He talks of transferred prisoners and assigned prisoners, and how on Sunday of course there were no transfers. The prisoners were not allowed to mess up their barracks, had to stand outdoors during the day, sleep in the washroom at night, and the next meal was on Monday morning. No, no, transfer means transfer, and assignment means assignment. What did assignment mean?

"Yes, the gas chamber. They didn't even get into the camp. Nobody could admit them. There's a difference between transfer and assignment."

Please, one has to look at this from a practical angle. Two cars come to the camp gate, it's opened, the car goes through, the guard closes it and puts the padlock on. Meanwhile the driver has made a loop with his car, either to the left or to the right, and chased the people off, who have undressed. Yes, and then the papers; there were certificates for transfers and for assignments, everything all mixed up, so one had to separate them again; after all, one couldn't treat transfers and assignments the same way. "The old man would've eaten me up."

No, that's right: "The people who were assigned were as good as dead."

But Stefan Baretzki doubts whether there is any point at all in giving these explanations. Does Adjunct Prosecutor Ormond by any chance believe that one could have gone into the prisoner compound without being assigned there?

"Do you think that a guy from headquarters got into the prisoner compound? That didn't happen. You couldn't have just anybody walk into the compound. That would be impossible."

What is this about children of SS men in the compound? A child is a child, the defendant lectures with raised hand, and children means many

children. And he repeats this three times. The child was the son of duty officer Schwarzhuber. He walked through the camp in order to visit his father. With a sign around his neck.

"So they wouldn't grab him, and into the gas oven with him."

One can see this child wandering through the death camp, amid the gas chambers and crematories, protected against murder by a small sign.

Attorney Gerhardt makes a special contribution. The witness Bodek had said that he had volunteered for hospital duty after a rumor that Aryans were not being gassed. The defense attorney is somewhat astonished:

"Weren't you afraid to enter the hospital compound?"

And then he explains his astonishment:

"He wasn't an Aryan. He is a Pole."

The civil engineer Eugeniusc Motz of Warsaw, now forty, was still very young when, at the beginning of 1941, he was brought to Auschwitz, accused of having been a sniper. There he received the prisoner number 9,589. During the summer of that year—he says from July until September—he had to work in the stores of Auschwitz I and at times also had to act as orderly for his SS boss, the chief of the stores, Arthur Breitwieser. "As a boss he treated us all right," Motz tells the jury, but he says that Breitwieser was the first to gas people with Zyklon B.

"At that time [in the summer of 1941] Breitwieser made the first experiment in the storeroom to delouse the dirty laundry," Motz says and describes how a room was closed off in the storeroom and filled with Zyklon B by Breitwieser. Breitwieser seemed satisfied: "Now we finally also have something for gassing the prisoners." A few days later about 150 to 200 Soviet officers and commissars were taken to the prison bunker and that same day locked up there with about 100 or 150 sick prisoners.

"Then Grabner, Lachmann, Dylewski, Stark, Hössler, and Stiewitz came to Breitwieser in the storeroom and we thought that we too were going to be selected. But they only went over to Breitwieser, who took two or three cans and handed one or two to an SS man. All of them went to Block 11, and there was a blockade. About an hour later Breitwieser came back to the storeroom and was angry because it hadn't worked. The next day, or maybe two days later, the medical assistants from the hospital compound were called together. They had to take handcarts and go over to Block 11. When they returned with the carts they were piled high with corpses." The next night there was another gassing.

Hofmeyer tells the witness that Petzold, a former prisoner who had also worked in the storeroom and who, according to Motz, was then not yet there, had also told of this first gassing. According to him, however, it had

taken place at night. Had the witness himself seen prisoners being taken to the prison bunker in the daytime?

"Did you see it or only hear about it?"

"I saw it myself."

The witness Stanislaus Kaminski, a thirty-nine-year-old Pole, tells of being brought to Auschwitz at the age of sixteen because of membership in a Polish youth organization. In the summer of 1941 he witnessed the murder of a group of prisoners in a gravel pit.

"During the work one of the SS men present here appeared and called all capos together."

"Who was it?"

The witness looks over to the defendants and says: "Dylewski." He had given the orders to liquidate all the Jews working in these details.

"How do you know that?"

"Because I heard it. I stood very close to them."

What language had Dylewski spoken? German.

"These three words: 'Jews,' 'killing,' and 'dead' I understood. I don't know whether I expressed myself correctly grammatically."

Judge Hofmeyer points out some nuances of the German language; was it an order or merely a statement meaning perhaps all of them ought to be killed?

"I understood it to be an order."

"And not a threat?"

"No, because immediately afterward the capos began to run around and kill the Jews."

He remembers that a capo tried to intercede on behalf of a young Jew, "perhaps he was fifteen or sixteen and was doing light work. He repaired tools." The capo called the boy. "Dylewski looked at him. Then he motioned to him to go back to work, and at that moment he shot him."

Yes, the Jew was killed instantly.

"We had called him Jakubek, little Jacob."

Yes, he saw capos beat Jews to death that day.

"Mostly they hit them on the head and stood on their necks until they were dead."

In reply to a question by the prosecution this witness also states that excavations in the camp were filled with water and mud. He remembers that in the late spring of 1941, camp rumor had it that prisoners were drowned in them.

"Did such things happen frequently?"

"They happened very frequently. Let's put it this way: It was our daily bread."

Prosecutor Vogel: "Was it also nothing special that beatings were administered during interrogations?"

"At Birkenau there were no beatings."

A defense witness for Lucas, his sister, Mrs. Leni Ochs: "I was still very young at the time. He wrote every day. Father was always very tense until the mail came. He used to say: 'He is in much trouble.'"

A French woman doctor, Louise Le Porz, praises the defendant Dr. Lucas, whom she met in the Ravensbrück concentration camp:

"His attitude was very different from that of the other German military doctors. He did not look on us as unacceptable people; he talked to us. He even examined the patients."

Lucas got the sick prisoners drugs and even gave them food from his own ration.

"Today that seems like a perfectly normal thing. At the time it was something unheard of, an SS man who showed signs of humanity."

Lucas sits with bowed head. The witness continues. She was particularly grateful to him because he advised her to remove as many sick people as possible from the hospital.

"He said something terrible would happen. Thus he gave me advice which helped me save some fellow prisoners from the gas chambers. I met no other doctor who helped us, only him: Dr. Lucas."

Lucas: "I do not remember the witness."

Mrs. Le Porz turns around and looks at the witness closely.

The next witness is of another cloth, a representative of the former SS judiciary: reserved, polite, cool. Attorney Dr. Hansen—not addressed simply as "Mr. Witness" by the judge as most other witnesses, but by degree and name—in a relaxed manner tells about the SS judiciary, which was modeled on that of the army. He stresses that model and repeatedly emphasizes the parallel. Dr. Hansen had been a judge in the highest central SS court, and in that capacity in October, 1944, was involved in a proceeding in Weimar against the head of the Political Section of Auschwitz, Grabner, who was charged with having arbitrarily selected 2,000 prisoners for execution.

So if he found out that people were being killed without any legal grounds, Judge Hofmeyer says, this would have called for an investigation. "Did that happen, and if not, why not?"

That can be answered right away. Hansen himself was not involved with these matters, he says; he was in charge of the special department dealing with corruption (also modeled on the army); he had never been to Auschwitz, was not familiar with the material, only accidentally was asked to

preside over Grabner's case. The SS judge, Dr. Morgen, informed him that mass murders in Auschwitz formed the background to this indictment, but at the same time let it be known that these were being carried out on instructions from the highest quarters. What remained unclear was whether it was on the orders of Hitler or of other agencies.

"That made it clear that campaigns were being carried out outside the jurisdiction of justice." The chief judge probably knows that himself. "It was completely impossible for a court to initiate proceedings against the highest state authority. The indictment of Grabner probably was the most that could be done at that time."

Let's get on quickly, these are very unpleasant reminiscences.

How did Grabner take his oath? He took refuge in special execution orders of the RSHA, which contained the proviso "that they were to be destroyed immediately." That wasn't so easy to check; new investigations had to be made; the trial was postponed. After that he, Hansen, no longer had anything to do with the matter, only now and then he asked about it, purely as a matter of personal interest; he does not know what became of Grabner, could not remember Boger, who had appeared as a witness, or even Grabner for that matter; the only one he could picture was Höss, "who made a grand entrance." But big though he was when he came in, he was very small when he left the trial chamber. At the end of the trial he had told the Auschwitz commandant off again, yes sir.

But for the rest, the investigation had been very difficult. "The concentration camps formed a state within the state; no SS judge could go into them just like that." The resistance came from all over. The only recourse the SS judges had was Obergruppenführer Bender on Himmler's staff, who practically asked that he be consulted.

"But it frequently was a question of who walked in the door first: Bender or Kaltenbrunner. The first one was usually right."

In reply to questions the witness states that the former head of the camp Gestapo in Auschwitz was charged with having ordered executions when the prison bunker was overcrowded.

"The deaths were supposed to be explained by fictitious illnesses and causes."

"That was already charged at that time?"

"That was the subject in the indictment."

Yes, one knew of the illegalities, was indignant, even appalled. Adjunct Prosecutor Raabe wants to know whether the witness, once in possession of such knowledge, continued to mete out justice and work as an SS judge.

"Yes," the witness replies.

Defendant Boger says that "on the whole, things were the way the witness described them. Grabner was to be pushed out," he adds.

Boger: "Because then it already was the same as today: the smallest ones sit here and the big ones—well."

Prosecutor Vogel tells the court that a doctor, Aumeier, Schwarz, and Hofmann were present at the selections in question.

But the defendant Hofmann knows nothing about that.

"I had nothing to do with these shootings. What has been said about the little guys is right. Aumeier and Höss did these things, not I."

Prosecutor Vogel: "Why were you present at bunker evacuations?"

"What was I supposed to do?"

"You weren't Aumeier's orderly."

"I also wanted to see what was going on. Then I waited for the moment until I could testify at Weimar."

Nothing more stupid has been said by any defendant in this trial: the officer in charge, Hofmann, wanted to find out what was going on in Auschwitz.

"I don't understand how Boger can say that I decided on who was to be shot."

"No," Boger now says, "I only meant it the way Hofmann says. After all, Aumeier and Schwarz wouldn't let Hofmann give them orders. He was a nobody compared to them."

If one listens to them talk today, a mere four men—apart from Hitler and the top leadership—were responsible for the murder machinery of Auschwitz: Höss, Aumeier, Schwarz, and Grabner. Four responsible men—four dead men. Possibly Palitzsch, who was not mentioned on this day. But he, too, is dead.

The courtroom gets firsthand confirmation from the Frankfurt railroad official Willi Hilse that between May and the middle of July, 1944, more than 400,000 Hungarian Jews were transported to Auschwitz in an endless chain of freight trains. Hilse had become assistant stationmaster at the Auschwitz railroad station in September, 1942, and was responsible for the freight shipments and the disposition of cars. He arrived at the figure of more than 400,000 Hungarian Jews with the help of army bills of lading accompanying the Hungarian transports, because every single person pressed into the cattle cars had to be accounted for to the SS men or the army—the witness does not quite remember to which.

When Prosecutor Vogel asks the former Gestapo man Boger whether the figure of more than 400,000 Hungarian Jews arrived at by the witness was correct, the defendant answers: "There is nothing to deny there. It is certainly true." He does not wish to say how many were killed altogether in Auschwitz, but right after the war he told the Americans that there were "many more than four million." Boger says that all he said at the time was

that a total of four million people had been brought to Auschwitz, because the Americans claimed that ten million people had lost their lives there. These four million also included all those who had been transferred to other camps and those who had survived.

"How many do you estimate were murdered in Auschwitz? You were in a position to know."

Boger: "I believe that it was approximately the number given by Höss."

"That is, two and a half million people?"

"Two million or one million," Boger gestures, "who can tell today?"

Hilse is able to make exact statements only about the Hungarian transports, because only they were accompanied by army bills of lading. According to these bills of lading, 60 people were "forwarded" in each cattle car. Hilse says each train was made up of an average of 60 cars, and from May until mid-July, 1944—he was transferred after that—about 120 of these misery trains rolled into the mass extermination camp.

Hilse rode along to the camp only once, in order to discuss something about the bills of lading. He got off the train immediately and went into the camp office.

"I almost didn't get out again because I didn't have a pass."

The next witnesses were still children when they had to take the road to Auschwitz for racial reasons. Kurt Löw, today a technician in Radinow, Czechoslovakia, was "not quite fifteen" on September 30, 1944. He spent four months in Auschwitz. At the end of this period only 120 of the 5,000 who had come with him were left. During the selections on the ramp he had his face smacked by a selecting officer. "I was pushed over to the left. It was the first time in my life that I got my face smacked. It saved my life."

He was on the ramp for a while and therefore could probably recognize the man who hit him. One of his friends in the camp later told him that the name of the officer was Dr. Frank. But during the confrontation with the defendants the witness fails to recognize the former dentist of Auschwitz. He can identify only Broad and Kaduk. Löw accuses Broad of having shot the prisoner Oskar Kraft with his pistol on January 18, 1945, during the so-called death march, because he kept falling behind: "We prisoners wore only wooden shoes and our feet were raw." The name of the SS man who shot Kraft was Peggy, or something like that. Another SS man called him that. He recognizes the marksman on a picture. "That's the one who came along. That's the one whom I pointed out before."

Broad: "I had nothing to do with this matter."

"On January 18 I was already in Ravensbrück." He allegedly had taken a group of prisoners from headquarters there on January 1.

Judge Hofmeyer: "But listen. The witness recognized you now; he rec-

ognized your photograph; he gave something very close to your first name; he knew the man whom he says you shot. It all sounds pretty convincing."

The witness doesn't incriminate people just like that. He says about Kaduk that he knew him but did not know what he had done.

Broad: "I can offer no further explanation for it."

Frank also rejects the charge. He had not been on the ramp in Auschwitz-Birkenau on September 30, 1944: "At that time I had already been in Dachau for four weeks."

Paul Bergmann, a Prague historian, was fourteen years and three months old when he came to Auschwitz from Theresienstadt in May, 1944. Two months earlier, the people of the first Theresienstadt transport, which had come to Auschwitz in September, 1943, had been gassed—six months to the day after their arrival. Everyone feared that the second transport, which arrived in December, would meet the same fate. At first nothing happened. On the critical day, June 20, everything was quiet.

"Toward the end of the month there were some selections. Fifteen hundred healthy men and two thousand healthy women were picked out from the B compound and told they could work in Germany."

There was reason to fear that this was a trick of the camp administration, but these prisoners were actually shipped out by train.

"Older women, mothers, and children remained in the camp. They had no illusions about the fate awaiting them. We expected daily to be subjected to special treatment."

Surprisingly, Schwarzhuber gave orders to select the strongest of the still remaining 500 fourteen- to sixteen-year-old boys. Dr. Mengele selected them. Bergmann says that in this selection he was put with those able to work. It was said that the selected boys would stay in the camp another few weeks and then be sent to Germany as apprentices. In this way 80 were saved from the gas chambers. Bergmann then accuses the former block senior Bednarek of having beaten up 2 Polish prisoners so severely that one of them died as a result of the beating. In the confrontation the witness recognizes Bednarek, Kaduk, Mulka ("I also know this gentleman"), and Höcker ("And I think this one too").

Mulka laughs, returns to his seat, and continues to write in his notebook. Höcker smirks.

Bergmann says he can give some information about Kaduk from his days in Mauthausen. Judge Hofmeyer wants to hear about it in order to round out the picture of the man's personality.

"How did he behave toward the prisoners?"

"At a time when the majority of SS men were passive he continued to murder."

Bergmann describes the miserable life of the prisoners at Mauthausen,

cas on the picture of the witness obviously was the SS Standartenführer Franz Xaver Kraus, sentenced to death by Poland, and also that during the war a dagger was no longer part of the SS uniform.

Judge Hofmeyer reads the captions of the various sections of the picture album, and their naïve precision gives insight into the perfect murder machinery of Auschwitz:

"Resettlement of Jews from Hungary; Arrival of a Transport; Sorting Out; Arriving Men; Arriving Women; After the Sorting Out of Still Able-Bodied Men; Still Able-Bodied Women; Not Able-Bodied Men; Not Able-Bodied Women and Children; After Delousing; Assignment to Labor Camp; Personal Effects."

These are pictures of human beings who have only a few moments of life left. They are pictures of children, looking into the camera apprehensively yet still hopefully. And among them the erect figures of their guards.

"Peculiar mementos they gave each other," the judge murmurs in closing the book.

The Pole Adam Karwowski tells the court that Klehr continued to work in the hospital compound of the concentration camp even after the SS medics Hantl and Nierzwicki were working there. In February and March, 1943, Klehr "most certainly" was still in the hospital. The witness does not have any bad memories of Hantl: "He was one of the decent medics. He never shouted and he never hit anyone. He looked as if he were carrying out his duties with great reluctance."

This witness, too, accuses Klehr of having selected on his own, without a doctor. His subsequent testimony incriminates Boger. He brought a prisoner who had been shot into the hospital, remarking: "He has to be saved so that he can be strung up." The prisoner died while being operated on. Boger corroborates this. Prisoners shot while trying to escape always were brought to the hospital so that, once recovered, they could be interrogated.

"In that respect the testimony of the witness seems to be entirely correct. In this case I gave instructions to save the prisoner's life. I said he had to be saved so that he could be questioned."

Judge: "Would he then be hanged anyway? First questioned, then hanged?"

Boger: "That is possible, but that was outside my sphere of interest, outside my jurisdiction."

At the end of this session Judge Hofmeyer announces that the court has decided to put Mulka in custody, since in view of the testimony of Dr. Vrba there is reason to believe that Mulka was responsible for the death of a prisoner. He gives orders "to put the defendant Mulka under arrest again."

"I had been on the ramp for fully six months when word got around that they were being gassed. It was pretty secret."

"What did Stark do?"

"I don't know. I came there as an amateur."

"But you saw him on the ramp. What did he do?"

"He also watched the sorting-out."

Prosecutor Vogel wants to know whether Hofer has lost his memory since his interrogation the previous summer by the pretrial examiner. Hofer says no and claims that the examiner had put a lot of things in the record that he hadn't said. "It all went so quickly that I couldn't think. He also wrote down that Stark murdered out of sadism. I never said that."

"At the time you said that you handed the count on to Stark, that you counted all new arrivals on the ramp, not only those designated as able-bodied, and that you reported this to your former superior, Stark."

"That's what the judge wrote down."

Adjunct Prosecutor Raabe: "What is going on here is no longer funny. It is scandalous, all these lies. If we tolerate this the trial will turn into a farce."

After that, Hofer admits that he counted all arrivals—men, women, and children—on the ramp of the mass extermination camp and reported the number to his superior, Stark.

"And what happened after that?"

"That I don't know. Stark was responsible for the handling of the paperwork."

He also knew the former members of the Political Section Broad, Dy-
lewski, and Boger, but doesn't know what they did in Auschwitz.

Because he is suspected of having taken part in the crimes committed at Auschwitz he is not sworn in.

It doesn't happen often in this trial that witnesses have something good to say, and if so then only about one particular person, Dr. Lucas. He, too, is incriminated; he, too, is said to have selected—which he denies; but it seems to be obvious that he was different from the rest, that he helped, showed compassion, and gave indications of resistance.

The witness Cäcilie Neideck, a nurse from Salzengitter, was nineteen and a member of the Socialist Youth when she was arrested in 1937. A special court sentenced her to twenty-one months' imprisonment, and after serving her sentence she was taken to the Ravensbrück concentration camp. She spent a few months in Auschwitz, and after returning to Ravensbrück she met Dr. Lucas.

"How did he conduct himself?"

"I was imprisoned for more than eight years. I can say with a clear con-

science that he was the only doctor who treated us humanely. To us he was a comrade, friend, brother, and father all rolled into one. Had it not been for Dr. Lucas thousands more would have perished."

He even "stole" in his SS pharmacy, got cod-liver oil and calcium for the prisoners, bought food with his own money, and smuggled it into the camp. He was ostracized by his comrades; he was a loner.

One day a selection was ordered; it was said the selectees would be shipped out on a boat, the "Wilhelm Gustloff." Thereupon ensued a big argument between the chief medical officer, the head nurse, and Dr. Lucas, who said: "There's something wrong here. I am not going to go along with this filth. There's enough filth already."

"Dr. Lucas had to pack his things the same day and was transferred."

"It must have been February or March, 1944. We were quite desperate after Dr. Lucas was gone. When Dr. Lucas was with us we were so gay. Really, we learned how to laugh again. He cheered us up and he helped us."

No one has any more questions. Did the defendant wish to say anything?

"I did not know the name of the witness until now."

When the witness leaves, she greets the doctor, and Dr. Lucas also nods his head in greeting.

The witness Helene Schwesig, fifty-four years of age, a public employee in Duisburg, also testifies favorably about Lucas. She was interned in Ravensbrück after having been acquitted by a special court in Frankfurt in August, 1942, for having made treasonous remarks. She too got to know Dr. Lucas "as the only exception" in Ravensbrück.

One day he had greeted her on the camp road, and she reported this in the block. Her fellow inmates said: "You're imagining things. As if an SS man would greet you."

"But after that we watched him closely. He was really an exception."

When the extermination with Zyklon B gas began, a rumor circulated in the camp that Lucas had refused to participate in the selections. That was in early 1945.

"One day the nurses and prisoner-doctors came in all excited and said: 'Dr. Lucas is no longer here.'"

They all thought he had been shot.

The defense calls the retired policeman Karl Kilb of Heilbronn, sixty-one, to testify for Boger. But he does not even know the defendant, it turns out, has never seen him. Boger and Defense Attorney Aschenauer agree that the brother of the witness was probably the one they'd had in mind.

Anton Rothmund, a fifty-six-year-old Ministry of Justice employee of Riedlingen, cannot say whether he is related to any of the defendants. He does not know who all the defendants are. Judge Hofmeyer reads the names. No, he is not related to any of them. He knows Boger from Friedrichshafen, where he had worked in a regional office of the Stuttgart counterespionage office.

"You are said to have information that Boger was on a business trip in Stuttgart in May, 1943."

(Witnesses have testified that Boger had tortured prisoners to death in Auschwitz on the Boger swing between March and May, 1943.)

No, the witness cannot remember the exact time.

Judge: "Boger, do you have any other questions?"

Boger: "No, he wouldn't know anything else."

Retired criminal police inspector Heinz Engelbrecht, sixty-six, of Neckarhailfingen, knew Boger well, up to the start of the "Eastern War." It seems he just can't rid himself entirely of the old familiar phraseology, this retired inspector of the criminal police.

He cannot remember details, just things in general, but that's of no great help. Prosecutor Vogel asks whether he can remember the interrogation methods of Boger.

Now the witness becomes alert. The State's Attorney probably has in mind certain peculiarities, a certain robustiousness, no? The witness answers his question himself: "Yes, I can tell that's what you mean."

Well, there was none of that in his office:

"My people knew that I did not tolerate that sort of thing."

Vogel points out that Himmler had also stated that without his special order prisoners were to be neither beaten nor liquidated, but in most instances they were. Engelbrecht, roughly:

"Not in Stuttgart."

No, he does not know anything about Boger being in jail. Because he had refused to shoot an officer and pretend it was a hunting accident? The witness remembers no such incident. That is, he does have some vague memory of something. Perhaps something about an abortion?

"That could have been it."

The witness simply cannot imagine that Boger should have resorted to extralegal interrogation methods. He had never heard anything about that, and besides: "A complaint could always have been filed."

The fifty-seven-year-old Ernst Zahnenbenz, married, a bank official in Stuttgart, knows Boger only as a former colleague working for the Political District Police Office Stuttgart. Boger had been to Stuttgart once or twice

been invented by the meanest mind of Auschwitz. The condemned had to crawl in like dogs—at times four prisoners vegetated in these holes—and in complete darkness serve out their punishment, standing, in less than one square yard of space. An almost invisible, minute air vent. It is said that quite a few went mad here.

Upstairs on the first floor of Block 11 a sign indicates why one particular prisoner was subjected to this inhuman punishment: "Ten times standing cell for Eduard Steppel, born in Antwerp, for having picked fruit without permission in a private garden inside the big guard chain." Next to it there is a page of the bunker book with the names of the prisoners shot on October 14, 1943—from Wladislaw Mata to Joseph Rakio, entries No. 1763 to 1797. The youngest was seventeen, the oldest sixty-eight. Outside in the corridors is a long row of photographs; the eyes of the executed men stare at us relentlessly and questioningly.

The huge burial ground is about two miles away. The ruins of the barracks chimneys of the huge Birkenau camp rise up like gravestones under the cloudy December sky. Muddy roads criss-cross the camp; the barbed wire hangs down from the concrete posts; the guard towers are weather-worn; ice is forming on the filtration pond. At the end of the tracks the cyclopic ruins of the gas chambers and incinerators, the dressing rooms in which the endless columns of people undressed, hung up their belongings on hooks so that they could find them again after the "showers." Grass is growing in the huge ditches in which the dead were burned on pyres. A few feet away from the fourth crematory is the birch copse in which thousands and thousands waited for their last hour.

The land around the surrounding countryside is alive. Geese honk, birds sing, white clouds sail across the sky. And all the time there is the sad song of the train engine. Only the camp, the dismantled camp, is still and lonely. There is no trace on the paths of the millions of feet that carried people to their death. The wind has erased it, the sun has bleached it, the rain has washed it away. But if you close your eyes you can see them walking, never to return.

At this place the participants of the Frankfurt Auschwitz trial determine whether the impressions they have formed accord with the testimony of the past.

The past cannot be evaded. A well-assorted cold buffet with chilled vodka cannot obscure the original purpose of the former headquarters building. But there are many who are again consumed by fear at the sight of these reddish-brown brick buildings behind barbed wire formerly charged with 6,000 volts, by the dismal expanse of Birkenau and the little birch-wood dell with the picturesque old trees.

"The children were playing with a ball," the Pole says, "and waited un-

suspectingly before they were taken in to be gassed. A woman guard came, clapped her hands, and called out: 'All right, children, let's stop. Now we take showers.' And then they ran down the steps into the room in which they undressed. And the guard took a little girl on her arm and carried her down. And the child pointed to the eagle-emblem on the cap of the SS woman and asked: 'What kind of birdie is that?' And that was the last I saw and heard of the child."

Professor Sehn, head of the Criminological Institute of the University of Cracow and the representative of the Polish Government, authorizes Judge Hotz to inspect the site: "Sir, do your duty." Hotz thanks him. He recognizes and appreciates the uniqueness of the situation, that of a German judge being permitted to exercise his function in Poland "and particularly on this territory."

Two policemen of the Justice Department and a specialist in the assembling of evidence at sites of crime, a member of the Land criminal police of Wiesbaden, accompany the delegation. Measurements are taken and recorded: "It is determined that the distance was so-and-so many feet . . . determination made at the site." The "vision and hearing conditions in Block 11" are subjected to very exacting examination. It is found that communications between the standing cells and the neighboring cells were good, that when the numbers of those to be shot were called out it could be heard in the yard of the block in which the infamous Black Wall was located; it is recorded that at least portions of the Black Wall could be glimpsed from the rooms on the ground floor even when the windows were closed.

Judge Hotz ferrets out point after point. The public is barred. The prosecution lets it be known that most of the witness testimony now can be seen in a different, clearer light. There also seems to be the feeling that no one who ever was a guard or an administrative employee in Auschwitz could truthfully state that he knew nothing of what was going on around him. The administrative buildings were, so to say, ringside seats to the Old Crematory; one could see clear across the camp from one guard tower to the other.

The work of the trial participants is not interrupted by any demonstration, not even by a single individual. The delegation from Frankfurt moves around this site of unbelievable horror in almost abstract objectivity.

"Then the court moved on to the ditches in which the bodies were burned," is supposed to go into the record. One defense lawyer has some reservations. Shouldn't it say, "in which the bodies *allegedly* were burned"? One thinks over this reservation and says, "in which the bodies *allegedly* were burned." The court is doing a clinical job, divorced from all emotions and all memories. Measurements with the tape, compass, hearing tests,

photographs. The Ministry of Justice policeman moves hither and yon: "300 feet from the washrooms to the ramp." The defense attorneys doubt that people can be recognized over that distance; a Polish policeman wearing a cap refuses to pose for this experiment. Should they ask the major? If the officer wants to pose, he may. He does not want to, he says.

A traffic accident might be recorded thus, with the same sort of eagerness, the same official phrases. But it has to be so. Facts are to be established, not images recorded—although they may seem tangible between the tracks of the death ramp of Auschwitz.

Here, too, "somewhere in Poland," as Höss put it, grass has grown over the mud- and dust-covered camp and between the tracks of the ramp at Birkenau. But the many millions of meager belongings of the people who died here are silent yet eloquent witnesses to their last hours.

Only that which has been officially recorded is counted among the results of this inspection. The line of vision from A to B is important, not from B to A, even though A might still be in the condition in which B ought to be but no longer is for a proper evaluation. The Klehr block, in which murder by phenol took place, has lost its horror: The walls are broken, the washroom in which the corpses were lying, the corridor with the black curtain behind which the prisoners waited for their death—all this has become a dusty building suite. From behind the windows the trial participants look from block to block to see if they can recognize those standing in the rooms.

But there can be no doubt that the prisoners could observe what was happening at the Black Wall from windows, peepholes which they made by breaking away some of the brickwork. In only one case do they find that one incriminating piece of evidence is obviously not so: Breitwieser could not have been seen by Petzold during the gassing of the Russian prisoners of war in the cellar of Block 11 in the manner described by the witness.

On December 16, the court, in the person of Judge Hotz, and the others leave the former concentration camp Auschwitz. The site of the murder of millions is shrouded in thick fog. No prisoner band is playing; no bell from the "Kaduk chapel" announces the feared camp blockade. Only the shrill whistles of the trains and the dull sound of the rolling cars and the metallic clanging of switched trains still reverberate.

The trial against Mulka and others has been going on for one year. The defendants have denied most of the crimes of which they have been accused. The defense believes most of the witness testimony to be contestable; the prosecution is of the opinion that the court's findings at the site largely bear out the testimony of the survivors. Legal, moral, and

witnessed the execution of fifty-three German officers at the Black Wall. One of these officers asked him to let his parents know "what has happened to me." The first name of the man was Herbert, but he could no longer remember the family name. The parents of the officer had owned a big printing plant in Leipzig.

The witness says that he received a slice of plain bread and a piece of sausage for working at the Black Wall. The first few times he was assigned; after that he went voluntarily, "because of the bread and the sausage."

The witness calls the removal of the bodies "corpse pulling."

"I pulled them with a Czech priest. We worked hand in hand. I lived with him like with a brother."

Roll-call chief Kaduk was always present at the executions at the Black Wall. He did not shoot, but he always managed to call attention to himself by his presence and his remarks. The witness says that one day Kaduk called out: "There comes the old sow." The woman thus addressed was a well-groomed lady with a little girl. "She too was shot."

Even after his assignment to the dental station Löffler continued to work in the yard of Block 11.

"Even after I was in the dental station I worked there. Because of the slice of bread and sausage—although it may have been horsemeat—one took that because one was hungry."

The witness tells of working in the Auschwitz station, where several carloads of dead children had to be unloaded.

"They were little girls aged three or four, dressed like little dolls, as if for a birthday party or some such celebration. One remembered one's own children and lifted them out carefully. But then you got hit over the head with a truncheon and you threw them out."

Siegbert Löffler corroborates the testimony of Kratz that Dr. Frank once saved his, Löffler's, life. He had already been taken out of the detail, but Frank brought him back into the dental station with the words: "I decide who is not needed in the office."

"I owe him my life."

This witness, too, is of the opinion that Frank was the chief dentist of Auschwitz until shortly before the dissolution of the camp. In reply to a question by Prosecutor Kügler, the witness states that he was selected by Frank for the dental group on the ramp of Birkenau, "where all were selected for the gas. He said he needed a few technicians."

Judge Hofmeyer states that five witnesses from Poland have failed to show up, not the first time this has happened.

"In most cases it is defense witnesses who do not show up."

The judge asks Mulka to explain what a Stabsführer was.

Mulka: "I am not acquainted with the designation Stabsführer."

"But you yourself have written it down."

"I am not acquainted with the designation Stabsführer in the Waffen SS as a whole or in the Waffen SS in Auschwitz. I think that only existed in the general SS."

Prosecutor Kügler, however, has a document which he had wanted to present later, but which he thinks might prove more effective at this stage. It is an original order of the year 1942, which reads in part:

The former deputy adjutant and SS Obersturmführer Mulka immediately will take over the position of Stabsführer in Auschwitz. In this capacity he will conduct all official business of the commandant's staff. His jurisdiction will extend to:

1. Adjutant's office
2. Officer personnel and other personnel matters
3. Judiciary division as judiciary officer
4. Department VI—troop supervision
5. Training and education of the women guards of the women's compound.

"Here is your explanation, Mr. Mulka," Judge Hofmeyer says, "of what a Stabsführer is. And now you tell us that you were not familiar with this designation in the concentration camp."

Mulka attempts a defense: Yes, but this signature does not really resemble his own. Adjunct Prosecutor Kaul shows him another one. Yes, says Mulka, that one was his. Well, says the judge, here it also says "Stabsführer."

Mulka has no reply. His credibility has suffered a heavy blow on this day.

The visiting card of Dr. Capesius. Had he written on the back of the one which the court now holds? Were the words "*La multi anni*"—Romanian New Year's wishes—written by him? The witness Dr. Schlenger swore they were. Capesius wrote these words on the card in his presence. Later he again met Capesius, under very different circumstances, on the death ramp of Birkenau.

The court has summoned a handwriting expert, one Johannes Mülhausen, who says that he has compared samples of the handwriting of the defendant of around 1945 and twenty-two *La multi annis* written now. He says that the spacial distribution in the original was far better than in the defendant's present writing, that the "L" of the "La" was bigger. Furthermore, he had also wanted to capitalize the word "*anni*." Three words do not yield too many clues:

"I consider it unlikely that the defendant is the writer of the words '*La multi anni*.'"

Prosecutor Vogel: "Do you consider it out of the question that Capesius is the writer?"

"No, not impossible."

Adjunct Prosecutor Raabe asks about the ball-point samples from 1945 which the expert allegedly found among Dr. Capesius' notes, and the judge adds: "Yes, and I also cannot find it. I see pen and fountain-pen samples, but no ball-point."

The expert examines the handwriting samples. No, he can no longer find the ball-point jottings either.

Raabe continues to attack. What conclusions does the expert draw from the fact that Capesius, an educated man, now wants to capitalize the word "anni"? He does not think it impossible that defendants would try to disguise their handwritings in order to "fool" experts.

Judge: "Defendant Capesius, you have seen this [the visiting card]. When I asked you: 'Is that your handwriting?' you answered 'Yes.' Only later did you propose this business about a handwriting expert."

The defendant "was completely dumfounded" when he saw his visiting card. "It was such an experience, to see a card again after twenty-five years which had belonged to me."

But then, thousands of such cards were written by a clerk or secretary, for "all those doctors." He had not written them himself, and this must have been such a card.

The Judge: "This card is an original. And you gave it to the witness."

"Not I."

"Not you?"

"No."

Earlier the Reverend Karlheinz Schulery from Schässburg, Capesius' home town, had testified that to the best of his knowledge Capesius had not engaged in any anti-Semitic activities. He ran into him once after both of them had been called up to the Waffen SS and Capesius mentioned that he'd like to get out again.

The Capesius family?

"It was a very pious and community-minded family, one that did lots of good for Schässburg."

JANUARY, 1965

Where did Capesius spend certain weekends during the early summer of 1944? He tells where: At the estate of a friend not far from Auschwitz. According to witness testimony he spent them selecting on the ramp of Birkenau. Now Hans Gottlieb Stoffel, engineer and architect with resi-

not look out of the windows of the pharmacy, never asked Capesius about gassings.

Prosecutor Kügler: "Were you on 'thou' terms with Capesius?"

"Yes, we drank to that on my birthday."

The wife of the witness, Hildegard Stoffel, has similar recollections about the dates of Capesius' first visit at the estate at Przecischau. Capesius came a week before her husband's birthday and also helped celebrate his birthday the weekend following that glad occasion. No, she does not know whether the Rump family—through whom she met Capesius—was present at the birthday celebration, but she does remember that Capesius spent the night. Had he also spent the night the first time he visited? The witness does not remember. Had she recognized Capesius immediately? Her husband recognized him. He has a very good memory for faces. She had been to Auschwitz a few times for some dentistry. She got a denture. No, she had not been upset by what she saw.

"Everything was very beautiful. There were flowers and the barracks were very clean."

The witness saw very many prisoners in Capesius' pharmacy "who did not look like prisoners; they were well dressed and always cheerful. They did not make an unfavorable impression."

Her subsequent testimony earns for her husband the suspicion that he has committed perjury. She states that one day Eisler brought an invitation to a hunt which he gave to her husband and her son. They then went hunting for five or six days in Austria. This causes quite a stir in the courtroom. The adjunct prosecutors demand that this portion of the testimony be entered in the record; the defense objects energetically; the witness Stoffel is recalled.

He says: "I have really forgotten that Eisler was at our place a second time."

Prosecutor Vogler: "Did you also forget that you went hunting?"

"No, I did not forget that."

Mrs. Stoffel: "You must not hold that against my husband. My husband always forgets personal things."

Judge Hofmeyer orders the record to show that the witness, despite close questioning, testified to having met Eisler only once, in the restaurant of the Munich railroad station.

At the time of the hunt, the witness adds, the report on Capesius had not yet been written; his wife, on the other hand, states quite definitely that her husband is mistaken on that point, that the letter had already been written. The witness wants it noted that he met Eisler only briefly in Austria; Eisler introduced him and his son to the local forester. During the next five days he did not see Eisler again.

Prosecutor Kügler: "Where was this hunt?"

"I don't know."

"Whose hunt was it?"

"They said it was arranged by Dr. Capesius; I could not find out anything more precise."

On further questioning the witness seems to recall that he once had a tooth filled in Auschwitz, but "I am not quite sure." He also doesn't quite know how he happened to get an invitation to this hunt. Possibly Eisler mentioned it at their first meeting.

State's Attorney Vogel: "Couldn't it be possible that the invitation was in some way connected with your statement on behalf of Capesius?"

"Certainly not."

"On this point your memory does not fail you?"

"No."

Judge Hofmeyer asks Capesius whose hunt it was, and the defendant replies: "His [Eisler's] and mine."

Capesius becomes annoyed when Adjunct Prosecutor Ormond wishes to know where the hunt took place.

"Near Setzthal, on the estate of the St. Admont Monastery."

"In which community?"

"No community. It's up in the mountains."

"In which state?"

"In which state? I already told you, Admont. Look it up on the map. I don't know. Probably Styria."

After the two witnesses are dismissed, Judge Hofmeyer orders the reading of the report on the inspection of the Auschwitz concentration camp by Judge Hotz and other trial participants. The document, illustrated with thirty-seven photographs, records the findings made at the site of the former concentration camp in mid-December with the help of tape measures and visual and aural experiments. It contains exact physical descriptions and measurements of the various detention blocks as well as of the prison cells in the infamous Block 11. It notes from which vantage points the Black Wall could be seen and what sounds could penetrate from the standing cells to the adjacent cells. Also recorded and read to the court is the scene during the inspection tour of Auschwitz which I had refrained from reporting because it seemed so embarrassing. The guard who was persuaded to crawl into standing cell No. 21 and make his presence known to the other trial participants through the closed wooden flap and through the door of standing cell No. 22 as well as the door of the adjacent cell No. 23, loudly sang "Sah ein Knab' ein Röslein steh'n" (a rather idyllic German folk song). We had assumed that the poor man probably did not know what to call out or sing, and that this song came to his simple mind. But the

record shows that he had been requested to sing this particular song. It doesn't make the incident any more palatable.

The next witness, according to Judge Hofmeyer, was being called because he knew Boger.

"Boger?" Josef Kilb of Oberkessa, Kreis Künzelsau, asks. "May I ask for the first name?"

"Wilhelm."

"Yes, I know him."

"Well, then, tell us what you know."

"I know Mr. Boger from Russia, from the spring of 1942. We were together during the Volkhov offensive." They were members of a police pioneer battalion. The witness was transferred in April and doesn't know whether Boger still was with the unit at that time. The defendant was assigned to a penal company; no, the witness doesn't know why.

The questioning seeks to establish the time of Boger's presence at Auschwitz; it is known that he only was assigned to the Political Section of the camp in October of 1942, after having regained the rank of Oberscharführer. The witness does not think that he saw Boger again after September, 1942.

Boger: "Witness Kilb seems to be somewhat mistaken in the time. We were still together after September."

Then he gives a display of a pretty sharp memory: He was not a major, as the witness seems to believe, but Hauptsturmführer with the General SS (the witness "Ah's" in affirmative recollection). The witness probably confuses him with Police Major Reich, who died in combat, as well as with his brother; then there also was a man by the name of Heber, in the Ostrolenka days, who also was in the penal company because of some infraction; yes, Heber then became a member of some leadership training program and he himself volunteered for some guard training course, but was rejected in December, 1942.

Judge Hofmeyer interrupts him and turns to the witness:

"Did you still know Boger in Dresden as Oberscharführer?"

"May I ask Mr. Boger when we were in the Dresden heath? Was it in September or October?"

"Yes, that was with your wife. I don't remember exactly."

The next witness is Alfred Aedtner, thirty-nine, criminal police officer in Ludwigsburg. He had interrogated Stark, Dylewski, and Broad during the pretrial investigation. He is asked to describe how the defendants had behaved at the time and what they had said, because since then they had toned down their initial testimony considerably. Nothing is said about

It seems the witness does not know Heber as well as he does Boger.

Again there appear witnesses who have pleasant recollections of Lucas. They describe him as a man very different from the run of SS doctors.

"If I may express myself so poetically," Dr. Tadeusz Szymanski, a Cracow physician, states, "through him we regained a belief in Germans."

He procured drugs for sick prisoners, helped wherever he could, threw denunciatory reports away: "We were surprised that he subjected himself to these dangers."

Sister Margarete Filixina Armbruster supports this characterization: "He was the only doctor who treated us like human beings." And Paul Gerber says: "Dr. Lucas was one of our props." Gerber had met Lucas in Ravensbrück; Lucas had said that as long as he was in Ravensbrück he would have no truck with Auschwitz methods. He destroyed lists of sick prisoners classified as unfit for work, and one day—after Lucas had gotten the witness an assignment to an army unit, which did not make the witness too happy—had warned him quite plainly: "Make sure that you close these doors behind you just as soon as possible." The witness claims to have heard later that after Lucas left Ravensbrück, a great many prisoners were gassed.

A witness by the name of Geissler tells the court that one Monday morning Dr. Lucas was gone from the Mauthausen camp; the SS officers were called together and Lucas was denounced as a bum and traitor, because he had failed to carry out his duty—"as they said"—to the fatherland.

Former senior block inmate Emil Bednarek is remembered in a very different and worse light by the witness Paul Schaffer, a Paris businessman. He never spoke, only shouted; he beat prisoners; he pushed fully dressed prisoners under the cold shower; he kept the inmates of his block outdoors all day without once giving them a chance to get warm. No, he did not see Bednarek beat anyone to death. And as to the matter of responsibility: "He was not the brains, but he was the hand. He could have helped us survive, but he didn't. He possessed the means to do so."

The witness, a sensitive man, obviously suffered under more than merely blows. It seems that Bednarek always addressed them with Polish insults, and he repeats these to the court. Kaduk and Hantl smile at each other. Bednarek shrugs; he had never heard these words, and anyway, "It's not true."

"What?"

"What the witness is saying . . . There never was a special detail in the penal company for the Siemens-Schuckert Works" (which the witness had testified to).

Witness: "The defendant seems to have lost his memory."

Kaduk divided the members of the special detail into groups. Group 1 was the gas mask group that pulled the bodies out of the huts; Group 2 dragged them to the lorries; Group 3 loaded them on the trucks, and Group 4 brought them to the incineration pits. The witness testifies that at that time the bodies were burned in huge pits.

"The bones that remained were chopped up and thrown into the water."

In this connection the witness accuses Kaduk of the murder of a ten- or eleven-year-old boy: "Kaduk took him by his hand, calmed him down, led him to a ditch, and shot him."

Buky also claims to have seen Kaduk in action during the death march after the evacuation of the camp, and is told that Kaduk denies having been part of this march.

Witness: "If he says he wasn't in Birkenau, he can also say this."

In reply to a question by Judge Hotz, Buky states that Kaduk was his superior for about eight months or a year, he doesn't remember exactly how long. Kaduk on the other hand insists that from October 28, 1942, until August 21, 1943, he was hospitalized with malaria.

Defense Attorney Jugl points out that the witness is the first one to tell of Kaduk's presence in Birkenau, "with one sole exception." But Judge Hofmeyer notes that up to now more than one witness has testified to Kaduk's presence in Birkenau.

Witness: "I can assure the court that he was in Birkenau."

Defense Attorney Gerhardt points out contradictions in the witness' testimony, according to which Baretzki beat a prisoner so violently that he died the next day, or perhaps two days later, or a few days later.

"When did he die?"

The witness says he did not know the exact day of the death and that he had never said exactly when he died. Gerhardt also points out that the witness, when confronting the defendants, did not say "This is Kaduk," but "I think this is Kaduk."

"Well," the witness says, "he is not so well fed now."

Kaduk denies everything the witness has said:

"Your Honor, I had no business in Birkenau at all. During the evacuation I was not in Auschwitz I; I only joined the transport later."

An earlier witness had testified that he, Kaduk, shot a man by the name of Ackermann on January 18, 1945: "So Kaduk couldn't have been both in Auschwitz I and in Birkenau at the same time. There was only one Kaduk, and that was me."

But weren't there vehicles and couldn't he have ridden from one place to the other?

Kaduk: "I went to Mauthausen on foot."

Judge Hofmeyer, doubtfully: "Not really, Mr. Kaduk."

Defendant: "Well, if you don't want to believe me."

of the medical orderlies. He rose from ordinary SS man to Oberscharführer. He is unable to say how: "It did create something of a stir." To listen to him, he came to Auschwitz because doctors were unable to diagnose a chronic hip-joint inflammation and nobody was able to help him, not even at Berlin's Charité Hospital, until finally he was transferred, almost as a punishment, to the hospital compound of the Sachsenhausen concentration camp. From there he came to Auschwitz.

Wilhelmy arrived there in the summer of 1940. The chief medical officer then was a certain Dr. Popiersch, later a Dr. Dienstbach, and then a succession of others—"Yes, Dr. Uhlenbroock also was chief doctor"—and finally came Dr. Wirths. Of the medical SS personnel the witness remembers Theuer, Scherpe, Klehr; there are some names he has forgotten. When did Klehr come? "With the best will in the world," the witness is unable to say when he did. What was Klehr's job?

"He was in the compound almost always. It was his job to supervise the medical service together with the camp doctor."

"Also to kill people?"

"No, that was not an assignment."

"That's your opinion; there were some who obviously did look on it as an assignment—for example, Klehr."

The witness goes into details: Christmas, 1941, there were drinks behind the window, to cool them, and Theuer and Klehr emptied the bottles prematurely. Dienstbach locked the two of them in their room; they jumped out of the window, whereupon the boss called the party off. But then no charges were brought because of the court-martial and all that "big fuss"; the whole business ended with three days' incarceration of the two pals.

Yes, the office of the witness looked out directly on the Old Crematory, "and there they sometimes brought people in and put in prussic acid."

"Who put it in?"

"I no longer remember any names."

"How often did you see that?"

"A number of times."

"How many people were taken there?"

"A few hundred."

The witness tells how he watched people get undressed in a walled-in yard of the crematory and that they were guarded. He can no longer remember who was in charge, but he does remember that the medical service had nothing to do with the disinfection.

"At first all they did was really to disinfect."

Who were the disinfectors?

The witness remains silent. Breitwieser? Klehr? Scherpe? The witness Wilhelmy does not know, does not believe, cannot say.

"I said: 'This is Quackernack's job.' Grabner answered I should go up there and stop talking, and the commandant called: 'Let's go; get up there, else you'll get in there with them.'"

In reply to the question whether he saw nothing wrong, nothing inhuman, in all this, the defendant answers with a long-drawn-out no.

"Well, if you did not consider it wrong, why then did you object?"

"Well, it was Quackernack's job."

Stark points out that he was very young when he joined the SS, and that having been indoctrinated by the SS, he could have had no other attitude toward this "business about the war, which he did not understand."

The defendant further states that he was away on leave from December 1, 1942, until March 31, 1943, and that on April 1, he was transferred to a training company in Dachau. But according to his records he was transferred only on May 25, 1943, by order of the RSHA dated May 22, 1943. Stark says he might possibly be mistaken and that on April 1 rather than being transferred he was reassigned.

Prosecutor Kügler tells the former adjutant Höcker that every little non-com knew what was going on in Auschwitz: "Now you want to tell us that you had no idea."

"I can only say, sir, I never once took part in these things and never had anything to do with them."

Kügler, sarcastically: "Yes, that all happened in Birkenau, six miles away." Höcker, calmly: "Three miles."

State's Attorney Kurt Hinrichsen of Ludwigsburg has been called by Adjunct Prosecutor Kaul to tell about the consequences if an SS member refused to carry out illegal orders. Hinrichsen testifies that he has made a special study of the question of being compelled to obey orders (*Befehlsnotstand*), has followed up many claims, "but has been unable to find a single case in which the failure to carry out an illegal order resulted in physical punishment."

True, men so charged were sent to the front—"which was considered undesirable"—or were refused promotion. The bulletins of the SS and police courts and of the RSHA distributed among the troops did mention such cases, a total of 401. Twenty per cent of these gave failure to obey as the reason. But there was no special mention of failure to carry out criminal orders and subsequent punishment. Only once was an infraction punished by death; it seems that an SS man while drunk shot a colleague. He was showing off his marksmanship. Defense Attorney Aschenauer notes that warning examples were meant to create fear and insecurity; the witness maintains that the threats obviously were not taken seriously. Also it could simply not be proved that the SD judiciary functioned independently of the SS.

Erich Markowitsch tells about three types of selections: When a group left for work, prisoners unable to walk properly were pulled out of the column; then there were selections in the camp itself; and every two weeks the hospital compound was "emptied, since the employers only paid for two weeks' sickness."

As to the defendants, the witness can remember only that Neubert, when prisoners were shipped to Auschwitz or Birkenau, would say: "I have to go to the gate and call the adjutant about the truck."

"Whether he meant Mulka by that I cannot say. Neubert himself ought to be able to say whether he did."

The transfer to Auschwitz or Birkenau in most cases was tantamount to a death sentence, "ordered by the office responsible for the delivery of prisoners." The witness cannot name any names.

After that there is some disorder in the room. Attorneys Laternser and Kaul assure each other of their mutual disdain. The Defense Attorney proposes the arrest of the witness because of the urgent suspicion of his co-responsibility in the erection of the Berlin Wall and in the issuance of orders to shoot. Kaul calls it "an insult to continue these proceedings in this fashion." Most of the time both men talk simultaneously. Kaul repeatedly loses his composure, until it is no longer the jurist talking but the political commissar. Later there are reverberations in East Berlin. It is charged that the events surrounding Markowitsch constitute a "gigantic provocation."

Orders from Auschwitz signed by Mulka in his role as adjutant to the commandant are read. These orders indicate that Mulka, who has sought to minimize his role as adjutant, who had heard rumors of the gassings and at most was aware of the stench hovering over the camp, seems to have had much detailed information. The many orders tell something of the petty regimentation of the troop complement but also of their lack of effectiveness, since they constantly had to be admonished. But above all they hint at an intimate familiarity with camp life. They deal with the new ration cards of personnel on home leave; with the prohibition of shoe polish, because of the shortage; with tours of duty; with guards who sat on the barriers or sneaked out between the barbed wire; with the prohibition against fishing in the Vistula; with the "recruitment of women" through the National Socialist women's organization for responsible youth training.

One of the orders stated that as of that date Mulka was in charge of the adjutant's office, the judiciary, the garrison, and economic affairs, and that he was the "direct representative of the camp commandant." Another order signed by Mulka said that the taking of pictures of executions was illegal and that all pictures already taken had to be turned in. Another one stated that all SS men working on gassings were to exercise great caution, since

about the Banderas, but it varies in some of the details. Kral, according to this witness, used a whip, not a club, as Wintoniak had claimed, and he threatened one of the Banderas: "Your brother is already done for; today it's your turn." Oleg Bandera was beaten up that day and brought to the hospital compound in a handcart.

"He never returned to the camp."

Prosecutor Wiese points out a discrepancy to the witness: Wintoniak and Mirchuk were transferred to an outside work detail from Auschwitz I at the same time, and Oleg Bandera died in the camp after this transfer. Wintoniak therefore knows nothing about Oleg Bandera's death; how come Mirchuk remembers it? The witness has no explanation.

He thinks that the murder of a Polish minister by one of the Banderas may have been the motive for the murder of the two brothers: "family responsibility." After these incidents there was an investigation in the camp, since Oleg Bandera, an Italian national, was married to a Ciano. Boger, who nods his head reminiscently, is asked to help clarify this matter.

"I was brought into the investigation after it had already begun. On the whole, I heard the same things said here by the Ukrainian witnesses. I cannot say that Kral was the man who killed them because I was not present. But I even think it possible that Grabner gave the order to kill the Banderas."

In the course of that investigation "the nasty business with the herrings" happened. Kral had to swallow herrings in brine; "unfortunately," Boger adds regretfully, "I got sick to the stomach." Then he chats a bit about his aversion to fish and that he wouldn't dream of making someone do something that might prove distasteful.

"When I think of it I still get nauseous."

Boger looks repelled, then says: "Please spare me," sinks back on his chair with obvious sad memories of the fish. His discourse on the prisoner Kral has come to an end.

Prosecutor Kügler challenges Mulka, who claims not to have seen anything of what went on in the camp from his office. The block facing Mulka's window, which was on the second floor, was only built later. Couldn't he see into the compound?

Mulka: "I think I only saw the facing wall of Block 1."

Kügler: "Did the wall have windows?"

Mulka ignores the sneer and remains silent. Judge Hofmeyer, however, is interested in getting an answer.

Mulka: "I believe I saw a wall which also had some windows."

Kral, recalled to the witness stand, stays away from the trial without excuse. He had already told the pretrial examiner of another Auschwitz

1 until March 31, 1943 (Judge Hofmeyer: "Earlier on you said something about November"), and then he attended a training course: "Your Honor, when I came to Auschwitz on April 1, I reported to Grabner. He said: 'What are you doing here? You've been transferred. So I left for Dachau again.'"

Once more, in May, 1943, he was in Auschwitz briefly, while on his way to the front: "All I did was stop by to say hello and move on."

It starts with very little. A witness goes around in circles, no longer wishes to deny what she has denied before; she can no longer remember, but it is quite possible that Mulka at the time in Auschwitz spoke to her about the underground gas chambers; about the special squads which had to incinerate corpses and which themselves were incinerated; about the prisoners, "the poor slobs," who needed help; that's why he didn't volunteer for the front. "Yes, we talked about a great many things." She forgot to tell about a "major gassing," in 1944, "I think it was Ash Wednesday." Huge smoke clouds billowed forth from the camp. An SS man said potatoes were burning. Later, "while we were having drinks in the den," the truth came out: Jews were being incinerated in open pits with drains for the fat; children were thrown in alive—so an SS man said.

The effect of Adjunct Prosecutor Raabe's question addressed to Baretzki so casually cannot be gauged as yet:

"What can you tell us about Dr. Lucas' activity on the ramp?" he asks. And the reply, "Nothing," still does not make anybody sit up and listen; it has been heard too often. But Raabe proves to be persistent. Baretzki's face shows the alert tension of someone who senses that the questions are being asked despite the fact that the interrogator already knows a lot.

"Didn't you see Lucas select on the ramp?"

"I cannot say so with a hundred per cent certainty."

"How am I to take this? Can you say so with eighty per cent certainty? You were on the ramp very often."

"I couldn't always watch. I also had other work to do. But if he was there, then he must also have selected."

"Was he there?"

"Yes."

"Did he also select?"

"I assume he did."

What did Baretzki know of the young girls whom Lucas sent into the gas despite the urgent pleas of SS men to spare them?

"It wasn't quite like that." When the Theresienstadt family compound was liquidated, "that was known in advance; there were children there

also, we often looked in; the children put on little performances, we had gotten used to the children." There were between sixty-eight and seventy-eight of them. Baretzki says that the boys were saved by Schwarzhuber, the officer in charge, who put them into the men's compound. The girls were not taken away, "They had such beautiful long hair."

It was said that Lucas was to take the girls away.

"But he didn't."

"Could he have helped?"

"Most certainly."

Raabe tells how he found out that Baretzki knew this. A fellow prisoner of Baretzki told him that Baretzki talked about these things in prison. As a matter of fact, he said that Lucas had sent tens of thousands of prisoners to the gas chamber.

Judge Hofmeyer: "Dr. Lucas, would you like to say something about this?"

"When the Theresienstadt compound was liquidated, I no longer was medical officer at Birkenau." At the time, he says, he had been troop doctor in Auschwitz I.

"And the selections on the ramp?"

"I have already said that I was on the ramp, but I did not make decisions."

Baretzki has gone up front to the microphone. He is excited yet controlled; the anger of a man who believes that possibly the defendants are no longer all being measured by the same yardstick is flaring up within him.

"Dr. Lucas was medical officer in the B compound at the time. If he now claims to have helped people, he may have done so in 1945, when he tried to buy a return ticket. He sent 5,000 men into the gas chambers within half an hour, and today he wants to pose as a savior."

Some of the defendants are staring at Baretzki in fascination; Lucas sits with bowed head writing something. It is very still. The surprise caused by a defendant who talks is always overwhelming. And Baretzki, moreover, seems to be a person who presents a latent danger to his fellow defendants, a man who had already talked before. And now he repeats:

"Only the doctor selected. And there was only one doctor on the ramp."

Lucas, somewhat abashed: "I did not pose as a savior here. That has been said by witnesses."

Raabe moves that Lucas be put under arrest. Baretzki's testimony has shown that Lucas has not spoken the truth during the past fourteen months. Defense Attorney Aschenauer asks that the motion be rejected. Baretzki's testimony was contradictory, based on *post factum* reasoning.

Baretzki still has something else to say. In the "Mexico" compound the

people slept on the bare floor, without blankets, without water, only a barrel for 1,000 men. "There he [Lucas] could have helped, but he didn't help."

Judge Hofmeyer is not willing to have all blame put on Dr. Lucas, and points out to Baretzki that it didn't require medical knowledge to decide whether blankets were needed, or water. Why hadn't he, Baretzki, seen to the water? But Baretzki says he did, even though it was dangerous. At noontime he succeeded every now and then. But for the rest, if he remarked on the poor conditions he was invariably told that he ought to remember that he was talking about Jews. Conditions in Birkenau were beyond description. But now the "gentlemen" claim they had known nothing about it.

Prosecutor K  gler: "Defendant H  cker, you have heard what the defendant Baretzki has said: 'Today the gentlemen say they knew nothing.' Do you feel that this also applies to you?"

H  cker, the former adjutant of the concentration camp Auschwitz: "I saw nothing of Birkenau."

And Dr. Lucas notes: "I was not the doctor in 'Mexico.'"

Later Eugen Lazar, a businessman, is brought from the prison. Yes, Baretzki had told him that the accused officers claim not to have done anything, that "the little guys have to take all the blame," and that Dr. Lucas had sent tens of thousands to the gas chambers. Baretzki had also voiced some reservations: "If today I were to talk, who knows, if everything should change tomorrow I could be shot."

But Baretzki had said verbatim: "I am not stupid; I wasn't blind when Dr. Lucas was selecting on the ramp. Today they blame everything on Dr. Mengele. He was interested in entirely different things." And also: "If Dr. Lucas had gone to the commandant about not selecting he would have kicked him in the ass. Now he wants to pose as the benefactor. I could tell another tale."

Baretzki, recalled, is still resentful: "Of course he selected." Naturally he did not stand next to him and did not hear him say, "to the left, to the right." He couldn't get close; he would have been asked immediately what he thought he was doing there.

"Today they make it seem as if all of them were pals. It wasn't like that."

Prosecutor K  gler: Did you see that Lucas selected, that he stood where the lines were separating?"

"Yes, absolutely."

Chief Engineer Kurt Bundzus from Erlangen tells about the construction of a Siemens plant near Auschwitz which started production on May 20, 1944. At his suggestion, the workers selected by him were "rehabili-

tated," got better food and better clothing, so that they could perform their work like normal, healthy people. The incidence of illness among this group was very small; they got additional food from a small vegetable garden. He had even heard rumors that "prisoners were bathing in the Vistula."

At the end of the day the court announces that it has denied the motion of Adjunct Prosecutor Raabe to arrest the former SS medical officer Franz Lucas in the courtroom. In the opinion of the court the suspicion that Dr. Lucas selected on the ramp has not been materially strengthened. Moreover, the court does not believe that there exists any danger that this defendant would attempt to flee.

Administrative officers of the former IG Farben company are called to testify about the interrelation of the SS and IG Farben, and particularly about the conditions and responsibilities in the company's Buna works in Monowitz. Dr. Heinrich Bütefisch, a member of the board of directors, has decided to stay away from the trial without reason. Dr. Dürrfeld, a plant supervisor in Monowitz, has submitted a medical certificate about a fractured spine.

Dr. Carl Albert Krauch, a seventy-seven-year-old chemist, former chairman of the board of directors of IG Farben, a resident of Falkengesäss near Beerfelden, is on the witness stand. "Yes," he was "honorary" chief of a special tasks department within the framework of the Four-Year Plan. Judge Hofmeyer says that it is assumed that he, Krauch, is in a position to tell about responsibilities within the confines of the concentration camp Auschwitz, about whether the headquarters of Auschwitz I had jurisdiction over the Monowitz labor camp and over all subsidiary camps.

"That is correct, apart from the plant itself."

"Just a moment, not so fast. Are you saying that IG Farben did not have jurisdiction outside the plant?"

"Yes."

But the witness is unable to give a definite reply to the question about jurisdiction. In his opinion headquarters had supreme control. "It is a conclusion drawn by me which I cannot document."

It has been said that prisoners found unfit for work were selected for murder by the adjutants Mulka and Höcker, with concurrence of the IG.

"That was not borne out by the Nuremberg trials."

"Do you know Mulka and Höcker?"

"Only from this trial."

Did the witness know who had the authority to kill prisoners? Did the adjutants issue such orders? The witness does not know.

Judge: "So you were simultaneously prisoner and block leader?"

Schlage repeats that he kept on going there and being relieved, and moreover, twenty-six men worked in the bunker block, he himself only on a day-to-day basis.

Hofmeyer, annoyed: "In the past you told this same story very differently. You said: 'I and another prison guard took turns in Block 11. . . . I was in charge of the keys. . . . Our tour of duty was twelve hours . . . I was prison guard for eight or ten weeks. . . .' The judge also remembers other very precise statements. But today Schlage would like this to be understood differently. These eight to ten weeks were the total time he spent in Block 11.

All Alfred Schlage, forty, and Werner Schlage, thirty-eight, can remember is that their father spent some time in Königsberg on convalescent leave in the spring of 1944 visiting with his family; that's all they know.

MARCH, 1965

Hanoch Hadas, a fifty-three-year-old witness from Israel, spent the period from November 12, 1942, until January 18, 1945, in the extermination camp Birkenau. One day, the demolition detail came marching back into the camp from its place of work, in groups of a hundred. "Something had happened, I don't know what; the first few hundred had already come in when the columns were stopped and had to stand for a few hours," near a pond. Then Baretzki came with two SS men "who barred the way between the camp fence and one of the offices."

"Baretzki began to hit out with a stick and ordered them to jump into the water."

"What kind of pond was it?"

The witness believes it was a reservoir used by the fire guards. The first prisoners jumped, the witness says, partly of their own volition and partly because those behind pushed them.

"I saw them pull out three bodies from the water. Then the fire guards grappled with hooks. It was said that another two bodies were in there. But that I did not see."

"Why was the column halted?"

"I don't know. It was said that one was missing. But I don't know for sure."

"About when did that happen?"

"Either in the fall of 1943 or the spring of 1944. It was still cold. I cannot state exactly when this happened."

Baretzki stood at one end of the pond, "and if anyone tried to climb out at that end he stepped on his hands."

Did the witness have any doubts?

"I have no doubt. I knew Baretzki and I saw Baretzki."

Yes, he knew of "another case involving Baretzki." Once Baretzki—this happened near the kitchen—hit a prisoner in his face, who tried to ward off the blows by holding his arms in front of his face. Baretzki shouted: "What do you think you're doing? Hitting an SS man?" He then knocked him down, "put the handle of a shovel across his neck and stamped on it until the man was dead."

Could the witness be mistaken?

"No, I could not be mistaken. I might be mistaken about the time, but nothing else. I saw it."

What did the defendant Baretzki have to say about this?

Baretzki: "Your Honor, that is not true. I never did such a thing."

Hofmeyer says that two other witnesses had said the same thing: "And you say: 'That is not true.'"

"Your Honor, we were not even allowed to touch the water."

Not even the SS men were allowed to bathe in it, let alone the prisoners. Well, says Hofmeyer, this incident undoubtedly was not meant to be pleasurable.

Baretzki can only shake his head over such doubts: "What do you mean? They would have arrested me."

And as to the second accusation: "To put a spade handle across the neck of a person? I never saw such a thing."

The next witnesses were members of the Siemens-Schuckert work detail. They have been called by the defense to support their contention "that the defendant Bednarek behaved with exceptional decency as block leader," as Judge Hofmeyer summarizes it. But their testimony turns into a serious incrimination of Bednarek.

"I repeat that everything the witness has said is not true" is the stereotyped response of the defendant. "I never killed anybody."

The witnesses remember it differently.

"Bednarek hit a man with a spade in the yard," says the sixty-one-year-old mechanical engineer Pinkas Schwarzbaum of Tel Aviv. Then the witness had to carry the old man from the yard to the washroom with three other prisoners, into the showers. That was another one of the specialties of the defendant, putting prisoners under the cold shower and then sending them out into the cold, beating them up, and then putting them under the shower once more. Schwarzbaum's comment on the condition of the Polish engineer: "We did not have to bother to undress him, because he was already dead."

The thirty-nine-year-old civil engineer Zeew Steinfeld of Tel Aviv: "I

saw a man stand on the stove, a Gypsy. I shall never forget the scene. Although Bednarek continued to hit him, he only tried to ward off the blows with one hand, and with the other he pushed a piece of bread into his mouth. And this continued until he became very still. He was tossed out on the road a lifeless package."

Bednarek: "That is not true. I did not hit anyone."

Judge: "These witnesses have not incriminated anyone else. They say that the employees of Siemens treated them decently. They don't simply go around incriminating people with whom they had contact. Why of all things should they then incriminate a prisoner?"

Bednarek: "The witnesses are testifying out of revenge, and that's also why I am sitting here today."

Witness: "He did not hit me. In my case it certainly is not a matter of revenge."

"Today all the blame is put on us," Baretzki shouts.

Hofmann gestures broadly and says: "I knew them all, all those on top. This room is too small to hold all those who were ahead of me. But where are the gentlemen who stood on top? They were the guilty ones, the ones who sat at their desks and telephoned."

Kaduk admits: "We did not have a good reputation in Auschwitz, we block leaders and roll-call leaders, me included." But those on top had it easy—for example, issuing orders that prisoners were not to be beaten.

"We are being blamed for everything, and the medics. The doctors and all those officers sent them into the gas and now we are being made responsible for everything. The last ones get it in the neck, right? And that's us."

Glimpses into alien lives open up like abysses from which escape seems impossible. Sixty-year-old Erich Altmann, a businessman from Lyon, today a witness before this court, had emigrated from Germany in 1933. Returning from a vacation in Palestine, he was caught in Luxembourg when the war broke out. The French interned him; meanwhile the visa that would have permitted him to return to Palestine expired and a renewal would have taken months. He joined the Foreign Legion, and after the Franco-German truce he was demobilized to France and promised that he would not be harmed. He worked as a photographer in southern France before his arrest, August 28, 1942, by the Gestapo at Saint-Étienne, "for racial reasons." He wended his way through various camps. Finally, near Sosnowitz, the prisoners were told they could not stay there during the winter but would be sent to a shoe factory. "A band led us on our way."

"We were naïve enough to believe that story and, singing, took off for Auschwitz."

Once there, he soon realized what the score was.

One day he was told that specialists were needed for a Siemens work detail, and during the interviews something quite startling happened to him:

"There was a man there who addressed me as Mr. Altmann."

Until then he had been nothing but a number: 159,923. And suddenly there was someone who addressed him as Mister. The witness repeats it, as if not quite certain that such an incident may not still be considered extraordinary even today.

The man from Siemens had him read a diagram, seemed satisfied, and permitted him to take the practical test. On the day of the examination "a gentleman was sitting at the table, and behind him there was a window, and the windows of the crematory were lit up." "Man, you can't even file," the examiner, Engineer Hanke, said to him, and he, Altmann, told him that he wasn't wearing shoes and had not worked for a long time.

"Do me a favor and don't get excited. I am willing to talk to each one of you," he said, and asked about the witness' wife and child: "Where are they?" Altmann answered: "Perhaps back there," pointing to the crematories.

At that point an SS man came into the room and said: "If this guy is no good, throw him out." Hanke replied: "What do you mean, no good? This is an expert, he is one in a hundred. All right, Mr. Altmann, as agreed, you'll be working on the polishing machine."

"That's how I got to the Siemens squad. I assure you, Your Honor, I had never seen a polishing machine in all my life."

The members of the Siemens squad first were brought to Block 11 at Birkenau. They did not have to work, and Chief Engineer Bundzus of Siemens ordered Bednarek to feed these prisoners better. Judge Hofmeyer interjects that Bundzus testified in the witness stand that he was not permitted to set foot in the concentration camp.

Witness: "Unfortunately I have to tell you that that's not so."

Altmann remembers that one morning at six there was a selection in which some members of the Siemens detail were also selected for gassing and pushed on trucks. At that very moment Bundzus came over and he saved these men: "These are my Siemens people; they are not going to the selection."

Judge Hofmeyer wants to know how it is that the witness is so familiar with the name of block senior Bednarek and even knows his first name. Altmann says that in his thirty-three months in the camp he got to know many block seniors who, almost without exception, helped their fellow prisoners. "Emil Bednarek was another matter." He had immediately got after them: "You come here from Siemens and think you have special

rights. But you have to submit to the discipline of the penal company." And he right away began to hit.

Altmann recounts various experiences during his time in Block 11 of Birkenau. For example, there was the distribution of the soup. Of course there was no eager crowding around. The prisoners were hit over the head with the soup ladle and were forced to do deep knee-bends and hop around. Then they were hit and had to hop away.

"Of course the soup spilled out and ran over our hands; we couldn't hop, fell over, and were kicked. And so went the dream of soup."

He had given Emil Bednarek English lessons, whereupon Bednarek instructed his "servant": "Pipel, give Altmann something decent to eat." But only a little while later Bednarek permitted a barracks orderly to beat him up terribly after a delousing check. Then Bednarek said: "Well, tomorrow you'll probably not be able to walk," and forced him to do knee-bends for ten minutes.

The witness accuses Bednarek of being responsible for the death of about thirty members of the Siemens detail.

"Wherever he could do something to us, he did. The barracks orderly did nothing without Bednarek; he was the boss, the chief. Emil Bednarek has remained in my memory as a special sadist."

Bednarek: "Your Honor, what the witness says is not true."

Altmann asks Judge Hofmeyer to ask Bednarek to tell him that to his face. Bednarek gets up, comes up front, and the witness asks him in a loud voice: "You don't recognize me?"

Bednarek keeps silent. The witness points his finger at Bednarek, and says to him: "You no longer know me? You never took English lessons from me?"

Bednarek: "I never learned English."

Witness: "Yes, I believe you; you were much too stupid."

Judge Hofmeyer sends Bednarek back to his seat and calms the witness; the impending disorder is averted. Defense Attorney Laternser, making good his threat that if the chief judge failed to stop the improper treatment of the defendants by witnesses he would leave the trial in protest, calmly walks out of the room.

The name Mulka crops up again. The gray-haired defendant lowers his head. Once again the former adjutant is told by his immediate superior Commandant Höss—via one of the judges—of his promotion to Stabsführer on July 6, 1942, and that his duties embrace the adjutant's office, the supervision of the SS troops, and the administration of the concentration camp. And that he is second in command.

Judge Hofmeyer: "It says here that you can sign for the commandant."

Mulka: "I simply cannot remember carrying out such a function . . .

Of course I had dealings with headquarters. But I never had anything to do with the prisoner compound or with the prisoners." His only job allegedly was to supervise and evaluate the performance of the higher-ranking personnel. But, says Mulka, "I did not see them perform their jobs." He knew only generally what went on in camp, but he did not have any detailed information. As to the care of the SS troops, he was involved only with the financial aspect; for example, he had to decide whether the camp could afford to invite entertainers to visit.

Suddenly his codefendant Baretzki, unasked, reminds him of the showing of such propaganda films as "*Jew Süss* and others" and of the terrible consequences this had for the prisoners, "the way they then looked" the next few days.

"He didn't belong there at all," says Johanna Hermann-Dyer, of Portsmouth. "He was too good. One could see that he was pained by what was going on there." The witness is talking about Lucas, who has heard more exonerating testimony about his conduct toward prisoners in the various concentration camps than any of his codefendants at this trial. This witness is also certain that Lucas managed to dodge selections. It seems that Dr. Lucas also did not refuse to help in the shadow of the crematories and in the face of threats by those whose uniform he wore. But he has not always told the truth at this trial. How much of what he now says is to be believed after this day, when he decides to make a surprising confession, after having denied month after month that he ever selected on the ramp? On March 11, the one-hundred-and-forty-third day of the trial, Lucas, speaking softly and hesitantly, admits that his denials were not true. The defendant explains why he had testified falsely: "At the time I said this because I did not have any exonerating witnesses and feared that if I told what really happened I would be jailed."

Or is there still another reason? Could it be that the line of defense is crumbling, that complete passivity in Auschwitz does not seem quite so believable? Adjunct Prosecutor Christian Raabe makes this point when he tells the defendant: "We have to pull out piece after piece from your memory. How can we be expected to believe you?"

But the defendant has found his way back to the usual reticence; he does not know how long the trains were that arrived at the ramp of Birkenau, and he does not know how big the transports were. He only admits to "having taken part three or four times in selections in Auschwitz," after bitter set-tos with Kramer, the officer in charge. Lucas explains his attitude: "When I came to Auschwitz, I immediately said that what was happening there was a crime." He tried to dodge duty assignments,

simulated stomach and intestinal colics, and also pointed out that he suffered from an eye disorder. When the big Hungary transports started to come in, he was once more put on the list of selecting physicians; SS Hauptsturmführer Kramer reacted sharply to his renewed refusal to select and said: "I know that you are being investigated for favoring prisoners. I am now ordering you to go on the ramp, and if you fail to obey the order I will have you arrested on the spot."

"The meaning of this was unmistakable."

Lucas confesses that he obeyed: "I was on the ramp. I was supposed to select the able-bodied. I selected in such a way that many who were not able-bodied got into the camp." But Kramer supervised the selections, and many of these people were pulled out again and sent to the other side, to the gas chamber.

Boger confirms this version on the whole. He remembers a day in the spring of 1944 on which Kramer was unusually excited. Schwarzhuber reported: "He's had an argument with Lucas about the ramp." Word got around that Lucas refused to select on the ramp, but that he did select after pressure was applied.

"It was a unique occurrence, and naturally it created a stir. After that, Lucas did not stay in Auschwitz long; we didn't know what had happened to him."

Prosecutor Vogel turns to the former Adjutant Höcker. He has now heard that this created a stir at the time. Did he know anything about it?

Höcker: "No."

Adjunct Prosecutor Raabe would like an explanation for the fact that Kramer, once his attention had been called to Lucas, made him select on the ramp only three or four times and not more often.

"Was it really not more often?"

Lucas: "No, it was not more often. Then came my transfer to Mauthausen."

Boger claims still to have seen him in June or July, 1944. Raabe goes on, and a witness even still later, in October. Lucas: "There is nothing I can say to that."

Baretzki, who a short time ago had testified that Lucas sent 5,000 people into the gas in half an hour, is again called. Lucas in his testimony has accused him of lying.

Baretzki: "I did not see anyone who was forced to work on the ramp. I saw that he took part in the whole campaign."

"The entire Hungary campaign?"

Baretzki: "Yes, of course." Lucas was transferred only after that campaign, in September, 1944.

The new defense attorney of Lucas, Dr. Aschenauer, carefully reminds

the court at this point that the witness Dr. Szymanski said that he had met Dr. Lucas in Mauthausen in August, 1944.

Judge Perseke asks why he went along to the ramp at all when he had already found a substitute?

Lucas: "Well, I had to be able to rely on his actually being there. If he had not come everything would have busted up."

"But if you had a *locum*, I don't understand."

Judge Perseke is not the only one in the room who cannot understand Dr. Lucas' explanation. What did the defendant do when he was on the ramp?

Lucas: "I only stayed there a few minutes and left again right away."

Judge Hofmeyer wants to know why Lucas found ramp duty so terrible; he was able to help people there.

Lucas: "There were always some . . ."

Hofmeyer: ". . . who were destined to die?"

Lucas: "Yes."

The seventy-four-year-old structural engineer Max Faust was in charge of all construction work in the Auschwitz Buna plant of IG Farben. He is unable to tell anything about the negotiations over the use of prisoners. As far as he remembers, Dr. Bütefisch in Berlin conferred with SS General Wolff.

"I steered clear of the employment of prisoners as much as possible. I was an engineer and nothing else. I left this matter to Mr. Dürrfeld." He, at any rate, had not conducted negotiations with headquarters at Auschwitz.

Moreover, only 500 to 600 of the 12,000 people employed in building the Buna plant were prisoners. The witness complains that since 1952 his name has been dragged through the newspapers, "and I cannot defend myself against it," only because in 1942 he was forced, as a representative of the IG Farben company, to "escort the Reichsführer SS Himmler through the building site." After all, he cannot be blamed because "at the time I escorted Mr. Himmler for two hours."

Dr. Lechler of Frankfurt delivers the psychiatric report on Stark. He calls him a physically and emotionally nondescript young man. "He is an example of how a young man with average gifts, thoroughly normal and unremarkable, willingly submits to what may be called a twisting of the conscience. He is an example of man's tendency to let himself be perverted into a tool of totalitarian rulers. Whatever conscience still lay buried deep under his calloused psyche was pushed aside by calling compassion a weakness."

The discrepancy between the personality of the defendant and his acts, "under the influence of seduction he became what he was in Auschwitz,"

was frightening. The psychiatric testimony was not designed, Dr. Lechler says, to deny the personal responsibility and thus the personal guilt of each. "It should be remembered that Stark came under the general influence of the SS at the age of sixteen."

Professor Dr. Karl Luff of the Institute of Forensic Medicine of the University of Frankfurt points out that young people who are systematically taught to hate must be regarded as severely retarded emotionally. This is particularly true in the case of a man like Schoberth, who might be called dull; as he himself has said, "at any rate stupid, because I believed everything."

On March 25, the hundred-forty-fifth trial day, Dr. Bernhard Lucas and Karl Höcker have to take their seats among those defendants who are held in jail. Now only three are still free: Breitwieser, Dr. Schatz, and Schoberth. The day before, Lucas was gotten out of bed and taken into custody at his home in Elmshorn. The court twice before had refused the requests of Adjunct Prosecutors Ormond and Raabe to put him under arrest; even the admission of the defendant that "under duress" he had actively participated in three or four selections failed to alter the court's decision that the charges against Lucas had not been strengthened and that there was no danger of his attempting flight. But the Frankfurt Supreme Court has come to a different conclusion; it believes that the situation in the case of Dr. Lucas has changed fundamentally.

For fourteen months the defendant had denied having taken part in selections despite incriminating testimony, but on March 11, 1965, he admitted his participation. Thus he would have to count on a minimum sentence of three years. His claim that he was forced by the camp commandant did not relieve him of legal culpability, since it is not apparent that the refusal to carry out orders would have endangered his life. It must also be assumed that the danger of flight had increased, since the defendant had to figure not only on a long period of imprisonment but also on suffering a professional loss.

The former camp adjutant Höcker was arrested after the noon recess at the request of State's Attorney Kügler, after the former top headquarters sergeant of Auschwitz, Bernhard Walter, testifying for the third time, said under oath that all teletypes from Berlin came to Höcker's desk. Höcker then passed on their contents by telephone to the various sections, including messages about the so-called RSHA transports, the transports of Jewish prisoners destined for the gas chambers. Höcker therefore was under the urgent suspicion of having participated in the extermination of an indefinite number of prisoners. The danger of flight cannot be ruled out in view of the penalty expected.

Some of the defendants are talking on this day. It seems that the defense no longer is a solid front. No one can rely on his neighbor any longer: Kaduk contradicts Boger; the sergeant contradicts the adjutant. Assistant Judge Hummerich has probing questions to which Mulka does not have ready answers. Yes, he had been in charge of the operation of the plants and their heads came to him every day "to tell him something or other." No, he cannot remember any sabotage. Everything always was in good order at Auschwitz. Only once, "as far as I can remember," there was something about the carpentry shop: insufficient capacity, not enough tools.

Was work being held up? Were tools missing?

"That never happened."

Hummerich turns to Boger, who tells about the position of the Political Section within the structure of the RSHA. All exterminations in the camp were the business of Division II, the Political Section, with one exception: During the Eichmann campaigns the commandant was under the jurisdiction of the RSHA. According to Boger, the able-bodied Jews, "the RSHA Jews," were not prisoners; they were not identified.

"So they could be picked up for extermination at any time?"

"That's how it was. They were not made part of the identification procedure [*erkennungsdienstlich nicht verarbeitet*]."

"So there wasn't even a chance that they might survive?"

"I don't think so."

The continued questioning by Hummerich brings the astonishing admission by Boger that he had shot two prisoners in front of the Black Wall, "one single time only." Boger describes the incident as a sort of test of courage and obedience.

"Tell us about it."

"I have . . . 1943 . . . during bunker evacuations, I was repeatedly present at bunker evacuations . . . once . . ."

Boger breaks off. He looks down, breathes deeply and audibly, stops talking for quite awhile. His usually fluent speech does not return after the self-imposed interruption. From fragments of sentences it can be learned that Grabner, the then chief of the Political Section, for some reason or other said during a bunker evacuation: "Put down your gun. Oberscharführer Boger will continue the shooting." Whereupon he shot two prisoners whose names he no longer remembers. Then Grabner ordered someone else to take over.

"That was the only case where on orders I took part in shootings."

Later he refused to have anything to do with such things.

"I said, either I work here or I work in the identification office. I am unable to do both."

Boger also says: "We little people had no chance to prevent anything."

Over and over again he was told: "If you don't want to, then go to where you belong—and what was meant was not the front."

But many witnesses have testified about "the evil Boger."

"Yes, naturally. I am the only one here. Boger got nabbed. Obviously all the hatred is directed against me."

"How were the people pulled out before the execution?"

"I had nothing to do with that personally."

Judge Hofmeyer: "Kaduk, you wanted to say something."

Kaduk does not wish to confirm Boger's account:

"We would be told by the Political Section that the next day at 8:30 A.M. the prisoners of Block 24 had to line up at the bell; that meant they didn't go out to work. Then they were taken to the Black Wall and shot. Somebody from the Political Section was always present."

Judge Hofmeyer wants to know why Boger until now had maintained that he had not caused the death of a single person at Auschwitz.

"Your Honor, when so many things happen to a person it is not possible to be definite from the very beginning."

"You maintain that you shot in only two cases and you also maintain that no one ever died after rigorous interrogations?"

"Yes."

Judge Perseke causes Boger some embarrassment: "Who were the other members of the Political Section who shot?"

Boger: "I would rather not say anything about that."

Hofmeyer: "I am very surprised by all these confessions today."

The witness Dr. Emil Finnberg, fifty-five, a lawyer from Hamburg, was a court officer in the rear of the Eastern Front from July, 1941, until April, 1942. There were "shootings by any number of units all over." First of all this former SS officer names the army. He also tells of a speech by Himmler which seemed to indicate that "difficult tasks had to be mastered" in the East. He had heard of one case of a refusal to carry out orders. Two criminal police officers who had refused to take part in executions were brought before him.

"They kept on crying, their nerves were shot, and they said they could not shoot women and children."

The witness says that he reported this to his superior and pointed out that the penalties could range from prison to death.

"I was of the opinion that this was a case of refusing to carry out orders."

The two criminal police officers had mentioned purely personal reasons: their inability to shoot women or children.

"Well, was that a crime or wasn't it?"

The witness points out that he grew up under the legal concepts of that

era: "For me, a Führer order was law." He considered the shooting of women and children an order. In judging this case of refusal to carry out orders, had he based his judgment solely on Himmler's reference to difficult tasks?

Witness: "I believe that Himmler's ideas went beyond this."

The witness Bruno Streckenbach, sixty-three, has seen better days.

Judge Hofmeyer: "You worked for the personnel chief of the Reichssicherheitshauptamt?"

"I myself was chief of personnel," the witness says.

The former SS Obergruppenführer states that the concentration camp personnel "did not fall under the jurisdiction of the RSHA." The only concentration camp personnel under its jurisdiction were the security police, the state police, and the security service—i.e., the members of the Political Section. In reply to a question about being under a compulsion to carry out orders (*Befehlsnotstand*), Streckenbach says: "I do not think that proceedings would necessarily have been initiated against someone who refused to carry out an order. Himmler and Heydrich would not have permitted a regular trial. The matter would have been taken care of via an order."

But the witness does not know of any such case.

Karl Husmann of Celle once worked in the RSHA as chief of investigation. But of the 5,000 proceedings he investigated only one involved the death penalty, and that one not for refusal to carry out orders but for demoralization of the armed forces. Husmann remembers SS Obersturmbannführer Noske, who toward the end of 1944 refused to shoot Jews and half-Jews being held prisoner in a house in Düsseldorf. Noske was stripped of his rank and sent to the front.

The defendants probably find themselves doubly threatened now. On the one hand, the trial is nearing its end and thus the hour of punishment is approaching; on the other hand, they now have plenty of reason to think how easily, how smoothly, many an "exalted gentleman" whom they had served either willingly or under some duress has succeeded, without any psychic scruples, in returning from the faraway world of Germanic heroics to today's bourgeois respectability. Some of the defendants say so. But the revolt of the little man is quickly extinguished. He is told to sit down, but the big man of the past who, as far as the Auschwitz personnel was concerned, had resided in the SS Olympus, leaves the courtroom head held high, with measured steps.

The witness Gustav Adolf Noske, sixty-two, was SS Obersturmbannführer in the Security Service, Division Chief of the RSHA, Head of the Düsseldorf Gestapo, *Einsatzkommando* chief in the East. He, too, is being

questioned about the matter of being compelled to carry out orders. He is asked to tell what he knows about an order toward the end of the war to shoot the inmates of a prison camp.

"I didn't see any such order."

The witness explains. A high-ranking SS officer, Gutenberger, had ordered him to round up all partners of mixed marriages, bring them to a then still unspecified place, and have them shot inconspicuously. When he heard that, he, the chief of the Düsseldorf Gestapo, was appalled.

"I tried to object, but he cut me off."

Noske returned to his office, "locked myself in, but did not get any place, since I could not find a solution."

Noske claims to have had a confidant, "who was just as appalled," and together they sought a way out. Finally, those threatened were warned and fled to the interior of the country. Of about 12,000, only 6,000-8,000 remained behind, "against whom, although they were arrested, the order could not be used."

The witness mentions the tremendous battles fought between the high-ranking SS and police officers and the members of the RSHA. Toward the end of the war the SS and police officers tried to regain the power from the weakening RSHA. Noske also states that after thwarting the order to round up partners of mixed marriages, he was arrested in Düsseldorf, but was, so to speak, handed over to the SS court in Oranienburg—i.e., the RSHA. A friend there succeeded in squashing the proceedings; he, Noske, was then sent to the front as an artillery observer.

The witness knows of no other criminal orders. His office never saw any orders for rigorous interrogations; he never heard of any case of refusal to carry out orders. However, he does think that an "outright refusal to obey" would have been impossible at that time. "But a certain dodging" was possible. There was great leeway, depending upon "how strong and how severe the controlling agency—that is, the superior—was."

Defendant Klehr: "Mr. Witness, you were Obersturmbannführer. Do you mean to say that a little noncom would have gotten off as lightly as you?"

Witness: "That's asking me too much."

Klehr: "Yes, today nobody knows anything any more."

Judge Hofmeyer: "We are told this here every day. And not only by the witnesses."

Klehr: "We don't have brains like professors. We were only little SS men."

The fifty-five-year-old plumber Abraham de la Penha of Amsterdam accuses Dr. Lucas of having sent thousands of prisoners to the gas chambers in the spring and summer of 1944.

According to the witness, Lucas, on a certain day in April, 1944, alone on the ramp, decided on life or death for about 5,000 prisoners who had arrived at the ramp of Auschwitz-Birkenau from Holland and Hungary. According to Mr. de la Penha, Lucas classified only 270 men and 200 women as able-bodied. All the others were sent to the gas chambers.

Lucas: "I did not carry out any official functions in Auschwitz I, and certainly no selections."

Witness: "He did do this. I have not come here to lie but to tell what I know."

"I tried to prevent the worst," says Erwin Schulz, a former SS Standartenführer, the chief of *Einsatzkommando 5* of *Einsatzgruppe C*, Ukraine. During the Nuremberg *Einsatzgruppen* trial he was sentenced to twenty years; later the sentence was reduced to fifteen, and he was released in January, 1954; he is now a commercial employee. Schulz does not go into details about his attempts to prevent the worst, but he does go into detail about his general duties: It was his job to guard the safety of the army rear. Did this include the murder of unarmed civilians?

"Yes, we were told that the Jewish population represented a mortal danger to the army and that all male Jews who were not in work details had to be shot."

One day he was ordered to appear before an *Einsatzgruppen* chief who, "to my horror," ordered him "also to shoot women and children to prevent avengers against the German people from arising." Schulz testifies that he thereupon went to Berlin to see the personnel chief of the RSHA, Streckenbach, a friend of his, and told him that he could not take part in this. But Heydrich informed him via Streckenbach: "It's too late. It can't be changed."

Schulz: "I then asked to be transferred, since this was a job in which one would either go to pieces or become callous."

Schulz claims that he finally was relieved of his assignment, took over an SS leadership school, and at the end of the war was an inspector for the Security Police in Salzburg.

Defense Attorney Göllner wants to know whether the witness knows of any case in which someone during the war refused to shoot Jews because he felt unable to do so.

"During my time no such case became known to me."

"Not a single case?"

"No."

Dr. Eggert: "What prevented you from issuing an order to stop the shooting of women and children?"

"I was in no position to do so."

Furthermore, the witness was of the opinion that this order from high up had been checked and found vital to the prosecution of the war: "I did not have the feeling that it was completely unjustified."

Klehr: "Mr. Witness, was it possible for a noncom to oppose these orders or refuse to carry them out?"

Witness: "As far as I recall, no." There is discussion about requirements of the war and the fact that these orders therefore had to be carried out. Judge Hofmeyer asks what the severe penalties provided for in case of nonobedience consisted of.

"There was no firm regulation. But I would have had to submit a report."

"The regulations did not say that the man had to be shot?"

"No."

Judge Hofmeyer: "A report, so that the court would have had to rule on the basis of the military penal code."

The witness Schulz is not sworn in. As former division chief of the RSHA he is suspected of participation in the crimes with which the defendants are charged.

The prosecution names and calls one of the last witnesses in this trial: Michael Angelo Musmanno, Supreme Court Justice of the State of Pennsylvania and, in 1947, Chief Justice of the American tribunal of the so-called Nuremberg *Einsatzgruppen* trial. In the course of his investigation of Hitler's death he had interrogated about 200 members of Hitler's inner circle. Walter Schellenberg, Major General of the SS, Division Chief of Amt IV (Gestapo) of the RSHA, had proved one of the best-informed sources on the structure of the Nazi hierarchy. Schellenberg, when asked about the concentration camps, said that every nation had its evil people, men of sadistical bent; they had volunteered for the execution of helpless civilians "because they wanted to."

Witness: "I asked him specifically whether he believed that if someone refused to kill unarmed persons he would not have had to. Schellenberg answered: 'That's exactly what I mean.'"

Musmanno says that he found that even Ohlendorf, the Chief of *Einsatzgruppe D*—which according to his own testimony had murdered 90,000 persons in the first year of the Russian campaign—did not call on fathers of families to perform executions "because he feared that they would not be able to master their emotions." The work of the SS was based on maximal effectiveness.

Many were relieved of criminal duties not out of compassion or out of sympathy, but because their refusal might have endangered the effectiveness of the entire system. Musmanno also reminds the court of the case of

an SS Oberscharführer named Graf who refused to head up a special detail during the execution of unarmed civilians.

"He ran into some difficulties, but he was not shot. He was one of the defendants in Nuremberg. . . . I did not sentence him and he left the courtroom a free man.

"The lawyers here have had every opportunity to procure evidence. But there is no evidence that any member of the *Einsatzgruppe* was shot because he refused to fire at civilians."

APRIL, 1965

Judge Hofmeyer announces that a commission will hear the twenty-five Polish witnesses who have failed to answer the summons to appear in Frankfurt. Agreement has been reached for a Polish court to conduct the hearings according to Polish law. The hearing has been set for April 21-27.

Hily Weiss, a Gypsy, now a resident of Hanover and formerly a prisoner-clerk in the Gypsy compound of Auschwitz-Birkenau, remembers the former camp Gestapo man, the defendant Pery Broad, as "the SS man with the halo."

"I remember him as the most decent man in the camp administration," Hily Weiss says. He did not even denounce her when he heard her call Boger a filthy dog.

A physician, Dr. Sorge, is on the witness stand. Another witness has said that Sorge, then a Stabsscharführer, had been summoned by the camp commandant after refusing to take part in an execution and was never seen again. Sorge recalls that as soon as he got to the Sachsenhausen concentration camp he had a run-in with the commandant, but he does not remember the cause of the controversy. He does not remember things very well because he was seriously ill with typhus. Later on a doctor told him: "Be glad that you had typhus, else we couldn't have held on to you." Sorge says that after his recovery he volunteered for the front and his request was granted.

The judge asks how the remark "else we couldn't have held on to you" was to be understood.

Witness: "Well, that I would have been sent to a penal company. That was the general practice."

The defendants maintain that it was difficult if not well-nigh impossible to get out of a concentration camp by volunteering for the front, but the

witness, in reply to a question by Adjunct Prosecutor Raabe, says that he had no difficulties.

Dr. Werner Best, a sixty-one-year-old lawyer living in Mülheim/Ruhr, is asked whether he had been chief of the main office of the Security Police in the Ministry of the Interior. No, until the end of May, 1940, he was in charge of legal, administrative, and organizational matters in the RSHA. (In reply to a question by Assistant Judge Hummerich, the witness says he had not been head of Department IV [Gestapo].)

Best has been called to testify because of his familiarity with the consequences of a refusal to carry out illegal executions.

"I can only state that I know of no case of refusal to carry out orders and thus of no punishment."

How about Otto von Stülpnagel?

"His case only proves that overt refusal to carry out orders was considered impossible."

General von Stülpnagel also did not prevent the execution of hostages, "which was excessive—in the proportion of 50 to 1." He explained his failure to do so by saying: "What should I do? If I said no I'd be stood up against the wall."

It never occurred to Best either to object when he, the German administrator of Denmark, was ordered in the fall of 1942 to deport the Jews of Denmark.

He "decided to make the plan known" when Berlin failed to heed his warnings about its political consequences. Only 447 out of 6,000 Jews were arrested. The others all managed to escape.

"You then reported that Denmark was cleansed of Jews?"

"Of course; what else should I have reported?"

Hummerich: "Is it true that you organized the Hessian Gestapo?"

"Yes, if one can speak of organizing in six months."

And afterward? He had a fight with Gauleiter Sprenger, and Himmler invited him to Berlin to set up a unified Reich police: "Since I wasn't doing anything else, I accepted."

State's Attorney Kügler: "Isn't it true that the betrayal [of the Danish plan] came from Duckwitz?"

Yes, but he, Best, had told Duckwitz the date so that he could warn the people.

Hadn't he been called to account by his superiors for the miscarriage of the Danish anti-Jewish campaign? No, he had not.

"Didn't the fact that almost all the Jews managed to escape lead to an investigation?"

He himself was not responsible for the campaign: "Ad hoc officials" were

Dr. Kaul has requested that Dr. Ambros, a former member of the board of directors of IG Farben, be called to the witness stand. Ambros claims not to know Mulka and Höcker; he thinks that the local labor office negotiated about the labor supply with the camp administration, an impression confirmed by the wording of the Nuremberg sentence.

Ambros insists that he was unaware that the IG also had direct contact with the camp administration concerning the use of prison labor in the construction of the Buna plant, although Kaul informs him that former IG director Dr. Dürrfeld has admitted it did.

Ambros also says that if the former IG director Dr. Bütefisch testified under oath that he, Ambros, was the labor chief of Monowitz he was not telling the truth. He was responsible only for the technical aspects of the erection of the Buna plant and had selected the site on the Vistula near Auschwitz solely for technical reasons—because in addition to the necessary water the area also was rich in limestone and coal. It was only afterward that Ambros found out that Auschwitz also was the site of a concentration camp.

Furthermore he did not know that it was decided to use only strong prisoners in the construction of the plant and to get rid of those unable to work. When Kaul reminds the witness that he was convicted in Nuremberg because he had asked for additional slave labor, Ambros says: "I still don't know why I was convicted."

Bruno Stein of Bochum cries upon confronting and recognizing Dr. Lucas after he has seriously incriminated him. Stein claims to have been brought to Auschwitz-Birkenau in March, 1941, together with 2,000 other Gypsies. Hofmann as well as Klehr says that the Gypsy compound of Birkenau was not opened until March, 1943.

Dr. Lucas was among the SS officers on the ramp who decided on the life and death of Hungarian Jews: "Lucas stood on the ramp and helped select."

"How often did you see him?"

"Three or four times."

He knew Lucas by name because a proclamation signed by him and read at a roll call urged all the Gypsies to let Lucas sterilize them; after that they were promised to be released from the camp. In Ravensbrück, he again ran across Lucas, and there Lucas also called for the sterilization of the Gypsies and did in fact sterilize many of them.

Lucas calls the testimony of the witness untrue.

"I was at the Gypsy compound every day. I knocked myself out for the Gypsies and that's why I'm so shocked."

After some evasive answers Lucas finally admits having sterilized "three

Gypsies most reluctantly," and having performed "sham operations" on others.

The witness Josef Mikusz, fifty-one, a Polish official in the town formerly known as Hindenburg, spent four and a half years in Auschwitz. Now he is supposed to exonerate Bednarek. As a trustee prisoner in the office he worked on the labor lists of the prisoners. "Yes, of course," he got a pretty good over-all view. He is able to identify Broad and Bednarek readily and unequivocally; he is also right in his carefully qualified identification of Dr. Lucas and Stark: "I am not sure whether this is Mr. Lucas or not," and "Is this Mr. Stark?" He takes the dentist Dr. Schatz for Boger, and Dylewski for Klehr: "I find it difficult, after so many years."

"I can well believe it. I don't hold it against you."

Bednarek has no reason to be terribly pleased with his exonerating witness. Mikusz confirms that there were one or two chairs in the block of the defendant with which—according to other witnesses—the defendant had allegedly killed prisoners; he himself did not see this.

"Did Bednarek hit prisoners at all?"

"Yes, Bednarek was one of the strictest block seniors." Judge Hofmeyer is surprised: Bednarek had told the court that the witness would testify that he, Bednarek, was stern yet just.

"He became fair only after the children came to his block."

The worst thing was Bednarek's "exercises": "The day after one was completely done in."

"Were they exercises?"

"It was simply torture, the mistreatment of people."

Did the defendant also act with kindness?

"Yes, when the children came to the camp after the Warsaw uprising, children between nine and fourteen. Bednarek got these children and took them under his wing. We did not recognize him; he let us do anything. We could bring them anything, bread and soup. I can only say good things about this. If anyone were to accuse him of something during this period it would not be true."

The witness then incriminates Baretzki.

"He was a young fellow; we thought that because he was so young, we might possibly be able to talk to him."

But one morning at roll call Baretzki came over to prisoners lying on the ground who were too weak to stand:

"Baretzki stepped on the neck of one of them, went away, saw that the prisoner still moved, came back, and once more stepped on him."

After that the prisoner did not move again.

"Baretzki often talked to us. He told us that the Jews who went into

the gas chambers were stewing in their own juice." He used to escort the people to the gas chambers. The witness corroborates the testimony of others that Baretzki kicked and chased prisoners back into water-filled ditches from which they had climbed out.

"Two drowned; they couldn't swim. The fire guards came and grappled for them with hooks."

Judge Hofmeyer wants to know whether Baretzki had put a pole across the throat of a prisoner and balanced himself on it by swinging to and fro.

"No, he didn't do 'knick-knack'—that's what we called it; he stepped on the throat directly with his shoes. He did not permit a man to die in peace."

Dr. Lucas is accused by the witness of having selected in the woman's compound "Mexico," of having separated the able-bodied from the others. Broad is accused of having been present at the liquidation of the Gypsy compound. What proof did the witness have?

"I saw him."

"You have no doubt that you saw Broad with your own eyes?"

"I have no doubt."

No, the witness never saw Pery Broad hit anyone: "He always wore white gloves, in a manner of speaking."

Kaduk hears this and responds with a broad, silent grin.

Boger nods in agreement when the witness tells of the hanging of three Russians whose sentence Boger had read out. One called out something, got slapped by Boger, and in return pushed Boger in his chest. The witness also recalls that during the evacuation march, Boger ordered the shooting of three escaped and recaptured prisoners. And during that march Klehr told him that in the beginning of September, 1941, he had selected 200 people for gassing—including the father of the witness.

State's Attorney Kügler: "Mr. Boger, is it true that the Russian pushed you?"

Boger, angrily: "I have already said so, sir. But there were four Russians, not three."

Judge Hofmeyer: "Mr. Broad, you have heard what you have always claimed in your defense refuted here—namely, that on August 1 you no longer were in Auschwitz."

Broad: "I can only repeat, Your Honor, that I was not present the night the Gypsies were murdered."

Kügler: "Mr. Klehr, is it true that you made selections for gassings?"

Klehr: "I did not select any prisoners for gassings. I cannot remember this case, and I had nothing to do with it."

Adjunct Prosecutor Raabe: "Dr. Lucas, do you still insist that you had nothing to do with the 'Mexico' compound?"

The Summations

State's Attorney Dr. Grossmann begins his summation with a quote from a speech delivered by the President of the Federal Republic at Bergen-Belsen: "Those who tell our people that an end should be put to the conjuring of ghosts from a horrible past are not doing us a favor." He then gives a historical recapitulation of the persecution of Jews during the National Socialist era.

Grossmann states that the number of people—mostly Jews—said to have been killed in Auschwitz alone has been estimated at around two and a half million or more. The exact number of those murdered—just like the exact number of victims of the defendants—will probably never be known. More than a million people were killed in the concentration camps of Lublin, Treblinka, and Majdanek. But all these extermination centers, the ghetto liquidations, and even the tragedy of Warsaw were overshadowed by the inferno of Auschwitz, where alone in the spring of 1944, in the space of a few short weeks, 400,000 Hungarian Jews took the road to the gas chambers.

The murder committed in Auschwitz was not sanctioned by any wartime legislation, and it must be avenged after more than twenty years, even if only out of purely legal considerations. The prosecution sees the mere presence of the defendants in Auschwitz as proof of their complicity in mass murder. The link between the defendants and the SS and the "conveyor belt of the death machinery of Auschwitz" was voluntary.

Grossmann admits that the personalities of the defendants must be seen in the perspective of National Socialism and the SS. There was no evidence that the defendants would have become guilty of the crimes of which they now stand accused had it not been for these affiliations. But the defendants, of whom Mulka, the oldest, was forty-six years old at the

time, and Stark, the youngest, nineteen, should have been able to realize the illegality of their acts and taken steps to avoid committing them.

The defendants have pleaded *Befehlsnotstand*—being in a state of compulsion to carry out orders—after at first keeping silent, denying, and minimizing the charges. The evidence presented has clearly shown that the defendants could have avoided carrying out criminal orders without endangering their lives; the possible transfer of a person who refused to carry out orders to a penal unit or a concentration camp could not be considered a threat to the life of a former SS man.

"The legal code must ask of the threatened person," says Grossmann "that he will take those measures which the average, moral person would take under these same conditions. Weakness of character or will are no excuse." The State's Attorney recalls witness testimony about SS men who volunteered to go to the front rather than serve in Auschwitz and about others who fled the mass extermination camp. Grossmann doubts that the defendants entertained any serious wish to get away from Auschwitz. Having voluntarily joined the SS, they were responsible for the situation in which they then found themselves and had to bear the consequences. Millions were murdered in Auschwitz "without the least possibility of legal redress," and now that rule of law has been re-established he asks the court to reach a just verdict on the murderers of yesteryear.

The second prosecutor to speak is State's Attorney Vogel, who deals with the defense tactics used by the defendants at the beginning of the trial. Before the first witness ever set foot in the courtroom it was charged that witnesses had been induced to bring false accusations by some organizations or government agencies. But of course that was not true. There existed no reason for witnesses to bear false testimony. "In view of what happened in Auschwitz no exaggeration was necessary, for the truth is the most telling indictment."

State's Attorney Wiese calls the defendant Wilhelm Boger guilty of murder and demands that he be sentenced to life imprisonment and deprived of his civil rights for the rest of his life. Boger, the prosecutor states, helped in the extermination of so-called unworthy lives.

The crimes of the accused range from his participation in the executions at the Black Wall to the tortures during the so-called rigorous interrogations. The defendant had actively participated in the selections on the ramp and had displayed particular alacrity during the "bunker evacuations," as a result of which prisoners were shot at the Black Wall whenever room had to be made in the overcrowded prison bunker. Numerous witnesses had testified to the truth of the charges against the defendant. Of course, his

own testimony starkly contradicts theirs, but: "What can one say for the credibility of a defendant who tells witnesses to their faces that he had not been there?"

Wiese talks of the fate of Lili Toffer. The girl was shot because a love letter addressed to a fellow prisoner had fallen into the hands of the Political Section. Various witnesses have testified to the defendant's responsibility for the death of Lili Toffer: "There can be no doubt about who committed it. In this instance the judge carried out the death sentence he himself had imposed." The prosecutor also reminds the court of the fate of the half-dozen or so children between the ages of four and seven. He believes the testimony of the former Polish army officer Piwko proved that the defendant had murdered these children during the liquidation of the Gypsy compound by grabbing their feet and smashing their heads against a wall.

On the question of the legal position, Wiese maintains that Boger, as a member of the Political Section of the Auschwitz concentration camp, was involved in all measures for the extermination of the people brought to the camp. "He was a willing and cooperative assistant with a political ideology that proclaimed the negation of the human worth and human dignity of all political opponents, of members of the Jewish race and members of Eastern peoples. These people were murdered without due process of law, secretly, within the framework of organized mass murder. Such ideas rest on the lowest moral level and must be called vile and despicable. Whoever therefore is persuaded by such ideas to kill a man, as was the defendant, acts out of the basest possible motives."

Boger was aware of the illegality of his acts. "The arbitrary and inhuman methods used in the killing of the prisoners—and he was aware of them—did not accord with due process, and their illegal nature was obvious even under the prevalent camp and war conditions."

The defendant must be punished as a responsible party. Although he was under the jurisdiction of the chief of the Political Section, the defendant's position was so independent and his personal interest in the success of his work so great that there can be no talk of his being merely an accessory. In talking about his assignments in the extermination program, the defendant himself has said that he did not bother with minor matters. On the question of Boger's special assignment, Wiese cites a verdict of the Federal Court of December 19, 1962: "Whoever freely carries out politically incited murder, silences his conscience, and acts independently . . . cannot claim to have been only the assistant of his superiors. He is the culprit."

The attitude of the defendant is also borne out by his career, which proves that Boger had been willing to identify with the aims of the rulers

even before coming to Auschwitz: "Although the examination record of 1949 of the State's Attorney's office of Ravensbrück gives only a cursory picture of the past activities of the defendant, yet it states that Boger played a leading role, that he was an infamous Gestapo official who frequently violated accepted methods of interrogation."

At any rate, Boger cannot claim a supralegal, extenuating state of compulsion, since he did not find himself in a conflict situation and—subjectively—had not acted out of such a situation. The defendant was not forced to act as he did, nor had he carried out orders as the only means of warding off danger to his body or life. "It is an inescapable prerequisite in the application of these guidelines within the framework of the so-called *Befehlsnotstand* that the will of the perpetrator be bent through forces or threat, that he is forced to act against his will. This was not the case here."

It was not the sense of the articles of the penal code dealing with the state of compulsion "that those in positions of influence under the reign of the National Socialists who willingly made use of an institution of terror and arbitrariness—i.e., the Gestapo—should escape their share of responsibility in the most serious crimes merely by claiming that their bodily welfare or lives were endangered without having done their utmost to shed such responsibility."

Wilhelm Boger greets the prosecutor's demand for a life sentence with a smile.

The prosecution has finished its summation. The four prosecutors have demanded life imprisonment and permanent loss of civil rights for sixteen of the twenty defendants because of their participation in mass murder and in the commission of numerous individual murders. In only two cases—those of the former Polish lawyer and now commercial employee Arthur Breitwieser, and the farmer Johann Schoberth—does the prosecution propose acquittal because of lack of evidence or dismissal of the charges because of minor guilt. State's Attorney Kügler holds former SS medical orderlies Herbert Scherpe and Emil Hantl guilty only of being accessories to murder and asks a maximum sentence of twelve years and loss of civil rights for a period of five years.

The first of the three adjunct prosecutors to speak is Professor Kaul of East Berlin, who represents the interests of the heirs of Auschwitz victims now living in East Germany. He substantiates the necessity for this trial with quotes from Karl Jaspers and says the defendants are right in their claim that only the "little fish" are being punished while the "big ones" have managed to evade justice and today once more hold positions of honor.

Then Kaul talks about the defense, which includes the author of an ar-

ticle on the undesirability of Jews published under the Nazis, in which he demanded that Jews who dared to sit down in public restaurants be reported to the police immediately. Kaul hands the court a photostatic copy of the article, without, however, giving the name of the author.

Kaul agrees with the prosecution that Mulka, Klehr, and Höcker are guilty of complicity in mass murder. All SS members who fulfilled a function in Auschwitz were members of a community of accomplices, of a "murder plot." In Auschwitz, centrally directed mass murder was committed in that the people brought to the mass extermination camp were gassed either immediately after their arrival or after their physical strength had been exhausted. This mass murder, however, could not have been committed without the cooperation of the SS, the ministerial bureaucracy, and the industrial concerns of that era. There was a connection between the extermination via work and the sale of prisoners as slave labor. In Auschwitz, industry was able to buy cheap labor like cattle. The army high command had also been part of the murder plot as far as the extermination of Soviet prisoners of war in Auschwitz was concerned.

The highest sentences are demanded by Christian Raabe, the Frankfurt lawyer who represents the interests of the injured parties of twelve foreign countries. Raabe demands that the now seventy-year-old Robert Mulka of Hamburg, the adjutant of the first Auschwitz commandant, be given 36,500 life sentences for the 36,500 murders committed by him; that the fifty-four-year-old Karl Höcker from Lübbecke, the adjutant of the last Auschwitz commandant, be given 400,000 life sentences; and that both he and Mulka be deprived of their civil rights permanently.

Raabe considers the former adjutants two of the most vital cogs in the extermination machinery of Auschwitz, particularly Höcker, who during the war worked almost exclusively in extermination camps—among others, Majdanek—before coming to Auschwitz. Höcker reached Auschwitz in time to participate in the liquidation of more than 400,000 Hungarian Jews.

In Auschwitz human dignity was trampled underfoot and destroyed. Raabe reminds the courtroom of the hunger the prisoners suffered, which forced them to steal food if they "did not wish to perish like dogs," of the unbelievable sanitary conditions, and of the selections. This systematic degradation of human dignity also destroyed those who survived. The adjutants bore the main guilt for all this, because nothing happened in camp without their knowledge.

The Frankfurt lawyer Henry Ormond points out that almost all the defendants came from good middle-class families, that eight had received a

higher education, and that the rest had had commercial or trade schooling. And although all of them had been brought up in Christian homes, this did not prevent them from violating all of God's laws.

As to the doctors who so willingly destroyed life in Auschwitz, Ormond says: "Never in the history of mankind has there been such corruption, perversion, and bestialization of the healing profession as in Auschwitz among the heads and assistants in the medical service of the *Waffen SS*." The defendant Capesius was one of the biggest ghouls.

Ormond calls the allegedly unsuccessful attempts to volunteer for front-line duty a myth, and says that Auschwitz offered great opportunities for robbing the dead, and for this reason alone the defendants stayed there and engaged in mass murder. They preferred unlimited mastery over the defenseless, and they were intoxicated with power and blood: "One shudders to think that those who now sit on the defendants' bench were for twelve years looked on as the elite of the German people and thought of themselves as such. One is ashamed on behalf of the German nation for having accepted this."

At the end of his summation Ormond says that the majority of the German people do not want to conduct any more trials against the Nazi criminals. But as long as certain German tabloids call for the death penalty for taxi murderers but demand that proceedings against Nazi mass murderers be dropped these trials have to be continued. All those who, like these defendants, had a part in the unbelievable brutal mass murder of millions of defenseless people will have to face German courts.

If the survivors of the hell of Auschwitz could no longer bear witness—and certain circles are waiting for just that—then Auschwitz would become nothing but a legend in a short time. Were it not for this trial, in which the truth was heard out of the mouths of the survivors, those who refuse to learn would have continued their attempts to minimize. That this is no longer possible is, next to the punishment of the guilty, the lasting achievement of this exemplary trial.

Dr. Eggert is the first defense lawyer to address the jury. His summation is cool and objective, with only an occasional faint echo of the verbal thunder which so frequently rolled through the courtroom during the trial. Dr. Eggert says that it is not the wish of the defense to minimize the crimes of Auschwitz in any way. "But in this trial the scope of the crimes threatens to overwhelm the question of individual guilt." It is the job of the defense to raise doubts about evidence presented, to check incriminating testimony with care bordering on mistrust, particularly since decades have passed between the commission of the deeds and because strict limits were set in advance on checking up on the witnesses. Dr. Eggert said that he certainly

had no intention of putting greater credence in the testimony of former SS members, for there had been too many demonstrations of a crude camaraderie, but he was certainly not prepared to accept the contention of the prosecution that almost all incriminatory witnesses were free of feelings of revenge and hatred. The same was true of the statements and testimony of the individual defendants. But the defense was made to feel that the denials of defendants were generally disbelieved by the prosecution and adjunct prosecution, whereas on the other hand "everyone sat up, almost audibly so," if a defendant decided to incriminate one of his co-defendants. Eggert stresses that "according to repeated statements of the prosecution" the defendant Kaduk earlier had said that the officers should not make themselves ridiculous, that of course they were present at the happenings on the ramp. This statement, however, must be understood within the context of the conditions under which he said it. Kaduk had found out when he was being interrogated that Mulka had been released on bail. It was thus understandable that "the resentment of the frequently referred-to 'little man' took this humanly understandable form"; but this statement of Kaduk's had no bearing on the question of how things really were in Auschwitz.

The prosecution in addressing the jury said that the adjutant represented the iron fist which kept the extermination machinery in operation; it mentioned the enormous power of the adjutant and his decisive voice in all extermination operations. "Words, nothing but words, which have not been borne out by the evidence presented."

It was the prime job of the defense to put the "demonization of the adjutant's job," which was attempted during the trial, back into proper perspective. The strongest argument for the contention of the defense that the position of the adjutant could not have been that decisive was the fact "that the defendant Mulka was interned throughout the Polish trials of the major war criminals, that the Poles knew his name, that the British authorities specifically offered to extradite him, and that Poland showed no interest in trying him." As to the defendant Höcker, the prosecution in all the many years of the pretrial investigation, "despite almost world-wide attempts, could not" find even one witness to testify that Höcker was personally active on the ramp or during gassings. Moreover, Boger had stated explicitly that the true power in the camp rested not with headquarters but with the Political Section.

The questioning during the trial could not establish who was in charge of the motor pool which furnished the vehicles for the transport of Zyklon B gas and of prisoners. A number of witnesses have said that Wiegand was in charge of the motor pool; other former members of the motor pool said that the adjutant was their chief, but did not have any close contact with

dren of Zamosc"—but there was no resistance by any of the participants at a conference, "among them Keitel, Dr. Stuckart, and Dr. Lammers," at which Hitler proclaimed the initiation of "a tough popular struggle, one that would not permit legal procedures and whose methods would not be consonant with the yardsticks of German administrative practice. Here, though, resistance is being asked of the people "working" in the concentration camps.

Aschenauer discusses the groups brought to Auschwitz as prisoners and concludes that the members of the Political Section, an arm of the RSHA, were increasingly overloaded with work. "In turn, the means used by the Political Section became more reckless. The so-called security regulations were strict and they were applied brutally." The Boger swing must also be seen in this context; although not a permanent installation, it had already been used by the Kattowitz Gestapo: "Here, too, a central directive cannot be ruled out."

Boger has, so to speak, been equated with the Political Section, but "the victim by the very nature of things is not a classical witness." The prosecution obviously shares some of these reservations, for some of the charges in the indictment were not mentioned in its summation.

Aschenauer maintains that what must be gone into thoroughly is which slayings in Auschwitz were committed out of base motives and thus were to be treated as murders. Whether regulations and rulings of the Third Reich that contravene generally accepted principles of legality are to be accorded legal status is not up for discussion here: "What matters here is whether the defendant could and did consider such regulations and proclamations as legal and proper under the then existing conditions, and whether his erroneous belief was excusable. . . . It must be remembered that the defendant was merely a police official, not a jurist."

The problem of the so-called Barbarossa and Commissar orders also falls in this category. The execution—without trial—of the political commissars of the Soviet Army, who were held responsible for barbaric methods of warfare, were laid down in the regulations for the treatment of political commissars. However: "A decision on the question whether these orders are to be considered as obviously illegal or within the framework of military requirements of the Eastern Front campaign, and thus could not seem illegal as far as their recipient was concerned, in line with Article 47 of the military code, has not yet been reached by the Federal Court."

Aschenauer does not doubt that it is the belief of the Western world that no executions are to be carried out without due process of law, the only exception to this being so-called reprisals, a terrible measure from a humanitarian point of view: "But this alone, especially in time of war, cannot be considered evidence of a possible violation of law." Reprisals against illegal acts of the population were generally recognized as legal even before

World War II and have been carried out. Winston Churchill has written about it, and this practice was also followed by the armies of the Allies.

The prosecution wishes to make things easy for itself: It establishes guilt for the shootings at the Black Wall under present-day laws but it ignores the regulations of the RSHA. The prosecution has also failed to find out whether summary court sentences did not exist which were approved by the so-called Governor General (of occupied Poland). In the opinion of Aschenauer, there can be no question of sufficient evidence in the matter of the executions to justify a clear verdict of murder or complicity in murder. Also, Boger's claim that he did not decide on the executions during the so-called bunker evacuations has not been disproved.

At the end of his address Aschenauer deals with the question to what extent an illegal order exculpates the culprit. He cites the verdicts of two French courts and one Dutch court involving a defense based on carrying out orders. The defendants were acquitted. He recalls the famous "Dover Castle" and "Leandover Castle" cases. In the first case, the German U-boat commander Neumann had torpedoed and sunk the English hospital ship "Dover Castle," on orders of the German admiralty, he claimed. (The order was given after the English Government had been warned that because of the misuse of hospital ships it must announce all future Mediterranean cruises or else be prepared for attack.) The German court found the defendant not guilty and held that the conduct of German naval warfare was an admissible defense. In the second case, two officers who torpedoed and sank the hospital ship "Leandover Castle" in the Atlantic on orders of their commanding officer and also sank two lifeboats with their complement were found guilty of being accessories to murder and sentenced to four years. Although these men had acted on orders of their commanding officer, and although military personnel must assume that the orders of their superior officers are legal, this assumption was not valid if the order was an obviously criminal one.

Aschenauer quotes the finding of the Federal Court: "According to Article 47, a man is legally responsible only if he knows that the order of his superior involves a criminal action. Mere doubt about the legality of an order is not sufficient; the person has to be able to see the criminal intent of the order."

The so-called Führer principle of the National Socialists and the principle of absolute obedience dominated German legal life. Hitler even told his commanders in chief: "It doesn't matter whether you understand my orders; what matters is that you believe in me, that I judge the situation correctly." The court also must remember that all members of the Security Police swore this oath: "I pledge fealty and bravery to you, Adolf Hitler, as Führer and Chancellor of the Reich. I pledge obedience unto death to you and the superiors named by you, as God is my witness." Administra-

clients (Dr. Capesius, Dr. Frank, Dr. Schatz, Broad, and Dylewski) "astonishing." He reminds the court that Germany had already known a time "in which the prosecution was famous for excessive demands and that at times the judges did not find the proper balance vis-à-vis these excessive demands but instead acceded to them." Laternser believes that, to judge by the penalty asked for Dr. Schatz, this era has not departed from the courts. He asks whether the prosecution was under instructions to demand this sort of penalty, and turning to the court, he says: "You are to sentence a defendant to life against whom the prosecution by its own admission has no witnesses. How did the prosecutor put it? 'Don't ask me to produce witnesses.' That speaks for itself."

The most difficult aspect of these proceedings was the credibility of the testimony. Especially in view of the time elapsed, the requirements for proof of the evidence against individual defendants should be very high. Evidence may be difficult to obtain after so long a time. However, the defendants cannot be penalized for this by lowering the standards of permissible evidence.

"A trial of this scope cannot be carried out with the precision and conscientiousness demanded by the serious accusations. It transcends human capabilities."

Laternser doubts that the testimony and the information of the witnesses in this trial can still be accurate. The information of those who appeared at this trial, "unassisted by any documents, forms the basis of their testimony." However, "if they can no longer remember a person, then they also can no longer know what this particular person said. . . . They are no longer in a position to arrive at a verdict from their memory. . . . Thus, applying the principle of doubt in favor of the accused, you must find for the accused."

Laternser concentrates his fire on the jury: "You must not lean on a judge or on another juror or on outside information in your evaluation of what happened here. If you were to rely on outside information and vote accordingly, you would not be rendering your independent judgment and would perpetuate possible errors and therefore cast a false vote and thus violate your duty."

All the evidence produced had to be looked on with greatest skepticism. A witness who contradicted himself would have to be disregarded altogether: "Because which of the contradictory testimony should be considered true after twenty years?" A witness who has been proved wrong on one important issue cannot be trusted: "How do you know that he has not also made a mistake on another point?"

Laternser cites the testimony of Mr. Rosenstock about Dr. Frank as a typical example of doubtful testimony. After more than twenty years this

man said that he had seen Frank at five daytime selections and once at night. "The arrival of transports was unfortunately a daily occurrence in the summer of 1944. To describe everyday matters after twenty years, and to say he had among other things seen Dr. Frank on the ramp five times, is so completely impossible that one really ought to disregard such testimony altogether . . . let alone base a verdict on it. Never."

Laternser describes the testimony of the Polish witness as "demonstrably" doctored. The witnesses were repeatedly summoned to the Polish Ministry of Justice and there were "questioned." Laternser accuses the Polish Minister of Justice of having "prevented the questioning of exonerating witnesses by denying them exit permits."

The prosecution maintains that any defendant who took part in a selection was guilty of complicity in murder, Laternser says, and adds: "Had there not been the selection on orders from above of a certain number of able-bodied persons on the ramp in Birkenau, then all those coming in would have been exterminated. The selection on the ramp in fact resulted in the diminution of the planned and ordered extermination. The selection of persons admitted into the camp could thus not be called a participation in murder—it was neither complicity in nor commission of murder—because the selected persons were not murdered." This might be countered with the argument that the man on the ramp, by not selecting more new arrivals for admission to the camp, caused the death of others. "But such a position does not hold true here. There was no question of a decision or determination about who was to be sent to the gas, because this decision had already been irrevocably reached by order of Hitler."

Laternser is definitive in his analysis of conditions during the Hitler era: "What the selectors accused of assisting in mass murder actually assisted in was the selection of a certain number of able-bodied persons, not in a criminal procedure; rather, they reduced the crime by the number of people they selected."

Dr. Laternser believes that it could not have occurred to the defendants—in so far as they were ordered to participate in selections—that they were carrying out a criminal order. Thus there can be no question of commission of or complicity in murder. Complicity means that the culprit through action or advice helps in the commission of the deed. But Hitler did not ask for advice, and the deed also could not have taken place because the order for the murder of all Jews had already been issued. "A lowering of the number—through selections for the camp—did not mean assistance in murder but, quite the contrary, lowered the number of victims." Mere presence on the ramp, without fulfilling any function, cannot, ~~purely conceptually~~ and in contrast to the assumption of the prosecution, be considered a criminal act.

The responsibility of a subordinate vis-à-vis the orders of a superior is answered by Laternser with the prevalent interpretation of Article 47 of the military penal code in force then. Like Dr. Aschenauer before him, he quotes from the findings of a higher German court: "Mere doubt about the legality of an order is not an adequate basis for determining the criminal responsibility of a subordinate. It is also not enough for a recipient of an order to have been able to recognize the criminal character of the order."

Finally, the obligation or the putative obligation to obey does not really need any confirmation: "Let us just honestly think back to the conditions then prevailing under that dictatorship. Does the prosecution no longer remember that they themselves did not take action against flagrant violations of law, like the destruction of Jewish businesses and dwellings in November, 1938, the murder of mentally retarded, and finally, the murder of Jews? Hadn't the prosecution known at the time that these were crimes? Which judge or state's attorney at that time had protested, let alone resigned? Who could have dared to protest publicly against the pitiless treatment of the Jews? The reason it didn't happen is that it would have been tantamount to suicide."

Counsel for the Defense Fritz Steinacker warns against becoming a nation of Pharisees. "Let us not forget that it frequently was a matter of accident whether someone was called up for service in concentration camp guard units, the Security Service, or the *Einsatzkommando*. Let us not forget—and this is the decisive issue—that the entire German governmental structure at the time was corrupted, that these criminal acts were committed by a well-functioning bureaucracy, not by individuals gone berserk: Every bureaucrat did his part, and the cooperation of all brought these horrible successes. The state itself played the role of instigator and accomplice; what we are dealing with here are 'regime criminals': men who could become culpable only under given political conditions.

"The regime criminal is closely related to the revolutionary. He too is ready to do things which normally would not enter his mind. Both types share a feeling of nonculpability, and history knows many men of both types. That is also the reason that neither type was held culpable in the past." The journalist Winfried Martini has spoken of the illusion created by the trials of National Socialists, as for example the illusion that they will help to prevent such crimes in the future. Steinacker postulates that not trials but only political re-evaluations could undo the horrible deeds and prevent a recurrence.

"It is our job to prevent such preconditions from coming into being in the political arena. But the Nazi trials contribute next to nothing to that."

Steinacker says that the bureaucratic organization was something very

the unanimous opinion that East German commutations are to be honored in the West in the same manner as East German sentences. The pardons granted in East Germany are not binding on the Federal Republic only if they materially violate legal principles or rights granted in the Basic Law. But in the case of the commutation of Kaduk's sentence there is no indication that any principles were violated.

The attorney has still another objection, not a legal one, yet it seems a valid consideration. Should Kaduk, who has already spent sixteen years in prison for crimes committed in Auschwitz, be sentenced a second time merely because no transfer treaty has been concluded with the Soviet bloc? Others, equally guilty, are going around with their heads held high in the Federal Republic, merely because they had been sentenced by a Western military court and therefore do not have to fear being retried by a West German court.

Attorney Göllner tells the court that his client, the former SS medical orderly Josef Klehr, really ought to be acquitted. An "executioner" is not obligated to think about the sentences he is asked to carry out. Klehr was nothing but an executioner carrying out official orders, the littlest cog in the machinery. But because the defendant obviously realized that he was asked to commit wrong acts, and because he simply accepted it, he is guilty after all, but only of being an accessory to manslaughter—an offense, however, Göllner says, which falls under the statute of limitations. He asks that the court dismiss the indictment against Klehr.

Klehr's second defense counsel, Dr. Hans Fertig, feels sorry for his client, who, in the course of this trial, has become an "old, broken man." "How did it get to that point? Was it perhaps repentance?" Fertig thinks that Klehr only learned through the trial "what Auschwitz really was." At the time, he was not aware of its horrendous injustice. Only now did the "brown blinkers" drop from Klehr's eyes.

"If you condemn him," his attorney tells the judges and the jury, "then you are passing a political judgment." Fertig argues that the Federal Republic was the legal successor of the German Reich, and that the judiciary thus was the same as before. A state cannot possibly punish that which it ordered in another phase of its history. The Frankfurt court therefore was not the "proper tribunal" for the Auschwitz trial and the charges against Klehr ought to be dismissed.

However, if the court should decide that it does have jurisdiction, then it cannot legally sentence Klehr today. Although murder and manslaughter were also punishable offenses during the National Socialist era, "the defendants knew and relied on the fact that murder ordered by the state was not punishable."

KARL HÖCKER, former adjutant of the camp commandant:

"Your Honor, when I came to Auschwitz at the end of May, 1944, I had no idea what Auschwitz was. Only after I got there did I learn what was happening in Birkenau. I had nothing to do with it and I was not able to influence what was happening there. I have not done any harm to anyone, nor has anyone ever died because of me. I voluntarily went to the State's Attorney in Bielefeld in 1952 and made a statement. Would anyone who considered himself guilty have done so? What more should I have done? My plea is for a just verdict."

WILHELM BOGER, former member of the camp Gestapo:

"During the reign of National Socialism I knew only one mode of conduct: to carry out the orders of superiors without reservation. I did not ask to be stationed in Auschwitz. Today I realize that the idea I believed in spelled disaster and that it was wrong. It has been said here that I conducted rigorous interrogations as ordered. But what I saw at the time was not Auschwitz as a terrible extermination site of European Jewry but the fight against the Polish resistance movement and Bolshevism."

HANS STARK, former member of the camp Gestapo:

"I took part in the murder of many people. I often asked myself after the war whether I had become a criminal because, being a dedicated National Socialist, I had murdered men, and I found no answer. I believed in the Führer; I wanted to serve my people. Today I know that this idea was false. I regret the mistakes of my past, but I cannot undo them."

KLAUS DYLEWSKI, former member of the camp Gestapo:

"I support the statements of my attorneys and now at the end of this trial I again wish to state that what I have said is the truth.

"I repeat that I was not on the new ramp in Birkenau, nor have I ever set foot in the Auschwitz crematory. I wish to state quite emphatically that I did not shoot a single person in the yard of Block 11. The testimony of the two Polish block clerks is true; the statements of Czech witnesses are not true. In view of the special situation in which I find myself as a defendant in this trial, I should like to limit myself to this assurance."

PERY BROAD, former member of the camp Gestapo:

"As you know, I deny ever having played a direct part in the murder of anyone. I must repeat this, for it is the truth. However, I feel I must add something on this point. You know that last fall the witness Fabian appeared here and incriminated me in the most unbelievable fashion. I ask the court to put itself in the situation of one against whom so serious a charge is

leveled unjustly, and I can only ask the court emphatically to believe me when I say that I did not do the things Mr. Fabian has charged me with. That is all I have to say now."

JOHANN SCHOBERTH, former member of the guard unit:

"I repeat that no one in Auschwitz lost his life because of me.

"I have thought a long time about how Mrs. Schaner could testify here that she saw me with a rifle. We usually had target practice on Sunday morning. I was the best sharpshooter and I won a bottle of alcohol. That was why I returned with the rifle, drunk.

"When Hitler came to power I was ten years of age. I was eighteen when I was called up into the Waffen SS. We were brought up to become dedicated Nazis. I would like you to think back and consider who has survived of my generation, those of us born in 1922. I was wounded four times, underwent eight operations, and was decorated five times. I don't know what else I can say. Aren't we also victims of National Socialism?"

BRUNO SCHLAGE, former prison bunker guard:

"I least of all have to tell any lies here. I have never in all my life let anyone starve to death, never shot anyone, or caused death in any other way. Just as I like to live I want my fellow men to live as well. Those who were human beings before the war remained human even though they had been in Auschwitz. I was a guard in Block 11 just as there are prison guards today. I would like to point out that I worked on building sites between the years 1928 and 1938 in eleven countries, primarily in Scandinavia. I did manual labor. If I were the kind of man depicted here, I would always have been like that. A murderer isn't made in four or five years, especially not if he comes of a decent family. A murderer is born. I have no criminal record. When I became a soldier, they immediately began to lie to me. I was told I would become a member of a police unit, but instead I was assigned to the 22nd SS Standarte. I never had the chance to get myself transferred. I had the misfortune of coming to Auschwitz. When I found out that it was an extermination camp I applied for a transfer. I was told: 'You're not serious, are you?' The application was torn up and tossed into the wastebasket. When I made a second application, Sergeant Nebbe told me that I had to do my duty wherever I was sent. If I filed a third application, he said, I could think about it behind barbed wire.

"Now I ask you, Your Honor, and all those who were soldiers, what I should have done if I did not want to endanger the life of my family and my own. My answer is that I had to follow the orders of my superiors whether I wanted to or not. Your Honor, even today, in normal times, it is not simple to refuse to serve. And how much more rigorously would we

brought were for me so new and improbable that all I could have said was that the testimony did not conform to the truth. I was unfit for military service and yet at 5 A.M. on September 1, 1939, I was arrested and sent to a Polish concentration camp. Nine days later we were liberated by German troops. I then got into the Waffen SS. Because I was unfit for active service I came to Auschwitz, and for the same reason I stayed there. Only very few people got out of Auschwitz, only those with combat experience or connections. I was amnestied in 1959. After fourteen years of prison I was in poor physical shape and only slowly was I able to build up a new life for myself. I recovered slowly. All this was interrupted by my arrest on June 9, 1961.

"The charges brought against me by the witness Petzold made me feel resigned, because he repeated them. My situation would have been hopeless had there not been an inspection of the site. . . .

"On the whole, this is to be said about the witness testimonies: I can barely remember any of the names of my fourteen years in prison. I, too, was beaten during that time, but I do not know by whom. I would like to state emphatically that I did not play fate; no one was harmed because of me. I did not volunteer for the SS and I did not ask to be sent to Auschwitz. I grew up as an ethnic German with all the disadvantages of belonging to an ethnic minority. Now for twenty-five years, almost half my life, I have lived under the shadow of Auschwitz. The sort of things that have been said here make the rest of my life difficult. I thank the court for its attention."

DR. FRANZ BERNHARD LUCAS, camp medical officer:

"Your Honor! On the day on which against my will I was assigned to duty in the National Socialist concentration camp began a chapter in my life from which I will never recover. Forced to work on the ramp I naturally sought to save the lives of as many Jewish prisoners as possible. But today as then, I am torn by the question: 'And what about the others?'

"I have fought my way toward the truth. I can only hope that you will arrive at a verdict that will help me to free myself from my bonds and begin a new life."

DR. WILLI FRANK, former chief of the dental station:

"I was at the front until a serious liver ailment disqualified me from combat duty. After I was released from the hospital I got to Auschwitz by some involved route, as a substitute for a physically fit colleague. The prisoners with whom I had dealings have testified to how I behaved toward them. None of them has incriminated me; on the contrary, all of them have said that I treated them decently; a number of them even said that they owe their lives to me.

(continued from front flap)

been in Auschwitz. The cumulative effect is overwhelming:

"I knew nothing about it and saw nothing."

"Everyone knew it."

"Your Honor, we only did what we had to do."

"[They] were perfectly normal men who knew the difference between right and wrong. They all knew what was going on."

"As a little man in Auschwitz I did not have a voice over life and death. I only carried out the orders of the doctors."

These are some of the voices in the "proceedings against Robert Karl Ludwig Mulka and others." They are the voices of both the victims and the accused. And as Naumann comments, it became apparent that the accused "consider themselves innocent, almost as innocent as the victims of Auschwitz. . . . They checked their consciences with their superiors and it would seem that they never needed them again, never requested their return. Not to this day."

At 4 P.M. on August 20, 1965, the Auschwitz trial came to an end, but with the exception of two acquittals, none of the verdicts rendered by the court has yet become operative. Whatever the decision of the appeals court, though, it will neither detract from nor add to the awful truth that emerged from the Frankfurt trial. "The case," Bernd Naumann writes, "is closed." But in chronicling it, he has illuminated for all of us one of the darkest chapters in the history of mankind. To quote Hannah Arendt again: "The documentary value of this book is of the very first order—for historians, for jurists, for political scientists, for psychologists, and, last though not least, for all those who would rather face the truth than live with illusions in self-deception."

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“ We knew the deeds from the reports of survivors. We did not know the doers. The person of the doer can only be revealed by himself, and the defendants had 182 days to show who they were and who they have been and who they are now. Bernd Naumann, reporting for the *Frankfurter Allgemeine Zeitung*, covered every single day of the proceedings; his was the most substantial and the most perceptive reportage during the trial. In book form, it confronts the reader even more directly with the accused, giving for each day the highlights of the dialogue between the participants—the accused and the witnesses, the prosecutors, the defense attorneys, and the judges.

“ Whatever there is to know about the nethermost regions of Nazi Germany we now know. And we almost see the faces, certainly hear the voices of those with whom the victims were confronted, the only ones who mattered to them. Bernd Naumann was wise to abstain almost completely from analysis and comment and to concentrate on the actual dialogue—the questions that were asked, the answers that were given—thus maintaining consistently the great drama of court proceedings. The documentary value of this book is of the very first order—for historians, for jurists, for political scientists, for psychologists, and, last though not least, for all those who would rather face the truth than live with illusions in self-deception. ”

HANNAH ARENDT