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United States of America
v. *Alfons Klein et al.*
(Case Files 12-449 and 000-12-31)
October 8-15, 1945



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*Records of the Office of the
Judge Advocate General (Army)*

Record Group 153

and

Records of U.S. Army Commands, 1942-

Record Group 338

UNITED STATES OF AMERICA V. ALFONS KLEIN ET AL.
(CASE FILES 12-449 AND 000-12-31)
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On the three rolls of this microfilm publication are reproduced the records of *United States of America v. Alfons Klein et al.* The records are part of Records of the Office of the Judge Advocate General (Army), Record Group 153, and Records of United States Army Commands, 1942- , Record Group 338. The former contains the records of case 12-449 of the International Affairs Division, War Crimes Office of the Judge Advocate General's Office, Washington, D.C. The latter contains the records of case 000-12-31 of the Deputy Judge Advocate for War Crimes, European Command. The inclusive dates of the records are from April 16, 1945, to August 20, 1957. Records have been taken from both record groups in order to provide the researcher with as complete a view of the case as possible. The great majority of the records filmed in this publication come from Record Group 338. When records were taken from Record Group 153, that fact is noted in the body of this introduction and on insert sheets preceding the records themselves on roll 3.

The case of *United States of America v. Alfons Klein et al.* is often known more familiarly as the Hadamar war crimes case or the Hadamar murder factory case. A town of some 6,000 inhabitants located in the State of Hesse, Germany, Hadamar was the location of a mental sanatorium where the alleged war crimes took place. The trial involved the prosecution of seven German civilians after World War II for the killing of 476 Russian and Polish nationals as the result of a directive by Adolf Hitler providing for euthanasia of the incurably ill. Not presented in this trial was the crime of killing many thousands of Germans declared incurably ill at Hadamar. The records consist of the pretrial investigation documentation, a transcript of the trial proceedings, prosecution and defense exhibits, reviews of sentences, execution documents, clemency petitions, a correspondence file, actions of the sentence modification boards, and a historical file. Many of the records, including the trial transcript and the records of the trial and review authorities, are in English. Documents generated by the defendants or petitions on their behalf are usually in German with an accompanying translation. Approximately 15 percent of the records are in German without translation.

United States of America v. Alfons Klein et al. was one of the earliest cases tried in connection with German atrocities committed during World War II and one of the first war crimes cases to be tried by a military commission following the surrender of Germany on May 8, 1945. The Declaration on German Atrocities (the Moscow Declaration) released on November 1, 1943, had already

stated the intention of the United States, Great Britain, France, and the Soviet Union to prosecute war criminals. This declaration of intent served as one of the bases for all war crimes trials, whether undertaken by military commissions, U.S. military tribunals, or international military tribunals.

After the Allied victory in Europe and the military occupation of Germany, U.S. Joint Chiefs of Staff Directive 1023/10, dated July 8, 1945, assigned responsibility for war crimes trials to the military theater commanders. The Office of Military Government for Germany (U.S.) and the Deputy Judge Advocate for War Crimes, European Command, were to retain overall authority for the trials. Authority to try cases by military commission was granted in a letter from Headquarters, U.S. Forces European Theater, dated August 25, 1945, to the commanding generals of the Eastern Military District administered by the 7th Army and of the Western Military District administered by the 3d Army. This division of authority resulted in earlier trials taking place at different localities within each district; e.g., the Hadamar case was tried at Wiesbaden, 27 miles north of the site of the alleged atrocity.

In trying specific war crimes by military commission, prosecution authorities placed great emphasis on the Hague Convention of 1907, which attempted to codify the rules of land warfare. The resultant agreements and their annexes, ratified by the major powers including the United States, Germany, Russia, and later Poland, imposed strict requirements for the protection of civilians during wartime (sec. III, art. 46, Annex to the Hague Convention, Oct. 18, 1907). Under the provisions of the Hague Convention, therefore, the killing of civilians without just cause constituted a war crime for which offenders were liable for war crimes prosecution by a military commission.

The Hadamar case, involving as it did the American prosecution of German nationals for war crimes committed against non-Americans, raised jurisdictional questions. American legal authorities maintained that the killing of German nationals (also carried out at Hadamar) was not subject to prosecution as a violation of international law; these acts had been committed by Germans against Germans in accordance with a directive from the German head of state. On the other hand, the unjustified killing of foreign nationals under Germany's belligerent control could be tried because each nation-state had a specific interest in the maintenance of international law (e.g., the principles of the Hague Convention). Trial and punishment of such violations could take place even if the citizens of the prosecuting nations were not among the victims of the alleged atrocity, according to an opinion of the Judge Advocate General of the U.S. Army in 1943.

A U.S. military commission appointed by the commanding general, 7th Army, began hearing the case of *United States of America v. Alfons Klein et al.* on October 8, 1945, at Wiesbaden, Germany. Six officers, Col. John L. Dicks, Col. Trevor W. Swett, Col. David Wagstaff, Jr., Col. Daniel S. Stevenson, Col. Daniel A. Richards, and Lt. Col. James C. Dobbin, constituted the court. Col. Leon Jaworski, later to attain fame as the Watergate Special Prosecutor, prosecuted the defendants as Trial Judge Advocate. Lt. Col. Juan A. A. Sedillo served as defense counsel; assisting him were four civilian lawyers: Dr. Hans Laternser represented defendants Alfons Klein and Philipp Blum, Dr. August Stempfel represented Heinrich Ruoff and Karl Willig, Dr. Kurt Kaufmann represented Adolf Merkle and Irmgard Huber, and Dr. Rudolph Kupfer represented Adolf Wahlmann.

The officers constituting the commission were instructed to have regard for, but not to be absolutely bound by, the rules of procedure and evidence for general courts-martial. Another guide for the commission was section VII, paragraphs 38-47, of War Department Field Manual 27-5, *Military Government and Civil Affairs*. Also specific instructions authorized the use, of evidence that would seem probable to a reasonable man, thereby allowing the admission of hearsay testimony.

The hospital at Hadamar was originally a sanatorium for the treatment of the mentally ill. But from January 1941 to mid-1944 as many as 10,000 Germans were admitted and put to death by asphyxiation or injections of lethal drugs in accordance with a Hitler directive authorizing euthanasia of the incurably ill (doc. 630-PS International Military Tribunal). From June 5, 1944, to March 13, 1945, Russian and Polish men, women, and children were also killed in this manner, their death certificates being falsified to show other causes of death. It was the deaths of these latter patients that caused the following defendants to be charged in the indictment with a violation of international law in that they "did . . . wilfully [sic], deliberately, and wrongfully aid, abet, and participate in the killing of human beings . . . who were then and there confined by the then German Reich as an exercise of belligerent control."

Alfons Klein: Chief administrative officer of Hadamar institution, charged with receiving the death orders from his superiors and transmitting them to the hospital staff.

Adolf Wahlmann: Physician at Hadamar, charged with attendance at the conference where the death orders were transmitted and with determining the lethal drug dosage.

Heinrich Ruoff: Chief Male Nurse at Hadamar, charged with administering the fatal injections.

Karl Willig: Male Nurse at Hadamar, charged with administering the fatal injections.

Irmgard Huber: Chief Female Nurse at Hadamar, charged with obtaining the lethal drugs, being present when some of the fatal injections were given, and being present when the false death certificates were made out.

Adolf Merkle: Records keeper at Hadamar, charged with falsifying the death and burial registers to indicate that the patients had died of tuberculosis or pneumonia.

Philipp Blum: Cemetery caretaker at Hadamar, charged with knowledge of the euthanasia program at the institution, waiting for the victims to be killed so they could be buried, and administering the fatal injections on at least one occasion.

All of the defendants pleaded "not guilty" to the charges and specifications. American and German defense counsel attacked the commission's jurisdiction at the outset, denying its right to try the case under international law. When the commission rejected this defense, attorneys for the accused maintained that the defendants were compelled to act as they did because they could neither leave their positions nor protest the order without risking their own imprisonment and death in a concentration camp. The commission also rejected this argument and accepted that of the Trial Judge Advocate that the defendants could have resigned without fear for their lives.

Trial Judge Advocate Jaworski obtained convictions and sentences against all the defendants on October 15, 1945. Klein, Ruoff, and Willig were sentenced to death by hanging, while Wahlmann received a sentence of life imprisonment. Huber received a prison term of 25 years, Merkle, a 35-year term, and Blum a 30-year term. The defendants petitioned for clemency, but the reviewing authority confirmed the findings of the commission. It did, however, change the method of execution for the condemned men from hanging to shooting. In the final review, the commanding

general of U.S. Forces in the European Theater confirmed the original sentences of the commission, including the method of execution by hanging. The condemned men went to the gallows on March 14, 1946; the other convicted defendants were sent to Bruchsal Prison and later to War Criminal Prison 1, Landsberg, Germany.

Beginning in 1950 and continuing into 1951, the Office of the Judge Advocate, Headquarters, European Command, conducted a review of the sentences of the surviving Hadamar defendants. On the basis of the modification board's recommendations, Adolf Merkle received credit for time already served and was freed in March 1950; Adolf Wahlmann's and Chief Nurse Irmgard Huber's sentences were reduced to 12 years; and Philipp Blum's sentence was reduced to 15 years. U.S. military authorities eventually released Wahlmann in December 1952, Huber in July 1953, and Blum in February 1954, retaining Blum under parole supervision until July 9, 1957.

Filed at the beginning of roll 1 are key documents from which *United States of America v. Alfons Klein et al.* derived its authority; the Moscow Declaration, the 1943 opinion on the prosecution of war criminals by the Judge Advocate General of the Army, Joint Chiefs of Staff Directive 1023/10, and the letter to the commanding generals of the Eastern and Western Military Districts. These are followed by the indexes to the preliminary investigation and the transcript of proceedings, which serve as the principal finding aids.

The documents have been filmed in the order in which investigators, prosecutors, and review, appeals, and parole personnel followed the case. Thus the records of the preliminary investigation provide the first major subject division; they are followed by the transcript of proceedings, prosecution and defense exhibits, review of sentences, execution documents for the three condemned men, clemency petitions, a correspondence file, modification board proceedings, and a historical file. With the exception of the exhibits introduced in the preliminary investigation and in the trial proceedings, records in each group of documents are arranged chronologically or by name of defendant and thereunder chronologically. Exhibits are arranged by letter or number in the sequence in which they were originally introduced. In the case of records in German for which there are English translations, each translation precedes its original. All original documents, photostats, and carbon copies for which no originals are extant have been filmed. Duplicate copies have been omitted only if they are exact duplicates. When any handwritten or typed notations, annotations, etc., appear on a duplicate, the duplicate has been filmed. If identical records are located at different points or in different files, both copies have been filmed to preserve the provenance and original order of the records. File folders annotated with potentially useful information have been retained with the records and filmed.

Records in the preliminary investigation section of the publication consist in part of witness statements by the Hadamar staff and the personnel file of defendant Heinrich Ruoff. In addition, there is the preliminary report of the war crimes investigating authority. The records of this investigation comprise the pathology reports performed on the exhumed bodies of Russian and Polish victims, 15 lettered exhibits (A-O) of statements of witnesses and potential defendants, and 20 numbered exhibits of evidence. Among the latter were the hospital death book and sick books (preliminary investigation exhibits 8 and 9), and several drug vials and bottles. The death book and sick books were later withdrawn from the preliminary investigation file and introduced into the main body of trial evidence as prosecution exhibits 6 and 7. The fact of withdrawal, as well as a description of their new location, has been noted in the 1001 notes on rolls 1 and 2. Material found in the preliminary investigation section concludes with supplemental statements from defendants Heinrich Ruoff and Philipp Blum and a name list of the Hadamar victims.

Several of the items in the preliminary investigation file were missing or were not filmed as part of this publication. Missing from the file were exhibits 17, 18, and 19. The contents of exhibits 17 and 18 are noted within the body of the publication; exhibit 19 was never used by the investigating authorities. Not filmed or photographed were the drug vials and bottles, which were missing at the time this publication was arranged. Also not filmed was a series of 27 negatives of interior and exterior views of the Hadamar Hospital and cemetery. Prints made from these negatives appear throughout this publication as preliminary investigation exhibits, prosecution exhibits, and photographs in the historical file. The negatives themselves were not filmed for technical reasons; reproduction would have resulted in images of insufficient contrast to be discernible. Also not filmed was the medical file of Hadamar inmate Friedrich Dieckmann. This file contains information of a personal nature and was withdrawn for privacy reasons.

Preceding the trial transcript in the second major section of material is a series of internal routing slips detailing the route of the trial proceedings through the Judge Advocate General's Office chain of command. These are followed by the charge sheet and a copy of a memorandum, apparently written in the Judge Advocate General's Office, entitled "Has the Commission the Right to Hear and Determine the Hadamar Case?" The trial transcript of the Hadamar case is in English only and consists of records of the arraignment, examination and cross-examination of the accused and pertinent witnesses, and the opening and closing statements of the prosecution and defense. The transcript contains an index to the statements, testimony of all parties, and a list of prosecution and defense exhibits. Excluding the index, the transcript record is numbered sequentially from page 1 through page 409.

There are 27 prosecution exhibits in the trial records, numbered 1 through 28 in the order in which they were introduced. There is no prosecution exhibit 2. The records consist of statements by defendants Klein, Willig, Ruoff, and Blum, interior and exterior photographic views of Hadamar; the institution's death and sick books; a list of the Russian and Polish victims; and autopsy photographs. The three exhibits introduced into the records by the defense and identified as A through C include a letter from defendant Klein, a copy of the rules of service at Hadamar, and Philipp Blum's health book (Gesundheitsbuch).

Records of the sentence review of the Hadamar defendants consist of typed, signed statements of review by the Staff Judge Advocate of the 7th Army and mimeographed, signed statements of review by the Deputy Theater Judge Advocate's Office. The latter contains the final, mimeographed, signed confirmations of sentence by Gen. Joseph T. McNarney, commanding general of U.S. Forces, European Theater.

The execution documents of the three defendants condemned to death are arranged in the following order: Alfons Klein, Karl Willig, and Heinrich Ruoff. The records include signed carbon copies of the official execution proceedings, followed by a series of lettered exhibits concerning each individual case. The exhibits include printed orders and membership lists for the execution detail, signed certificates of execution, statements of the attending medical officers and witnesses, and form receipts for the bodies of the deceased.

Clemency petitions are arranged alphabetically by surname of defendant. In the case of defendants Klein, Ruoff, and Willig, the petitions are thereunder arranged chronologically from the end of their trial to before their execution; for Irmgard Huber, Adolf Merkle, and Philipp Blum, the petitions are thereunder arranged chronologically from the time of their original sentencing to their petitions for release, parole, or modification of sentences while imprisoned. Two general types of correspondence predominate: those documents generated by the defendants themselves and correspondence on their behalf submitted by close relatives or other witnesses. The records consist largely of the original German correspondence with accompanying English translation. Interspersed with these are copies of internal Army routing slips and memorandums. Unusual correspondence in this section includes a group of letters between military authorities and Senator Patrick McCarran of Nevada. As chairman of the Senate Judiciary Committee, Senator McCarran received clemency appeals on behalf of Adolf Merkle. This correspondence was taken from Record Group 153 and is arranged within the documentation relating to Adolf Merkle.

The correspondence file, which follows the petitions for clemency, consists of some originals but mainly carbon copies

of correspondence about general aspects of the trial and its results. Documentation on all of the defendants is included, but that relating to Adolf Wahlmann--a petition for clemency and post-trial correspondence between American authorities and German judicial officials and attorneys--predominates.

Also found in this file are two original letters to American military authorities from Charlotte Hoffman, a former Hadamar inmate. The first, dated September 29, 1945, tells of conditions in Hadamar during the war. The second, dated May 9, 1950, asks for American certification of her testimony so that she can be certified a "victim of Fascism."

Actions of the modification board concerning the imprisoned Hadamar defendants are arranged by defendant's name, beginning with records relating to Irmgard Huber and following with the cases of Adolf Merkle, Adolf Wahlmann, and Philipp Blum. The major documentation consists of a mimeographed review of the case undertaken by the War Crimes Section, Military Affairs Branch of the Judge Advocate General's Division, Headquarters, European Command. Accompanying correspondence includes internal Army routing slips and, for each defendant, a copy of the Military Government Court Order on Review remitting or reducing the punishment term. In the files for Irmgard Huber and Adolf Wahlmann, a copy of the proceedings of the modification board hearing is included, and the files for Irmgard Huber and Adolf Merkle contain prison discharge papers. The file relating to Philipp Blum's release is the most voluminous of those relating to the imprisoned inmates. It includes his prison records, applications for parole, good time conduct release, and the documentation relating to the remission of his sentence. Blum's monthly parole reports are also included, as well as letters and memorandums from Paul J. Gernert, his parole officer. Much repetition of material occurs in this section relating to Blum because multiple copies of material were retained for reference in his file. Some material from the Blum file has been withdrawn from this publication in order to ensure protection of his personal privacy. The withdrawals are noted in the body of the records.

The last major section of this microfilm publication encompasses what appears to be a historical file on the Hadamar case. The file includes newspaper clippings on the origin and course of the trial and also on the actions of two of its principals, witness Friedrich Dieckmann and defendant Irmgard Huber. Most clippings come from such major American newspapers as *The New York Times*, *The Washington Post*, *The Washington Star*, and the *Washington Times Herald*, but some clippings are identified only by name of the paper, and without any identifying city. Also included in the file are photographs of Hadamar, the hospital staff, Wahlmann, Willig, Huber, and the autopsies conducted on the exhumed bodies of the victims. Some of the photographs

are stamped with captions on their reverse sides; the caption has been filmed first, followed by the photograph itself. Within the file are some caption sheets that refer to photographs missing at the time of filming. The remaining documentation within the file consists of routing and transmittal slips and brief summaries of the trial.

This publication is closely related to other microfilmed records from National Archives Collection of World War II War Crimes Records, Record Group 238, specifically:

Prosecution Exhibits Submitted to the International Military Tribunal, T988;

Records of the Office of the United States Chief of Counsel for War Crimes, Nuernberg, Military Tribunals, Relating to Nazi Industrialists, T301;

Records of the United States Nuernberg War Crimes Trials:

NOKW Series, 1933-1947, T1119;

NG Series, 1933-1948, T1139;

NM Series, 1874-1946, M936;

NP Series, 1934-1946, M942;

WA Series, 1940-1945, M946;

Guertner Diaries, October 5, 1934-December 24, 1938, M978;

Records of the United States Nuernberg War Crimes Trials, United States of America v.:

Karl Brandt et al. (Case I), November 21, 1946-August 20, 1947, M887;

Erhard Milch (Case II), November 13, 1946-April 17, 1947, M888;

Josef Altstoetter et al. (Case III), February 17, 1947-December 4, 1947, M889;

Oswald Pohl et al. (Case IV), January 13, 1947-August 11, 1948, M890;

Friedrich Flick et al. (Case V), March 3, 1947-December 22, 1947, M891;

Carl Krauch et al. (Case VI), August 14, 1947-July 30, 1948, M892;

Wilhelm List et al. (Case VII), July 8, 1947-February 19, 1948, M893;

Ulrich Greifelt et al. (Case VIII), October 10, 1947-March 10, 1948, M894;

Otto Ohlendorf et al. (Case IX), September 15, 1947-April 10, 1948, M895;

Alfred Krupp et al. (Case X), August 16, 1947-July 31, 1948, M896;

Ernst von Weizsaecker et al. (Case XI), December 20, 1947-April 14, 1949, M897;

Wilhelm von Leeb et al. (Case XII), November 28, 1947-October 28, 1948, M898;

Records of the United States Nuernberg War Crimes Trials Interrogations, 1946-1949, M1019.

Richard E. Wood wrote this introduction and arranged the records for filming; Annis K. Olsen was the editor.

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