

United States Holocaust Memorial Museum

**Interview with William Denson
August 25, 1994
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PREFACE

The following oral history testimony is the result of a videotaped interview with William Denson, conducted by Joan Ringelheim on August 25, 1994 on behalf of the United States Holocaust Memorial Museum. The interview took place in Washington, DC and is part of the United States Holocaust Research Institute's collection of oral testimonies.

The reader should bear in mind that this is a verbatim transcript of spoken, rather than written prose. This transcript has been neither checked for spelling nor verified for accuracy, and therefore, it is possible that there are errors. As a result, nothing should be quoted or used from this transcript without first checking it against the taped interview.

WILLIAM DENSON

August 25, 1994

Q:Morning. Could you tell us your name and where you were born and when you were born?

A:My name is William Dowdell Denson. I was born the 31st day of May, nineteen hundred and thirteen in Birmingham, Alabama.

Q:And can you tell us a bit about your education?

A:Well, I was actually educated in the public schools of Birmingham. In nineteen hundred and thirty when I was 17 years of age, I was appointed to the United States military academy at West Point, New York. I entered there in July of that year, and I graduated from there in June of nineteen hundred and thirty-four. I resigned my commission in the United States Army and was accepted as a student at Harvard Law School, which I attended from September of 1934 until graduating in June of 1937. That is the basis of my undoing.

Q:And how come you got interested in the law?

A:Well, I guess that was kind of natural. My great-grandfather on my mother's side was a member of Congress in eighteen hundred and fifty-five and continued there until Alabama succeeded from the Union. At that time he became a colonel in command of the 37th Infantry Regiment of Alabama and participated in the siege of Vicksburg. He was a lawyer and enjoyed the law apparently very much. On my -- his son, rather, would go back -- take the maternal side first. My great-grandfather that I just described had a son by the name of James Rendar (ph) Dowdell. He also was a lawyer. And, in fact, he was a chief justice of the supreme court of Alabama which is the highest judicial court of that state. And my father, I'm skipping now to my pappy's side of the house, and he, of course, was a lawyer. And his father was a

congressman and the United States attorney for the northern district of Alabama. So I sort of come by the law in a natural fashion.

01:03:25

Q:And going to West Point?

A:I went to West Point in --

Q:Why?

A:Excuse me?

Q:Why?

A:I went to West Point back after I graduated both from Harvard and from the military academy. I went back to West Point to teach law there in January of nineteen hundred and forty-two and taught law there until January of nineteen hundred and forty-five, at which time I was ordered to join the headquarters of the United States Army, 3rd United States Army. And I was a member of the judge advocate's section of that army. And I joined them in February of 1945. Now, my duties in the judge advocate's section in the Headquarters 3rd Army was to have charge of the administration of military justice, which was familiar to me because of my teaching also of military justice at West Point from '42 until '45.

Q:Can we go back just a little bit?

A:Yes.

Q:When you were at Harvard, the Nazis had taken over in Germany. And when you were at Harvard in 1935 the Nuremberg Laws had been passed. Was there any discussion at Harvard about what was going on in Nazi Germany that you can remember?

A:No, sir. At that time, and because curriculum was kind of rough and tough for a country boy like me, I didn't concern myself with much more than trying to study the cases that had been assigned. And there wasn't much discussion either from the professors, nor among the students as to the situation in Germany at that time. And nothing -- I knew nothing of the Nuremberg Laws other than the fact that there were indeed Nuremberg Laws that had been passed. And as such, they were discriminatory highly, and something that hardly anybody could be proud of. But there was never any teaching at Harvard about the Nuremberg Laws at that time.

Q:When did you first become aware of oppression in Germany?

A:To be honest with you, the first that I really recall was Kristallnacht. That was in November of nineteen hundred and thirty-eight, if I'm not mistaken. At that time the pogroms had started. And actually they started even before then. But that was the event that produced a notoriety in that I think the whole world knew about it from that time or from that time on. And it was rather a shock to me, because I had a number of very dear friends who were Jewish that I had grown up with in grammar school, high school and in West Point and at Harvard. So it was -- it came as quite a shock to me that that sort of thing was then taking place.

01:07:15

Q:Did you know anything about the ship to St. Louis that had been coming from Europe to Cuba and was not let -- people were not let into Cuba and then they weren't let in the United States?

A:No. I never heard that until I became more involved with this matter. War crimes and indiscriminations that had occurred.

Q:So that until you became involved in the war crimes trials, your knowledge of what was going on was really quite small then?

A:It was negligible. And I knew even less about communism.

Q:So tell me, did you want this job in the judge advocate's office?

A:I would say this, that probably I recognized it as a professional challenge and one that I would certainly like to entertain. And I considered myself fortunate to have received the designation in that capacity.

Q:But you didn't know what you were getting into?

A:I certainly did not. I would do it again, though. Even now that I know it. But I think that I started to say I wouldn't change anything, but I'm sure that upon reflection I might have changed a lot of things. But I couldn't tell you right now what I would have changed.

Q:When did you first become immersed in the kind of material you would be confronting, the kind of evidence you'd be confronting?

A:Well, in Headquarters 3rd Army we had a war crimes team that went along with the combat troops. And that was true in all of the combat units. The war crimes investigating teams were groups of individuals, lawyers, investigators, and supporting personnel, that investigated atrocities as the combat troops uncovered them. And some of those things drifted into the Headquarters of 3rd Army. And our judge advocate -- I mean a staff judge advocate at that time was a colonel by the name of Colonel Charles E. Cheever (ph). And he had an assistant by the name of Josephs that was handling the war crimes aspects at that time. They were later handled by a classmate of mine, as I said, Colonel O'Connell. But in the conversations, the existence of some of these atrocities did become the subject of our conversations. So it was, I would say, before, slightly before, not much before May 7th of 1945. And, of course, May 7th was the day when hostilities ceased.

Q:So you learned something before you went to Germany?

A:No, no, no, no. May 7th of 1945. I was in Germany at that time. I went over to Germany, I went to Headquarters 3rd Army in February of 1945. But actually I don't remember very much war crimes activity until we were stationed in Munich at the rear echelon of Headquarters 3rd Army was stationed in Munich. And I think it was there when I really first learned anything

about the war crimes proceedings that were being uncovered and the events that took place thereafter.

Q:Can you tell us some of your first impressions as you began to look at this evidence for the first time?

A:Well, the first time that I ever had a chance to look at the evidence actually was, I think, in the beginning or middle of August of nineteen hundred and forty-five. And those were some of the reports and findings that the war crimes investigating teams had made to the judge advocate's section in Headquarters 3rd Army. Patton was the commanding general at that time. And the teams that would be actually at Dachau was just 17 kilometers west of Munich. And at that time we were conscious of what was -- had gone along at Dachau. I didn't actually visit the camp until I think some time in July of 1945. Our headquarters were in the-- what they call the house of _____ in Munich. And 17 kilometers didn't particularly interest me at that time at all.

Q:What was the nature of the evidence that you were looking at when you --

A:At that time?

Q:From the war crimes team?

A:From the war crimes team were reports that were sent in by the investigators and interrogators. And to look at them and to read them was not to comprehend them. Not that they were written in incomprehensible language. But the events that they described were incredible.

And at first there was sort of attitude that this -- some of these people had too many Schnapps when they were writing the reports. But that of course is in jest. Never was any such feeling toward the investigators at all. But the events that they described were so incredible that you couldn't help but have a feeling of that, the presence of being depicting events and reciting events in the reports that were so far out from the normal course of events that it was just incredible.

Q:There were a number of lawyers with you? About 30 lawyers?

A:In the --

Q:That were working with you.

A:At that time we had quite a number of lawyers in the judge advocate's section. And in the war crimes teams there were actually quite -- I don't recall at this particular moment how many lawyers there were. But investigators, interrogators and lawyers were 40-, 50-odd individuals.

Q:Did you talk about this evidence that was coming in? Were most people equally as incredulous as you were?

01:15:00

A:Well, I'm sure that they were. I don't think there's much doubt about the fact that anybody that came in contact with them, with the evidence, of course, they saw it. It was a credible matter

to them. But from the secondhand on, it was an incredible matter. And the biggest problem that I had after I was designated to prosecute these case, the biggest problem that I had was believing or getting testimony that could be believed. Because of it's nature. Not that it wasn't true; it was true. But the events that were depicted were so horrible, were so sadistic, were so monstrous, that they were incredible. That's the only way to describe it. And I was a skeptic. I didn't believe it at that time. I didn't start believing it until I really started digging into with the concept and with the authority that I was going to prosecute the Dachau concentration camp case. At that time when I started talking to witnesses, and I heard events there that were so out of line, that they were incredible. I could give you an event that perhaps might depict it. In all of these camps there was place in the camp called the arrest bunker. And in the arrest bunker there was some cells which were called the standing cells. They were instruments of torture in reality because they were so small and so constructed that it was almost impossible for -- almost impossible--it was impossible for a prisoner who had been committed to one of these cells to either lie down or to sit. He had to stand in order to be within the confines of the cell. And these S.S. men who were in charge of the arrest bunker would put prisoners in there for punishment. They received no food, no water, and no chance to sit down or lie down, or change their position for three to five days. And sometimes longer if they lived that long. Then at the end of the period of time, they'd take them out. And if they were still alive, they would sit them down to a table. And on that table would be a vessel with two or more liters of water in it. Well, the poor emaciated prisoner starved by thirst and absolutely out of his mind took the liters of water and guzzled it down immediately. That caused the stomach of this emaciated prisoner to protrude out. When that happened, the S.S. man who was there would drive his fist into that stomach. Or if he couldn't sit, throw him down on the ground and then stomp that protruding stomach with his heel, rupturing the walls of the stomach, and the prisoner died of an agonizing death. Now,

looking at you, you don't look like you believe it either, but it happened. It was one of the things that happened. And it happened not only in Dachau, which was the case I was concerned with at that time, but in Mauthausen, Flossenbürg and Buchenwald.

Q:Let's stop now. We have to change the tape.

01:19:25

TAPE #2

02:00:20

Q:Bill, You gave us an example of what would make you be skeptical.

A:Yes.

Q:What caused you not to become skeptical?

A:Well, being skeptical we looked around and we finally got a hold of other witnesses and interrogated them and found out that some of them had witnessed this same event that I just described to you. And I interrogated those witnesses very, very closely and very, very carefully to find out as many details as each of them could recall. And low and behold the details that these other witnesses gave me dove-tailed very closely with the incident that I just recited to you. And because they dove-tailed so closely and because of this corroboration, and I knew that these witnesses had not had a chance to get together and make up the story among themselves, that that event had to have happened. It had to have happened because two people couldn't have imagined the same type of misconduct. It was so far out, it was so atrocious, so heinous, that the normal individual just couldn't imagine that sort of event taking place. Nevertheless, when somebody from Poland gave me that type of story, another witness from France the same thing, another from Belgium, I began to believe. And finally I got to the point where I could believe most anything because it all did happen. That was the thing that made a believer out of me. But it pointed up a problem that I was confronted with. What court now is going to hear these witnesses for the first time with such

a horrible event. Who's going to believe that? You didn't. And it's only natural that the members of the court wouldn't believe it. So what we had to do was to sort of condition the court in this sense that I first introduced evidence of events that you would expect to have occurred in a penal environment. Slapping around. Little more force; knocking around. Down to beatings. In that various degrees. And in that way it conditioned the court for the bizarre events that I just described to you. And that was a problem that we recognized and was a major problem that served as the subject of our conversations as counsel. And when I say our conversations as counsel, I had assistants that were trained lawyers, wonderful men. And we would get together after each session and discuss among ourselves to what extent we thought we had conditioned the court so that we could bring on testimony of these bizarre events that took place. And it seemed to work. The court in all cases except one found the accused guilty of committing war crimes. And, well, the nature of the sentences that they imposed, they must have believed. We almost hit the jackpot in the Mauthausen case. In that case we had 61 accused in the dock that we were trying. And of that 61, all of them were found guilty. 58 of them were sentenced to be hanged and three of them were sentenced to life imprisonment. So that was almost the jackpot. If they had all been sentenced to be hanged, that would have been the jackpot.

02:05:10

Q:Were you looking for the death sentence in most of the cases that you were trying?

A:Well, let me tell you this: Looking for it is one way to put it. In the commission of a war crime, the maximum punishment is death by hanging. And depending on the circumstances, any lesser punishment as the circumstances may dictate in the mind of the court. So all of them,

all of them were subject to having had the death sentence imposed upon them after having been found guilty. So that to say were you looking for it, there was some that were more guilty than others. And that was the second problem that we had; that of comparative sentences. When you try a number of people at one time -- and you may wonder why we tried so many at one time. We had the 61 there in Mauthausen, we had 40 in Dachau, 45 in Flossenburg, and 31 in Buchenwald. We had to have representatives out of every phase of operation of the camp, otherwise it would be only part of a picture that we were trying to establish by evidence. And it was important that we established the criminality of the operation of each one of these camps in every one of its phases. Because the charge that we were making was that each of those individuals that sat in that dock as an accused either aided, abetted, participated in the common design of subjecting these individuals to beatings, killings, tortures, starvation and death. So it was important to have representatives out of each phase of operation. And in that way the court could make a finding that it was a criminal operation in its entirety. We had some 3,500 accused that had been denounced in the war crimes case at Dachau. And we couldn't try individually each one of these on a case on the basis that we tried the parent case. Those were the cases that I tried, the parent case. You couldn't spend that much time trying each one of these individuals; 3,500. We'd still be trying them. So it was perfectly lawful to have the camp condemned as a criminal operation in its entirety. Then cast the burden upon these 3,500 individuals in groups of one, two, up to as many as might be essential to paint a picture. And let them explain away having established that they were there at the camp, at each one of these four camps, any one of them. And in that way you can't say that they were presumed to be guilty. But the burden of proof was shifted a little bit to the extent that these individuals had to come forward. And they did. Some of them come forward and say, "You got the wrong person by the wrong name. My name is Schwartz and this other man's name was Schwartzenegger you're talking

about." And another one of the defenses was that "I was there for such a short period of time, I didn't know that this was a criminal operation." And even another defense was, "I was ordered to do it." Well, that was no defense at all for the simple reason that for -- superior orders is the name that they give this defense. For that to be a defense, the order itself that was disobeyed, if it was disobeyed you could be shot. That's what superior orders is a shorthand of saying it. These individuals would come in there, none of them ever put on any evidence to show that anybody was ever shot for disobeying an order given them in the concentration camp. The S.S. men I'm talking about or the Kapos that worked for the S.S. -- and remind me to tell you about the Kapos, too. But the superior order defense was predicated upon the order being a lawful order. Well, the operation of the concentration camps were illegal under German law. German law still had statutes against murder. They had statutes against assault and battery. They were crimes. And they had individuals in the penitentiaries and in the camps for committing crimes. So that what was taking place in Dachau, Mauthausen, Flossenbürg and Buchenwald were crimes under German law. So that the law was -- the order that was given to beat a man over here, or to hang another man over here by his wrists, those were against German law. And since this defense of superior orders didn't prevail, that was out the window. And on that basis we were able to take the findings of the parent trials, those four cases that I've just described, and introduce those in evidence and then let the accused put on any evidence in mitigation that they may have at their command. And I would like to point out at this time that any time any accused was brought to trial, he was furnished with counsel by the United States government; that is American counsel. And he could have German counsel of his own choosing. In other words, we gave these accused in these cases all the rights that a citizen would have had he been tried for a crime in the United States district courts or the federal courts of this country. So we gave these accused that protection that our own citizens would have received. So that it's very

difficult to understand the complaint that some people have with these trials saying it's nothing but victors' justice. That isn't true. That isn't true at all. They had a fair trial just as our citizen would have had. Now, I may be straying all over the lot here from what we started out with. I wanted to explain to you the fact that the defense of superior orders had no place in these trials at all. And prior to that I think I wanted to point out to you that there were circumstances in these cases which required a great number of accused in order to establish the criminality, criminality of these camps.

Q:Each camp had to be proven as --

A:A criminal operation in its entirety. That is correct.

Q:In order that you could then try all these thousands of other people?

A:That is correct. That's right. Otherwise you would have to establish the same thing for each one of these individuals. And with 3,500 individual cases, that just wasn't a feasible proposition.

Q:I'm going to ask you something about the witnesses and the accused. But I wanted to go back a little bit to the court itself. Who made up the judges?

A:The court was called a Military Government Court. Now, the Military Government Court was one aspect in which the United States government participated in the war crimes program in Europe. First you had the I.M.T., the International Military Tribunal at Nuremberg. That was no part of what we were doing at Dachau. Then you had the subsequent proceedings in Nuremberg. And that was tried -- those were tribunals that were appointed by the Allied

Control Council but were not international in nature but were all U.S. citizens that were involved. And the third was a Military Government Courts which were courts that were appointed by the military. Now, the first Dachau court was appointed by General Lucien Truscott, who was the commanding general of 3rd U.S. Army. And that was done under the aegis of the staff judge advocate for the European Theater of the United States Forces. USTEF, we called it. And these individuals that were appointed to the court were senior field grade officers with the rank of full colonel. And they were composed of anywhere from seven to nine officers. And they were presided over by a general officer, usually a brigadier general or a major general, as the case may be. And these were men of stature in their profession. And they acted as fact-finders as well as applying the law. Now, the law was being given them by what was known as the law member on the court. He was usually a lawyer who had had extensive experience and was learned in the law. And these courts functioned under the aegis -- the Military Government Courts that I had anything to do with, were under the aegis of Headquarters 3rd U.S. Army. The 7th Army started to have a war crimes program and finally was decided that all the facilities that were necessary were present down in Dachau, Germany which was the site of the concentration camp Dachau. And the war crimes program of 7th Army was folded over into what they called the War Crimes Group, whose headquarters was at Dachau.

02:17:50

Q: We're going to have to change the tape again, so let's stop for a minute.

TAPE #3

03:00:02

Q: So let's get back to the judges. You were explaining who they were. There was one lawyer in this group, the rest of them weren't lawyers?

A: Yeah, yeah. All right. We'll start with --

Q: You can answer the question. We're okay.

A: Okay. The personnel of this Military Government Courts, as I said, consisted of seven to nine individuals. One of whom was a law member. The balance of these individuals were career professional officers. They had usually had anywhere from 25 to 30 years of experience as being in the armed services of the United States. Were all, as I said, selected as men of stature and high moral character. And they were selected by Headquarters 3rd Army as the appointing authority. And were taken also, I might add, with the consensus of the headquarters of USTEF. That is European forces of the United States in Europe. And they were men who took their duties very seriously. They had all served as members of court marshals in the course of their careers as regular army officers. But the law that was given to them was given to them by the law member of that court, and there wasn't but one of those. The law member was the individual who advised the rest of the court as to the admissibility of evidence, for example. You couldn't have nine judges sitting up there and the question being asked down here and one member says -- when the other side objects, one man says, one judge says sustained and the other one says overruled. So that was solely within the

province of the law member. But the law that was applicable was international law. And they were charged with what was known as war crimes. And a war crime that these people were charged with were violation of the laws and usages of war. Now, they -- that term, violation of the laws and usages of war, embodies the conventions that this country and Germany had entered into. And they, of course, were signatories to the Hague Convention of nineteen hundred and seven, and the Geneva Convention of nineteen hundred and twenty-nine. And I might point out at this time that the war crime that we are talking about, violation of the laws and usages of war, included not only these conventions that I've just mentioned, but also they included the course of conduct of combatants in the past. There were a lot of customs and usages that had existed that were all embodied in the term laws and usages of war. You know, the conventions were taking place solely for the purpose of really making more civilized the practicing of war. And the Hague concerned itself with non combatants, and the Geneva Convention concerned itself with the conduct of combatants toward prisoners of war. And those were the two particulars that we had in each one of these charges that we had for these camps. That they violated the laws and usages of war in that pursuant to a common design to operate these camps to kill, to beat, to starve, these were the offenses that they were charged with.

Q:The charge or the indictment of the crimes against humanity was not applicable?

03:05:05

A:No, sir, it was not. These -- these violations that I prosecuted these accused for were just as much a part of their law as their statutes in Germany. So there was no retroactive effect of what we were doing here at Dachau at all. There were no new crimes that were established at Dachau.

We tried them for what had been on the books for years and years. Nobody could get in there and say that this is ex post facto in what was carried on by the military government courts in Dachau.

Q:Do you think that was a problem in the other cases?

A:I don't think there's any doubt about it. There was some people that wouldn't have even dared touch them because of the feeling that they were ex post facto. Waging aggressive warfare. Every warfare is aggressive. The means by which you carry it out, that's something else again. But crimes against humanity, that's as broad as the world is big. But we had nothing indefinite about what we did at Dachau. I've been in a lot of arguments on this, so I don't want to get started. We could be here --

Q:I'm curious, because there were three indictments that were possible in these war crimes trials.

A:Yes.

Q:Crimes against peace, crimes against humanity and war crimes. Crimes against humanity was the least used?

A:That's right. Because it was least known. It was the least recognized.

Q:And you agree to that?

A:I agree with that, sure. I really do. There'll come a day I'm sure as we become more civilized and conduct our wars in more civilized ways, where you got to let authority expand. And that takes in crimes against humanity. Because humanity, when you start defining it, is rather broad.

Q:Whose idea was it to have these parent trials essentially?

A:Well, I think that was born of necessity more than anything else. You can't say that that was product of any one man's brain. The law chancellor of England participated in putting together the proper procedures so that -- it was not an individual contribution of any one man. But it grew and has been growing and will always grow.

Q:When you talked about the fact that the legal system that was used or the procedures that were used would be those used for American citizens, you're really, I think, talking about military?

A:I am -- I am indeed, except the constitutional rights. In other words, the constitutional rights that are guaranteed to every one of our citizens when he's confronted with being accused of a crime were afforded to these people. They had the right to counsel. They had the right to have witnesses. In Buchenwald we had a man by the name of Dr. Evan Katzenelenbogen who had some friends in France that he wanted -- in Paris that he wanted brought over to the trial at Dachau. We brought them over, but he didn't know that they had gotten here. And he got up and told the court that he had made this request and never been fulfilled at all, in one respect. And in another, that the witnesses were dead. That he is sorry to learn that the witnesses were dead. And we had them sitting out in the witness room. They were not dead at all. They were arrived. They came in and testified. Not too much for Dr. Katzenelenbogen.

But they said what he wanted them to say, but they also said what also occurred in Buchenwald.

Q: You said that American attorneys could also be used by the accused?

A: Absolutely. They were. And they had not only American counsel, but also a German counsel as well. And when I told you that my status changed from being a colonel in the army to a civilian, I was what was known as a War Department civilian. And there were quite a number of Americans that were over there serving as defense counsel. And they had access to those as well and some of them also served as prosecutors.

Q: Could the Americans decide whether they wanted to be a prosecutor or whether they wanted to be a defense attorney?

A: Well, I think basically they could. But more -- it was more determined when the courts were organized, and when they went -- when the courts were organized, the individuals that were named in as prosecutors or as defense counsel, they were selected from this pool of lawyers. And when they got in that pool, some of them preferred to be defense counsel, some of them preferred to be prosecutors. And I think that those facts were made known and were considered by the appointing authority. But the final say was the appointing authority which was General Truscott and later on General McNarney¹ and General Clay².

¹Joseph T. McNarney, United States Army. After the surrender of Germany, McNarney succeeded Dwight Eisenhower as Commander of European Theater Operations.

²Lucius DuBignon Clay, United States Army. In 1945 was promoted to Deputy Military Governor of the United States Occupied Zone of Germany.

Q:Were there problems with American attorneys becoming defense attorneys for these accused?

A:None whatsoever. None whatsoever.

Q:Did Jewish lawyers have a particular -- were they given particular dispensation not to have to defend if they didn't want to?

A:Oh, no. No, no. We had Jewish lawyers that acted both as prosecution and as defense. One of my counsel assistants in Dachau was very able young lawyer by the name of Paul Gooth (ph). Paul had been born in Vienna. And Paul was educated at Oxford and took his law at Columbia and was a very able lawyer. And a very young man at that time. And he was tremendous help to us in the preparation of the Dachau case and the Mauthausen case. He was superb, actually. And I point him out because of the fact that he was Jewish. But he did take on the prosecutorial role. And his contributions were invaluable, really. And I had another one by the name of Berkowitz from Philadelphia; Camden/Philadelphia area. He was in the Flossenbürg case. He started out with Colonel Shaw, and Colonel Shaw became ill and I replaced Colonel Shaw. Mr. Berkowitz was a superb lawyer. And he did more to keep co-counsel straight in the trial of Flossenbürg than anybody else there. And he did that by making us all remember that we owed a responsibility to these accused. And the responsibility we owed was to give them a fair trial. And that brings to mind the fact that when we were first called altogether in the Dachau case, which was the first one of these parent cases, the commanding general at that time was Lucien Truscott. And he called us all together and said he wanted us to be fair, but he wanted each one of us to be able to look back upon what we had done in the future and be proud of it. So that we should conduct

ourselves in that way. And fairness was the first requirement. And with that as a send off, I thought it was pretty good. And that became a part of Mr. Berkowitz. And Mr. Berkowitz also was -- made contributions in procedure and knowledge of substantive law that we all appreciated.

Q:When you're sitting in the courtroom -- let's begin to talk about Dachau.

A:Yes.

03:15:10

Q:Tell me what -- this is your first set of trials. The first time you are confronting this information, confronting accused within this kind of a situation. What is this like? What happened during this trial?

A:Well, let me say this: At the time I started to try Dachau, I had tried literally hundreds of jury cases and bench trials. So the fact that this was a tribunal and I was appearing before them where the fact-finders were in the majority like normally be in a jury, and the judge was a law member, it wasn't anything that was unusual. But the feeling that I had at that time was that I wanted to establish a record that would depict a true picture of what went on. And that these individuals accused over there, while they were essential cogs in the machine that the picture was of, the operation of the camp, that it was essential that each one of them be given an opportunity to do whatever he thought was within his power to acquit himself and any of his confederates, if you please. And I use that term confederates advisedly. But actually I had no qualms of conscience about wanting to hang any one of them. Because I had actually

convinced myself to the point that I was perfectly willing to put the noose around the neck of each one of them with my own hand and spring the trap with my own hand. I was that convinced of their guilt. And so in mass, it was a mass of guilty individuals that should be put away. And that's the way I felt about it.

Q:Okay. We're going to take a break now with another tape.

A:All right.

Q:Let's stop the tape now.

TAPE #4

04:00:20

Q:Bill, could you describe the atmosphere at the Dachau trials and what that was like for you?

A:Well, let me say this: That the courtroom had been one of the buildings in which operations in support of the war had taken place. True it is, they were making shoes and uniforms for the Wehrmacht. And they had the necessary machinery in there for sewing and mending and that sort of thing. Well, when they decided to have these trials down in Dachau, they ripped out all the insides of this building that I just described so that there was one large room. And it was so large that it was the size of the whole building, which could have been 200-250 feet long and maybe a hundred feet wide. And they made offices for the prosecution and offices for the defendants. And one end of the -- accused in one end of the building, another end of the building was the courtroom. And at the far end was a dais that was raised about two feet off of the ground. So you had to take really two steps to get up to where you could stand. And there was a bench, you called it. What we call -- lawyers call bench. The judges' bench. It was his desk actually. It was a table that went practically the length of the room. And under which revolving chairs were placed. And it would seat up on the dais approximately as many as 12 to 13 people. So it was adequate. And being elevated, it was high enough to command respect. That's the whole idea of having the judge on the bench. And it was a dignified place. American flag was back on the wall which was behind the members of the court who were seated in front of it. And then in front of them there was the witness stand. And the witness stand was a single chair sort of like I'm sitting in here now. And that was placed in the middle. And about maybe 15 feet from where the members of the court sat, the

accused sat either on the left- or the right-hand side of the court as the court wanted. The accused had nothing to say. They occupied seats which were like seats in a theater that didn't have the upholstery. They were seats -- seat of the seat folded up. And they sat on -- the accused in Dachau sat on the court's left in that case. In Mauthausen they started out on the left and moved over to the right. I never asked who moved them, but I went in the court one day and it was that way, so that was it. And the accused each had their own separate seat. And in front of the bank of accused that was seated there were the counsel table for the accused. And there the lawyers and their assistants sat and took their notes and had their interpreters seated there with them. And getting back to the interpreters, the language barriers, they were not overcome there like they were at Nuremberg. We had no instantaneous translation. We had -- the trials were conducted in English and in German basically. So we had an English and German interpreter. Then if a witness, we will, say for example was Polish who spoke a little English and spoke no German, we would have an English-Polish, German-Polish interpreter. So that the order rather went this way: I as the prosecutor would ask the question in English. That was then translated by the English-German interpreter into German. Then the Polish-English interpreter would ask the question to the witness. Now, if the witness understood any of these languages, he could get sort of a fix on it. But we kept the language of the witness as the controlling language to this extent that he would then have less time for his reply. In other words, the interpreter who spoke Polish and German would translate after my English-German interpreter had spoken, translated into Polish. Then the witness would answer in Polish, and it would come back the same track. So it was sometimes kind of confusing. But the court had the official -- these interpreters that I just described to you were all known as official interpreters. Then as a prosecutor I had my own interpreter and so did the defense counsel. So there was a bank of people. We were never without people. We always had enough accused for an audience at all

times. But the rest of the seating in that covered enough rows there to seat approximately 250 to 300 attendees. And as I said, when we started out we had standing room only at sentencing. And when Nuremberg was not sitting, when Nuremberg finished there activities and our clients came back and visited us. And the attendees were basically in that only the families of the accused were there but also there were representatives of the different nationals that were involved. We had no Russian observers. We had no Polish observers, except the London Poles. The London Poles sent observers, and they were religious about attending all the trials. When Nuremberg finished, then the court reporters all -- the newspaper reporters all came back and flocked in. And at that time they had been broadcasting these proceedings over the Munich radio station. And I must say, after they started broadcasting, business did pick up. We had a lot more attendees that wanted to see what they were hearing. Because some of it was still incredible to most of them, I'm sure. But when they saw the witnesses and heard them testify, they began to believe also. And the attitude, although I must say it was hard to determine, there never was any raucousness or any boisterous conduct of any kind. It was always carried out on a dignified plane. But sometimes there would be laughter at some activities that had occurred. And when some of the interpreters got fouled up, everybody was amused at that. But there was very little amusement other than that.

Q:Did you ever talk to the citizens of Munich?

A:Well, in the early cases there was fraternization ban which gradually was relaxed, if you please. And I talked to some of them. And some of them I talked to didn't believe it. Some of them I talked to thought that this was just a put-up job, and we were just trying to really administer victors' justice. But the broadcast did a lot to allay that. Because that brought them out. And

then they could see, they could hear with their own ears and see with their own eyes what was transpiring there. And they could understand the German, which I couldn't. I listened to it enough. I learned "Gaschlophen"³ "Gestorben" and things like that. But I could speak very little German. I could tell when somebody was talking about me and that was about it. But when these people, particularly from Flossenbürg and in Buchenwald, we had standing room only in those trials practically every day.

Q:Those were in the same courtroom?

A:The same courtroom, yes. Yes.

Q:What was your impression of the accused? Did you interrogate them also?

A:Oh, in the very beginning, yes, we did. And then there was some feeling that maybe we were taking undue advantage by interrogating them. You know, in continental practice they have an interrogator that interrogates the accused and he has to answer questions. Well, these accused didn't have to answer questions. They were informed of the right that they didn't have to answer questions unless they wanted to. But in the beginning they were bragging about it. They would say, "Look,_____, you killed X Y and Z here." He said, "X Y and Z plus." And he would tell us about other instances that he had really taken a man's life. And they were in -- other instance it was a braggadocio attitude. Because in the beginning these accused thought it was a game. And they really didn't appreciate the significance and the seriousness of it until after the trials got underway. And was it ever brought home when

³**Note:** perhaps "Geschlagen"; "beaten".

those who had been convicted in Dachau, and a lot of them were hanged there in April of 1946, end of March or April '46. A different attitude prevailed. They began to realize that these trials were for keeps. And it was up to them to defend themselves, if they had a defense. But in the beginning when you asked me did we interrogate them, yes, I interrogated them. And so did most of my assistants. In fact, I don't think I put a witness on the stand that I didn't interrogate. But I never put one of the accused on the stand because that wasn't my prerogative. They were free to take the stand if they wanted to.

Q:But you could use the evidence that you gathered in the --

A:That's right. I could use that as prior inconsistent statement if it was inconsistent with what he said on the stand.

Q:Did anybody ever contrite?

A:Nobody was ever -- contrition is -- I don't think is a word in the German language. There never was a single individual that said, "I'm sorry. I made a mistake. Have mercy on my soul." On the contrary. There was one man that I prosecuted in Mauthausen. The name was August Haigrubel. Haigrubel was one of the Gauleiters of Austria. Wasn't but two, and he was one of them. And the scoundrel had a concentration camp of his own. His name kept coming up when we were preparing the Mauthausen trial, but nobody knew where he was. We didn't have them in custody at Dachau at all. We had, as I said, 3,500 of them, but he wasn't one of them. So I finally figured out that he may be at Nuremberg. So I called up Mr. Justice Jackson who was the chief counsel and chief prosecutor then. And asked him if he had a man by the name of August Haigrubel. And he did a little checking and came back on the phone

and said yes, that they did. And I said, "Well, sir, if you can release him to me, I think I've got a very powerful case against him. And I can hang him as high as Haman." And he says, "Well, counsel, that's pretty high." And he released him to me and Haigrubel took his place as one of the accused along with the 60 others that I tried in Mauthausen. But when he was on the stand, he was the most arrogant, contemptible, and contemptuous individual you ever ran into anywhere. And all I did was try to build up that attitude. I wanted that court to drink deeply at that well. And he filled the bill. He was sentenced to be hanged, and he was hanged. And it's been about 15 years ago at a party in New York I ran into an individual who witnessed his execution. And he said that as they put the noose around his neck, he said, "Heil Hitler." No contrition of any kind. A lot of the accused did ask forgiveness after they were walking up the steps to be hanged, but that's the only time. And it wasn't very many of those. Practically none. But never in the courtroom at any time.

Q:Would it have made a difference you to?

A:To me?

Q:As a lawyer. I don't mean --

04:16:20

A:As a lawyer, no. None. None whatsoever.

Q:What about the witnesses? Was this a difficult -- was it difficult to get the right witnesses --

A:Well, it was a job. It was a job. Because we had witnesses from all over Europe. As a matter of fact, I was assigned a little DC-3 to collect witnesses after we had located and identified them. And I have to tell you about going in Austria trying to get them out of Vienna. That was a job. But getting back to the identity of the witnesses. We first got it from the war crimes investigating teams. They were of a tremendous help to us. And I think maybe we ought to stop here for a minute.

Q:Okay. All right. Let's stop.

TAPE #5

Q: We were taking about witnesses. You were searching for witnesses. You're okay? Bill, we ended with your starting to talk about your search for witnesses and what they were like for you and who you would choose.

A: Yes. Well, we got our leads from the war crimes investigating teams. And recognizing we had to have witnesses that were credible and we had to have witnesses that were knowledgeable. Those were the two things that were fundamental: Credibility and knowledgeability. And we would take the information that we got from the war crimes teams and use that as springboards. And interrogating witnesses, we would go from one witness to another depending upon what sort of impression he would make on the court. We evaluated that. And he may have known of an event that had occurred that others who would have more credibility than he had. So we would look around for that. And in this search we -- I was allocated a DC-3 in which to collect the witnesses from all over Europe. Of course, as you know, the inmates of these four concentration camps came from practically every spot in Europe. And so those were the sites of the witnesses. Because most of them that had homes to go home to went home. A lot of them remained in the D.P. camps; displaced persons camps. That was a fertile source for acquiring witnesses, also. But we would get these witnesses in, and they would tell us these stories. And we would make an evaluation as to their credibility and their knowledgeability. Best ones we kept. Of course, we couldn't run on forever. But we tried to get the best because we would listen to one and he would tell us about somebody else that knew the same thing. And we would try to track him down. And I'm -- I've got to tell you about a man that assisted us greatly in Vienna. His name was Kohl, K-o-h-l. Mr. Kohl was a devout communist. I'm sure he was a communist when he was in

the camp and probably was a communist, because of that he was put into the camp. But he had a mouth full of gold teeth. And the Germans had an affinity for gold wherever it was; and particularly for those prisoners who had gold teeth. So that many a man lost his life because he had gold teeth in his mouth. Well, when I met Mr. Kohl in the process of trying to get witnesses from Vienna for the Mauthausen trial, he opened his mouth and laughed and there was this expanse of gold teeth. Just like a sunburst. I said, "Mr. Kohl, how in heaven's name did you survive Mauthausen from nineteen hundred and thirty-eight when you were incarcerated there until the liberation in nineteen hundred and forty-five in April?" And he says, "Colonel, I never smiled. And when I ate, I never chewed with my mouth open." And he survived. So I'm sure that's what he did to survive. Because when he did smile, as I said, it was daybreak, and it was lovely. But getting witnesses out of Vienna was very hard. They had a staff judge advocate over in 7th Army there at Vienna that was opposed to our taking witnesses out of Vienna because Vienna was in the Russian zone. The only part of Vienna that we had access to was the principal part of the city, and Tulin (ph) Air Force Base. And that was -- otherwise you had to go through the Russian zone from Augsburg to get down to Vienna. Well, the staff judge advocate there under General Mark Clark said, "You can't take these witness out of here. The Russians will claim that you're kidnapping them and taking them out of the Russian Zone." And I asked to see General Clark, and I went in and I spoke to him. And he was a very cooperative individual. He said, "Colonel, you don't have to take them all out at one time, do you?" And I said, "No, sir." And he said, "Will five at the most do?" And "Yes, sir," I said, "We can shuttle them back and forth from now on." We only had about 30 that we had to get out so it wasn't too bad. But we had that type of reticence that was really keeping us from preparing Mauthausen. Because Mauthausen was located on the Enns River near Linz, Austria. And most of those individuals who were the occupants of Mauthausen were Austrians. And they had come from around Vienna. As a matter of fact,

they had the Chancellor of Austria, Kurt von Schuschnigg⁴ was a prisoner in Flossenbürg and in Mauthausen. So it was terribly important to us to establish a liaison that we could work with to get these witnesses out. And Mister Kohl was the man that did it with his gold teeth. He had a card index there of addresses of the people, I'm sure all of them were communists. But Lord bless them. At that time, and I must confess, at that time I didn't know a communist from a Nazi, or anybody else. They were all individuals to me at that time. And they were trying to assist me in discharging my duties. So I was very happy to have Mr. Kohl come in and testify and exhibit his gold teeth at the trial. Although I must say, it shook his credibility a little bit. But when he pressed his lips over his teeth, it made quite an impression on the court. And they were human beings, the courts were. They had a reason to believe that Mr. Kohl was telling the truth and that he did keep his mouth shut. And it was something that was terribly impressive to me that an individual could control his muscles to the extent that -- I guess when your life is involved, you can do many things. And Kohl did it. Well, I guess I was wandering here about the witnesses that we had, and the problems that we had. I guess Vienna posed the most serious problem because most of the witnesses that knew the most were from that area around Linz and Vienna. Now, we did get a lot of witnesses out of the D.P. camps. Because those are the people that had no homes to go back to. They had been bombed out. Or their families had all been destroyed in the concentration camps. They had no place to go. So they were in these camps. And we took those people. And those that could make the best impression so far as credibility and knowledgeability were the ones that we used to make our cases.

⁴Kurt von Schuschnigg was Chancellor of Austria from 1934, when he succeeded the murdered Engelbert Dollfuss, to 1938. In March 1938, he was forced from office by the terms of Anschluss with Germany.

Q:Can I ask you to describe what credibility and knowledgeability meant?

A:Yes. Credibility involves many things. The way that you sit in your chair on the witness stand, your demeanor on the witness stand. How you express yourself. Even though it may be in a foreign language, the facial expressions that you utilize when you're expressing yourself. All these things go to the matter of being able to enable the fact-finders to tell where the truth lies. If you get an individual that's going to be close-mouthed and going to tell you only those facts that advance his interest, you can tell it. It comes out. And that's the reason why credibility is a matter for the fact-finder and never a consideration for the appellate authority, or in our case, the appointing and confirming authorities. Oh, I could tell you a lot about that if you want to talk about Ilse Koch sometime. But credibility is terribly important. And it was important because we had bizarre things that we had to get the court to believe. And if you had had a closed-mouthed individual there talking about, describing event that I previously described to you, nobody is going to believe it. But if he got up there and said it with the feeling that it was terrible for him to even have to talk about it again, to recall it, it's bound to make an impression so far as a fact-finder is concerned. That's what I mean about credibility.

Q:Did you have people who were reluctant to be witnesses because they were frightened or they didn't want to reveal again what--

A:Well, the only reluctance I think they had was recalling again the experiences that they had endured. I don't think anybody was afraid to testify. I don't think there was any coercion of any kind of character, either pro or con in that area. But I think that to recall some of the experiences that they had endured, it was terribly hard. I had one man testify by the name of

Arthur Haulot. He was the minister from Belgium. Not a preaching minister, but a minister of state from Belgium. And he had been snatched away from Brussels and put into a concentration camp⁵. And he was a learned individual. Dignified man. And one night while he was in the concentration camp, I think it was in Dachau that he was incarcerated in, he was so hungry he couldn't sleep. And that had occurred not once but many times. But this time it was terribly painful for him. And he remembered a crust of bread that his fellow prisoner had tucked under his arm to safeguard and eat it at some time. And he found himself easing - stealing, if you please - that piece of bread from his fellow prisoner. And he took it back to his bunk. And then he started to cry. To think that he had sunk so low due to the treatment that he had been receiving there at Dachau, that he would steal from his fellow prisoner, who probably needed it just as badly, if not worse than he did. Well, needless to say, that crust of bread found its way back to his fellow prisoner. Well, when Brother Halleau delivered himself of that testimony on the stand, you could have heard a pin drop in that courtroom. Everybody was quiet. And they were moved by it. I was moved by it. And I think all the judges were moved by it. But that was the type of witness that are few and far between. But I say few and far between. Few is the wrong word. There were multitudes of them. But not all of them did we have access to. So they were jewels when we found witnesses like that. Another one was the name of Yoe-Thomas He was in Buchenwald. A very interesting individual. And he has since written a book entitled The White Rabbit, which you might get and read. It was his experiences in Buchenwald. And how his life was saved by a male nurse that I prosecuted when I tried Buchenwald. The male nurse's name was Dietzsh. But to make a long story real short here: Dietzsh ran the typhus ward in

⁵ Arthur Haulot was a Member of Parliament from Belgium imprisoned in the Dachau Concentration Camp. He served as a Vice-President of the International Prisoners' Committee of Dachau.

Buchenwald where they were trying to develop a specific typhus like they were trying to develop one for malaria down at Dachau. And the guinea pigs were the prisoners, and they were dying right and left. And Yoe-Thomas had served as a liaison between Churchill and DeGaulle. And he was in the underground. And he couldn't spend two successive nights in Paris in the same place. The Gestapo were close after him. They finally caught him and they boxed him up and sent him off to Buchenwald. Broke all his fingers. Pulled his fingernails out. Everything you can think of to torture him. He wouldn't talk. And he was sent there with some 20-odd other Britons and Frenchmen. They had been collected by the Gestapo as being part of the French underground. And they were destined to be executed. So Thomas was a wing commander in the air force of the British. He was an organizer himself. And he went to work right away to try to protect his comrades that had been sent to Mauthausen. Not Mauthausen, but Buchenwald. And they were beginning to get down to where the 20 had gotten down to possibly a half a dozen or more. And something drastic had to be done. And he talked to Dietzsh who was a prisoner, this male nurse. And made a deal with Dietzsh to try to get some of these remaining individuals into this sick block they had there with typhus being treated, and protect them that way. And they were changing identities. Well, one of the prisoners whose identity had matched one of these six men was changed and was just about to die. And he died, and he was able to swap identity and became a prisoner. Well, it finally got down to poor Yoe-Thomas. And they found out that Yoe-Thomas was in there, and they said, "Well, bring him out. We're going to get rid of him." And the way they had hanged the other, they didn't hang them by breaking the neck. They strangled them to death. The meat hooks that you see in a market with the slab of meat on it, those were in the crematory at Buchenwald. And they would take one of these prisoners and hang him up by the neck until he strangled to death. And that was the thing that Yoe-Thomas had to look forward to. Well, Dietch told the S.S. man who came there to bring Thomas out. "Sure. He's got typhus. You

can have him. He's got a fever of about 103. That if you can take him out, he's yours. But you may get typhus if you go in there and get him." He said -- and Dietzsh says, "Why don't I just stick him with a syringe and execute him here? And you can go back and tell the commandant that he's dead and you saw him and he's dead." And that's what they did. And Yoe Thomas later was buried. He was taken out as a corpse. And as soon as he got out of sight, he got alive again and got out of the camp and escaped, and was picked up by the Russians and they sent him back to the Germans on the exchange of prisoner. But he lived to tell the tale and wrote a book.

Q: We have to change the tape.

TAPE #6

Q:Continue the story about the male nurse Dietzsh who saved --

A:Yes, I would like to do that. Because Arthur Dietzsh had been persecuted by the Weimar Republic and was persecuted again by Hitler. So he had spent most of his life in confinement of one form or another. And at Buchenwald he became the male nurse because he was a man of education that he had educated himself actually. And as a male nurse he was an assistant to a Sturmbahnführer, I think they call him. A Major Ding-Schuler, who was Kraut that had some artistic qualities about him. And he was a doctor. He had M.D. And had specialized in diseases and immunization. And they put Ding-Schuler in charge of this block which they had set aside as a hospital block for the purpose of developing some sort of immunization against typhus. Typhus was the plague that was raging all the concentration camps. I think it started up in Russia, and Treblinka actually is I think where they had the first cases of typhus, and Auschwitz. And as those people spread down south, was sent. But when the advances forced them out of the camps, they spread it to the German concentration camps that were located in Germany and in Austria. So it was terribly important to get some sort of specific for typhus. And that was Ding-Schuler's job. And he selected this male nurse as Arthur Dietzsh as his assistant. And he educated Dietzsh, who already was educated in other matters. But he became a very confidante -- much of a confidante of Ding-Schuler's. And they talked about what was going on in the world. And how Germany was losing the war. And they each recognized at that time, and this was back in January, February and March of 1945, handwriting was pretty much on the wall. And Arthur Dietzsh having access to Ding-Schuler, and Yoe-Thomas got himself in the typhus block and got access to Ding-Schuler and convinced Ding-Schuler to go along with his scheme. And that included Arthur Dietzsh

as the male nurse. Because Arthur Dietzsh was a hands-on person in the block. And they conceived this plan of taking some of these poor guinea pig prisoners who had been infected with typhus when they were dying, switching their identity with Yoe-Thomas and his friends, those five British-French friends that remained out of the group that came there originally. And one by one they were able to get rid of them. They finally got down to Yoe-Thomas, and his twin hadn't died yet. So it was getting close. And they were asking to have Yoe-Thomas brought to the crematory for execution. As a matter of fact, they sent an Unterscharfführer, I think was tech sergeant or something, down to the hospital to escort Yoe-Thomas down to the crematory. And Ding-Schuler said, "Look, typhus is a pretty contagious disease. If you want to go in here and pick him out of this bed, he's yours. Be my guest." And the Unterscharfführer said he had a wife and some kids at home and he would like to avoid that if he could. And he said -- I mean Dietzsh said, "All right. I'll kill him. I'll inject him with the syringe and you can take him out." Well, they finally had a man who was his double. He died. And this is according to Dietzsh, believe it or not, but he died. And Dietzsh went to this corpse, injected it with hydrogen peroxide of all things. That gets into the heart and creates an embolism, and death is pretty certain. And speedy. And that's what they did. So they said, "Now you can tell them that he's dead. And if you want to, you can take the body back." And they said, "No. You just assure me that he's dead. Let me take a look." He took a look and he didn't know Yoe-Thomas from Adam's house cat. But he went back and reported he was dead. Well, that saved Yoe-Thomas' life. And Thomas wrote out on a slip of paper, "To Whom It May Concern, that this man, Labaro (ph), Arthur Dietzsh has saved my life. And any consideration that you can give him when he's brought to trial --" because Yoe-Thomas had told him every one of you going to be brought to trial. All of them. That's how he had his entree to Ding-Schuler. And he gave him this slip of paper. And Arthur Dietzsh saved his life. But he didn't save it for long in that sense. He went out the

back door as a corpse, was turned over to the Russians who picked him up on an exchange of prisoners. And he was then sent back to the Germans on this exchange by the Russians. He escaped a second time but not from Buchenwald. However, the one thing I want to say about Dietzsh, when he did this, he did it because I think in his heart and soul he knew that this is a man that deserves saving. They had had a lot of conversations together, Dietzsh and Yoe-Thomas. And Ding-Schuler and Yoe-Thomas. So that he had the cooperation -- Dietzsh had the cooperation of his boss. And Yoe-Thomas was the boss of both Schuler and Arthur Dietzsh. The court that tried Dietzsh gave him ten years. And I think the reviewing authority cut it down to time that he had spent in confinement. Ding-Schuler took his own life when Buchenwald fell. Ding-Schuler committed suicide. So I think that Ding-Schuler is a little different from the ilk that ran the concentration camps. He was able to be persuaded by Yoe-Thomas. Now, that didn't happen very frequently. Because there were a lot of others that had tried substantially the same approach that were not successful. In Buchenwald we had some other interesting characters one of whom was Ilse Koch, who was the wife of a former commandant. She was not the wife of a commandant that was there when the camp failed. Pista (ph) was the man on trial. And Pista couldn't stand Ilse Koch because she still was the commandeur, according to her, of Buchenwald. And they were somewhat at odds. Well, Ilse Koch had a fancy for light shades. I didn't try her for that. I tried her for aiding and abetting the operation of the Buchenwald concentration camp. She, during the time of her husband, when he was commandant, used to report prisoners because they ogled her. I think that's the way you pronounce it when you make big eyes at tight-fitting clothes on a very voluptuous body. And whenever prisoners ogled Ilse, she took down their numbers. They were reported and they were whipped. And they were whipped in a way which was absolutely inhuman. They were spread across a desk with hands out in front of them and legs down. And they had to count in German each blow that was administered. And when they were directed to

receive 25 blows, they had to count them out loud. And they had to count each blow in German. Well, some of those Poles couldn't speak German. And some of the Frenchmen couldn't speak German. And many times those beatings led to death. So she did have her share of participation in the operation of that camp and in furthering the operation of the camp to the extent that there was this common design to subject these prisoners to that type of punishment and that type of misconduct of starvation. All that sort of thing were things that were charged in the charge sheet. So she was guilty of aiding and abetting the operation of that camp. Once she had been found guilty, she was given a life sentence. And the only reason why I later found out from a member of the court that they didn't hang her was that she was carrying a child. She was four months pregnant at the time she was sentenced. Well, when the reviewing authority cut her sentence down from life imprisonment to four years, they gave as an excuse that there was insufficient credible evidence to justify a sentence of that severity. Well, remember, credibility is for the fact-finder, not for the man who is reviewing the case. Because the man who sees that witness testify and observes the demeanor on the stand, he knows where the truth is coming from. Not the man who has the written page in front of him of the record of the trial that the original court had made. Well, that produced a flurry when they reduced the sentence. I objected to it. And I objected to it on the ground that I had tried four of these cases -- three at that time; that was the fourth case. And I thought I knew how to try a concentration camp case. Well, when they said there was insufficient credible evidence, that they were telling me I didn't know what was credible and what wasn't. So I wrote a letter pointing out these things. And the Congress of the United States took over after that. The committee in the Senate headed by Homer Ferguson held hearings from September of '48 until Christmas. And they decided that I was right; that there was sufficient credible evidence. But since the reviewing authority had said no, four years is all, there's nothing we can do about it. Well, the things that they did do about it, they turned

them over to the German people who tried her for offenses against Germans. I had not tried her for offenses against Germans. And they tried her and she was given another life sentence and committed suicide in prison. Buchenwald was full of interesting people. The accused I'm talking about. I'm sure there were a lot more interesting people who were also prisoners like Yoe-Thomas and others. One that I tried was a doctor by the name of Evan Katzenelenbogen. He was a doctor in the small camp. And he sold his services to the prisoners for anything that he can get out of them. And on occasions he would snatch prisoners out from the upper bunk. And they lived in these bunks, and in a bunk there were five men to a bunk that was to accommodate one and at most two. Well, this one time he was in; and this had not happened not just one time but many times. He would snatch a man off of the top bunk down to the floor, which was about six feet below. And very frequently the prisoner would die as a result of skull fracture. That, plus the fact that he was selling his services to the people that he was supposed to protect and take care of, moved us to include him as one of the accused.

Q:What do you mean by selling his services?

A:Excuse me?

Q:What do you mean by selling his services?

A:He wouldn't treat them unless they gave him part of the Red Cross packages that they had gotten a hold of. That's where he sold his services. And to me that was a heinous offense in itself. Well, we put him on trial. He had originally been an American citizen. He married the daughter of one of the judges of the Supreme Judicial Court of Massachusetts. They had a

child who fell out of a window and died, and Katzenelenbogen went back to Germany. Katzenelenbogen was really a psychoanalyst and a devout student of Freud. And did his job well. Maybe we should continue just a little bit on this a little later.

Q:Okay. You want to stop?

A:Well, I mean, I thought --

Q:Okay. We can stop.

TAPE #7

Q: You want to continue talking about Katzenelenbogen?

A: Katzenelenbogen was a psychoanalyst. And he played his trade to the last inch in defense of his own self. That court absolutely detested him because of the evidence that had been amassed against him. And it was very little that he did to defend himself other than still claim American citizenship. Because he had come to this country when he was about 20 or 21 years of age, and was still in school. And had taken citizenship papers and married a daughter of one of the justices on the Supreme Judicial Court of Massachusetts. They had a child, and the child fell out of an apartment window in New York and was killed. And that broke up the family. He went back to Germany and to -- actually it wasn't Germany. It was that section of the Austrian-Hungarian Empire that was in there between Germany and Czechoslovakia. Actually went back to Marienbad and opened a clinic there. And the Gestapo got interested in him as an informer. And he was an informer. And finally he ended up in Buchenwald. And they put him in the small camp as a doctor. And I told you he was sort of a mean fella. And he would sell his services rather than perform what he was supposed to do. And he came on for trial having committed a war crime. And he more or less made an ass out of himself before the court in his responses to the questions that were asked by his defense counsel. And his defense counsel, I believe, at that time was a man by the name of Wolff (ph). And Wolf did the best he could to keep Katzenelenbogen quiet. Because the more he talked, the worse he got. And when I had him on cross-examination, of course I did the best I could to let him tell us everything he knew. And he knew a lot. As a matter of fact, he said the evidence was such that he could have the then minister of justice in France sitting in his seat for the activities that that minister had performed in the small camp at

Buchenwald. Well, we let him talk. And after it was over, the court first called him forward and announced that he had been found guilty. Well, Katzenelenbogen was asked if he had anything to say why sentence should not be pronounced against him. And he had this deep voice. He could have been a basso profunda at the Met With no trouble at all. He said, "Now that this honorable court has put the Mark of Cain upon my brow, I have but one wish. And that is that this court impose upon me the most serious punishment within its power." And he nodded like that. And I thought to myself, Well, bless his heart. I hope they accommodate him. Well, there was a flurry behind on the bench. And the president of the court said, "The court finds pursuant to your plea of not guilty that you are guilty. And finding of you being guilty chooses to impose upon you a life imprisonment." So the old scoundrel didn't get hanged at all. He got off with his life. And except for his age, he'd be alive today. But he played it to the last inch. That court, I found out, that, they didn't want to please him. And he had asked for the death sentence, and rather than please him, they gave him life imprisonment instead. So he was a doctor to the end. I must say that I get back to reducing sentences. Clemency is a proper thing to be exercised under proper conditions. But there was no clemency that Ilse Koch was entitled to. There was no clemency that Katzenelenbogen was entitled to, in my judgment. But I didn't have the power to wield that authority. And the fact that some of these sentences have been reduced, I go back to the feeling that I do not know all the facts and circumstances about their family relationships, whether or not they're the sole supports of families that then existed, who were probably without fault on their part. So that there could be many considerations that could justify the reduction of sentences. And in the main, I find no fault with the exercise of clemency when it's denominated clemency. But I do object like a stuck pig to any time that they start reducing sentences on the grounds of insufficient credible evidence, for the simple reason that the whole operation was incredible in its entirety.

Q:When you look at the entire set of trials that were, not just the ones you were participating in, where so many people had harsh sentences, whether it was death or life imprisonment that were severely reduced or they were let go, does that bother you?

A:To let go, again, I don't know the circumstances of their letting go. That's a function of the exercise of clemency. It's to take into consideration those factors which were no part of my concern. So that if I knew that a sentence had been reduced in exercise of clemency, I don't quarrel with it. If it's exercised on the ground of insufficient credible evidence, I scream. And I scream loud and long, because I know that's wrong. And I know that's wrong because I know that these events that seem incredible to the person who reads about them happened.

Q:Do you think there's a different political set of circumstances in 1945 versus 1948 when the trials are going on?

A:I'm sure that there may very well have been, sure. Germany was sickened to find denazified leaders. While none of these individuals that I tried could hardly make that category, there was a sense of uncertainty in not knowing which way to go. And I think this: I think the United States government did a magnificent job in its occupation. I really do. And I say they're entitled to all credit for that. And I think while mistakes were made, to err is human, to forgive divine.

Q:Tell me, were there security arrangements for you and the other lawyers during these trials that you know about?

A:No. We had guards there, sure. But when you talk about security arrangements, I'll assume that you're talking about somebody that's going to follow me around and be sure that somebody is not going to take a shot at me when I'm out hunting or fishing, if I did in what little spare time I had. But there wasn't anyone that tailed us to protect us. No. Nothing like that. There was always a number of Polish guards that were there in that courtroom all the time. You seen the white hats at Nuremberg. Well, the Poles wore white hats at our trial, in Dachau. And they were kept on a constant surveillance by the Polish guards that we had there, as well as American guards.

Q:Did these trials take a physical and psychological toll on you?

A:Oh, my goodness. At one time they recessed the court because they said I looked more like an exhibit out of the concentration camp than anybody I'd put on the stand. The trousers that I wore I could fold over behind with no problem at all. I was glad to lose that. But the shirts that I was wearing at that time, somebody else could get in the neck with me. And my clothes didn't fit. I lost -- I got down to 117 pounds. And I weighed normally about 155 to 165 pounds.

Q:So what was your day like? And what were you working; 12, 15 hours days?

A:I was working like that and sleeping less at night. Because I was thinking -- I had nightmares. I'll tell you. These -- I was reliving some of these experiences myself. What would I be doing under those circumstances? How would I react to this? It took a toll. Well, after I finished Flossenbürg, Flossenbürg was the longest trial because I had been prepared in a way differently from the way I prepared cases being prepared by Colonel Shaw. And at the end of

January I was ready to go home. This was January of '47. And I went to bed and I stayed in bed for two weeks. And I'd get up for meals and that was about it. And the war crimes branch representatives came down from Wiesbaden and said they got another job that they'd like for me to do. They'd give me my choice: That I could either prosecute Scorzeni (ph). Scorzeni was a man who kidnapped Mussolini and had previously kidnapped Admiral Horthy from Hungary. And I said, "Shoot. We shouldn't try him; I think we ought to hire him." So I didn't. They said, "Well, the other job is to prosecute Buchenwald." And I thought, I could try that like falling off a log and nothing to it. I had tried three cases, and that would be less strain on me. But that lasted from April to the end of August of '47. That's when I finished that case. But that was an interesting case. That had a lot of different things that were of interest. Of course it could never be interesting to the people that were prisoners in it. But it had different aspects. In Buchenwald they had quite a number of projects going there in the surrounding areas, at the sub-camps, all of which were interesting. And each one of these sub-camps were operated largely like the main camp. And some of them were much worse the Kaufering and Landsberg camps as sub-camps of Dachau was so much worse than the main camp that they were not in the same ballpark at all. Actually they had classifications. Dachau was a Class 1 camp. Mauthausen was a Class 3 camp. That was an extermination camp. Whenever prisoners got to the point where they couldn't work enough to earn their keep of black coffee and no cream, no sugar, no fats of any kind, and black bread down through the grams that they were being fed -- it sort of strains me to try to reconstruct these things. I start thinking about what they had to eat. Of course the camps claim that they were being fed -- the prisoners were being fed the same rations that the German populace were feeding. That was correct as to the quantity in this sense, not the quality nor by calorie. By calorie count it was nowhere near. These men were working all

day long, not able to sleep at night, and being fed less than a thousand calories a day. Well, the same thing was happening to me to a large extent. And that's why I got so gaunt.

Q:Were there breaks? It sounds to me as if you were, for the most part, going trial to trial?

A:Well, for the most part I had. I went from trial to trial because I had to prepare the next trial. After I finished -- I finished Dachau the 15th of December of '45. I started almost immediately working on Mauthausen, when I could physically work. But that took a lot out of me; Dachau did. Because that was a new experience and one that I wasn't adjusted to. As I tried these cases, I got more adjusted. And I worked on Dachau along with my assistants. And I had five very able men there to all do--Paul Gooth (ph) I kept on, and had four other lawyers there that were very able men. And I can't remember now all their names, but I don't want to mention anyone without doing an injustice to the others.

Q:When you got so sick and so gaunt and had all these nightmares, did you want to stop and not hear this anymore?

A:I had to stop when we had the recess in Flossenbürg, that was basically the reason why they stopped, because I couldn't go on.

Q:Did other lawyers respond similarly?

A:Oh, yes. Sure. I mean, they were affected the same way. But it was a nervous strain. It was basically my responsibility. And it was one that I didn't welcome, but it was one that I had.

And I knew that I had to discharge it. And I had to discharge it in a way that was expected it to be discharged. And that's what I tried to do.

Q:Earlier you said you wanted to talk about Kapos.

A:Oh, Kapos. Kapos were prisoners in the camp. And they were -- had been the main criminals. They were penitentiary individuals that had served their sentences there but were still considered by the Germans to be hazard politically. So they put these poor German criminals into Dachau and made Kapos out of them. Well, a lot of them -- these Kapos were also in there for rape, arson, murder, and violent crimes. And a lot of them had that same mentality when they were put in the position of Kapo. And a Kapo in the concentration camp was like a foreman of a work gang, with this important exception: they not only had to say what they told them to say and do what they were told to do, but if they didn't, he had the power of life and death over the people in his detail. So they did what he said. And for that reason, the Kapos, prisoners themselves, turned out to be meaner to the political prisoners and the others that were there. And particularly the Jewish prisoners. All the Kapos -- they put a Kapo by the name of Wolf in charge of the punishment detail in Mauthausen.

Q:Let's hold it because I have to change the tape and we'll go back to him.

TAPE #8

Q:All right. You were talking about Mr. Wolf.

A:Mr. Wolf was a criminal prisoner. And he was given charge of what was known as the punishment detail in Mauthausen. Mauthausen had accompanying its environment there a stone quarry. And the floor of that stone quarry was somewhere between two and 300 feet below the level of the ground. And this man Wolf used to take the punishment company, which was composed primarily of Jews. Because let me say this: There's absolutely no doubt about the fact that these camps - Dachau, Mauthausen, Flossenburg and Buchenwald - were all used as instruments for the purpose of exterminating the Jews. And you can tell that, because the Jews received the harshest work assignments. They received the smallest amount of food. And all the dirty, hard work that had to be accomplished was given to the Jewish prisoners. And whenever anybody had something mean that had to be done, and I mean mean, that one prisoner fighting another, they would get one Jew and put him to do that task. And I'll say this: That there was absolutely no doubt that any Jew that was able to survive those camps, the Lord has blessed him more and more than anyone will ever know. Because they were objects of extermination of the system that they had there. Well, Wolf had this punishment company which was composed primarily of Jews. And one of the things they had to do was to carry a stone which weighed approximately 25 kilos - that's about 55 pounds - from the bottom of the quarry up to the top at the end of the day. And what else happened at end of the day, that Kapo selected one prisoner out of that group that received and had the opportunity to make the parachute jump without a parachute. The other prisoners there would select the prisoner that had been picked out by Wolf, take his hands and his feet. One for the money, two for the show, three to make merry, and over you go. And they would

throw him down and he would crash down to the bottom of the quarry. It didn't happen every day. It didn't happen every day, because there was more pressure put on these people because they didn't know which day it was going to happen. But no one of them knew whether or not he was going to be the next person to go one for the money, two for the show. And they also had trees around the rim of the quarry. And they would use those trees as catapults, and put a prisoner on there, bend it down, release it then he would be tossed out down to his death in the bottom of the quarry. Well, spots -- Wolf was the commanding officer of this camp. Now -- I mean of this detail. And he made that selection. Now, how many he selected there, I don't recall. Nobody will ever know because it didn't happen every day. But it happened so frequently that there was always that sense of urgency when you woke up in the morning as a member of that punishment detail as to whether or not you were going to make the parachute jump. So Wolf was an individual that I think if anybody exercised clemency on his behalf they should be shot in the head and bled in the _____ of the foot. Because he certainly wasn't entitled to it.

Q:Did you prosecute a number of Kapos?

A:Oh, yes. We had the Kapos from the crematory. We had capos that had various work details that would -- one of them used to kill at a detail that was to take prisoners to the hospital. I mean, angels of mercy. And he was the Kapo in charge of this detail. And he would throttle them with his bare hands. So that the Kapos were hated by the prisoners who wore the red triangles. And the Kapos usually were what was known as the block eldest. Prisoner who was the oldest prisoner in the block. They always got the benefit at the time that they had been in the penitentiary. So they were the oldest prisoner in the block. Not old in years, in age, but the oldest prisoner wise. And they were hated and they hated each other. They were

hate from the crown of their heads to the sole of their feet. And we had the Kapo from the crematory. We had this Arthur Dietzsh, who was not a Kapo in the -- he was a male nurse. We put that moniker on him for a purpose. We didn't want Dietzsh tainted with being a Kapo. But he was a male Kapo actually. But that was the consideration that we were terribly hopeful that the court would give to Dietzsh; that he was not just a Kapo, but he was a man who was a real man in his heart and soul. There were few Kapos that had a heart. Most of them had souls, but they were not entitled to them.

Q: Well, after all of this, the trials that you were working on, did it change you in some way?

A: Physically, yes. Mentally maybe. Spiritually I'm sure. And if you ask me to define what happened in each one of the three I tell you I couldn't possibly do it. Except the physical part. I was a physical wreck when I finished. But I got an understanding of people under peculiar circumstances and their reactions that I could never have learned about elsewhere. And hopefully I never will have to learn about. Man's inhumanity to man is something that had no bounds in the concentration camps.

Q: Did it make you pessimistic?

A: To some extent. To some extent, yes. I can look over my shoulder at things, see who's following me. But I didn't do it then. I wasn't looking over my shoulders at that time. When you asked about security a moment ago, I shouldn't belittle the protection. Because there in the camp there was a guard at the gate and there was a guard at every entrance to that camp. And they -- that didn't stop anybody crawling over. But we had protection. And I shouldn't belittle that. I'm sorry if I left that impression. And I'm not going back on everything else I said, either.

Q:What gives you the most pride in what you did? Are you proud?

A:Well, pride. Pride goeth before destruction. But now that we got that out of the way. I took no pride in the fact that I had prosecuted 177 people in these trials. And I took no pride in the fact that a lot of them were hanged and others received severe punishments of imprisonment. The one thing that we got to remember is that these things came into being because there was a total disregard of human rights, and their protection. As has been said, Dachau, Mauthausen, Flossenbürg and Buchenwald were all dungeons of democracy and so was the Holocaust. But the thing that I -- that really creates a sense of pride in my heart and feelings is when one of these true survivors of these camps in the Holocaust comes up to me and says, "We thank you for what you've done for us." That I'm proud of.

Q:Have you met any survivors who were connected with any one of these --

A:Oh, yes. I had a friend who was a witness for me in Mauthausen. He's dead now. But he was a wonderful man. I hadn't seen him for years, and I ran into him in this very building where we're in now here in Mineola. And I hadn't seen him. And I was very fond of him and I used him extensively. When I say extensively, because one who worked in the crematory really had a longevity of about three or four weeks. Because the man in the crematory knew a lot. And the Germans got rid of the people who knew a lot. But Orenstein (ph) managed to stay in the crematory there at Mauthausen for a long time and made an excellent witness for me. And I liked him very much as a man or human being. And he came to this country after these trials and set up a business in Philadelphia and was extremely successful there. He died there

in last November, I think a year ago. And I lost a dear friend. Orenstein I'll always remember.

Q:Well, Bill. Thank you so much.

A:Happy to oblige.

Conclusion of Interview.