

HEADQUARTERS  
EUROPEAN COMMAND  
OFFICE OF THE JUDGE ADVOCATE

UNITED STATES

vs.

Gustav STORK, Gustav DEPPE,  
Franz DURSCHKE and Heinrich  
JURGENS, all German nationals.

RECOMMENDATION OF THE  
JUDGE ADVOCATE

Case No. 12-1247

I have examined the record of trial and I concur in the views expressed by the Deputy Judge Advocate for War Crimes and in his Review and Recommendations to the effect that the findings and the sentences as to the accused STORK, DEPPE and DURSCHKE should be approved.

29 May 1947

/s/ J. L. Harbaugh, Jr.  
J. L. HARBAUGH, JR.  
Colonel JAGD  
Judge Advocate

I concur.

/s/ M. C. White  
Deputy Chief of Staff

I concur.

/s/ C. R. Huebner  
Chief of Staff

HEADQUARTERS  
EUROPEAN COMMAND

AG 383 JAG

APO 757  
9 Jun 1947

SUBJECT: Execution of Sentence in the Case of the United States vs.  
Gustav STORK, et al (Case No. 12-1247)

TO : Commanding General  
First Military District  
APO 1, U.S. Army

Reference is made to letter, Hq. USFET, file AG 383 JAG-AGO,  
subject: "Designation of Prisons for War Criminals," 26 February  
1947 and to the inclosed copies of the Order on Review in the above  
entitled case as to accused Gustav DEPPE.

Upon compliance with the Order on Review the certificate  
below will be completed and returned to the Deputy Judge Advocate  
for War Crimes, 7708 War Crimes Group, APO 178, U.S. Army.

BY COMMAND OF GENERAL CLAY:

/s/ Wm. E. Bergin  
Wm. E. BERGIN  
Brigadier General, USA  
Adjutant General

1 Incl:  
1 Form No. 13 (in dup)  
Frankfurt 2-2310

CERTIFICATE OF COMPLIANCE

The sentence covered by the above described Order on Review  
was carried into execution at War Criminal Prison No. 1, Landsberg,  
Germany, on 20 June 1947, at 1027.

/s/ L. H. Johnson, Jr.  
(Signature and Rank)  
LEHMAN H. JOHNSON, JR.  
Major Inf.  
Executive Officer  
(Organization)

/s/ George T. Lagish  
(Countersignature and Rank of  
Witnessing Officer)  
GEORGE T. LAGISH  
Maj. Inf  
Prison Officer

MILITARY GOVERNMENT COURT  
MILITÄRGERICHTOrder on Review  
Verfügung nach ÜberprüfungCase No. 12-1247  
Strafsache Nr. 12-1247Order No. \_\_\_\_\_  
Verfügung Nr. \_\_\_\_\_Whereas one Gustav DEPPE

(Name of Accused) (Name des (der) Angeklagten)

was convicted of the offence of wrongfully killing prisoners of war.  
wegen der folgenden strafbaren Handlung rechtswidrige Ermordung von~~ENEMY~~ Kriegsgefangenen.by the ~~XXXXXX~~ Military Court

\*General

at Dachau, Germany

~~XXXXXX~~

in Dachau, Deutschland

vom ~~XXXXXX~~ Militärgerichte

(Address of Court)

\*Oberen

(Anschrift des Gerichts)

and sentenced to death by hanging.  
schuldig erkannt und zu Tod durch den Strang.by Judgment dated the  
durch Urteil vom

29 January 1947

29 Januar 1947

and

(date) (Datum)

Whereas the case has now come before me by way of review  
Diese Strafsache ist mir zur Überprüfung vorgelegt wordenand after due consideration and in exercise of the powers conferred  
und nach entsprechendem Studium des Sachverhaltes und in Ausübung

upon me, I hereby order:

der mir übertragenen Befugnisse verfüge ich:

That the findings and sentence are approved. The Commanding  
General, First Military District, will carry the sentence into ex-  
ecution at War Criminal Prison No. 1, Landsberg, Germany, at a time  
to be determined by him.Dass der Befund und das Urteil bestätigt werden. Der kommand-  
ierende General, vom Militärbezirk I, wird die Vollstreckung des  
Urteils im Kriegsverbrechergefängnis No. 1, Landsberg, Deutschland,  
zu einer von ihm festgesetzten Zeit, veranlassen.

Dated this

Gegeben am 2 June 1947

/s/ Lucius D. Clay

A CERTIFIED TRUE COPY:

(Signature of Reviewing Authority)  
(Unterschrift der nachprüfenden Behörde)

/s/ Wade M. Fleischer

LUCIUS D. CLAY

WADE M. FLEISCHER

General USA

Lt. Col. AC

Commander-in-Chief

\*Strike out words not applicable.

(Title)

\*Nichtzutreffendes ist zu durchstreichen.

(Titel)

HEADQUARTERS  
EUROPEAN COMMAND

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AFO 757  
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Reference is made to letter, Ho. USFET, file AG 383 JAG-AGO,  
subject: "Designation of Prisons for War Criminals," 26 February 1947  
and to the inclosed copies of the Order on Review in the above entitled  
case as to accused Franz DURSCHKE.

Upon compliance with the Order on Review the certificate be-  
low will be completed and returned to the Deputy Judge Advocate for War  
Crimes, 7708 War Crimes Group, AFO 178, U.S. Army.

BY COMMAND OF GENERAL CLAY:

/s/ Wm. E. Bergin  
/t/ Wm. E. BERGIN  
Brigadier General, USA  
Adjutant General

1 Incl:  
1 Form No. 13 (in dup)

Frankfurt 2-2310.

## CERTIFICATE OF COMPLIANCE

The sentence covered by the above described Order on Review  
was carried into execution at War Criminal Prison No. 1, Landsberg,  
Germany, on 20 June 1947, at 1033.  
(Date) (Hour)

/s/ Lehman H. Johnson, Jr  
(Signature and Rank)  
/t/ LEHMAN H. JOHNSON, JR  
Major Inf  
Executive Officer  
(Organization)

/s/ George T. Iagish  
(Countersignature and Rank  
of Witnessing Officer)  
/t/ GEORGE T. IAGISH  
Maj. Inf  
Prison Officer

MILITARY GOVERNMENT COURT  
MILITÄRGERICHTOrder on Review  
Verfügung nach ÜberprüfungCase No. 12-1247  
Strafsache Nr 12-1247Order No. \_\_\_\_\_  
Verfügung Nr \_\_\_\_\_Whereas one Franz DURSCHKE  
(Name of Accused) (Name des (der) Angeklagten)was convicted of the offence of Wrongfully killing a prisoner of war.  
wegen der folgenden strafbaren Handlung rechtswidrige Ermordung eines  
Kriegsgefangenen.by the ~~\*XXXXXXXX~~ Military Court at Dachau, Germany  
\*General in Dachau, Deutschland  
vom ~~\*XXXXXXXX~~ Militärgerichte (Address of Court)  
\*Obersten (Anschrift des Gerichts)and sentenced to death by hanging.  
schuldig erkannt und zu Tod durch den Strang.by Judgment dated the 29 January 1947  
durch Urteil vom 29 January 1947 194 and  
(date)  
(Datum)Whereas the case has now come before me by way of review and  
after due consideration and in exercise of the powers conferred upon  
me, I hereby order:Diese Strafsache ist mir zur Überprüfung vorgelegt worden und  
nach entsprechendem Studium des Sachverhaltes und in Ausübung der mir  
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time to be determined by him.Dass der Befund und das Urteil bestätigt werden. Der kom-  
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des Urteils im Kriegsverbrechergefängnis No. 1, Landsberg,  
Deutschland, zu einer von ihm festgesetzten Zeit, veranlassen.Dated this  
Gegeben am 2 June 1947

CERTIFIED A TRUE COPY:

/s/ Wade M. Fleischer  
/t/ WADE M. FLEISCHER  
Lt. Col. AC/s/ Lucius D. Clay  
(Signature of Reviewing Authority)  
(Unterschrift der nachprüfenden  
Behörde)  
/t/ LUCIUS D. CLAY  
General USA  
Commander in Chief\*Strike out words not applicable. (Title)  
\*Nichtzutreffendes ist zu durchstreichen. (Titel)

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BY ORDER OF GENERAL CLAY:

/s/ Wm. E. Bergin  
/t/ Wm. E. BERGIN  
Brigadier General, USA  
Adjutant General1 Incl:  
1 Form No. 13 (in dup)

Frankfurt 2-2310

## CERTIFICATE OF COMPLIANCE.

The sentence covered by the above described Order on Review  
was carried into execution at War Criminal Prison No.1, Landsberg,  
Germany on 20 June 1947 at 1013  
(Date) (Hour)/s/ L. H. Johnson, Jr  
/t/ LEHMAN H. JOHNSON, Jr.  
Major Inf  
Executive Officer  
(Organization)/s/ George T. Lagish  
/t/ GEORGE T. LAGISH  
Major Inf  
Prison Officer

