

DEPUTY JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
EUROPEAN COMMAND
APO 407

RDR/jkw

30 December 1947

WCT 1264 599.
UNITED STATES)

v.)

Gustav Hermann Adolf BLOY)

Case No. 000-Mauthausen-2

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, during the period 15-19 May 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

CHARGE I: Violation of the Laws and Usages of War.

Particulars 1: In that Gustav Hermann Adolf BLOY, a German National, did, at or near Mauthausen, Austria, in or about February 1945, wrongfully encourage, aid, abet and participate in the killing of approximately four hundred and fifty Russian and Polish inmates of the Mauthausen Concentration Camp, who were then in the custody of the then German Reich, the exact names and numbers of said victims being unknown.

CHARGE II: Violation of the Laws and Usages of War.

Particulars 1: In that Gustav Hermann Adolf BLOY, a German National, did, at or near Mauthausen, Austria, in or about February 1945, wrongfully encourage, aid, abet and participate in the killing of approximately six hundred Polish, Czechoslovakian, Russian, and French inmates of Mauthausen Concentration Camp, who were then in the custody of the then German Reich, the exact names and numbers of the said victims being unknown.

CHARGE III: Violation of the Laws and Usages of War.

Particulars 1: In that Gustav Hermann Adolf BLOY, a German National, did, at or near Mauthausen, Austria, on or about 18 January 1945, wrongfully encourage, aid, abet and participate in the killing of approximately one hundred and six non-German nationals, inmates of the Mauthausen Concentration Camp, who were then in the custody of the then German Reich, the exact names and numbers of said victims being unknown.

III. SUMMARY OF EVIDENCE: The accused was a member of the SS at Mauthausen Concentration Camp from 1940 until May 1945.

Until June 1944 he was in charge of the camp heating plant. From then until the capitulation he was a furnace fireman. The facts under the three charges will hereinafter be referred to as Incident Numbers 1, 2 and 3, respectively.

Incident Number 1. In February of 1945, there was a mass escape of approximately 600 Russian and Polish inmates from Block 20; most of them were recaptured. The accused shot one of the recaptured Poles in the back of the head with a pistol, killing him, and he struck a recaptured Russian with a heavy weapon, causing him to collapse.

Incident Number 2. In February or March of 1945, a large transport of inmates arrived at Mauthausen. The weak and sick inmates of this transport were designated for extermination. Those marked for extermination were undressed and given cold baths and made to stand in the nude all night out of doors in below freezing weather. In the morning, those who had not died of exposure, were beaten to death. The accused was one of the members of the camp personnel who engaged in such beatings. The accused admits beating two victims to death with an iron rod. The victims were non-German nationals.

Incident Number 3. A transport of from 5000 to 6000 Poles, Jews, Russians and Czechs arrived at Mauthausen on 18 January 1945. They received the same treatment as set forth in Incident Number 2. Approximately 200 inmates were designated for extermination. These 200 inmates were forced to disrobe and stand out of doors in the nude all afternoon and all night. More than 100 of these inmates died during the night from exposure. In the morning the accused, together with three other men, beat and killed some of the survivors. The accused used an iron stoker for the purpose.

IV. EVIDENCE AND RECOMMENDATIONS:

Gustav Hermann Adolf BLOY

Nationality: German
Age: 58
Civilian Status: Unknown
Party Status: Member of Nazi Party since 1933
Military Status: SS Technical Sergeant
Pleas: NG Charge I; NG Charge II; NG Charge III
Findings: G Charge I, except the words "approximately 450". NG of the excepted words.
G Charge II, except the words "approximately 600". NG of the excepted words.
G Charge III, except the words "approximately 106". NG of the excepted words.
Sentence: Life Imprisonment

Evidence for Prosecution:

Incident Number 1. Block 20 of Camp Mauthausen was known as the "death block". It housed from 600 to 1000 Russian and Polish inmates who were constantly subjected to starvation (R 121, 122, 139). Block 20 was surrounded by a special wall and had a double guard at each approach and a machine gun was mounted inside the block (R 122). Early in February 1945, about 600 of the inmates of the death block made a break and escaped. A search was made for them which continued for several days. Most of those who were recaptured were killed outside camp and their bodies brought to the camp. Those who were brought back alive were killed in camp (R 122, 123, 139).

Barcynski testified that as he came up from a basement tailor shop under the wash house, in Camp Mauthausen, at 2200 hours to get some air, he saw one of the escaped inmates standing near a corner of a wall in the camp. He saw the accused walk hurriedly into camp (R 123), walk up to this inmate to a distance of six or seven meters from the witness (R 127) and shoot him. The accused then walked around the bath house and down the corridor, passing the buildings on the side away from the roll call square,

continuing down into the furnace room where he worked. The inmate whom the accused shot was a Pole (R 124). The accused walked hurriedly and did not go to the furnace room by the most direct route across the roll call square, and the witness assumed that he did not want to be seen (R 125). The witness examined the body and removed the metal tag bearing the inmate's number and the letter "P" indicating that he was a Pole. The victim was dead, shot through the back of the head (R 126), with a small weapon which did not make a loud report (R 127). The next morning at 0600 hours the body had been removed.

Before being shot, the inmate was standing against a wall, unchained and unguarded. There is no evidence of any conversation between the accused and the victim. Two other persons observed the dead body (R 132). They were not called as witnesses. Barcynski had the identification tag of the victim after the liberation but mislaid it and did not produce it at the trial (R 124).

Incident Number 2. At about the end of February or beginning of March 1945, a transport of between 2000 and 3000 inmates arrived at Mauthausen (R 14) from Sachsenhausen (R 14; P-Ex 3a). It was a cold day, -5° centigrade during the day and -10° centigrade during the night. At about 1700 hours, the Camp Commandant and camp leader asked all of these inmates who didn't feel healthy to step forward. About 300 stepped forward (R 14, 15). They disrobed and were taken to the bath house and given alternating hot and cold showers. They then were forced to stand naked behind the laundry all night and they were still there at 0900 hours the following morning (R 16, 17; P-Ex 4, 5). They had moved about 15 meters and were behind the kitchen. Many died of exposure during the night. There were only about 150 inmates still standing in the morning (R 20). During the morning the accused beat several of these inmates to death with an iron stoker.

He was a part of a group of SS men so engaged. The victims were non-Germans (R 24,30). The accused also beat some of these inmates with a wooden snow shovel and with its handle when it broke (R 48,49; P-Ex 7). Sailer stated in his extrajudicial sworn testimony that in March 1945 at Camp Mauthausen he saw the accused participating in the killing of sick inmates who were exposed to the weather all night in the nude. Some of the victims died during the night and early the next morning the accused, among other SS men, beat some of the survivors with an iron mallet and an iron rod.

The handling of inmates who arrived on transports was not a part of the duty of the accused. His duties were in connection with the heating plant (R 33). The death of not less than five inmates resulted from beatings administered by the accused (R 49). The accused admitted killing two inmates (R 172). Early during the morning in question 150 bodies of these inmates were delivered at the crematory (R 47); 200 to 220 bodies in all were delivered to the crematory on the day after the transport arrived (R 51).

Wahsner testified that the inmate transport consisted of from 400 to 600 inmates and that it arrived at Camp Mauthausen at about 1600 to 1700 hours, possibly 15 to 18 February 1945 (R 63, 64, 68). Other witnesses testified that it arrived in the forenoon. Kanduth and Vresnik testified that the accused beat the victims with a snow shovel (R 45-49; P-Ex 7; R 77). Wahsner testified that on the afternoon the above inmate transport arrived he saw the accused beating some of these inmates with an iron stick so severely that they collapsed and died (R 64, 68). Schmehling testified that about 500 sick inmates were selected (R 90); that they were sprayed with cold water (R 90, 91); that they were forced to stand outdoors that night; and that early the next morning approximately 300 to 400 were still alive (R 91, 92). The accused beat at least four or

five of the survivors who were of Russian and other non-German nationalities, with an iron rod or an iron stick. The witness believed that these beatings caused death of the victims, as their skulls had been crushed (R 92-96).

Incident Number 3. On 18 January 1945, a transport of 5000 to 6000 Poles, Polish Jews, Russians and Czechs arrived at Camp Mauthausen from Auschwitz and Gross Rosen (R 101, 102). The advance element arrived at 1000 hours and the arrival was completed at noon (R 102). Of the newly arrived inmates, slightly more than 200 were separated as sick, and of these, 192 eventually perished (R 103). In the afternoon the 200 were stripped of their clothing and made to stand between Blocks 2 and 3. It was 10° to 15° below zero, centigrade. They were bathed in cold water and after evening roll call they were put behind the laundry where they stood until the following day (R 104). It was rumored that they were bathed in cold water every hour or second hour through the night. More than 100 inmates died during the night from this treatment (R 104). In the morning, about 0800 hours, the accused with three other men beat the survivors. The accused used an iron stoker weighing three to four kilograms for this purpose (R 105). Later that morning the bodies of the inmates, which the accused had participated in killing, were delivered to the crematorium "full of blood and bruises all over the body" (R 106).

Evidence for the Defense: Strauss testified that he had been an SS captain and in 1945 was in charge of administration at Camp Mauthausen (R 154); that as to whether the accused killed any of the recaptured inmates, Incident No. 1, he testified "I believe I can assure with certainty that that was not the case" (R 156). The witness further testified regarding Incidents Nos. 2 and 3, that it could not be true that inmates were selected, undressed and stood all night in the cold so that one half died of exposure and the remainder were killed by SS men; otherwise,

the witness would have heard something of it or seen something of it, and it would have been talked about in camp (R 157).

The accused testified that because of some difficulty with the camp command he was confined in the bunker. When released in September 1944 he was prohibited from entering the camp. He never was under orders, threat or compulsion to beat or kill inmates (R 170). Accused further testified in relation to Incident No. 2 that he came to the camp at 0900 or 0930 hours and the inmates were standing in the rear. It was said that they had been standing there all night. Some inmates were beaten already and the block leader sent them under the showers. Then the accused took an iron rod, 40 centimeters long and because he felt sorry for these victims who were already lying on the ground, he hit some of them, maybe two. "I gave them what you might call a mercy stroke." "There may have been ten bodies lying on the ground but I didn't do it. The block leaders did that." The accused further testified that this was the only incident in which he was involved (R 171, 172). He denied shooting the Pole and also denied killing or beating escaped and recaptured Russians and Poles, Incident No. 1 (R 173, 174). The accused was armed with a pistol but never fired it during the five years he was at Camp Mauthausen (R 181). During the search for the escaped inmates the accused remained at the heating plant and took no part in the search, Incident No. 1 (R 182).

Sufficiency of Evidence: The only evidence that the accused participated in the killing of Russian and Polish inmates as alleged in the particulars under Charge I is the uncorroborated testimony of prosecution witness Barcynski that the accused shot one of the escaped inmates, a Pole. There is some doubt as to the truth of the account of this one witness, because of the lack of corroboration and the unusual manner in which the killing took place.

The findings of guilty as to Charge I are not warranted by the evidence. The findings of guilty as to Charge II and Charge III are warranted by the evidence. The sentence is not excessive.

Petitions: No Petitions for Review nor Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.
V. QUESTIONS OF LAW: It is clear that the Court had jurisdiction over the person of the accused and of the subject matter.

Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused.

VI. CONCLUSIONS:

1. It is recommended that the findings and sentence be approved.
2. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto, should it meet with approval.

RICHARD D. REYNOLDS
Attorney
Post Trial Branch

Having examined the record of trial, I concur, this _____
day of _____ 1948.

C. E. STRAIGHT
Lieutenant Colonel, JAGD
Deputy Judge Advocate
for War Crimes

HEADQUARTERS
EUROPEAN COMMAND

AG 383 JAG

APO 757

13 Feb 1948

SUBJECT: Execution of Sentence in the Case of the United States vs.
Gustav Hermann Adolf BLOY (Case No. 000-Mauthausen-2)TO : Commanding General
First Military District
APO 1, US Army

Reference is made to letter, Ho USFET, AG 383 JAG-AGO,
26 February 1947, subject: "Designation of Prisons for War Crimi-
nals," and to the inclosed copies of the Order on Review in the
above entitled case as to accused _____

Gustav Hermann Adolf BLOY

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 407, US Army.

BY COMMAND OF GENERAL CLAY:

/s/ John A. Klein
JOHN A. KLEIN
Colonel, AGD
Adjutant General

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

Frankfurt 7175

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 21 February 1948, at 1000 .
(Date) (Hour)

/s/ Lloyd A. Wilson
(Signature and Rank)
LLOYD A. WILSON, Capt. CMF
War Crimes Prison Landsberg
(Organization)

/s/ David A. Oakley
(Countersignature and Rank
of Witnessing Officer)
DAVID A. OAKLEY, 1st Lt. CMIC
Assistant Prison Director

MILITARY GOVERNMENT COURT
MILITÄRGERICHTOrder on Review
Verfügung nach ÜberprüfungCase No.
Strafsache Nr. 000-Mauthausen-2Order No.
Verfügung Nr. _____

Whereas one Gustav Hermann Adolf BLOY
 Name of Accused Name des/der Angeklagten
 was convicted of the offence of participation in killing of concen-
 tration camp inmates
 wegen der folgenden strafbaren Handlung Teilnahme an der Tötung von
 Konzentrationslager Haeftlingen

by the General Military Court at Dachau, Germany
 in Dachau, Deutschland
 vom Oberen Militärgerichte Address of Court
 Anschrift des Gerichts

and sentenced to imprisonment for life, commencing 19 May 1947
 schuldig erkannt und zu lebenslänglicher Gefangnisstrafe verurteilt,
 mit Wirkung ab 19 Mai 1947

by Judgment dated the 19 May 1947
 durch Urteil vom 19 Mai 1947 and
 Date Datum

Whereas the case has now come before me by way of review and
 Diese Strafsache ist mir zur Überprüfung vorgelegt worden und

after due consideration and in exercise of the powers conferred
 nach entsprechendem Studium des Sachverhaltes und in Ausübung der

upon me, I hereby order:
 mir übertragenen Befugnisse verfüge ich:

That the findings as to Charge I and the particulars there-
 under are disapproved and that the findings as to Charges II and
 III and the particulars thereunder and the sentence are approved.
 The Commanding General, First Military District, will confine Gustav
 Hermann Adolf BLOY in War Criminal Prison No. 1, Landsberg, Germany,
 for the duration of his life.

Dass die Befunde zu Anklage I und die Einzelheiten derselben
 nicht bestaetigt werden, und dass die Befunde zu Anklagen II und III
 und die Einzelheiten derselben und das Urteil bestaetigt werden.
 Der Kommandierende General, Militaerbezirk I, wird die lebensläng-
 liche Inhaftierung des Gustav Hermann Adolf BLOY im Kriegsverbrecher-
 Gefangnis No. 1, Landsberg/Lech, Deutschland, veranlassen.

Dated this
 Gegeben am 6 February 1948

/s/ J. L. Harbaugh, Jr.
 Signature of Reviewing Authority
 Unterschrift der nachprüfenden Behörde
 J. L. HARBAUGH, JR.
 Colonel JAGD
 Judge Advocate
 Title
 Titel

579
6 February 1948

SUBJECT : US v. Gustav Hermann Adolf BLOY
(Case No. 000-Mauthausen-2)

MEMORANDUM FOR: Colonel Harbaugh

1. An examination of the record of trial in the subject case reveals the following:

- a. A copy of the charges was served on the accused on 24 April 1947.
- b. The case was referred for trial 14 May 1947.
- c. The personnel of the prosecution and the defense were appointed on 11 April 1947.
- d. Trial was had 15-19 May 1947.

2. I concur in the recommendation of War Crimes Board of Review No 2, and of the Deputy Judge Advocate for War Crimes, in this case.

Howard F. Breske

HOWARD F. BRESKE
Colonel AOD

Chief, War Crimes Board of Review Branch