

14. PUHL—ORDER AND MEMORANDUM OF THE TRIBUNAL

ORDER

On 10 May 1949, a motion was filed in behalf of defendant Puhl praying that the Tribunal's judgment of 14 April 1949 be amended to revoke its findings of guilt against said defendant on count five of the indictment and that the defendant be released from custody. On 19 June 1949 the prosecution filed an answering brief to said motion and on 30 June 1949 the defendant filed a rejoinder to the prosecution's answering brief.

It also appears that on 25 April 1949 the defendant joined in a petition for plenary session of the Tribunals for the purpose of examining "the judgment passed on 14 April 1949 by Military Tribunal IV."

The Tribunal having considered said motion and answering brief of the prosecution and the defendant's rejoinder to said answering brief, and being fully advised,

IT IS ORDERED that Puhl's motion as to count five be and the same is hereby in all respects denied.

Memorandum hereto attached is made a part of this order.

Dated 12 December 1949.

[Signed] WILLIAM C. CHRISTIANSON
WILLIAM C. CHRISTIANSON
Presiding Judge

[Signed] ROBERT F. MAGUIRE
ROBERT F. MAGUIRE

Judge

MEMORANDUM

Our attention is called to the statement in our opinion that Puhl was appointed Funk's deputy on 11 February 1939, in charge of the active affairs of the Reich Bank. Through clerical error we referred to the date shown in Exhibit 1903 rather than the actual date of 12 June 1940 shown in Exhibit 1904, although there is in the record a letter from Funk to Lammers stating that Puhl had been acting in that capacity since 1939. The date, however, when he officially became deputy for Funk is immaterial, as the acts upon which he was convicted occurred several years later.

The defendant, in his motion, complains that the Tribunal relied upon the affidavits of Thoms and Wilhelm and overlooked that on cross-examination these witnesses modified or repudiated important portions thereof. We have examined these contentions and

have reread their testimony, both direct and cross, which fortifies the conclusions which we expressed in the opinion. Any modifications which were made are not substantial and do not materially effect the force of the statements given in the respective affidavits. Puhl himself confirmed Thoms' statement that the transactions regarding the so-called Melmer deposits were to be kept secret and confidential. (*Tr. p. 5836.*)

We were not in error in stating that the defendant contended that the theft of personal property of Jews and other concentration camp inmates is not a crime against humanity. His counsel, on final argument (*Tr. p. 27131*), asserted "that the acceptance of gold assets and other currency delivered by the SS cannot be considered a crime against humanity *because this act was directed exclusively against property.*" [Emphasis supplied.]

If our statement regarding the amount of gold and silver melted down from the loot of the concentration camps is erroneous it must be one of translation—the figures are taken from the English document book. We have no present facilities for examining the original. But assuming that the translation of this particular document is erroneous, the fact still remains that a vast amount of loot of this character was delivered to the Reich Bank by the SS Organization, that it came from concentration camp inmates and much of it from the bodies of the murdered. Puhl made the arrangements for the receipt thereof, gave instructions to the proper subordinates of the bank, and we are convinced beyond question he knew the nature of the transactions and the source from which the gold, silver, jewelry, gold teeth, watches, spectacle cases, and the like came. His motions should be, and are, overruled.

15. RASCHE—ORDER AND MEMORANDUM OF THE TRIBUNAL ORDER

Defendant Rasche, on 10 May 1949, filed a motion praying that the judgment in this case be amended and that the finding of "guilty against the defendant Karl Rasche under count six of the indictment for 'participation in the exploitation of Bohemia, Moravia, as well as the Netherlands' and under count eight 'for membership in the SS' be repealed." On 16 June 1949 the prosecution filed an answer to said motion, and on 30 June 1949 the defendant filed a rejoinder to said answer of the prosecution. It further appears that on 25 April 1949 the defendant joined in a petition for plenary session of the Tribunal, for the purpose of examining "the judgment passed on 14 April 1949 by Military Tribunal IV in Case 11."