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T o p S e c r e t

Capri, 23 May, 1945.

Statement of: Müller Josef
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From the birth of National Socialism in Germany I have politically worked against the Nazi Party. I worked in combining the Catholic and Protestants faiths together in the same cause, and from the outbreak of the war in 1939 had military friends in the Army, and a military opposition was formed and joined the movement. From September 1939 I had a semi-official position with the German Army Secret Service and worked closely with them. Several of the officers of the service were well aware of my dual work, and a greater number sympathised with the movement. I was therefore able to travel extensively, not only in Germany, but in Europe generally, and during these journeys contacted the members of the resistance movement. I also made contacts necessary for peace moves, should our opposition be successful in overthrowing Hitler and his party.

I continued with my dual work until the 5th April 43, on which day I was arrested by Col. ROEDER - leader of the Special Court and Member of the Supreme Martial Court of the Reich. The order for my arrest was signed by Göring and Keitel, and the reason was stated to be spreading defeatism against the war effort. Defeatism was not the real reason for my arrest but only the excuse given to KEITEL in order to obtain his authority for my arrest. I was detained in the prison at Munich for a week, until 12th April 43. I was not interrogated during this time. For the first few days they would not let me sleep in the cell at night. To do this they kept a bright light shining on my face. After ROEDER left for Berlin I was treated very well as I was well known by all at Munich. On the same day my wife was arrested, and some days later my lady secretary. On or about 12th April 43 I was transferred to Berlin and was taken to the prison in Lehrterstrasse, No 61, Berlin, where I was detained until September 27th 44. I was interrogated several times during this time - chiefly as being a leader of spiritual opposition in my party and concerning the contact by way of ROEME with foreign powers on points of peace. The interrogation was carried out by ROEDER, Oberkriegsgerichtsrat NOAK, Kriminalrat ROEMER and Kriminalrat SCHNEIDERGER. In the evenings when I was in my cell I was not allowed to sleep and a light kept burning and reflected on my face about every half hour, so I woke up. This lasted only two or three days.

My interrogation and existence was such that it was obvious they were trying to weaken my resistance of mind and not so much the body. I was threatened with death - which had no fears for me - and I told them so. Also that my wife and secretary would be killed. This threat was made by ROEMER.

On 3rd/4th March 44 - nearly a year after my first arrest - I was brought to trial before the Supreme Martial Court in Berlin. The Court consisted of three Lt. Generals and a Colonel and a legal officer of the rank of Colonel. The result of the trial was that I was acquitted of all charges - including those of high treason, and treason of the country and destruction of the morale of the Army. I owed my acquittal to - firstly the intervention of Dr. SACK, Chief Justice of the Army (who was later arrested), who instructed the President and Lt. Generals of the Court; secondly my ability to produce high-ranking officers - one of 33, Gen. DILLMANN, who testified to my good character, and the

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Testimony of Brigade-Führer MEIER of Munich, and that SS-Gruppenführer Rattenhuber, Chief of the Personal Security of Hitler, and Lt. Col. FICHT Chief of Military Secret Service of Munich, and Col. HUND and Major MAX ARNER; and thirdly the lack of proof brought forward by the Prosecution.

On my acquittal I was not released but returned to the prison. In September 44 I was transferred to the Gestapo in Berlin. The reason for this was that the Gestapo and Special Command investigating to attempt on Hitler's life on 20th July 44 wanted to connect myself and my military contacts with those responsible for the attempt on 20th July 44. One man, Col. Hansen, a friend of mine and a member of the Secret Service was executed for his part in the affair with others. The intention was that a trial should take place in the PEOPLES COURT and it be brought to the notice of the public. The purpose was to convince the public that the responsibility for the loss of the war was not that of the Nazi Political Party, but that of the opposition elements in the Church and Army in conjunction with Rome and the Western Powers.

From 27th September 44 to 7th February 45 I was imprisoned at The Gestapo HQ in Berlin. During the whole of this time I was confined in a single cell, without daylight, and every day and night was burning a strong 100 watt electric bulb, whose strength was increased by a brilliant reflector. I was handcuffed and my ankles in close irons all the time. The only time they were removed was when my clothes were changed. I was forced to eat in this manner, and the food supplied was very meagre and about 1/3 of a normal prison ration. I was not allowed to write and was unable to sleep because of the bright light. In these ~~cells~~ cells there were about 30/50 guards for 17 prisoners, and all day they stood at the door watching and attempting to break my nerves. Physical violence was not used, but the purpose was that the conditions would so play on the mind that I would break down and talk.

On several occasions I heard cries and sounds, and in the washroom saw prisoner struck, and I know that other prisoners and members of the opposition party had been tortured. The reason that I was not tortured was because of my former friendship with the SS General DUNKERN and SS Gruppenführer RATTEHUBER. Kriminal Commissar SONDEREGGER of the Special Command was apparently afraid of taking too severe action against me because of this friendship.

The SS wished to bring me before the PEOPLES COURT but were afraid to do this as I would have produced evidence there against various high Nazi officials, including HIMMLER, REIBENTROP and GÖRING.

On 7th February 45 I was removed from the Gestapo HQ to Buchenwald Concentration Camp, and remained there till about 3rd April 45. I was put in Cell No. 7 in the SS Building.

On 3rd April 45 I was again transferred to FLOSSBERG, where I was first in Cell 34 and then in Cell 30. For about the first week I was kept with handcuffs and with feet irons. I was interrogated on several occasions by Obersturmbannführer STAVITSKY and Sturmbannführer VALENTIN. During the interrogations I was struck several times in the face by fists. The reason for this was no doubt that as I had been acquitted by the Martial Court and there was no charge against me, it was hoped that I would do some act which would be sufficient for me to be executed. During these interrogations I refused to say anything further to what I had stated during interrogation in Berlin. There was doubt that it was desired that for some reason I should be killed.

On one occasion STAVITSKY came to my cell and whilst there struck me with his fist whilst I was still in irons. He also told me that they did not intend that the members of the opposition should live, particularly myself, so that we could come to power after the end of Nazi-Germany.

On 8th April 45 in the evening I was returning from interrogation, and when I came to the front gate of the prison I heard a commotion, in the yard inside. I could see several people moving about, I heard someone speaking, and from what my guard said I knew that my friends were assembled inside the yard and their sentence of death was being read out. At this moment I felt that I would be the next one to suffer death, particularly as I had been told during interrogation, that I, as well as my friends, who were members of the opposition, would be executed. I was kept at the gate for about 10 minutes, but was not allowed to look into the yard. After this time I was taken by my SS guards to the watchkeeper's hut near the entrance to the camp, where I stayed for about half an hour - as I expected to hear I was to be executed. I was preoccupied during this time. I was taken back to the prison gate - but again the assembly was still in progress and I had to be returned to the hut once again. I remained there for about an hour, and during this time a number of new prisoners arrived at the camp. There were several hundred prisoners in this consignment. I heard a conversation between the watchkeeper and the SS guards. I heard it said the prisoners had arrived from Briesg in Silesia, via Eger in Bohemia. All the prisoners I saw were in very bad physical condition and looked very ill, and all were males. I also heard it said that some of the prisoners had died during the journey. I don't remember the number. The watchkeeper said it didn't matter about the names of the dead people - only the number. A little later I saw some more prisoners arrive and I also saw one of the guards strike one of them because it was stated he had attempted to escape.

I saw an officer leaving the prison yard followed by two others. They appeared very nervous. I didn't know them, but I think one was the Adjutant, as I overheard the guards say the Adjutant was just leaving. The guards also said to me that it appeared that I had been forgotten. Some time later I was returned via the prison gate to my cell.

About 0600 hrs the following morning I heard the prison guards shouting the numbers of prison cells. I also had the impression that I heard the voice of Gen. CARMAN, one of my friends, I heard nothing else that morning worthy of note. Feeling that my friends were being executed and expecting I should be the next, I spent my time praying and prepared myself for death. However nothing happened to me that day, except my handcuffs and irons were removed and not replaced. The following day STAVITSKY again came to my cell, but was in a surprisingly friendly mood and told me I would have to be re-interrogated. The following day I was Interrogated three times in the SS offices, but again STAVITSKY was in a friendly mood, and in fact let me listen to the war news on the wireless. The original charges made against me were again brought up, but I had the impression that nothing would be done as the Allied Armies were approaching and the time was too short for a process to be made.

A few days later, on 15th April 45, I, with other prisoner, was evacuated from FLOßENBURG to DACHAU, where I remained for about 8 days. We were taken to LIMBURG and then onwards, where we were liberated. Whilst on my journey from FLOßENBURG to DACHAU in the Black Maria, I heard from other prisoners that all my friends had been executed.

Owing to the fact that I was a lawyer in Munich, and also one of most active members of the opposition movement against the National Socialist Party, and had good connections with high-ranking officials, I was well aware of the developments of the concentration camp at DACHAU. This camp was started in March or April 1933, on instructions of Himmler and his right-hand man, HEYDERICH. Heyderich was no doubt the mind behind its birth. The first administration and running of the camp was carried out by a man, RUTZBAUR (onetime small lawyer in Munich), and a man named Otto FRANK. HIMMLER was then Chief of the Munich Police and later head of the Secret Police in Bavaria. The purpose

of the camp was to intern political prisoners who were against the National Socialist Party - in fact the first internee whose number was 1 was a man named BASTIAN a communist student. Shortly afterwards ordinary criminal prisoners were also imprisoned in the camp. Political prisoners were sent to the camp without trial - which was a new Nazi doctrine and alien to the ordinary German law. Before long rumours spread concerning treatment in the camp, and a man with whom I was acquainted - one Otto FRANK (the one previously mentioned) - brought documents and photographs out of the camp. The photographs showed prisoners forced to pull road rollers on construction work and these were then considered evidence of brutal treatment - but nothing in comparison with the tortures which were eventually to take place at this notorious camp. These photographs and documents were handed to me and I in turn visited Hans FRANK, then Chief Justice of Bavaria, and a fanatical Nazi. Although a Nazi, FRANK was then a man with legal intentions - and I showed him the evidence and told him that as the camp was in his area of jurisdiction, he was in some degree responsible. My other object in carrying out this visit was to obtain a little more information and evidence for the opposition movement against the Nazi Party. FRANK agreed to send someone to investigate at the concentration camp, after conferring with General von EPP the representative of the Reich Government in Bavaria. At first there was a refusal from the camp to allow the investigation, but later an SS leader GUTBROD, who was also a magistrate, after at first refused permission, went to the camp to investigate these rumours. GUTBROD in his official capacity was the go between FRANK and HIMMLER. GUTBROD later made a report on the camp to FRANK, who produced it before the Cabinet of Ministers at Munich together with the previous evidence and photographs. The Cabinet decided that the camp should be closed, except one member, RHOM, Head of the SA, who objected to this procedure and sent an appeal direct to Hitler, who upheld the appeal and the camp was not discontinued.

This information was obtained by me direct from FRANK, GUTBROD and ADC to FRANK, one DORN MAX. About this time there was a general arrest of political figures in different spheres of Bavarian politics and dissolving of political parties to remove opposition to the National Socialist Party. This order was made by WAGNER, the Minister of the Interior, with the consent of HITLER.

The jurisdiction of the concentration camps set up firstly came under the direct control of the SD and then Nazi Party. The intention was no doubt that of HEYDERICH in conjunction with HIMMLER, and with the full knowledge of HITLER. The purpose was to put continual fear into elements unfriendly to the Nazi Party, and to suppress opposition on fear of internment and subsequent torture. Later, Party Leaders had the authority to send opposition political prisoners to concentration camps. The camps were also extensively used for the imprisonment of ordinary criminals such as murderers, etc. as well as the imprisonment of all persons without trial who were unwilling to work for the ideology of the Nazi Party.

At the ~~early~~ early stages, in order to give some legality to the deaths which took place, a mock enquiry was made. This was nothing more or less than a mere excuse to cover up deaths which took place by various methods and so records kept would bear any subsequent examination.

MUTZBAUER, who was the first controller of the camp at DACHAU, was arrested in the summer of 1933 for "black market" activities with food from the camp. The day before his trial he died, and it was not clear whether he committed suicide, as was stated, or was "eliminated" by other means.

I am convinced that the conditions in DACHAU deteriorated during the next ten years, up to the time of my arrest in 1943. My information on this matter was received by me from reliable sources, chiefly

chiefly through the opposition movement against the National Socialist Party, of which I was an active member. It was a well-known fact that brutal treatment was meted out to prisoners, which resulted in numerous deaths, and that the commands were changed on two or three occasions and at each change the treatment became worse.

Another source of information was through a German woman - Sister Pia - who lived with a family named BAUER in Munich. Sister PIA at one time was a Red Cross worker, and became acquainted with Dachau, where she worked in an unofficial position in connection with the hospital. She had means of communication with HIMMLER.

After the death of MUTZBAUER there was a Commandant at Dachau who had a fairly long name and endedMÜLLER. Later I believe he died in the Waffen SS. Then there was a man named EICKE, who years later became the first inspector of concentration camps in Nazi Germany. I knew a Gruppenführer POHL who used to visit the concentration camps, and his work was on the economic side.

The following are descriptions of some personalities mentioned in my statement, which may be of value. In some cases my memory is not good enough to give details:+

- ROEDER - Oberstkriegsgerichtsrat. Member of the Supreme Martial Court and Special Field Court of the Air Force. Age about 50, tall thin face, slim build; military appearance; typical Prussian.
- NOAK - Oberkriegsgerichtsrat.- As Roeder. Age about 46/50; 5' 7"; well build, strong; round heavy face, high cheek bones; dark hair, dark complexion; Slavian type; from Provinz Brandenburg.
- MOELLER -Kriminalrat.- Member of SD and Gestapo. Born in Hamburg; age 45/50; tall, well built. prussian figure; spoke quickly, exitable.
- SONDER-
EGGER - Kriminalkommissar.- Gestapo Berlin. Born in Palatina, Middle Rhine; age about 47 years; about 5' 7"; meagre face, normal build, loud voice, clean shaven.
- STAVITZKY - Obersturmbannführer? - SD and Gestapo in Berlin and Flossenbürg. Age about 45; 5' 9/10", slim build, thin face; very brutal but coward; may be in Hamburg.
- VALENTIN- Sturmbannführer? - SD and Gestapo in Berlin, Buchenwald and Flossenbürg. Age about 35/40; about 5' 6/7", well build but not heavy, normal features.
- FRANK Otto - 2 i/c at Dachau 1933, believed now Oberstleutnant in Army. Age 48/50; 5'6", meagre build; thin face, pale; quick in movements.
- FRANK, Hans - Chief Justice, Bavaria, - Chief of Academy of Law.- Fanatical Nazi. Age 46; medium height, thick build; born in Palatina; very determined in his actions.
- GUTEROD -Sturmbannführer.- Connected with Hans Frank, Chief Justice in Bavaria - went to Poland. Age about 40/45; 5'8", strong build, heavy tread, and heavy and determined movements; always smokes cigars.
- DORN, Max- ADC to Hans Frank 1933 to 1939. - Age 50 or over; Tall well build; normal features, quiet manner and voice; later in Army Secret Service in Munich.
- WAGNER - Minister of Interior and Culture in Munich.- Now dead. Approximate date of death was 1942/43.
- ...MÜLLER - Commandant of Dachau
- Eicke - Obergruppenführer

POHL - Gruppenführer

PIA (Sister) - Former worker in Red Cross.- Age about 60 years; about 5'4"', thin build, quick in actions, loud voice high pitched, greying hair; lived in Borstei in Munich.

I have read over the above statement and it is correct and true to the best of my knowledge and belief.

Sgd. Joseph MÜLLER

Statement taken down by Capt. N.E. Middleton, DAPM 78 Sec SIB, and signature witnessed on 25th May 45