

Malmedy Massacre and Trial

Prokop Seifert

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ABSTRAKT

Bakalářská práce mapuje masakr Amerických válečných zajatců ze 17. prosince 1944. Následně se zaměřuje na metody vyšetřování, průběh soudu a jeho důsledky. Práce vyvrací tvrzení, že tento incident byl ojedinělý, ale potvrzuje, že vraždění válečných zajatců bylo běžné na obou stranách. Jejím cílem je zhodnocení, do jaké míry byl soud s německými vojáky objektivní a v jakém rozsahu bylo v tomto případě dosaženo spravedlnosti.

Klíčová slova: válka, armáda, Waffen-SS, vraždy, Malmédský masakr, vojáci, zajatci, rozkazy, vyšetřování, soud, Kampfgruppe Peiper, Willis Everett, Joachim Peiper.

ABSTRACT

The thesis charts the massacre of American soldiers from December 17, 1944. Consequently, it focuses on the investigative methods, course of the trial and its aftermath. The thesis argues the statement that this Massacre was just exception but confirms that executions of prisoners of war was common on both sides and evaluates into what extent was the trial with German soldiers objective and in what content was justice served.

Klíčová slova: war, army, Waffen-SS, murders, Malmédy massacre, soldiers, prisoners, orders, investigation, trial, Kampfgruppe Peiper, Willis Everett, Joachim Peiper.

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INTRODUCTION

This bachelor's thesis deals with an infamous incident that happened at the beginning of the Battle of the Bulge during World War II. What is now referred to as the Malmady Massacre took place on Sunday, December 17th, 1944. Around 120 U.S. soldiers were taken prisoner and 86 were shot to death by German soldiers of the First SS-Panzer Regiment at Baugnez crossroad. News of the incident spread quickly, and after the war those Germans involved in the massacre were arrested and tried by an American Military court which took place from May 16, 1946 to July 16, 1946 in Dachau. Men from Peiper's former unit were also accused of other appalling actions committed during their rampage through Belgium. Apart from the massacre, this thesis documents the investigation and court decision and compares the Malmady Massacre to other well-known atrocities that occurred on the Western front. Finally, this thesis argues that investigation was proper and what aftermath the sentences brought.

1 BACKGROUND

After the D-Day landing in Normandy, the Allied forces were on a roll. In August 1944, American GIs swept into Paris. The Germans, lost nearly half a million men in August, raising the five year total to some 3.3 million casualties.

In early September 1944 – following the glory days of the pursuit across France – most American officials believed victory was imminent. But if Americans were convinced that the war would be over by Christmas, they could not have been more wrong. The amazing revitalization of the German Army in October, what the Germans called "the Miracle of the West" stabilized the front. Then, the bloody failure of the November U.S. offensive to crack the "West Wall" plunged Eisenhower and his staff into planning for a winter stalemate.¹

The basic reason for the Ardennes offensive was that Germany was close to defeat. In the west, the British and American forces were closing upon the Rhine, and in the east, the Russians were poised to invade eastern Germany. But in spite of shortages, in September 1944, just two month following the Normandy campaign, Hitler decided to launch a great winter counter-attack in the West. With Antwerp in German hands, he predicted the British and Americans would have no port from which to escape and would be trapped. Hitler believed that a well executed offensive in the west could still defeat the surging western Allies. Furthermore, Hitler believed that the Allied coalition was an unnatural grouping of rival interests, and a solid blow would cause the coalition to collapse.² In October, Hitler began mobilizing Germany's remaining men and machines at the Belgian-German border for a final large offensive.

The plan was designed to drive a wedge between British and Canadian forces in the north and American forces in the south, thereby capturing Antwerp, which was the main supply port for the Allied armies. The proposal at first seemed too adventurous. Enormous German losses suffered since the Allied invasion of France made Allied commanders

¹ James R. Arnold, *Ardennes 1944: Hitler's Last Gamble in the West* (London, Osprey Publishing, 1998), 6.

² Arnold, *Ardennes 1944: Hitler's Last Gamble in the West*, 7.

complacent, and they thought it impossible that Germany could enact such a dazzling display of military ingenuity. In short, they underestimated their enemy.³

For this offensive, the Germans assembled a staggering force of 250,000 men and 1,000 tanks and armoured vehicles. This force represented the very last reserves of manpower and apart from Luftwaffe men, Kriegsmarine and other military units, utilized even child soldiers. Hitler recognized that the greatest German advantage would be surprise. No commanders would travel with copies of the plan if they were going by air. There was not any radio traffic concerning the plan, and the movement of forces was at night so as to avoid air reconnaissance.

To lead this offensive, Hitler picked one of his most successful and loyal generals, Field Marshal Walter Model. Model accepted the commission, despite his belief that Hitler's plan was far too ambitious. Most German generals recognized that they did not have the military strength to accomplish Hitler's aims, and they proposed that they limit their goal to capturing the crossings of the Meuse River beyond the mountains of Ardennes rather than trying to reach Antwerp hundreds of kilometers away. Model would confine his forces closer to home. Hitler insisted on going for Antwerp. Furthermore, his troops would need to move extremely fast: to have any hope of success they would need to reach the Meuse in only four days.⁴ For the Ardennes Offensive, the Waffen-SS was committed for action with the 6th Panzer Army. Commander in charge was Oberstgruppenführer Josef Sepp Dietrich. The 6th Panzer Armee contained all the four SS Panzer divisions and was given the task of tearing holes in the American lines between the Losheim Gap and Monschau.

To the south of the 6th Panzer Army's sector lay General der Panzertruppen Hasso von Manteuffel's 5th Panzer Army and General Erich Brandenburger's 7th Army, which was the southernmost of the three armies assigned to the offensive. Altogether the five Panzer and Panzergrenadier divisions and thirteen infantry-type divisions, consisting of Fallschirmjäger and Volksgrenadier troops, were to be unleashed through the Belgium and Luxembourg countryside. The codename for this offensive was Wacht am Rhein.⁵

³ Arnold, *Ardennes 1944: Hitler's Last Gamble in the West*, 7.

⁴ National Geographic, *Generals at War*, episode 3: "The Battle of the Bulge", Robert Hartel, 2002.

By December 15, Model's assault forces were ready to unleash the largest offensive since Kursk two years prior, supported by 250,000 men with artillery and tanks. None of them had any idea what would happen. On the evening of December 15, 1944, Field Marshal Gerd von Rundstedt announced the following to his men:

Soldiers of the Western Front! Your great hour has arrived. Large attacking armies have started against the Anglo-Americans. I do not have to tell you anything more than that. You feel it yourself. WE GAMBLE EVERYTHING. You carry with the holy obligation to give everything to achieve things beyond human possibilities for our Fatherland and our Führer!⁶

This message was read to his attack troops as they moved up to their start-lines in the heavily wooded Eifel region of Germany.

Across the front line from Model and completely oblivious from the threat was American Lieutenant General Omar Bradley from the U.S. 12th Army Group who was responsible for the Ardennes sector. Only four infantry divisions defended the eighty mile front with one armour division in reserve. Two infantry divisions were recovering from heavy fightings, and the other two divisions had only recently arrived in Europe. They were sent to the Ardennes sector to acclimate to combat conditions without risking significant casualties.⁷ U.S. soldiers believed what they were told – this is quiet place which wouldn't be attacked. Allied intelligence information reinforced the belief that the Germans would not attempt any offensive action in Ardennes sector and assumptions were made that Germans would remain in defensive.⁸

On Saturday, December 16, at 5:30 AM, Model began the Ardennes offensive. 1,600 German guns and rocket launchers drenched the American frontline in deadly shrapnel. Twenty-five German Divisions against only four and a half U.S. Divisions. The green American soldiers had no idea what was hitting them.

⁵ Ian Baxter, *Into the Abyss: The Last Years of the Waffen SS 1943-45*, A Photographic History (Trowbridge, UK: Helion and Company Ltd, 2006), 72.

⁶ Tim Ripley, *Steel Rain: Waffen-SS Panzer Battles in the West 1944-45* (Wellington, NZ: Zenith Press, 2002), 179.

⁷ The History Channel, *Great Blunders of World War II*, episode 6, "The Battle of the Bulge", 1998.

⁸ PBS, *The American Experience*, "The Battle of the Bulge: World War II's Deadliest Battle", 1988.

Terrified because they have never been in battle before, some of them fearing complete annihilation, scrambled from their sleeping bags and threw themselves into shelters and foxholes.⁹ German battlegroups quickly sliced through the American forward positions. U.S. convoys were ambushed and totally destroyed. Just as Hitler planned – thick fog grounded the Allied air force. An increasing number of U.S. soldiers were taken prisoner.

By the end of the first day, Germans had erected the bulge which gave the name to the Battle. When the Germans broke through U.S. lines, the American in charge was far away from his command post. Lieutenant General Bradley was in Paris celebrating the promotion of his old friend and current boss, General Dwight Eisenhower, as Allied Supreme Commander. When he was informed about the situation he did not take it seriously because he thought it was only a local attack. But General Eisenhower saw the threat. He wanted to send two armoured divisions – one from North and one from South to attack the flanks of the German advance.¹⁰ The decimation of his frontline units soon forced Bradley to realise the Allies had seriously misjudged the situation in Ardennes.

The Allies had also been confused by forty German soldiers from Skorzeny's Special Forces brigade who infiltrated the lines dressed in U.S. uniforms and driving captured American vehicles.¹¹ These forty troops were speaking English with a perfect accent and sneaking behind enemy lines with ease. There they were changing signposts, misdirecting traffic and cutting telephone lines to cause even more confusion. Bradley's men managed to capture some of them but the chaos they created was so great that Eisenhower was confined to his HQ, based on the fear of a possible assassination attempt. When one of the captured German commandos claimed that their ambition was to assassinate U.S. Generals, the Americans started to panic.¹² Like Omar Bradley, Eisenhower was also forced to acknowledge that he had completely misread the German situation.¹³

By now, the panzer spearhead was closing in on the Meuse River. If they crossed it quickly, Antwerp would be within their grasp. The tip of Model's sharp spearhead was an SS elite panzer unit of 250 tanks and more than 5,000 men – the German army's most battle-hardened and fanatical soldiers.

⁹ National Geographic, *Generals at War*, episode 3.

¹⁰ National Geographic, *Generals at War*, episode 3.

¹¹ The History Channel, *Great Blunders of World War II*, episode 6.

¹² National Geographic, *Generals at War*, episode 3.

¹³ The History Channel, *Great Blunders of World War II*, episode 6.

Their commander was 29-year-old Colonel Joachim Peiper. Peiper's plan was to set through to the Meuse River before the weather cleared and the sky filled with Allied fighter bombers. Once there, he had to secure crossings for German support troops that followed him. On day two, Peiper's men reached the village of Malmedy. Here they ambushed a convoy of Americans. Peiper's men rounded up around 125 American prisoners and shot 86 of them.¹⁴

The Battle of the Bulge was last Hitler's attempt to change the course of World War 2. Not only Field Marshal Model or General Dietrich but other highest ranking German officers realised that reaching Antwerp was impossible task.

“Despite these and other efforts on the part of senior military officers, Hitler remained committed to his scheme to save The Third Reich and thus ordered his armies to launch the operation on schedule.”¹⁵

¹⁴ National Geographic, *Generals at War*, episode 3.

¹⁵ Gregory L. Matson, *SS – Das Reich – History of Second SS Division 1941 – 45* (Wellington, NZ: Zenith press, 2002), 152.

2 EVENTS OF THE MASSACRE

All told, Peiper's *Kapfgruppe* had more than 5,000 men, 117 tanks, 149 halftracks, 24 artillery pieces, 40 anti-aircraft guns, and more than 500 other vehicles. It was the *Leibstandarte*'s lead unit, and the success of the offensive would depend on its progress.¹⁶

Peiper was not pleased with the route he was assigned, a secondary road that he complained bitterly was "not for tanks but for bicycles". There was another surprise in store for Peiper. The two trainloads of petrol allotted to 1st SS Panzer Division had not arrived in the assembly area. He would have to rely on captured American fuel.

It was nearly 4:00 AM when the lead element of *Kampfgruppe Peiper* moved off in the direction of Honsfeld, a town occupied by U.S. forces. At about 5:00 AM the lead German tank crept slowly into the outskirts of Honsfeld. The machine-gunners in the tanks and on the halftracks opened fire, raking vehicles and buildings with bullets as they moved through the centre of Honsfeld. Some of the Americans managed to escape, others decided to surrender.¹⁷ Germans started this offensive in a very brutal fashion and fought as they were used to on the Eastern front.

In one house, near the center of the town, an SS officer forced eight Americans to line up against a wall and then mowed them down with an automatic weapon. From another house, five American soldiers emerged under a white flag. Four were immediately cut down and the fifth, who was wounded, was run over by a tank. In another part of Honsfeld, eighteen men of 612th Tank Destroyer Battalion emerged, after a brief firefight, with a tablecloth as a flag of surrender. Two of them were shot as they stood. Another group of some 100 men were fired upon as they stood in a tightly packed group with their arms raised. At least thirty of them were killed. Then, the survivors were marched down the road towards Lanzareth.¹⁸ The opening stage of the march through Belgium allowed the SS men to fight shamelessly and instill fear in the enemy lines. It did not matter how many captives would be shot or sent to the rear. It was total war.

¹⁶ Tim Ripley, *The Waffen-SS at War: Hitler's Praetorians 1925-1945*. (London, UK: Zenith Press, 2004), 289.

¹⁷ Robin Cross, *Battle of the Bulge 1944: Hitler's Last Hope*. (Philadelphia, PA: Casemate 1.edition, 2002), 81.

¹⁸ Cross, *Battle of the Bulge 1944: Hitler's Last Hope*, 81.

Peiper then decided to change the direction of his advance, making a detour to Bullingen, which lay on the 12th SS Panzer's route. Peiper was told that there was an American fuel dump there.¹⁹ It was at this point when deteriorating weather and rapidly declining fuel supplies became chronic. Road conditions made the progress for tanks impossible – within the timetable at any rate. Bullingen was territory which Peiper had been specifically ordered to avoid. Nevertheless, he did not hesitate and sent details to reconnoitre. The petrol dump was captured.²⁰ This daring attempt also helped to clear the way for another German unit which was assigned to go through this territory.

Here, with the aid of a reluctant American groundcrew, the Germans were able to help themselves to some 230,000 litres of fuel. At least one account of the fuel seizure stated that a number of American prisoners were shot once their task was finished.²¹ Peiper pulled his troops out of the town and resumed his southward progress. By noon, the head of his column was approaching the crossroads hamlet of Baugnez, four kilometres south of Malmédy. The roads were now jammed with American vehicles travelling in all directions. One of those units was Battery B of the 285th Field Artillery Observation Battalion.²² Previous incidents of unwarranted violence were only precursors of oncoming massacres to happen along Kampfgruppe Peiper's route.

At the east end of Malmédy on the main N-23 road to St.Vith, the leading jeep of Battery B was stopped by an engineer, Lt.Col. David Pergrin. Pergrin had one company of engineers available to him. He had no idea of the extent of the enemy's strength, but one of his own jeep patrols had warned him that a German armored column was approaching the area to the southeast of Malmédy. He therefore warned the jeep's passengers, Captain Mills and Lieutenant Lary, not to proceed in that direction, and advised them to turn around and go to St. Vith another way. But, the artillery officers did not listen. Ignoring Pergrin's warning, the battery proceeded on its way.²³ If Pergrin's warning did not fall on deaf ears and Lt. Lary and Captain Mills were more aware of threat and changed the route to

¹⁹ Cross, *Battle of the Bulge 1944: Hitler's Last Hope*, 83.

²⁰ Rupert Butler, *SS-Leibstandarte The History of the First SS Division 1939 – 1945*. (Wellington NZ: Zenith Press, 2001), 138.

²¹ *Ibid*, 139.

²² Cross, *Battle of the Bulge: Hitler's Last Hope*, 84.

²³ Militaryphotos.net, "Massacre at Malmédy" , <http://www.militaryphotos.net/forums/showthread.php?14753-Massacre-at-Malm%EDy> (accessed April 19, 2011).

St. Vith, the incident now referred to as the Malmédy Massacre would never have happened. The Battle at St. Vith on December 21, was the last German success on the Western front.

Around 1 pm, on December 17, the Battery B convoy was spotted by an advance unit of Peiper's division. The Germans opened fire on Battery B. The Americans had no chance against the German massive firepower. Within minutes, fifty American soldiers were dead. A firefight was halted by the arrival of Peiper, who roared into Baugnez in an American jeep, angry that Battery B's trucks had been shot to pieces.²⁴ For the Kampfgruppe, the soldiers of Battery B were fast and easy victims. Most of them were green and absolutely unprepared to face such aggressive and overwhelming power. Peiper was furious because destroyed vehicles blocked his advance, and because his Kampfgruppe could have used the fuel from the vehicles had they not been destroyed.

The exact number of soldiers who surrendered to the Germans is unknown, but according to various accounts, it was somewhere between 85 and 125. Americans were quickly rounded up by panzergrenadiers, disarmed and ordered to wait in a field by a roadside café until German troops, who were following, could take charge of them.²⁵ Those American soldiers who had attempted to escape over the fields had been picked off.²⁶ According to this, Germans were ordered not to kill anyone who surrendered to them on their advance on Antwerp, but those who started to run immediately lost their POW status.

What followed is subject to debate. So as not to hinder their advance, the Germans would not take prisoners with them. There is no evidence that Peiper himself gave any orders as to what to do with prisoners. Accounts of subsequent events on 17 December - like the testimonies of survivors of the massacre of at least 86 American prisoners - are conflicting and confusing. "Peiper and his vanguard were carrying at least 36 captured G.I.s on their vehicles at the time they got to Baugnez. These imprisoned Americans had to join the group that had been previously rounded up in the pastureland."²⁷

²⁴ Cross, *Battle of the Bulge: Hitler's Last Hope*, 84.

²⁵ Butler, *SS-Leibstandarte, The History of First SS Division 1939 - 1945*, 139.

²⁶ Cross, *Battle of the Bulge: Hitler's Last Hope*, 84.

²⁷ Battle of the Bulge WW-II, "Wholesale Slaughter at Baugnez-lez-Malmedy", http://members.cox.net/honorguard2/Battle_of_the_Bulge.html, (accessed April 11, 2011).

After the prisoners were taken, Peiper left the crossroads and continued the advance with his lead element.²⁸ The incident that became notorious as the “Malmédy Massacre” occurred several kilometres outside of town. At a certain point, some of the prisoners in the rear part of the group gave the impression that they were about to flee. The majority of the Americans could not see what was going on behind their backs, and survivors have never testified otherwise.²⁹

Americans were guarded by two armoured vehicles and a bunch of soldiers who were ordered by Peiper to look after US captives. The exact number of Germans guarding the prisoners is unknown, but the Americans, although unarmed, were in vast majority. A pistol was fired, some say as a warning shot and others say it was a deliberate shot that killed an American soldier. Some argue, that some of the POWs tried to escape”³⁰ At first, it seemed that no one understood what was going on or what to do. Some of the Americans started to run. Other Germans in the area were caught unaware, surprised and confused. Soon the prisoners, seeing their fellow soldiers being shot, started to run for their lives. Many were cut down as they ran for safety towards the woods or nearby sheds.³¹ For both sides it was an unexpected situation, and as nobody knew what was going on, each of those who were present acted exactly on instinct.

The men who survived the initial burst of fire hurled themselves to the ground, burying their faces in the mud and trying to squirm under the mound of corpses around them. The firing lasted about 15 minutes.³² Germans were then sent among the wounded Americans to finish off anyone who managed to survive or pretended to be dead. Because there are no Germans willing to confirm what had happened at the Baugnez crossroads, the following are chilling testimonies of three American soldiers who managed to survive the carnage. Lt. Virgil Lary, one of those who eventually testified during the Malmédy Massacre trial, said the following:

Other bursts were sprayed upon us for possibly five minutes. Gradually the groans and moans ceased. I had received one shot which tore through a part of the bones of one

²⁸ Thoughts on WWII, “Malmédy Massacre” <http://www.thoughtsonwwii.com/?p=15> (accessed April 11, 2011).

²⁹ Battle of the Bulge WW-II, “Wholesale Slaughter at Baugnez-lez-Malmédy”.

³⁰ Thoughts on WWII, “Malmédy Massacre”.

³¹ Militaryphotos.net, “Massacre at Malmédy”.

³² Cross, *The Battle of the Bulge: Hitler’s last Hope*, 85.

foot and out at the ankle. Another had inflicted a flesh wound slightly higher in the calf of the same leg. I was fortunately able, despite pain, to lie still and not draw a burst of fire in my direction. After that, several German non-coms walked around over the bodies, shooting in the head those who still showed signs of life. When doubtful they kicked a man in the face to see if he winced. Even the insignia of our medical corpsmen counted for naught, although it had been respected in other cases. One German came around my way shooting here and there. A bullet went through the head of the man next to me. I lay tensely still expecting the end. Would he see me breathing? Could I take a kick in the face without wincing? I couldn't see him directly as I was face down in the snow. He was standing at my head. What was he doing? Time seemed to stand still. And then, I heard him reloading his pistol in a deliberate manner. While doing this he was laughing and talking. A few odd steps before the reloading was finished and he was no longer so close to my head, then another shot a little further away. He had passed me up.³³

Sergeant Kenneth F. Ahrens who had been shot in the back and his uniform was so soaked in blood from his and other's wounds that he escaped examination by the Pioneers. He recalled:

I could hear them walking down amongst the boys that were lying there. Naturally there was a lot of moaning and groaning, and some of the boys weren't dead yet. You would hear a stray shot here and stray shot there; they were walking around making sure there was nobody left. Each time they would hear somebody moan, they would shoot him; and there was one particular time when I could feel a footstep right alongside of me, where one of the boys laid across the back of me, or this side of me, and they shot him. But why they didn't shoot me I don't know... Every once in a while a tank or a half-track would roll by and turn their guns on us, just for a good time. I mean, they were laughing, they were having a good time.³⁴

³³ Virgil P. Lary, "The Massacre At Malmedy" *The Field Artillery Journal* – May 1946, http://sill-www.army.mil/famag/1946/FEB_1946/FEB_1946_PAGES_80_82.pdf, (accessed April 21, 2011).

³⁴ Cross, *Battle of the Bulge: Hitler's Last Hope*, 85.

Kenneth Kingston:

I was lying on the ground, waiting for what might happen. I failed to die of fear when seconds later I could hear a German moving in my direction. He stood still next to me and stared down on me. I must have made an imploring gesture not to shoot. The German drew his pistol, shot twice in the frozen grass next to me and then with a precisely aimed shot he inflicted me a scar just above my left ear. Three times the bullet whirled round my helmet. Then the German gunner walked away to where he came from, as if nothing had happened.³⁵

After an immeasurable period of time, when Germans gunners left the killing field, surviving Americans escaped to report Lt.Col. Pergrin what had happened. "Lt.Col. Pergrin took the wounded men to Malmédy and at 16:40 contacted the first Army's headquarters to inform them that some sort of massacre had taken place at Five Points. Twenty-one survivors of the massacre made statements to the American authorities in Malmédy on December 17th."³⁶ Their story of the unprovoked massacre was immediately sent to General Eisenhower, who made it a point to disseminate the story to the reporters covering the battle. When the gory details of the Malmedy Massacre reached the American people, there was a great outcry for justice to be done.³⁷

It was at this time that within a few hours, every American soldier in the Ardennes region was informed that the Germans were not taking prisoners. This fact finally helped them to instil their determination not to surrender at Bastogne. The Americans were inspired to fight and have no mercy especially towards SS and paratroopers.

The Germans brought sthe tyle of fighting which had been common on the Eastern front to the Western front. The 1st SS Panzer Division was responsible for atrocities in Russia, and they had already shot captured Americans in their advance in the Ardennes Offensive. Mass murders of prisoners of war or civilians followed Peiper wherever he

³⁵ Battle of the Bulge WW-II, "Wholesale Slaughter at Baugnez-lez-Malmedy".

³⁶ History Learning Site, "The Malmedy Massacre",
http://www.historylearningsite.co.uk/malmedy_massacre.htm, (accessed April 11, 2011).

³⁷ The History Page, "The Malmedy Massacre",
<http://forum2.aimoo.com/TheHistoryPages/General-Discussion/THE-MALMEDY-MASSACRE-1-337360.html>, (accessed April 11, 2011).

went. For success, he and his men had to move fast. The truth is that they had no extra personnel to guard American prisoners. Peiper also did not want the captives to rearm and attack his units from behind.³⁸ In the following days, Peiper's unit blasted its way through more and more territory and it is said, committed further atrocities along the way.

Peiper's troops travelled through many towns and in each of these towns and villages and at times on the roads between them, it is said that men from Peiper's battlegroup killed various unarmed American soldiers as they were surrendering or after they were captured.³⁹ There is hardly any reason to be surprised about the cruelty of Kampfgruppe Peiper members. The more the Germans saw the situation as hopeless, the more ruthless they treated the prisoners. Belgian civilians also died in Kampfgruppe Peiper's rampage. One of the poignant deaths was that of 16-year-old Erna Collas, who was ordered to guide five SS troopers from Honsfeld to Bullingen. Erna's body was found in the spring of 1945 in a shallow grave on the road to Bullingen.⁴⁰

Peiper's advance was eventually stopped at La Gleize where he took 150 US prisoners of war and his 800 men back to Germany. On January 7th, Hitler ordered a humiliating retreat. Hitler had lost, and so had Peiper. As the Americans flushed the last pockets of German resistance, it took another ten days before Americans could reach the scene of the Malmedy Massacre.⁴¹ On 14 January 1945, a total of 84 bodies (72 initially and 12 after the snow melted) were found at Malmedy. The exact number of prisoners that were shot during the shootings of 17 December will never be known.⁴² The vast majority still had rings, watches, money and other valuables on them, which contradicts the statements of most survivors who said the Germans stole everything worthwhile from them before they were driven into the field.⁴³

³⁸ Thoughts on WW II, "Malmedy Massacre".

³⁹ Ray Merriam, "The Malmédy Massacre and Trial", *The Journal of Historical Review*, vol. 2, no. 2, pp. 165-176. (2002), <http://www.vho.org/GB/Journals/JHR/2/2/Merriam165-176.html> (accessed January 19, 2011).

⁴⁰ Cross, *Battle of the Bulge: Hitler's Last Hope*, 87.

⁴¹ National Geographic, *Nazi Hunters*, episode 8: "Peiper – The Murderer of Malmedy" John Holdsworth, 2009.

⁴² The Malmédy Massacre, "The Baugnez Crossroads", <http://home.planet.nl/~wijer037/Bulge/Forms/Baugnez.html>, (accessed January 19, 2011).

⁴³ WW II Multimedia Database, "Battle of the Bulge", http://www.worldwar2database.com/gallery2/key/Battle+of+the+Bulge?g2_itemId=69, (accessed April 26, 2011).

The Malmédy Massacre was an incident which should be understood from a wide perspective. There is plenty of evidence to prove the claims of both sides. The Americans claimed that they were murdered in cold blood, while the Germans version was, that the US soldiers tried to escape. There were more than forty survivors of the massacre, but their views are biased. And nobody knows exactly how many guards and captives were in the field that afternoon.

Looking at the German version of events, one can understand that after being ambushed on the road and hastily herded into the field, the young American soldiers were still shocked and scared. An escape attempt was possible when one takes into account that there were probably 120 GIs who were unarmed but still easily capable of overwhelming the German guards. In such a tense situation, it would take just one attempt to provoke the Germans to open fire. And in fact, this might be exactly what happened. However, the American version was, that one SS private fired unprovoked at an American prisoner of war. After this shot his comrades opened fire with machine-guns and automatic weapons. If it was only one German soldier who opened fire, it was him then who was responsible for the American unwillingness to take German prisoners after Malmédy.

If, on the other hand, a few Americans tried to escape, then why were all shot down? The probable explanation is that after such an escape attempt, all the captives were considered a threat.

One can also easily assume that the Germans were in a hurry, far behind schedule and they had no time to look after the prisoners. Thus, killing them was the easiest way. The truth however, remains unknown. Whether it was an American or German who caused this massacre, it was a blunder which led to ruthless killings and revenge on both sides till the end of war.

3 COMPARISON TO SIMILAR INCIDENTS

Hardly any other army was so ideologically motivated as the troops of the Waffen-SS. In contrast to the German Army, units of the Waffen-SS had different training but they were also led to adopt high combat and political morale, aggressive appearance and the conviction that they were the political and military elite of the Third Reich. On the battlefield, the effects of the ideology instilled in these men had a concrete result: the Waffen-SS units carried out their orders regardless of the consequences, resulting in high losses among units that tried to fulfill these orders. Undoubtedly, the most famous division of the Waffen-SS was Leibstandarte SS Adolf Hitler, which became one of the most powerful tank formations.

By the outbreak of the war, the Leibstandarte SS was class combat formation with unequalled combat morale. From the very beginning however, they committed barbarities. During the campaign in France, the unit reached the Channel at Dankerque. On 27 May 1940, a group of around 80 British soldiers were captured by the Waffen-SS troops, herded into a barn near the village of Wormhoudt, and here they were killed with hand grenades and fire from machineguns. The perpetrators claimed that one of the captives was carrying a stashed revolver, which provoked the shooting. There is no conclusive evidence to support this version, and the killings tarnished reputation of the Leibstandarte. The Leibstandarte SS itself, however, was not the only unit responsible for a massacre during this campaign.⁴⁴

On the same day, 27 May 1940, the 3rd Company 2nd regiment of the Totenkopf SS Division, commanded by SS-Obersturmbanführer Fritz Knöchlein, took part in heavy fighting against the 2nd Royal Norfolk Regiment near the village of Le Paradis. Perhaps 100 British soldiers barricaded themselves in a farmhouse, from where the fire from rifles and machine guns forced Knöchlein's men to lie on the ground for one hour. During this time they killed several men of the Waffen-SS, but when they ran out of ammunition, they surrendered, raised a white flag, threw down their weapons and began to venture out of the house. The boldness of the British soldiers enraged Knöchlein. He ordered his men to herd the British together and walk across the road between the barns. There he lined them up

against a wall and had shot them with machine guns. Then he gave the order to finish those who were wounded with bayonets and to shoot anyone who remained alive. After an hour, he was satisfied that they were all dead, and gave an order to move forward. Coincidentally, there were two survivors of the massacre, Privates Albert Pooley and William O'Callaghan, whose affidavit after the war meant that Fritz Knöchlein was hanged by the British in 1949.⁴⁵ At the trial, Köchlein's only excuse was that he could not spare his men to guard prisoners due to the momentum of the advance.

While the campaign in the Balkan was a brilliant example of blitzkrieg, for the Waffen-SS and German army it was just a distraction. The real test was still ahead. War against the Soviets was Hitler's ideological crusade. Apart from military success, the main goal was the mass killing of Jews, bolsheviks and other unfavourable groups. But invading the Soviet Union was overly ambitious of Hitler.

The war in the East transferred the young grenadiers of the Waffen-SS into much more brutal and inexorably crueler warfare. SS troops were taught to look at the Russians as an ugly communist enemy. In contrast, the Soviets saw in the Germans hated fascist invaders. This mutual hate was manifested on the battlefield in the frenzy fighting of man against man, where mercy was not asked nor given. Reports of battles in the Soviet Union heralded great victories, beyond which the brutality of unimaginable depth was hidden, and in which one side did not spare the other side. But what was understandable in the heat of the battle, became completely incomprehensible afterwards. In October, the Leibstandarte was accused of the cold-blooded murder of a large number of Soviet prisoners after the Battle of Taganrog. It was, indeed, an order given by General Dietrich, one of the closest friends of Adolf Hitler who decided that no Russian would be taken prisoner as revenge for a few German soldiers who were found slaughtered earlier.⁴⁶

Nevertheless, brutality and barbarism were not restricted only to men of the Waffen-SS and so-called Einsatzgruppen "special groups" of extermination squads. The entire German army was responsible for mass executions of hundreds of thousands POWs and innocent civilians in Russia. It is daring to claim that those who were members of Wehrmacht did not know about mass killings in the rear or did not take part in them.

⁴⁴ Christopher Ailsby, *Waffen-SS, The Illustrated History, 1923-1945*. (Wellington, NZ: Zenith Press, 1998), 211.

⁴⁵ *Ibid*, 86.

But on the other hand, the Russians were no less cruel. There were thousands of incidents when Germans were brutally tortured and murdered by Russian forces or more frequently by partisans. German reprisals against the partisan activities were, as expected, very cruel. For example, during its stay in northern Italy, the Leibstandarte played a major role in massacre of the population and the subsequent destruction of Boves village in September 1943. Men, women and children were executed in cold blood. It was not the first time when civilians were punished for their aid to partisans. This action was described as an operation "against the anti-fascist partisans,"⁴⁷ Responsible for ordering the mass murder of civilians and the torching of the village was Joachim Peiper.

What can not be forgotten is that Waffen-SS were responsible for one of the most appalling atrocities of the war. One of the most notorious was a destruction of the French village Oradour in June 1944. The following story might be considered an example of how the Germans treated civilians who aided the enemy.

It was the death of the popular Sturmabführer Helmut Kampfe, CO of the 3rd Battalion of the "Der Führer" Regiment - which provoked one of the worst of all the Waffen SS atrocities in France. On the evening of 9 June, while The "Das Reich" Division was in route to Normandy, Kampfe set out for his headquarters in his car. When he did not arrive, men were sent to look for him. His car was discovered abandoned, but of Kampfe, there was no sign; nor was his body ever found. It was safely assumed that he was ambushed and killed.⁴⁸ The following morning, on 10 June, Adolf Diekmann, CO of the 1st Battalion, arrived at regimental headquarters in Limoges for a meeting with Sylvester Stadler. He brought news from Milice collaborators that "a high ranking German Officer" was being held prisoner by the Resistance fighters in Oradour-sur-Vayres. Diekmann was convinced that it must be Kampfe and asked permission to investigate. Probably early in the morning, Kampfe was killed by the resistance. The exact time, location and other circumstances remain unknown.⁴⁹

What was about to follow next is an example of how Germans treated those who were aiding partisans. Diekmann took 120 men of his 3rd Company and arrived in the village

⁴⁶ Ibid, 212.

⁴⁷ George Duncan's Historical Facts of World War II, "Massacres and Atrocities of World War II", http://members.iinet.net.au/~gduncan/massacres_axis.html (accessed April 26, 2011).

⁴⁸ Bruce Quarrie, *Waffen-SS Soldier 1940 – 1945*, (Wellingborough, UK: Osprey Publishing, 1993), 47.

early in afternoon.⁵⁰ At this point the soldiers began to separate the men from the women and children. The population was assembled on the Champ de Foire and the women and children were moved off to wait in the church while the town was searched for arms, ammunition and prohibited merchandise. There was no sign of Kampfe or any other officer.⁵¹ Without any doubts, Diekmann mistook the village of Oradour-sur-Glane with Oradour-sur-Vayres, which was active in the resistance and where he was about to arrive according to plan. Strangely, he apparently did not find any reason to look at a map or ask villagers. Men were divided into six groups and then sent into six barns which were located at various points along the main road. Out of the blue, SS-men then opened fire. After the initial burst, they walked among their victims and finished them with pistols. Then, the Germans torched the buildings and incinerated those who had not been killed by gunfire. In other parts of Oradour, Diekmann's soldiers set fire to houses and murdered fugitives who had not complied with the order to gather at the central square. At the same time, other members of 3rd Company herded women and children into large church situated at the southern end of the village. About 400 people were crowded in the building, the Germans continued with shooting and tossing grenades before closing all exits and starting another fire. They then shot people running out of the burning church.⁵² SS men acted as if nothing unusual had happened, but the original orders were different.

The burning of the entire village began at around 5 p.m., after the killings in the church and the barns. A group of SS soldiers spent the night in the home of Monsieur Dupic, a man who escaped when he saw the Germans enter the town. The SS soldiers did not leave Oradour-sur-Glane until the following day. They torched the Dupic house just before they left the village. The official version of the massacre makes it abundantly clear that the people of the village were completely innocent. During several hours, the Germans murdered 642 villagers.⁵³ There were a few lucky survivors, such as three Jewish girls who managed to stay hidden during the search. When the shooting began, they fled, only to bump straight into an SS private. This man, who has never been identified, gestured for

⁴⁹ Oradour-sur-Glane 10th June 1944, <http://www.oradour.info/index.htm>, [accessed January 19, 2011].

⁵⁰ Quarrie, *Waffen-SS Soldier 1940-1945*, 47.

⁵¹ Oradour-sur-Glane 10th June 1944.

⁵² Quarrie, *Waffen-SS Soldier 1940-1945*, 47.

⁵³ Scrapbookpages, "The Oradour-sur-Glane Massacre", <http://www.scrapbookpages.com/oradour-sur-glane/story/OfficialStory.html>, (accessed January 19, 2011).

them to run.⁵⁴ 642 people of both sexes and all age groups died in Oradour-sur-Glane. The village was never rebuilt in order to remind future generations of the inhuman face of Waffen-SS.

It is ironic paradox that Oradour-sur-Glane was destroyed and civilians murdered on the same day as Lidice in Czechoslovakia, two years earlier as a reprisal against Czechs for the successful assassination of Reinhard Heydrich. It was obvious that activities of guerrillas and their effort to disrupt German lines of communication arose dramatically after D-Day. On the other hand, German aggression towards civilians was even far more brutal while they were on the wane. As evidence, only day before destruction of Oradour, almost one hundred people accused of collaboration with partisans were hanged in the town of Tulle. The brutality of such reprisals forced the Resistance fighters to limit their attacks because the price was too high.

It has never been satisfactorily explained why during so-called antiguerrilla operations the Germans executed innocent men, women and children, as in Minsk, in Kharkov, in Boves in Italy, in Klisura in Greece or Oradour-sur-Glane in France. Statements of the Waffen-SS soldiers who claimed that they did not know anything about a policy of mass executions of Jews and other minorities are fake. In fact, the Waffen-SS units blindly obeyed, if they were asked to participate in the killings.

In Russia, a major part of the victory over the Germans belonged to partisan units who dramatically changed course of the war in the East. Their main goal was cutting the German supply lines. But the biggest German blunder was their policy. They came to the Ukraine, Belarus, Estonia, Lithuania and Latvia as liberators from the communist yoke but very soon, they started to act as occupants exactly in the same manner as they acted in Czechoslovakia or Poland and turned the civilians against them. In the West, mass executions of civilians and prisoners of war were less common but as the Allied forces were on a roll, the Germans were more aggressive and ruthless. In the village of Boves, not a single German soldier was killed. It was only Peiper's provocation against partisans who were actually present in the village.

⁵⁴ Quarrie, *Waffen-SS Soldier 1940-1945*, 47.

The German version was always the same. They claimed that according to Geneva Conventions, such reprisals against guerrilla activities were justifiable. Not only the mass killing of prisoners of war but also civilians damaged the reputation of the Waffen-SS. It can be hardly understood why the Germans committed such reprisals not only as a retribution of resistance efforts but also as revenge for the killing of a single soldier. If Germans were committing massacres to such an extent, they could hardly expect Allied respect if they were captured. Since these soldiers belonged to the highest Reich elite, perfectly trained with high combat morale, and every member was proud of his membership in a truly elite force, why they did not act as knights but as villains?

4 TRIAL AND VERDICT

Many former members of the Waffen-SS tried to claim that they did not commit more atrocities than any other military organization. But the Waffen-SS were too large and too diverse an organization. This does not alter anything on the essence of the case that the Waffen-SS combat formations committed a much greater quantity of war crimes than any other part of the German Armed Forces.

There is no mitigating circumstance for men who wore the badge of the Waffen-SS. The International Military Tribunal at Nuremberg established that the SS organization - according to charter of this tribunal, was used for criminal purposes which included: "persecution and extermination of Jews, the brutality and killings in concentration camps, the crimes in the administration of occupied countries, torture and murder of prisoners of war".⁵⁵ Even classical Waffen-SS combat divisions were guilty of barbarities, or at least abetment of murders - for example, in April 1941, one of the companies of the SS Division *Das Reich* assisted the extermination squad SS in the shootings of 920 Jews near Minsk. The same company was involved in murders in Oradour-sur-Glane in France in 1944. There were too many instances for the Waffen-SS could escape denouncement.⁵⁶ After the war, Germany could expect little mercy from those against whom they fought. Americans were in charge as occupying force and everything that was happening in Germany after the war was only a consequence of the fact that Germany was aggressor.

As the extermination camps were over, horrified Allied troops made little attempt to differentiate the guilt of those who wore the badge of SS. Because of the vast catalogue of crimes against humanity committed by the Waffen-SS, all SS men were rounded up for special interrogation. Some Waffen-SS men eventually found themselves on trial, and some of them paid the ultimate price for their crimes. Very few of those who fell into Russian hands were ever to get back to Germany.

Teams of interrogators were sent to Germany in order to hunt down and interrogate suspects. But finding the guilty was difficult. In the post-war chaos, a huge number of Germans were in prison camps across Europe. Within weeks, one thousand men of Peiper's former unit – The 1st SS Panzer Regiment were pulled in for testimony. All were

⁵⁵ Ailsby, *Waffen-SS, The Illustrated History, 1923-1945*, 213.

now potential war criminals. But the real prize was Peiper himself.⁵⁷ From the Peiper's original unit, only 800 survivors reached the German borders after retreat from Ardennes. If they were not killed during the defense of the Reich, they were sent to the Eastern front to fight against the Russians at the siege of Budapest.

From 1945 to 1948, U.S. Army Courts tried 1,672 individuals in 489 proceedings. The 489 cases tried by the U.S. Army in Germany can be divided roughly into four categories: main concentration camp cases, subsequent concentration camp cases, flier cases and miscellaneous cases. The fourth category consisted of a few cases including the Malmedy Massacre case.⁵⁸ Many of these trials took place in a Dachau courtroom. The Americans exactly chose the former concentration camp in order to punish German war criminals at a place which was connected with Germany's crimes against humanity.

Further interrogation reduced the original 1,000 suspects to 400 and then 75. They were taken to Schwaebisch Hall which was a maximum security prison near Dachau. The men were placed in individual cells to prevent collaboration on alibis. The U.S. Army changed the status of the men from prisoners of war to war crime suspects. The SS accused were no longer protected by the rules of the Geneva Convention.⁵⁹ An order given by General Eisenhower eventually meant that hardly any former member of Waffen-SS deserved treatment according to Geneva Conventions.

Lt. William Perl, the chief interrogator of the Malmedy Massacre accused, was an Austrian Jew who immigrated to America in 1940. The Americans needed all the help they could get from native German speakers.⁶⁰ Perl was a passionate Zionist who was determined to gather as much evidence as he could before the start of the huge show trial.⁶¹ The chief prosecutor's method of investigation was highly controversial. The SS prisoner was brought into a small dark room to be questioned by a three man board of officers. As the trial was approaching, the questions raised.⁶²

⁵⁶ Ibid, 213.

⁵⁷ National Geographic, *Nazi Hunters*, episode 8: "Peiper – The Murderer of Malmedy".

⁵⁸ Nazi Crimes on Trial, "The Dachau Trials" Trials by U.S. Army Courts in Europe 1945 – 1948. <http://www1.jur.uva.nl/junsv/JUNSVEng/DTRR/Dachau%20Trials%20intro.htm>, (accessed April 21, 2011).

⁵⁹ A&E Television Networks, *Our Century*, "Massacre at Malmedy", Don Horan, 1993.

⁶⁰ Scrapbookpages, "Malmedy Massacre Trial", <http://www.scrapbookpages.com/dachauscrapbook/dachautrials/malmedymassacre01.html>, (accessed January 19, 2011).

⁶¹ National Geographic, *Nazi Hunters*, episode 8: "Peiper – The Murderer of Malmedy".

⁶² *Our Century*, "Massacre at Malmedy".

Perl was convinced that Peiper's unit carried out cold-blooded murder. He further believed that before the Battle of the Bulge had even begun, Adolf Hitler had personally ordered that any prisoner of war captured on route to Antwerp would be executed. Although these orders were never written down, Perl was convinced that Peiper and Dietrich had known about them. But to make the theory stand up in court, Perl needed confessions.⁶³ It was only prelude of Perl's determination to get confessions. German soldiers were about to experience the same methods as their fellow Police soldiers used to play on their victims.

In the corridors of Schwaebish halls, the interrogation team went to work on 75 suspects. Many of the accused later complained about the tactics used to make them talk. There were extended periods of solitary confinement, bread and water, violence in an interrogation room. One even claimed that William Perl himself attacked prisoners, another spoke of burning matches under fingernails and the dentist was called regularly to fix broken teeth.⁶⁴ At the trial, Perl always denied any accusation of using violence to make defendants talk during the investigation but did not deny the need of black hoods for suspects. The guards at the prison where the interrogations took place were not under the control of the war crimes team. Some defendants specifically mentioned physical abuse by these guards as they were being led between their cells and the interrogation rooms and while waiting in halls, all the time wearing black hoods over their heads. Kicking, punching, beating about the arms and pushing prisoners down stairs, in addition to verbal abuse, was common.⁶⁵ Perl threw away any accusation of American guards involved in such mistreatment and instead he passed the guilt onto Polish guards who also served at the Schwaebish fortress.

But Perl's most bizarre idea was also his most controversial. Routine was always the same. Prisoners were forced to wear black hoods. Perl often played prosecutor. The table was covered in black cloth and a crucifix with candles also displayed. This was nothing less than mock trial. Perl always denied using violence. In March 1946, an 18-year-old private was found dead in his cell, shortly after he had been investigated by Perl. Again, Perl rejected allegation of wrong doing. But nobody could deny that he had what he wanted

⁶³ *Nazi Hunters*, episode 8: "Peiper – The Murderer of Malmédy".

⁶⁴ *Ibid.*

⁶⁵ Ray Merriam, "The Malmédy Massacre and Trial", *The Journal of Historical Review*, vol. 2, no. 2, pp. 165-176. (2002).

– a fistful of signed confessions.⁶⁶ In Perl's point of view, the harsh treatment was the easiest and only way to get defendants to confess. He was perfectly aware since the beginning of an interrogation that these men were not only battle-hardened soldiers but also very loyal to each other.

On the morning of May 16th, 1946, the trial of the 74 former SS soldiers accused of killing 86 American prisoners of war at Malmedy began in a courtroom in Dachau Germany. The accused were forbidden to wear medals or any indication of rank.⁶⁷ Each of the accused was assigned a number because it was difficult to keep the names of the 74 men straight.

The lawyer for the defense was Lt. Col. Willis M. Everett. Shortly before the proceedings were to begin, defense attorney Lt. Col. Everett interviewed a few of the 74 accused with the help of an interpreter. Although the accused were being held in solitary confinement and had no opportunity to consult with each other, most of them told identical stories of misconduct by their interrogators.⁶⁸ Lt.Col. Everett was convinced since the beginning that this will be his toughest case because he knew that he is going against U.S. Army and American people who demanded justice.

A panel of high-ranking American officers acted as both judges and jury. The president of the panel was Brigadier General Josiah T. Dalbey. The dominant member of the panel, Col. Abraham H. Rosenfeld ruled on all motions and legal matters the proceedings. Lt. Col. Everett's group included a group of German lawyers who had been assigned to defence. The German attorneys played a marginal role. They were not familiar with judicial process that has been used as a consequence where were unable to assist their clients any significant way.⁶⁹ Presence of German defense attorneys was useless, they were used in order to create an impression of objective defense but they knew hardly anything about military tribunal which was different from civil courts. Then, the main job was held on Everett's art.

⁶⁶ *Nazi Hunters*, episode 8: "Peiper – The Murderer of Malmedy".

⁶⁷ *Our Century*, "Massacre at Malmedy".

⁶⁸ Scrapbookpages, "Malmedy Massacre Trial".

Apart from killing of 86 American soldiers at the Baugnez crossroads, the defendants were accused of slaughtering between 538 to 749 nameless captives and more than 110 unidentified Belgian civilians. The charged SS soldiers claimed that the civilians, who were killed, had been actively aiding the Americans during the combat and according to the rules of Geneva Convention, shooting partisans was allowed.⁷⁰ As for the matter of civilians, during the trial the Americans referred to less known atrocity at Stavelot where only day after the massacre at Malmédy, men from Kampfgruppe Peiper, systematically executed 130 Belgian civilians. Charged with sheltering American soldiers, 67 men, 47 women and 23 children were brutally executed.⁷¹

Though not actually present during the Malmedy Massacre, Peiper was seen by many as responsible for the action of his men. Actions which, it was alleged, let them many murders along the 1.st SS Panzer Regiment terrifying journey through Belgium. Using the confessions secured by William Perl, Prosecutor Burton Ellis saw that Peiper, though not actually present at Malmedy Massacre, had acted on Hitler's orders to authorize the executions of Prisoners of war.⁷² For interrogators and prosecutor, it must have been extremely difficult to prove the guilt and responsibility for murdering such big amount of unarmed prisoners and civilians. They also never managed to approve that any written order given by Hitler ever existed.

During the proceedings, the prosecution contended that Col. Joachim Peiper had instructed his men to fight as they had fought against the Russians. Peiper's unit got a nickname „the Blowtorch Battalion“, as a result of burning several Russian villages and killing their inhabitants on the Eastern front.⁷³ Peiper testified during the proceeding that he was aware that Allied soldiers were acting in the same manner and instead of taking the prisoners they were shooting them as well. This disproved the claim that similar incidents were typical only for German side but in a courtroom this claim was irrelevant. There is considerable disagreement about what actually happened at Five Points on that Sunday afternoon in 1944. The defendants testified that they had been instructed to take no prisoners, but they understood this to mean that because they were tank unit, they were

⁶⁹ *Our Century*, “Massacre at Malmedy”.

⁷⁰ Scrapbookpages, “Malmedy Massacre Trial”.

⁷¹ George Duncan's Historical Facts of World War II, “Massacres and Atrocities of World War II”

⁷² *Nazi Hunters*, episode 8: “Peiper – The Murderer of Malmedy”.

⁷³ *Ibid.*

supposed to send POWs to the rear to be picked up by infantry units.⁷⁴ This explanation seems to be clear and could be satisfactorily understood that tank units were ordered not to waste their time and continue their advance on Antwerp.

However, the fact that Peiper's men sent scores of prisoners to the rear in the standard manner during their advance earlier on the 17th belies the no-prisoners theory, and attempts by the Americans to produce written evidence of such order for use at the Dachau war crimes trial to come nothing.⁷⁵ Whether such order was ever given or not, this rejected any prosecutor's effort to prove that order concerning the killing of prisoners was officially given and if yes it was widely disobeyed because Germans were taking the US prisoners since the beginning of the offensive.

Defense attorney Lt.Col. Everett claimed that killings were not premeditated but as an accident of war, both on confusion and heat of battle. In other words – this was not murder. The second Everett's defense was that signed confessions obtained before the trial were inadmissible since they had been wrong out of the accused through foul means.

Perl argued that tough tactics was necessary including the use of hoods. He denied making up statements. He also insisted that persuasion alone had delivered signed confession including Peiper's own in which, he finally admitted that executing POWs in Battle of the Bulge had been an official policy.⁷⁶ As for Peiper's allegation, after two month lasting persuasion, threats, beatings, psychological abuse, etc, he gave up everything, started to believe Lt. Perl that his comrades had betrayed him and testified against him.

The matter of civilian death along Peiper's route of advance is even more clouded. Many were, indeed, killed, but it could not always be clearly established by whom and under what circumstances. Accidental deaths of civilians caught in battle zones was the rule rather than the exception. Evidence given at the trial, however, did indicate that some civilians were killed without justification by Peiper's men. The prosecution, on the basis of a number of sworn statements, alleged that as many as 311 Americans prisoners had been killed at La Glaise.⁷⁷

⁷⁴ Scrapbookpages, "Malmedy Massacre Trial".

⁷⁵ Historynet.com, "Massacre at Malmédy during the Battle of the Bulge".
<http://www.historynet.com/massacre-at-malmedy-during-the-battle-of-the-bulge.htm/7> (accessed April 11, 2011).

⁷⁶ *Nazi Hunters*, episode 8: "Peiper – The Murderer of Malmedy".

⁷⁷ Ray Merriam, "The Malmédy Massacre and Trial", *The Journal of Historical Review*, vol. 2, no. 2, pp. 165-176.

Germans were unable to reject allegation of killings the Belgian civilians because it happened. It is true that in many ways, they could have been killed for instance, by artillery during their advance or their withdrawal but former SS-men could hardly find any defense against the slaughter at Stavelot.

In the end, defense could find only one person to say anything good about Peiper. Hal McCown's units who had been captured by Peiper after heavy fighting in Belgian village of La Gleize.⁷⁸ In fact, it was the last battle which Kampfgruppe Peiper fought against the Americans. After the battle, around 150 GIs were captured. Probably, number of 311 American soldiers were killed during the battle but not after being taken prisoner. McCown heard the story of Peiper's men killing prisoners at the Baugnez crossroads and he asked Peiper about the safety of his men. McCown testified that Peiper had given him his word that the American POWs at LaGleize would not be killed, and McCown also testified that he had no knowledge that any prisoners were actually shot there.⁷⁹ This shows an example that murdering the prisoners was not premeditated. Germans also did not want American revenge after war. They knew that they had already lost. If they killed these 150 Americans it would prove that Malmedy massacre was only one of many other incidents during the Battle of the Bulge.

The prosecution pointed out that McCown had not seen all parts of the village. The defense was, however, able to offer several affidavits by La Gleize residents who had been present during the Germans' stay there. None had seen any American prisoners shot, nor the dead bodies from any alleged shootings, nor had they even heard of any such incidents. For many, it was surprising evidence.⁸⁰ But it was not enough to save Peiper. Anytime defense came up with any surprising evidence, it was wiped by Prosecutor Burton Ellis or judges. Peiper accepted responsibility of doing of his men.

On July 11th 1946 – following two months of testimony, the Malmedy Judges, after only two hours and 25 minutes of deliberation returned with the verdict. One of the prisoner – Ariel Seisham was handed over to French jurisdiction, the other 73 men were found guilty as charged. Five days later, the court handed out the individual sentences. Josef Sepp Dietrich was among first to be sentenced – the verdict was life imprisonment.

⁷⁸ *Nazi Hunters*, episode 8: "Peiper – The Murderer of Malmedy".

⁷⁹ Scrapbookpages, "Malmedy Massacre Trial".

⁸⁰ *Nazi Hunters*, episode 8: "Peiper – The Murderer of Malmedy".

For Joachim Peiper – the sentence was more severe. Forty-three men received the death penalty, the rest got long prison.⁸¹

The Malmedy massacre trial at Dachau was highly controversial. Not only due to pre-trial investigation which was only about to bring false accusation and false testimony. Former SS-men had to confess things which were not true but which played into the cards of prosecutors. The goal of this investigation was only to prove their guilt even before the real trial was to begin. Anytime defense brought any evidence which would contradict with the prosecution it was wiped by Judges who were highly biased and cooperated with Prosecutor Burton Ellis. No matter if these men took part in the shootings at Baugnez Crossroad, for Americans, it was enough to catch those who were close in the area and punish them. In this case, Americans only demonstrated their power, showed the Germans their own tactics during investigation. The investigators knew that during the hearings, high-ranking commanders would never admit any war crimes they used to commit in Russia or on the Western front. Finally, as for course of the court – Americans needed to condemn and close down this case because American citizens asked for justice to be done because Massacre at Malmédy caused enormous outcry in USA. Hence, the Germans did not get fair trial.

⁸¹ *Our Century*, “Massacre at Malmedy”.

5 SENTENCE

Forty-two of the accused were sentenced to death by hanging, including Col. Peiper. Four of the SS men who were sentenced to death were only 18 years old. General Sepp Dietrich was sentenced to life in prison along with 21 others. The rest of the accused were sentenced to prison terms of 10, 15 or 20 years. The convicted Germans were taken to Landsberg fortress – the U.S. Army prison.⁸² Justice for men of Battery B, seemed to be have been done. But the prosecution's joy short lived because objectivity of justice served by American judges and prosecution was inadequate.

Everett declared after the trial, he was crushed by the conviction. He genuinely believed that justice have not been served, that while many of the defendants, perhaps all defendants were guilty of war crimes they have committed, they were very young, convinced that there was no alternative but to follow orders. He also believed that he himself had been inadequate in his performance in a courtroom.⁸³ These statements can be considered as objective because prosecutors and thier evidences brought to the court were in majority and precious defense attempts were often dissembled if any significant testimony appeared

Although there was an automatic review process in which American military personnel reviewed all the Dachau proceedings, there was no appeal process forward crimes verdicts handed by the American military court. This did not seem fair to Everett. He prepared a 228-page analysis of the pre-trial interrogations and trial, which he sent to the officers who would be conducting the automatic review of the case. This report included the accusations against prosecution interrogators.⁸⁴ Reason was clear, Everett saw that death sentences were inevitable and his clients would be hanged. From this reason he was determined not to give up but to bring light on this issue. Former defense counsel Everett, now in private practice in Atlanta, prepared petition to the U.S. Supreme Court in a Malmedy matter. He worked from memory because trial transcript was denied to him by the army. If his petition submitted on May 14, 1948, would be accepted, the verdict of sentences of those convicted

⁸² *Our Century*, "Massacre at Malmedy".

⁸³ *Ibid.*

⁸⁴ *Ibid.*

at Dachau could eventually be set aside and new trial ordered.⁸⁵ All proceedings against war criminals were entirely in US Military hands. Everett's effort who decided to save justice and attempted to stand against U.S. Army was very brave act. He knew that without politician help, he won't be able to achieve anything significant.

Responding to William Everett petition for hearing on a Malmedy case, The Supreme Court in a 44 vote refused to hear his arguments in a matter. Everett continued to press for revision of a trial in other ways. He knew Congressman Davis personally. He gave Davis a copy of petition which he had presented to the U.S. Supreme Court. Then, the copy of a petition reached the hand of Secretary of the Army. Kenneth C. Royall disturbed by the tune of a petition stayed all executions and appointed three men commission to undertake another review of Dachau findings.⁸⁶ It seemed to be surprising and sudden turnpoint in Malmedy case. It was over for Everett, who achieved his goal. Every other advance in this issue was to be driven by superior Army representatives and American politicians.

Army then directed General Lucius D. Clay, the highest authority of the American occupation in Germany to investigate Everett's charges against the prosecution. Three-man commission was headed by Judge Gordon Simpson of the Texas Supreme Court. The other two members of the commission were Judge Edvard L. Van Roden and Lt.Col. Charles Lawrence, Jr.⁸⁷

They went over 10.000 pages of testimony during a speedy 2 months review.

Their findings:

- 1) Improper investigative methods were used
- 2) Clear lack of objectivity during a trial
- 3) Their recommendation was to commute death sentences to life

On February 1948, General Lucius Clay made assembles of the Malmedy verdict. He recommended the whole sale reduction of the death sentences to life imprisonment. 75% of the death sentences were set aside for insufficient evidence, 60% of the life imprisonment

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Scrapbookpages, "Malmedy Massacre Trial".

were reduced but 13 of the death sentences were upheld. It was not all over. Apart from tribunals against German war criminals, there was another oncoming scandal.⁸⁸

In 1948 – the Cold War between the USA and Soviet Union intensified dramatically. In May, the Russians stopped all air traffic in and out of Berlin. They imposed a blockade that isolated the city. The US responded with a massive air lift to supply population. Adding to this deterioration of political relations was a growing outcry in Germany against war crime trials being held by the U.S. Army. As the crisis with Soviet Union deepened, Washington was forced to pay closer attention to German public opinion.⁸⁹ Americans were absolutely aware of Russian threat and possibility of another serious conflict. Germany was rebuilt by Americans and post war Europe was very different place. With onset of Cold War, Americans needed German friends wherever they could get them. It were Soviets who finally made them to change thier policy.

With a conviction increasingly seen as unsafe, 30 men learnt they would no longer be executed.⁹⁰ In February 1949, General Lucius Clay concluded that the Malmedy pre-trial investigations were improper. He reduced the number of death sentences from 12 to 6.⁹¹ But not the death sentence of Col. Joachim Peiper, who was the main person in Malmedy Massacre Case. Peiper did not personally shot any American prisoner of war, but he was the one who had allegedly ordered his armored unit not to take prisoners.⁹² Though Peiper himself remained on a death row as well as five other of his comrades, there was finally nobody to be executed for Malmédy Massacre.

It still was not over. Controversy reached Washington. Nearly 3 years after trial had ended, a full scale senator inquiry began. Asking the questions was a man who had been constant for William Perl side a little known senator from Wisconsin - Joseph McCarthy. Under the oath, Perl continued to deny claims of brutality. McCarthy's response was to call for a lie detect test. But when the committee of chairmen refused, McCarthy stormed out.⁹³ It is very surprising that William Perl rejected any accusations and continued to lie even under the oath during the hearings.

⁸⁸ *Our Century*, "Massacre at Malmedy".

⁸⁹ *Ibid.*

⁹⁰ *Nazi Hunters*, episode 8: "Peiper – The Murderer of Malmedy".

⁹¹ *Our Century*, "Massacre at Malmedy".

⁹² Scrapbookpages, "Malmedy Massacre Trial".

⁹³ *Nazi Hunters*, episode 8: "Peiper – The Murderer of Malmedy".

Senator Joseph McCarthy, who later became well known for conducting a witch hunt for Communists in America, first gained notoriety as a member of the Baldwin subcommittee, where he took Everett's side. Senator McCarthy withdrew from the hearings in protest when it became clear to him the committee was biased in favor of the Malmedy Massacre prosecutors. In a speech on the Senate floor on July 26, 1949, McCarthy accused Senator Baldwin and Senator Kefauver of „white-washing“ the investigation because of their close association with two of the men under investigation. The subcommittee was presented with post-trial affidavits from the SS men which were consistent in alleging that they had been beaten and coerced into making confessions. A dentist signed an affidavit that the SS men had suffered broken teeth and fractured jaws.⁹⁴ In the end, Everett's effort reached an involvement of superior American politician who decided to take an advantage from this scandal. Joseph McCarthy came from Wisconsin which was the state where he could reach the German support for next elections. His participation in Malmedy Case was also due to his genuine belief that the allegations were improper and beside unfair justice, he saw that its background was political. That was the reason why he chose Everett's side.

The subsequent report did accept that some mock trials had taken place but Baldwin threw out claims of false confessions and torture. William Perl and his fellow interrogators were off the hook. By 1951, the last condemned men, including Peiper, have their death sentences commuted to life. In 1955, Sepp Dietrich, commander of the 6th Panzer Army, was given parole. And a year later, after serving 11,5 years, Joachim Peiper himself walked free from Landsberg prison.⁹⁵ In every case, this must have been extremely bitter pill to swallow for those who survived Malmedy.

As for Dietrich – long arm of justice had not yet finished with him. Two years later he was sentenced by West Germany Court for his part in the Night of Long Knives in 1934. But he was released after 15 months due to medical reasons. For him and for many of those who fought under him, the brutal reality of what had been done was soon glossed over. Sepp Dietrich – the personification of Hitler's political soldier died in his bed in April 1966.⁹⁶ Dietrich was the highest ranking commander who was sentenced in Malmedy Case.

⁹⁴ Scrapbookpages, “Malmedy Massacre Trial”.

⁹⁵ *Nazi Hunters*, episode 8: “Peiper – The Murderer of Malmedy”.

⁹⁶ BBC, *Gladiators of World War II: Fighting Units of the Second World War*, episode 1: “Waffen-SS”, 2002.

Moreover, he was one of the closest Hitler's friends and as such, he definitely deserved better attention and deeper investigation to be done. The prosecutor's only accuse against him was, that he knew about the policy whether to take prisoners or not. Dietrich's funeral was a big event for his comrades. In second half of 1950' former members of Waffen-SS were allowed to found their own institution which was very similar to religious sect. Dietrich was buried as a national hero with all distinctions.

After serving 11,5 years in prison, Joachim Peiper himself walked free. Yet, Joachim Peiper had not only escaped the hangman news but he walked free. He had been one of the brightest Reich's stars but his life was never the same after Malmedy. Abandoned Germany and settled down in French village of Troves. For four years he remained bellow the radar, building his own home and translating books about war. Then, without warning a poster appeared in a village. It read – citizen of Troves – a war criminal; SS Joachim Peiper is among you. Peiper's cover had been blown. On Bastilla day, the 14th of July 1976 – he fought his final battle. No one knew the identity of Nazi hunters who disappeared after throwing a bomb into his house, leaving a 61-year-old Peiper dead.⁹⁷ Nobody knew what happened that night. Peiper's identity was discovered by former Resistance members. He was threatened for several days and advised to leave France. It could be easily assumed that in charge of Peiper's assassination were former guerrillas who could not put up with his release from prison.

The trial with men from former Peiper's Battlegroup brought only little light on atrocities which this unit carried out during their advance on Antwerp. Investigations were improper and tactics used by investigators was inadequate. It was clear that prior American effort was to condemn the slaughter at Malmedy. There was plenty of instances for many of Kampfgruppe members to get life imprisonment for their actions in Belgium. On the other hand, Americans could hardly expect true confessions about mass executions of POWs and civilians which members of this regiment committed in Russia or Western front. Justice was not served for those who were already in advance and though not present at Baugnez Crossroad that afternoon, and many of these men got long term prison. Joachim Peiper was not only great tank ace, before he reached his reputation as tank commander, he also served

⁹⁷ *Nazi Hunters*, episode 8: "Peiper – The Murderer of Malmedy".

as Himmler's adjutant and he was also familiar with final solution and many other crimes against humanity. It is no surprise that French decided to take justice into their hands.

6 ANALYSIS OF SENTENCE AND PUNISHMENT

Beside the Nuremberg process with superior commanders of Third Reich, the Malmédy proceeding was most notorious. Both of them were driven by the Americans.

On November 11th, 1946, Herman Göring said following:

As for the proceedings, it is only political issue and I am prepared to accept the consequences. I have no doubts, that as for my sentence, more important role will play the press than judges. I can answer a charge for everything of what I did, but not for what I have not done. But winners judge me... I know what to expect. Right now, I'm writing a farewell letter to my wife. I am very sorry that Ribbentrop had collapsed. If I were on his place of the Minister of Foreign Affairs, I would simply say: "That was my foreign policy and I stand beyond it. It was only my business and my right as a Minister of Foreign Affairs of the sovereign German state. If you want to judge me, without anything... You have the power, you are the winners." But I would insist on my own.⁹⁸

Hardly anyone can imagine the horror which Germans brought on the Eastern front and as such, they should have been prepared on Russian revenge, especially after the war. During the Second World War, the Red Army was not only spreading a freedom, but also communism in the heaviest-Stalinist form. Characteristic feature was the absolut contempt for human life, not only in the ranks of the enemy, but also in their civilian population. The fact that Russia was the prosecutor at the Nuremberg trial against the Germans in 1946 was expected. Paradox is that their crimes have never been discussed, let alone condemned. The Nuremberg process was not in any case the independent fair trial, but the court of winners above losers.

⁹⁸ Gustave M. Gilbert, *The Nuremberg Diary*, (Farrar, Straus and Company: New York. 1947), 15.

Red Army was responsible for crimes against humanity too - thousands of Germans, Ukrainian, Latvian, Estonian, Polish and Romanian prisoners were slaughtered, there was a violence against the prisoners of war and wounded men before death, the attacks on unarmed hospital facilities and bestial violence against their own population during their advance on Berlin. Soviet absolut recklessness can be understood and nobody should wonder why they brutally tortured prisoners and why their revenge against German soldiers was far crueler.

Despite all evidence in contrary, these trials were only political issue ran by Victors and from the beginning followed by lots of controversy. In the Dachau proceedings against the SS men in the Malmedy incident, the new "common design" law meant that individuals were guilty of crimes allegedly committed by others. It did not matter whether or not the crimes allegedly committed by others had ever been proved in a court of law or by a military tribunal; all members of that military unit were presumed to be guilty of these alleged crimes, and there was no defense against the "common design" charge.⁹⁹

Lt. Col. Willis M. Everett, the chief defense lawyer for the 74 Germans accused of the Malmedy Massacre, knew about their guilt. He was also aware that most of them were war criminals and enemy but his primary defense was that the Germans were acting in the heat of battle and were not ordered by their officers to kill defenseless American soldiers and Belgian civilians. Considering that the entire Battle of the Bulge was a desperate last gamble by Hitler to turn the tide of the war in Germany's favor this defense had credibility. He also pointed out that all confessions were made under duress, accusations of defendants against each other, threats and various sorts of promises were made to them and also almost every day beatings were on schedule. Then, they wrote down everything what was dictated to them. Even Joachim Peiper confessed himself after harsh treatment. With the highest probability, he believed the interrogators that his comrades had betrayed him and testified against him.

⁹⁹ Scrapbookpages, "Malmedy Massacre Trial".

Although the SS-men were very tough and battle-hardened soldiers, they were completely unprepared on harsh treatment, beatings, psychical abuse and psychological game which their prosecutors played with them before the real trial was to begin.

The accused SS men claimed that, before the court proceedings, they had already had a trial, which was conducted in a room with black curtains, lit only by two candles. The judge was an American Lt. Col. who sat at a table draped in black with a white cross on it. After these mock trials in which witnesses testified against the accused, each SS man was told that he had been sentenced to death, but nevertheless he would have to write out his confession. When all of them refused to write a confession, the prosecution dictated statements which they were forced to sign under threats of violence.¹⁰⁰

This was general practice how to get confessions. Similar tactics was used during interrogation of so-called political “show trials“ in Czechoslovakia in late 40‘ and 50‘. Use of violence was common and best practice to get necessary testimony. It was general conviction that German surrendered to Americans rather than to Russians. None of the German accused could hardly imagine how NKVD would treat with them. The second point concerns the fairness of the trial of the 74 Germans. Americans refused any physical abuse of the 75 German suspects during their pre-trial incarceration. But this sharply contradicts with a suicide committed by one of the suspects who hanged himself in his cell after hearings in an interrogation room. There was evidence that they were under emotional duress during the period to give pro-American confessions. Controversial was also the fact that they were trying 74 people together in one trial and not separately. This was improper because maybe all of them were guilty but each played different part of this story. Furthermore, judges had problems with differentiating among such big amount of accused men. In the beginning of the Ardennes offensive, Kampfgruppe Peiper had 5 000 men and after six weeks, this unit lost more than 4 200 soldiers. Hence, it is very probable, that those who were shooting at Baugez crossroads were already dead.

The fact that the Germans were not even allowed to testify in their own defense suggests that this was not a fair trial. Judges were biased and in favour with prosecution and did not allow Germans to receive fair trial. Moreover, the Germans were convicted and sentenced before the real trial was about to begin.

¹⁰⁰ Scrapbookpages, “Malmedy Massacre Trial”.

Big question seems to be whether or not an order existed that prisoners were to be shot because there is no proof of any written order which has ever been found. Many of the defendants claimed orders to such effect was given by their superiors, prior to and during the Offensive. The prosecution claimed that such order was given by any higher authority above Peiper. In this case, was unit which carried them out? If the order originated with Peiper, why did they kill only some prisoners and not others?¹⁰¹

Explanation could be found here: On 14 December, General Sepp Dietrich, commander of the Sixth SS Panzer Army, arranged a conference which was held at his headquarters in Blankenheim forest. His subordinate commander officers participated this conference, in order to be shown the final plan for the Ardennes offensive. At the meeting, Sepp Dietrich forgot to mention issue of the treatment concerning the prisoners. One of his officers asked:

"And as for prisoners? What should we do with them?"

General Sepp Dietrich replied: "Prisoners? You know what to do."¹⁰² It is necessary to remark two things: firstly, this order was left only to the personal discretion of each officer and secondly, 1st SS Panzer Division was the only unit in the Battle of the Bulge, which was accused of slaughter of many prisoners of war. The most curious thing is that it were the members of 1st SS Panzer Division who were tried and sentenced only. Without any doubts, the reason was that Malmedy Massacre ever happened. Massacres of Belgian civilians played marginal role for the prosecution which was focused only to revenge those who were shot and give the former SS men the most severe punishment. There is hardly anything known what happened on other routes of German units on their advance on Antwerp.

But it should not be forgotten, that the Americans have no clean hands either and there is hundreds of incidents when Germans were brutally murdered by Allied forces after they had surrendered. U.S. troops not only brutalized and killed German prisoners on their own-before, during and after the Battle of the Bulge – but orders to that effect had been given.

¹⁰¹ Ray Merriam, "The Malmédy Massacre and Trial", *The Journal of Historical Review*, vol. 2, no. 2, pp. 165-176.

¹⁰² Henri Rogister, "Malmedy – Une Enquete Inedite", *Histomag* 1944. Hors Serie No.1, Malmedy 1944, (January 1, 2010) <http://www.39-45.org/portailv2/download/download-3+hors-serie-n-01-malmedy-1944.php> (accessed April 11, 2011), (my translation).

An order issued on December 21, 1944, by Headquarters of the U.S. 328th Infantry Regiment stated:

„No SS troops or paratroops will be taken prisoner, and will be shot on sight.“¹⁰³

The issuance of such order is a war crime and Malmédy men were sentenced for the same act. But here again, it were them who started with mass executions of POWs first after they were captured, and as such, they should have been prepared that American reprisal would bring enormous consequences in the same manner. Ironically, an incident in which Americans executed prisoners happened within a half a mile of the Dachau courtroom. On April 29, 1945, the day that the SS surrendered the camp at Dachau, American soldiers of the 45th Thunderbird Division of the US Seventh Army lined up surrendered Waffen-SS soldiers against a wall and machine-gunned them down in the SS Training Camp, next to the concentration camp. This was followed by a second incident, on the same day, which happened at a spot very near the courtroom the killing of SS guards at the Dachau concentration camp after they came down from their guard tower and surrendered with their hands in the air.¹⁰⁴ It was the most notorious and the most controversial blunder of U.S. Army during World War II that occurred after the GIs liberated Dachau – the death camp near Munich. Horrified American soldiers decided to take the law into their hands. Many of these soldiers were convinced, that the SS guards had got no more than they deserved.

According to Flint Whitlock, an author of book called *The Rock of Anzio, From Sicily to Dachau: A History of the 45th Infantry Division*:

The killing of unarmed POWs did not trouble many of the men in Ist company that day for to them the SS guards did not deserve the same protected status as enemy soldiers who have been captured after a valiant fight. To many of the men in Ist company, the

¹⁰³ Ray Merriam, “The Malmédy Massacre and Trial”, *The Journal of Historical Review*, vol. 2, no. 2, pp. 165-176.

¹⁰⁴ Scrapbookpages, *Liberation of Dachau Concentration Camp “Dachau Massacre – Execution of SS soldiers at Dachau”*, <http://www.scrapbookpages.com/dachauscrapbook/dachauliberation/soldierskilled.html> (accessed January 19, 2011).

SS were nothing more than wild, vicious animals whose role in this war was to starve, brutalize, torment, torture and murder helpless civilians."¹⁰⁵

But the Peiper case ironically held at Dachau, one year later. The Dachau Massacre was in fact a war crime. The crew in charge left the death camp just one day before American liberation. Waffen-SS soldiers who had nothing to do with the camp were killed after they had surrendered but they found themselves at wrong time in wrong place. Undoubtedly, this was a violation of Geneva Convention of 1929. Though, most people had no stomach for trial and believed that the German soldiers deserved to be killed. It is true that American soldiers could not imagine what mean of warfare Germans used to prefer during and after combat and finally, they found themselves completely unprepared to handle with scenes they saw after liberating the death camps. One can easily understand why they lost their nerves there.

¹⁰⁵ Ibid.

CONCLUSION

The Malmedy Massacre was one of the best-known massacres of POWs of World War II. Investigation and outcome of the trial was merely a demonstration of the behavior of the Germans who treated their prisoners far worse. Therefore, the Germans, as the aggressor could not expect any decent treatment by the Victors after the war. The Malmedy Massacre was an incident that United States of America needed to condemn, as well as those who bore responsibility for this crime because the American public demanded their punishment. In this case, U.S. justice was not looking for the truth or justice. Furthermore, the evidence were not taken into account. The interpretation of justice is always determined by the victors and the associated propaganda as well. Nobody will objectively ever answer how many German bodies littered the battlefields who became the victims of Allied war crimes or where is their justice. American, British and Canadian troops had already shot the captured German soldiers since the landing in Normandy, but unlike the Germans, these incidents have always been in minor scale. The reason, why Nazism is now, unlike the communism, seen as evil is simple - the Soviet Union won the war. How could someone be punished for the Katyn Massacre, which was executed on the order of Supreme Commander of the Soviet Union? During the war, there occurred hundreds of similar cases as this one. History is written by Victors, which is easily provable and still happening. Due to the fact that after the war there had been only Germans convicted as war criminals and war crimes of the Allies have never been discussed, it is clear proof of the fact that one can not find any justice at war because justice at war is only pure ideal.

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