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UNITED STATES ARMY SUPERVISION OF CIVIL PRISONS IN BAVARIA

Walter A. Lunden

The material in this article deals with the nineteen major prisons and the 145 local jails in the Eastern Military District (Bavaria). It does not cover the prisons in the two other districts in the U. S. Zone of occupation. The author has lately returned after three years in the European Theater of Operations. He was Chief of the Prisons Branch in the Office of Military Government of Bavaria from May, 1945 to October, 1946; served five months as a prison officer with the 21st British Army, and after the invasion was Prison Officer with the 6th Army Group in France. Prior to the war, he was a member of the faculty of the University of Pittsburgh during twelve years.—EDITOR.

When the staff of the Allied Armies formulated the operational plans for the invasion and the subsequent occupation of Europe they knew there were millions of persons incarcerated in the prisons, concentration camps, stockades and other installations on the continent. Their supervision was divided according to the different branches of service within the armies. German prisoners of war were the responsibility of one branch of the service; the care of Allied prisoners held by the Axis powers became the duty of another, and the supervision of the civil prisons fell to still another branch of the army—the G-5 section, or military government.

The original plans for the administration of the civil prisons of Germany were made by a group of legal and prison officers in England in March, 1944. These were finally incorporated in the *Technical Manual for Legal and Prison Officers Prior to the Defeat or Surrender*. The next year, in March after the invasion, these officers were recalled to England for a general revision of plans. They were redrafted and set forth in the *Technical Manual for Legal and Prison Officers After the Surrender of the German Army*. This was the directive under which the armies operated until the Allied Control Council issued *Directive 19: Directions to German Land Governments on the Administration of Prisons* in June of 1946.

During the combat stage the actual taking over of any installation or camp was the responsibility of the tactical commander of a division, corps or other unit in the field. As soon as it had been found and when certain security measures had been set up, the supervision of the prison or camp was turned over to prison officers or special T-Force teams attached to division or corps headquarters.

Types of Prisons

In general the civil prisons in Germany may be grouped into three different classes according to the type of building or construction period. There are a number of prisons, built between 1890 and 1920, which in a general plan compare very favorably with the prisons built in the United States during the same years. These buildings comprise the usual cell blocks in the shape of a T, single row, square or wheel-type with four or five cell blocks radiating from a center. They have four or five tiers of cells with a central heating system, modern workshops, bakeries, hospitals and good sanitary facilities. The prisons at Amberg, Straubing, Bernau and Aichach are of this type.

The second group of prisons includes those older buildings constructed between 1820 and 1880 which are much the same as the older prisons built during the same years in the States. They are heated with wood or coal stoves, one stove built between two cells and stoked from the main hall. The lighting is poor and the sanitary conditions below standard. The prisons at Nurnburg, Regensburg, Passau, Augsburg, Bamberg and parts of Munich are of this type.

The third group includes those old monasteries, cloisters or castles which were converted into prisons some time after the Napoleonic Wars. Most of them are of the dormitory type with structural adaptations to meet prison needs. An example of this kind of prison is at Kaisheim which is an old cloister built in the 13th century and improved from time to time. In some installations the elaborate chapels, paintings, windows and assembly rooms have been retained or turned into prison dormitories. The prisons at Ebrach, Bayreuth, Niederschonenfeld, Rothenfeld and Kaisheim are of this type. With the exception of the prisons at Wurzburg, Augsburg, Nurnburg and part of Bayreuth and the chapel at Munich, none of the prisons in Bavaria were materially damaged by bombing or artillery fire. The Wurzburg prison, bombed in the raid of April 1945, was only 20 per cent usable.

During the war all the civilian prisons were engaged in various kinds of war industries ranging from the repair of clothing for the German army to making special optical equipment under the supervision of the Zeiss Glass Company. The prisons at Ebrach and Amberg had large numbers of prisoners on three eight-hour shifts working on special equipment for the German Air Force. The woman's prison at Rothenfeld produced electrical equipment while the prison at Munich assembled spark plugs and completed the processing of German army helmets.

When the prisons were uncovered most of them were overcrowded with prisoners who had been transferred from the west and the north, due to the advancing Allied forces and the increased air raids in the west. Kaisheim prison had inmates from Zweibrücken, Ludwigsburg, Bruchsal and Ulm, while the women's prisons at Laufen had some prisoners who had been forced to march from Buchenwald in the north. Of the original 1600, 250 reached Laufen in May, just three days before the arrival of the U. S. Forces.

In the Straubing prison there were a number of prisoners who had been transferred early in 1945 from the northern prisons. In April 1945 the Gauleitung issued orders for 3,000 prisoners to be shifted to Dachau on the 21st of April. The Warden Badum, therefore, sent the 3,000 by foot along the railways to Dachau. Only the aged, sick and invalids remained in the prison with a few for maintenance. Many of these 3,000 were killed in the bombing of the railway near Langenback about half way to Dachau. Those who lived were taken to Moosburg by U. S. Forces where they were screened and later released.

When the Americans arrived they found all types of prisoners with sentences varying from a short term to life, and some waiting execution. Apart from those in the prisons, most installations had a number of inmates, less serious offenders, who worked outside the prison as "*Work Commandos*" in factories or other places. The prison in Munich with about 2,000 prisoners had more than half of the inmates working in three "*Work Commando*" groups outside the city.

From inspections and observations it is evident that the overcrowded conditions in the civil prisons were at no time as great as in the concentration camps. This is due to the fact that the administration of the German prisons was under the prison bureau in the Ministry of Justice of Bavaria and not under the SS Guard or the Elite Guard. With few exceptions the wardens and guards were civil service employees who had been in prison work a number of years before the rise of Hitlerism. In addition, the prisoners were individuals who had been sentenced by some kind of court and not summarily held as undesirable persons by the SS Guard in special Gestapo jails, concentration camps or other stockades.

The nationality of these prisoners was as varied as the nations of Europe. Of 5,439 prisoners in five major prisons in Bavaria, 1,163 were native-born Germans, 1,396 Czechs, 779 French, 427 Italians (transported from Italy the year before), 392 Poles, 366 Yugo-Slavs, 342 Austrians, 121 Belgians and a lesser number

from other countries. The offenses for which these persons had been committed included a long list with the greatest number for crimes against property. Of 1,137 cases screened in Landsberg prison, 272 were sentenced for violating military regulations (i.e., they were civilians who had violated military regulations), 210 for theft, 107 for political activities antagonistic to the government, 90 for black market, 53 for illegal possession of food, 41 for murder, 39 for unchastity, 39 for sabotage, 20 for malice (defamation), 14 for robbery, 13 for fraud and a number for other offenses. According to religious affiliations, 726 of the same group were Catholics, 135 Protestants, 91 of no profession, 31 orthodox and the remainder of other faiths.

Since the administration of prisons changed with the changing situation in Bavaria this report will be divided into various phases or stages as the operations developed.

In the time between the administration of the prisons by the German officials just prior to occupation and the later assumption of control of the U. S. Forces there was of course a certain amount of disorder. With few exceptions the wardens and guards remained at their positions and surrendered the prison to the advancing forces. Some of the guards were granted "vacations" a few days or weeks prior to the arrival of our troops and one warden, at Amberg, committed suicide on the morning the troops reached the town. During the combat period some of the worst types of criminals escaped because of the breakdown of control. In most cases the transfer of control was orderly. In one instance, at Aichach, the warden, a man 74 years of age, lost control of the situation and some of the prisoners together with some displaced persons in the town "took over" the prison for a short period. These raided the food stocks, the personal property rooms and destroyed large quantities of food. They entered the kitchen and threw eggs at each other until all the eggs had been destroyed. At other prisons the warden and other officers appeared at the prison gates and surrendered the institution to the U. S. troops. There is no evidence in Bavaria to show that there were any last moment reprisal killings or executions. From accounts given by prisoners, plans were made for the surrender of the prison prior to the arrival of our troops.

First Phase

As each major prison was uncovered and secured by the advancing troops, Army headquarters assigned special detachments of officers and men to each prison to take over immediate

supervision. In the 3rd Army area, groups known as T-Forces were assigned to each installation with three to five officers and five to seven men. In the 7th Army area each tactical unit held the prison until prison teams were sent to the institutions. In some cases where there were no special T-Forces or teams assigned, the institution came under the supervision of the nearest military government detachment. The tasks in each prison varied, depending on local conditions, but the first objective was the appointment of a temporary director and the restoration of order. This involved everything from the acquisition of food and medical supplies to the setting up of adequate guards, from either the prison guards or U. S. Forces. In Munich, prison guards were used on the inside of the prison while U. S. troops patrolled the outside walls. As each prison was taken over all executions of death penalties were suspended, all corporal punishment stopped and all releases were frozen pending investigation. In addition, the prisons were prepared for the reception of new prisoners from army sources and, where possible, prison facilities were made available in the furtherance of military operations for the U. S. Army. Finally, after these preliminary steps, the prison officers proceeded to screen and review the cases of all prisoners in order to determine who were "political prisoners" and who were bona fide criminals. The actual screening and reviewing of cases was done by a Legal Officer, a Public Safety Officer and an agent from the nearest C. I. C. headquarters. The reviewing officers examined the prison records, interviewed the prisoners, guards, and other persons with important information. Each prisoner was required to fill out an information sheet (*Fragebogen*) in which he gave information about himself and made any statement he wished. If the facts in the case established the person to be a "political prisoner" and not a criminal, he was recommended for release and subsequently discharged. A political prisoner was any one whom the prison records showed to be confined by reason of race, creed, political activity or other injustice in which the main factor involved was political persecution.

In general, the screening and reviewing of cases took from two to eight weeks, depending on the number of cases and the local conditions. At the women's prison near Laufen a mild typhus epidemic delayed the procedure until health conditions cleared. In other prisons, the shortage of military personnel delayed the work until special officers could be flown in from England. The total number of prisoners classified as "political prisoners" in the major prisons of Bavaria cannot be given accurately. However, there were approximately 19,000 prisoners in the major

institutions as of the dates of capture, most of them in April, 1945. By the middle of July, the prison population of these same prisons had been reduced to about 3,000 which shows that the total number of "political prisoners" was about 15,000 who were released. When the Landsberg prison surrendered to the American forces on the 27th of April, 1945, there were 1,881 inmates in the institution. By the middle of July there were 292 prisoners left, which indicates that about 85 per cent of the original number were discharged as "political prisoners". At Bernau, near Salzburg, only 73 prisoners remained in July of the original 3,853 who were in the installation when the army took it over.

For the first few weeks after occupation there was no general unified supervision of the prisons in Bavaria, but, by the middle of July, 1945, the first over-all administrative organization was set up and covered all prisons in 3rd and 7th Army areas. The legal or public safety officer (or the nearest military government officer, where there was no T-Force), gave local supervision to the prison. Then, in each of the five military government districts (these were coterminus with the German *Regierungsbezirk*) there was a prison inspector who was responsible for making periodic inspections of all prisons and jails in the district. The prison inspector gave instructions to the wardens and at the same time to the military government officers to make the necessary corrections where irregularities occurred. In addition, the prison inspector coordinated the work in the prisons and authorized the transfer of prisoners within the district. Over these five inspectors was the prison supervisor or chief of the prison branch of the Regional Military Government headquarters in Munich. Later, this headquarters became the Office of Military Government for Bavaria. The prison supervisor gave over-all supervision to all prisons and jails in Bavaria and coordinated operations with the civil government officials and various army units concerned.

After the establishment of the prison branch in the Munich headquarters, a Prison Central Register or card index was set up which gave primary data about each prisoner who was in each prison as of the date of occupation. This covered about 19,000 cases in the major prisons and indicated the disposition made of each prisoner by the screening boards. Subsequent to this, as the military government courts began sending persons to prison, all cases of prisoners committed for more than three months were added to the Prison Register. At present it is kept up-to-date by monthly reports from each prison.

Second Phase

After these primary objectives had been attained, all cases of prisoners reviewed, inmates released and repatriated to their native countries or turned over to a camp for displaced persons, the next task was de-Nazification of the prison guards and personnel. As of occupation date, there were approximately 2,000 guards and other persons in the major prisons of Bavaria. Each of the guards and employees was required to fill out an information sheet (*Fragebogen*) which was in turn examined by the Public Safety or Special Branch officer of the local military government in the detachment in the area of the prison. The information was evaluated in terms of party and non-party membership and Nazi activities. Accordingly, each employee was classified into one of four categories. Some, with certain party connections were removed at once, others were ordered to be removed within thirty days, while still others were subject to further investigation and the rest were allowed to remain in office because of no evidence against them. The results of the screening were given to the warden who in turn effected the discharge or retention of the persons. By the middle of September all 2,000 employees had been screened and about 90 per cent released or discharged from office. This number included a few guards removed because of age or inefficiency. In some prisons the discharges amounted to almost 100 per cent, while in others it was less, depending on the prison and local conditions.

At this point it may be of interest and information to point out that the "turnover" of prison personnel in the French Zone was only ten per cent. In some instances employees discharged in the American Zone were later employed by the French authorities.

As the guards were discharged from the prisons the problem of obtaining replacements in the staffs arose. At the outset men and women were selected from various sources. Later with the release of German prisoners of war some men were appointed from among these. As each recruit entered his duties he was subject to the same examination and required to give the same information for examination by the military government officers. The 90 per cent "turnover" and a replacement within a period of almost 45 days with untrained and uninformed employees, together with the new types and character of prisoners entering the prisons, created a serious problem in the administration of the prisons. Added to this, the prisons were operated without weapons, as all arms had been confiscated by the U. S. Army as a security measure at the time of occupation. The entire situa-

tion lowered the discipline and control of prisoners and the output of the prison industries, because, without arms, it was difficult to keep groups of prisoners working outside the prison walls. In one prison some of the non-German prisoners instituted a non-work program because, as they said, "We are not going to work for these d—— German guards." Only after the prison inspector gave definite orders to the prisoners did they go back to work. Later this condition was corrected with the appointment or transfer of certain guards as well as increased supervision by the military government.

In July, 1945, wardens, prison physicians and other prison personnel met in Munich in the first of a series of monthly conferences. At these meetings the various military government regulations were clarified and certain procedures instituted relative to the treatment and care of prisoners. At a later meeting in September all the jailers were called to meet with the wardens of the major prisons in order to coordinate prison and jail procedures. By the fall of the year serious problems arose because of the shortages of fuel, food, medical supplies and clothing. Where possible, the limited supplies of one prison were transferred to another which had none. The older monastery type prisons were able to convert to stove and wood heat without much difficulty but the larger prisons with central heating systems could not make the change even though wood was available. All prisons, therefore, set up a plan of basic minimum heat for workshops, with no heat in the cells, corridors or for bath water and washing clothes. Those prisons with large farms and gardens were able to manage the food situation better than the prisons in the cities which depended on a day to day supply. While prisoners were given the same rations as the civilian population it was never enough, for the prisoners did not have access to the bartering or the black market operations open to the people on the outside. In order to maintain close supervision of the food and health of prisoners, regular checks were made on the health, height and weights of every prisoner. In addition, periodic and surprise inspections were made of food and the method of its distribution at meal times. Fortunately for everyone the first winter in Bavaria was not severe and with *one exception* there was no serious health problem in the major prisons.

By an odd set of events it so happened that in the women's prison at Aichach there were no women who knew how to milk cows. In order to meet the problem the local U. S. military government officer ordered 12 women prisoners to appear at the

cow stables where he gave them lessons in "How a Cow Should Be Milked." Thereafter, the *milk problem* was settled.

Third Phase

As the redeployment of military personnel became operative in November, 1945, and the embryo German civil government began to take form, the local and immediate supervision of the major prisons and jails passed to the regional headquarters in Munich and the newly appointed civil representatives. The five district inspectors were reduced to three with a corresponding reorganization of the districts into three areas. One inspector was located in Bamberg, one in Augsburg and another in Munich with the regional headquarters. As soon as the civil government personnel were approved by the military government these officials were assigned to the respective institutions in the judicial districts of Bamberg, Nurnburg and Munich. Pending the development of new legislation the general prison rules of 1924 were used as the basis of prison regulations and house rules. Each prison inspector and each civil official coordinated operations in order to carry out the new program. At the same time the Bureau of Prisons in the Bavarian Ministry of Justice in the new government began operating under the general framework existing prior to the Nazi administration.

In order to train guards and other prison personnel, a school for guards was organized in the spring of 1946 at the prison in Bernau. Thirty prison guards selected from various prisons in Bavaria were sent to this school for a period of three weeks and given basic training in prison work. The same course was repeated five times for additional trainees and one special course set up for persons working with juvenile offenders.

As soon as general conditions became more stable and a limited number of qualified persons became available, prison industries were reactivated on a peacetime basis. All equipment in the prisons which had been used for war production was dismantled and removed. Two prisons began manufacturing furniture and household goods, another contracted with UNRRA for knitting of 80,000 pairs of stockings for displaced persons; UNRRA supplied the yarn. Three prisons began repairing and making shoes for refugees and displaced persons while two others assigned prisoners to road and bridge reconstruction. Two prisons made wooden toys, one on a contract basis and one for prison sales. One of the women's prisons made special knitted articles and small items for the Army Post Exchange

stores. In addition to this, the prisons supplied each local community with milk and green vegetables from the prison gardens. The amounts were allocated according to a system set up by the German food control authority.

Because of the overcrowded conditions in the youth's prison at Niederschonenfeld, a new boy's reformatory was opened in March 1946 at Laufen, in eastern Bavaria. This installation, which had been closed in 1945 to conserve fuel and personnel, was a minimum security institution with large acreage on which seedlings were grown for the reforestation work in southern Germany. Certain types of boys, 16 to 21, were screened from the Niederschonenfeld prison and transported to Laufen. A Catholic priest was selected as director and given general instructions to organize the school after the plan of an American reformatory. As a matter of chance this director, Father Neumair, had been a student in Innsbruck, Austria, a short time after Father Flanagan, of American Boy's Town, had been there. By June, 1946, the school was operating well with 300 boys in spite of the shortages of equipment and proper personnel. The prison inspector for the area obtained footballs, baseballs, boxing gloves and other material from some of the U. S. units in the area and gave the boys some basic instructions in sports. The 300 boys were divided into work and school groups, so that each boy attended school half a day and then worked in the gardens half a day.

In the summer of 1946 the military government instituted a system of parole or "clemency procedures" to be applied to persons convicted and sentenced to prisons by the military government courts. All such prisoners were permitted to submit a parole request to the warden who, together with the prison physician, approved or disapproved the applications. These were then forwarded to the prison branch in the Office of Military Government for Bavaria in Munich. The prison inspectors or the prison supervisor then interviewed each applicant and made recommendations to the Board of Review of the Legal Division. This Board, which had as its primary function the reviewing of all court cases arising in the Intermediate and Summary courts, gave judgment on the petition and then passed it on to a parole authority consisting of three staff officers who rendered final action. Subsequent to this, the Office of Military Government (OMGUS) in Berlin set up a parole authority with power to hear and examine petitions for clemency of all prisoners, whether military government court cases or older cases from former German courts, in the entire U. S. Zone. Three officers traveled

from prison to prison hearing and examining the cases of petitioners.

One of the serious administrative problems that arose in the spring of 1946 was the increase in the number of prisoners in the major prisons and jails of Bavaria. In July 1945 there were 3,004 inmates in the major prisons, whereas in March, 1946, there were 8,128 and 10,209 in July of the same year. The normal capacities of these institutions was about 8,000 inmates. This housing problem was further involved because half of the prisons in Nurnburg and part of the cells blocks in Landsberg had been released for the custody of major and minor war criminals. Also, in the north, an entire unit of the Bayreuth prison was still being used by UNRRA as a hospital for displaced persons. In order to alleviate conditions, prisoners were reclassified and transferred to institutions where overcrowding was not as serious. In addition, some of the wooden barracks, used formerly by the German administration, were employed to house some of the surplus prison population. When the amnesty was declared in December of 1946, about 2,000 prisoners were released, thus allowing more space.

As the structure of military government for all of Germany began to take final form the over-all program for the administration of prisons became uniform. During the winter of 1945-46 the chief of the prison branch in Berlin (OMGUS) began coordinating the work in the three areas of the U. S. Zone. In the spring, prison officers and supervisors from each area, together with the prison directors from the three *Lander* in the civil government met in Stuttgart in order to formulate and to standardize procedures. The result of this conference and others was the formulation of the basic regulations later approved by the Allied Control Council as *Directive Number 19: Directions to German Land Governments on the Administration of Prisons*. The two basic principles set forth in this directive were: 1) The exact execution of sentences imposed and, 2) the rehabilitation and reformation of the offender. By the end of 1946 the prisons in the American Zone were supervised by the chief of the prison branch in Berlin (OMGUS) and the three prison supervisors in each of the three areas together with their respective prison inspectors. These officers under the new plans assumed supervisory duties and coordinated the work with the prison officials in the German civil government.