

HEADQUARTERS
EUROPEAN COMMAND
Office of the Judge Advocate

19 March 1948

SUBJECT: U.S. vs Jurgen STROOP, et al.
Case No. 12-2000

TO : Chief, War Crimes Branch
Civil Affairs Division
Special Staff, Department of the Army
Washington 25, D. C.

1. The attached authenticated copy of the exhibits and allied papers in the case of the United States vs Jurgen STROOP, et al., in which the accused Heinz HELLENBROICH, Arthur FUHR, Hans EICHEL, Erwin GOSS and Fritz GIRKE are under sentence of death, is forwarded as requested. All of the above named accused have filed petitions addressed to the Supreme Court of the United States, which have been forwarded to the Department of the Army.

2. A copy of the record of trial was forwarded to the Civil Affairs Division, Department of the Army, on 21 October 1947.

J. L. Harbaugh, Jr.
J.L. HARBAUGH, Jr
Colonel JAGD
Judge Advocate

Certification incl. As stated filed
with the case in Special
Petition File

12-2985-68

25 November 1946

CASE ANALYSIS

SUPERIOR ORDER CASES

CASE No. 12-2000 STROOP (A), Log No. 230. 12-2985-001-1
12-1872 PHILOSOPHEN FOREST (P), Log No. 231.
12-2182 DELLWIG (A), Log No. 232. 12-2985-001-1 Bk #1
12-2127 GARRISON (V), Log No. 233. " " Vol. 3
12-391 HERMANN (V), Log No. 234. " " Vol. 1 Pch. #1
12-3188 OFFENBACH (P), Log No. 235. " " " "
12-1892 OFFENBACH (P), Log No. 236. " " " "
12-565 GOSS (A), Log No. 237. " " " "
12-391 FORMAN et al (V), Log No. 238. " " " "

1. NATURE OF OFFENSES:

a. (Case No. 12-2000 STROOP (A)). Murder of captured, unarmed American airmen, prisoners of war of the then German Reich, pursuant to a common plan or design emanating from the Hierarchy of the Leadership Corps of the former German Reich; Die Geheime Staats Polizei, commonly known as the Gestapo; Die Sicherheitsdienst der Reichsfuehrer SS, commonly known as the SD; Die Schutzstaffeln der National Socialistischen Deutschen Arbeitspartei, commonly known as the SS, which common design was carried out, participated in, executed, encouraged, aided and abetted by the perpetrators hereinafter named, which resulted in the murders hereinafter described.

ETOH# 12-1871 = 12-2985-001-3 (not used) 12-1871 = 12-2985-001-4

b. (Case No. 12-1872 PHILOSOPHEN FOREST (P)). Murder by shooting of an unknown surrendered American airman, at or near GIESSEN, Germany, (GSGS Series 4346, Sheet L-51, Coordinates G-62), U.S. Zone, on or about 3 October 1944.

c. (Case No. 12-2182 DELLWIG (A)). Murder by shooting of a surrendered American airman, believed to be Willard F. PERRY, ASN 36591162, at or near WIESBADEN, Germany, (GSGS Series 4346, Sheet K-51, Coordinates M-36), U.S. Zone, on or about 19 October 1944.

d. (Case No. 12-2127 GARRISON (V)). Murder by shooting of a surrendered, wounded American airman, believed to be Robert W. GARRISON, T/Sgt, ASN 33355463, at or near DELKENHEIM, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-46), U.S. Zone, on or about 30 December 1944.

e. (Case No. 12-391 HERMANN (V)). Murder by shooting of a surrendered American airman, believed to be Ray F. HERMANN, ASN O-695168, rank unknown, at or near BENSHEIM, Germany, (GSGS Series 4346, Sheet L-50, Coordinates M-62), U.S. Zone, on or about 15 February 1945.

f. (Case No. 12-3188 OFFENBACH (P)). Murder by shooting of a surrendered American airman, believed to be William A. DUKE, 2nd Lt., Air Corps, AUS, ASN O-825602, at or near BIEBER, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone, on or about 22 February 1945.

g. (Case No. 12-1892 OFFENBACH (P)). Murder by shooting of a surrendered American airman, believed to be Archibald B. MONROE, Jr., 2nd Lt., Air Corps, AUS, ASN O-834852, at or near OFFENBACH, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone, on or about 22 February 1945.

h. (Case No. 12-565 GOSS (A)). Murder by shooting of a surrendered American airman, believed to be Jimmie R. HEATHMAN, ASN 37630603, at or near WALLRABENSTEIN, Germany, (GSGS Series 4346, Sheet K-51, Coordinates M-38), U.S. Zone, on or about 18 March 1945.

12-2985-001-1

i. (Case No. 391 FORMAN et al (V)). Murder by shooting of two surrendered American airmen, believed to be Lt. William H. FORMAN, T.D., AGO Card No. 652973, and Pvt Robert T. McDONALD, ASN 32773939, at or near BENSHEIM, Germany, on or about 24 March 1945.

12-2985-001-1

j. Membership in organizations declared criminal by the International Military Tribunal in Case No. 1, in violation of Section 1(d) of Control Council Law No. 10.

2. PERPETRATORS:

a. STROOP, Jurgen, SS Oberfuehrer, Gestapo, WIESBADEN, Wehr Kreis XII. In custody at NURNBERG or WCCSAWE, Dachau. (Case Nos. 12-2000 STROOP (A), 12-2182 DELLWIG (A), 12-2127 GARRISON (V) and 12-565 GOSS (A)).

b. TRUMMLER, Hans, SS Oberfuehrer in charge of Gestapo, Wehr Kreis XII, WIESBADEN. In custody at WCCSAWE, Dachau. (Case Nos. 12-2000 STROOP (A), 12-2182 DELLWIG (A) and 12-2127 GARRISON (V)).

c. SOMANN, Otto, Commanding Officer, Security Police, Wehr Kreis XII, Germany. In custody at WCCSAWE, Dachau. (Case No. 12-2000 STROOP (A)).

d. BRANNER, Leonard, German national, formerly Kriminal Secretary, GIESSEN Gestapo, GIESSEN, Germany, (GSGS Series 4346, Sheet L-51, Coordinates G-62), U.S. Zone. In custody at WCCSAWE, Dachau. (Case No. 12-1872 PHILOSOPHEN FOREST (P)).

e. LASSAK, Julius, German national, formerly SS Standartenfuehrer, formerly assigned to SS Gestapo Police, GIESSEN, Germany. In custody at WCCSAWE, Dachau. (Case No. 12-1872 PHILOSOPHEN FOREST (P)). 12-1871-1

f. WREDE (FNU), (also known as WROIDER or FREDE), SS Hauptsturmfuehrer, Adjutant to TRUMMLER; formerly with Gestapo, WIESBADEN. Description: 40 years old, 180-185 cms in height, weight 80 kilos, red-blonde hair. Whereabouts unknown. (Case Nos. 12-2182 DELLWIG (A) and 12-2127 GARRISON (V)). This perpetrator is not included in Charge Sheet. 12-2985-001-3

g. FUHR, Arthur, 36 years old, member of Gestapo since April 1937; mechanic and driver; residence Klein-Luden, Fulda, Hessenmuhle. In custody at WCCSAWE, Dachau. (Case Nos. 12-2182 DELLWIG (A) and 12-2127 GARRISON (V)).

h. HOHLER, Wilhelm, Kriminalsekretar of Gestapo, WIESBADEN; age 36, married to Luise HOHLER; born in WIESBADEN Germany. In custody at WCCSAWE, Dachau. (Case No. 12-2182 DELLWIG (A)).

i. LUCKHARDT (FNU), Kriminalrat, Gestapo, WIESBADEN. Present status, description and whereabouts unknown. (Case No. 12-2182 DELLWIG (A)). This perpetrator is not included in Charge Sheet.

j. GIRKE, Fritz, German national, Obersturmbannfuehrer, Chief of Darmstadt-Bensheim Gestapo. In custody at WCCSAWE, Dachau. (Case No. 12-391 HERMANN (V)).

k. HELLENBROICH, Heinz, German national, SS Obersturmbannfuehrer; assistant to Fritz GIRKE. In custody at WCCSAWE, Dachau. (Case No. 12-391 HERMANN (V)).

l. STATTMANN, Carl Franz, German national, SS Sturmscharfuehrer. At time in question assigned to Darmstadt-Bensheim Gestapo, BENSHEIM, Germany. In custody at WCCSAWE, Dachau. (Case No. 12-391 HERMANN (V)).

m. RAAF, Michael, German national, SS Sturmscharfuehrer. At time in question assigned to Darmstadt-Bensheim Gestapo, BENSHEIM, Germany. In custody at WCCSAWE, Dachau. (Case No. 12-391 HERMANN (V)).

n. EICHEL, Hans, former member of the SA and Polizei Direktor of OFFENBACH a/Main, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone. Home address: 83, Hauptstrasse, BENSHEIM, Germany, (GSGS Series 4346, Sheet L-50, Coordinates M-62), U.S. Zone. Born 21 September 1890 in COBURG, Germany. No description in file. In custody on 14 May 1946 at FWE 24, ZUFFENHAUSEN, Germany, under No. 31-S/6000255. Probably now at WCCSAWE, Dachau. (Case Nos. 12-3188 OFFENBACH (P) and 12-1892 OFFENBACH (P)).

o. KIWITT, Josef Johann, former Hauptmann of Polizei, OFFENBACH, Germany. Description: about 5'10" tall, approximately 132 lbs in weight, gray eyes, gray hair, ruddy complexion, one gold tooth, four teeth missing, scars on nose and left shoulder; born 20 February 1895 at KATTERBERG, Kreis Essen, Rhineland, Germany, (GSGS Series 4346, Sheet K-52, Coordinates A-42), British Zone. In custody at WCCSAWE, Dachau, under Prison No. 29-10493. (Case Nos. 12-3188 OFFENBACH (P) and 12-1892 OFFENBACH (P)).

p. ALBRECHT, Wilhelm, former Polizei Oberleutnant (1st Lt) and Revierfuehrer of the Police Precinct of BIEBER, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone. Home address: 4, Hessenstrasse, OFFENBACH, Germany. Born 11 September 1890 in STENDAL/ALTMARK, Germany. Presently in custody at WCCSAWE, Dachau. (Case No. 12-3188 OFFENBACH (P)).

q. MOLLER, Hermann, former Hauptwachtmeister (S/Sgt), OFFENBACH Police No. 114, Biebererstrasse, OFFENBACH, Germany. Born 13 February 1902 in OFFENBACH a/Main, Germany. Description unknown. In custody at WCCSAWE, Dachau. (Case No. 12-3188 OFFENBACH (P)).

r. GOEHRENDT, Wilhelm Friedrich, former Meister (T/Sgt) of the Police in BIEBER, Germany. Home address: 52, Rebstockstrasse, OFFENBACH, Germany. Born 9 May 1893 in LASSAN, Germany. In custody at WCCSAWE, Dachau. (Case No. 12-3188 OFFENBACH (P)).

s. ALT, Adolf, former Oberleutnant of OFFENBACH Police Department. Residence: No. 5, Borngasse, EICHELSDORF, Germany, (GSGS Series 4346, Sheet L-51, Coordinates G-90), U.S. Zone. Born 17 December 1897 at EICHELSDORF, Germany. Not in custody. Description unknown. (Case No. 12-1892 OFFENBACH (P)). This perpetrator is not included in Charge Sheet.

t. SCHNEIDER, Karl, former Wachtmeister (Sgt) of Police at BIEBER, Germany, U.S. Zone. Home address: 31, Mathildenstrasse, OFFENBACH a/Main, Germany. Born 4 June 1901 at OFFENBACH a/Main. Not in custody. Description unknown. (Case No. 12-1892 OFFENBACH (P)). This perpetrator is not included in Charge Sheet.

u. MICHEL, Friedrich, former Policeman of BIEBER. Home address: No. 5, Bluecherstrasse, OFFENBACH a/Main, Germany. Born 24 August 1896 at FRANKFURT a/Main, Germany. Not in custody. Description unknown. (Case No. 12-1892 OFFENBACH (P)). This perpetrator is not included in Charge Sheet.

v. NAHRGANG, Paul, former Hauptwachtmeister in the Air Raid Protection Police, No. 23, Domstrasse, OFFENBACH a/Main, Germany. Born 15 October 1900 at OBERRAD, FRANKFURT a/Main, Germany. Description unknown. In custody at WCCSAWE, Dachau. (Case No. 12-1892 OFFENBACH (P)).

w. HAMMANN, Wilpipp, former Hoherwachtmeister of the Air Raid Protection Police, No. 8, Bluecherstrasse, OFFENBACH a/Main, Germany. Born 13 October 1895 at Vielbrunn in ODENWALD, Germany. Description unknown. In custody at WCCSAWE, Dachau. (Case No. 12-1892 OFFENBACH (P)).

x. FAY, Bernard, former member of the Air Raid Protection Police, No. 27, Krafftstrasse, OFFENBACH a/Main, Germany. Born 27 December 1895 at Sossenheim, Kreis FRANKFURT, Germany. Description unknown. In custody at WCCSAWE, Dachau. (Case No. 12-1892 OFFENBACH (P)).

y. BEST, Georg, SS Sturmbannfuehrer, former Stabsfuehrer of Wehrwolschule, TIEFENTHAL, Germany, (GSGS Series 4346, Sheet K-50, Coordinates M-12), French Zone. In custody at WCCSAWE, Dachau. (Case No. 12-565 GOSS (A)).

z. GOSS, Erwin, SS Obersturmfuehrer, former CO of Wehrwolschule, WALLRABENSTEIN, Germany, (GSGS Series 4346, Sheet K-51, Coordinates M-38), U.S. Zone. In custody at WCCSAWE, Dachau. (Case No. 12-565 GOSS (A)).

aa. MICHELY, Heinrich Matthias, SS Rottenfuehrer, former member of Wehrwolschule, WALLRABENSTEIN, Germany. In custody at WCCSAWE, Dachau. (Case No. 12-565 GOSS (A)).

3. WITNESSES:

1. HOECKER, Else, German national. Former secretary to Lt. General STROOP. Present address: 16 Lehrstrasse, WIESBADEN, Germany, (GSGS Series 4346, Sheet K-51, Coordinates M-36), U.S. Zone. Believed to be unfriendly. Deemed an essential witness; apprehension and movement to WCCSAWE recommended. (Case No. 12-2000).

2. GELBRICH, Martha, German national. Former secretary to Obersturmbannfuehrer Fritz GIRKE of the Darmstadt Gestapo, DARMSTADT, Germany. Residence: No. 10 Gurterstrasse, GROSS UMSTADT, Germany, (not listed in Gazetteer). Believed to be unfriendly. Deemed an essential witness; apprehension and movement to WCCSAWE recommended. (Case No. 12-2000).

3. KRUGER, Waldemar, German national. Former Oberstleutnant of the protective police (Schupo); former adjutant to General WENNENBERG. In custody at WCCSAWE. Believed to be unfriendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-2000).

4. BOESEN, Jacob B., former police commissioner, BENDORF, Germany, (GSGS Series 4346, Sheet K-51, Coordinates F-80), U.S. Zone. Occupation unknown. Residence: Stadtpark No. 5, BENDORF, Germany, Kreis Koblenzland (GSGS Series 4346, Sheet K-51, Coordinates F-80), French Zone. Believed to be unfriendly. Deemed an essential witness; apprehension and movement to WCCSAWE recommended. (Case No. 12-2000).

5. TRAEGER, Franz, German national. Former employee of the security service, FRANKFURT a/Main, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-67), U.S. Zone. Present address: Offenbacherlandstrasse 260, FRANKFURT a/Main, Germany. Believed to be friendly. (Case No. 12-2000).

6. HRADETSKY, Gregor, German national. Former driver for Obersturmbannfuehrer Dr. Kurt CHRISTMANN of the Koblenz Gestapo. Believed to be in custody at Camp Marcus W. ORR. Believed to be unfriendly. (Case No. 12-2000).

7. CHRISTMANN, Dr. Kurt, German national. Former Obersturmbannfuehrer; Chief of the Gestapo at KOBLENZ. In custody at WCCSAWE, Dachau. Believed to be unfriendly. (Case No. 12-2000).

8. GUNTHER, Hans, German national. Former Obersturmbannfuehrer, member of STROOP's staff. In custody at WCCSAWE, Dachau. Believed to be unfriendly. (Case No. 12-2000).

9. KALESKE, Karl, German national. Former Hauptsturmfuehrer, member of STROOP's staff. In custody at WCCSAWE, Dachau. Believed to be unfriendly. (Case No. 12-2000).

10. HUCKO, Wilhelm, German national, rank unknown. Believed to be adjutant to TRUMMLER. In custody at WCCSAWE, Dachau. Believed to be unfriendly. (Case No. 12-2000).

11. MUENK, Ernst, German national. Meister of Schutzpolizei on duty at time in question in GIESSEN, Germany, (GSGS Series 4346, Sheet L-51, Coordinates G-62), U.S. Zone. Believed now to be residing at BAD NAUHEIM, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-69), U.S. Zone. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-1872).

12. MOMBERGER, Heinrich, German national, Police Meister, WIESBECK, Germany, (GSGS Series 4346, Sheet L-51, Coordinates G-62), U.S. Zone. Believed to be friendly. (Case No. 12-1872).

13. TRENKER, Arthur, German national. Occupation, coffin-maker. Residence: Wolkengasse 2, GIESSEN, Germany, (GSGS Series 4346, Sheet L-51, Coordinates G-62), U.S. Zone. Believed to be friendly. (Case No. 12-1872).

14. ZIMMER, Karl, German national, 28 Reichelpfad, GIESSEN, Germany. Believed to be friendly. (Case No. 12-1872).

15. KOHN, Ernst, German national, Kriminalsecretar of Gestapo in GIESSEN, Germany. Residence: Kaiseralle 26, GIESSEN, Germany. Believed to be friendly. (Case No. 12-1872).

16. WAGNER, August, German national. Occupation, policeman. Residence: Ederstrasse 2, GIESSEN, Germany. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-1872).

17. AMELUNG, Fritz, German national. Residence: Taunusstrasse 9, WALLAU, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-46), U.S. Zone. Occupation, grave-digger. Believed to be friendly. (Case No. 12-2182).

18. BERG, Max, Major, Medical Corps, ASN O-350334. (Case No. 12-2182).

19. ECKHARD, Georg, Obergefreiter, German medical aid man. Former residence: Niedersaulheim near MAINZ, Germany, (GSGS Series 4346, Sheet K-51, Coordinates M-35), French Zone. Occupation, barber. Description: light blonde hair, baldish, height 165 cm, weight 140 lbs. Attitude unknown. Whereabouts unknown. (Case No. 12-2182).

20. EISENMANN, Julie, wife of Eugen Michael EISENMANN. Residence: 12 Taunusstrasse, WALLAU, Germany, (GSGS Series 4346, Sheet L-51, Coord. M-46). Attitude unknown. Last reported in custody at WCCSAWE, Dachau. (Case No. 12-2182).

21. FIEN, Wilhelm, former Burgermeister of WALLAU, Germany. Residence: 2 Neustrasse, WALLAU, Germany. Believed to be unfriendly. Deemed an essential witness; apprehension and movement to WCCSAWE recommended. (Case No. 12-2182).

22. GLOVER, Roy E., S/Sgt, ASN 38511702. (Case No. 12-2182).
23. GOELIER, Sophia, Frau. Residence: 2 Taunusstrasse, WALLAU, Germany. Believed to be friendly. (Case No. 12-2182).
24. KLEINHANS, Jakob Ludwig. Residence: Dillenburgstrasse 1, HEDDERNHEIM, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-67), U.S. Zone. Last reported prisoner of war in U.S.; probably repatriated. Believed to be unfriendly. Deemed an essential witness; apprehension and movement to WCCSAWE recommended. (Case No. 12-2182).
25. LANG, George, Obergefreiter, 33rd Engineer Bn; German medical aid man. Former residence near ULM, Germany, (GSGS Series 4346, Sheet L-49, Coordinates X-68), U.S. Zone. Occupation, farmer. Description: height 156 cm, weight 120 lbs, black curly hair, dark eyes, round face. Whereabouts unknown. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-2182).
26. MAXSON, Wallace J., S/Sgt, ASN 17119369. (Case No. 12-2182).
27. SANDMANN, Heinrich. Residence: Neustrasse 8, WALLAU, Germany. Former constable of WALLAU. Believed to be friendly. (Ex. 20, Case No. 12-2182).
28. SECHLEUNE, Christian. Believed to be friendly. (Ex. 20, Case No. 12-2182).
29. EISENMANN, Eugen Michael. Residence: WALLAU, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-46), U.S. Zone. Former police chief of WALLAU, Germany. Was in detention in WIESBADEN Jail until March 1946. Believed to be in custody at WCCSAWE, Dachau. Believed to be unfriendly. Deemed an essential witness; presence at trial recommended. (Cases No. 12-2182 and 12-2127).
30. SPARWASSER, Heinrich, merchant. Residence: Hintergasse 33, EPPSTEIN, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-47), U.S. Zone. Born 13 December 1891 at FRANKFURT a/Main. Known as Heinrich Sparwasser II. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-2127).
31. FEIX, Fritz, office assistant, Hauptstrasse 40, EPPSTEIN, Germany. Born 7 November 1897 in EPPSTEIN. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-2127).
32. WAGNER, Johann, Burgermeister's office assistant. Residence: Hofheimer 2, LANGENHAIM, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-46), U.S. Zone. Born 30 August 1886. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-2127).
33. PRESS, Emmy, housewife. Born 25 March 1900. Residence: Gartenfelstrasse 11, LANGENHAIM, Germany. Formerly resident of the United States from 1926 to 1938. Husband, Karl PRESS. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-2127).
34. PFELL, Lieselette, stenographer, Gestapo, WIESBADEN, Germany. Born 16 July 1915 at GOENNITZ near EUTIN, Germany. Former resident of England. Home address: Duisburgerstrasse 470, MULHEIM-SPELLDERF, Germany, (not in Gazetteer). Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-2127).

35. KAMINSKI, Marion Heinrich. Present address c/o 45th CIC Detachment, APO 45, U.S. Army. Home address: Gerbestrasse 1, Apt. 1, GNESEN, Poland. (Case No. 12-391).

36. LE FEVRE, George A., special agent 307th CIC Detachment, Seventh Army, APO 758. Home address: 16 Ross Avenue, HOLYOKE, Massachusetts. (Case No. 12-391).

37. SIMMON, Michael S., special agent, 307th CIC Detachment, Seventh Army, APO 758. Home address: 4720 North Harding Avenue, CHICAGO, Illinois. (Case No. 12-391).

38. SEITZ, Mrs. Katherine, Kirchbergstrasse 22, BENSHEIM, Germany, (GSGS Series 4346, Sheet L-60, Coordinates N-62), U.S. Zone. Person through whom witness may be found: Father, Peter GONDOLPH, Friedhoffstrasse 17, BENSHEIM, Germany. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-391).

39. LARSON, Charles P., Lt.Col., 50th General Hospital, APO 513, U.S. Army. (Case No. 12-391).

40. BARNETT, John A., Captain, WCIT 6823, Seventh Army, APO 758. (Case No. 12-391).

41. BISHOP, Leo V., Major, ASN O-411329, 45th Division, U.S. Army, APO 45. Home address: 1123 Rudd Avenue, CANYON CITY, Colorado. (Case No. 12-391).

42. BIRSNER, John, 2nd Lt., ASN O-1691779, 45th CIC Detachment, 45th Division, APO 45. (Case No. 12-391).

43. WIMER, Walter, 45th CIC Detachment, 45th Division, APO 45, U.S. Army. (Case No. 12-391).

44. FRECHETTE, Rheo J. P., special agent, 45th CIC Detachment, APO 45. (Case No. 12-391).

45. GEIS, Margot, Mrs. Home address: 27 Frenaystrasse, BENSHEIM, Germany. Mother's name: Elise GABELMEN, 27 Frenaystrasse, BENSHEIM, Germany. In the event that witness leaves BENSHEIM, she will go to ALLBACH, Germany, Jugenheimer Strasse 5, c/o George HECKLER. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-391).

46. BUDINGER, Wilhelmina, Miss. Home address: Schillesterstrasse 4, LORSCH, Germany. LORSCH is a short distance from BENSHEIM. If witness leaves LORSCH, she may be found at Romerstrasse 2, LAMPERTSHEIM, Germany; (LAMPERTSHEIM is the village adjoining LORSCH). Believed to be friendly. (Case No. 12-391).

47. SCHMANK, Marie, Mrs. Home address: Bergstrasse Hauptstrasse 14, JUGENHEIM, Germany, (GSGS Series 4346, Sheet L-50, Coordinates M-62), U.S. Zone. Believed to be friendly. (Case No. 12-391).

48. GANTER, Elizabeth, Mrs. Permanent home address: 11 Frenaystrasse, BENSHEIM, Germany. Lives with parents: father's name, Heinrich HAUKE; mother, Wanda Maske HAUKE. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-391).

49. LEONHARD, Irna, Miss. Home address: Neugasse Strasse 33, BENSHEIM, Germany. Mother's name is Margaret LEONHARD, born in KORNER. Address: Bad Kimbacherstrasse 111, KONIG, Germany, (Near LINDENFELS). Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-391).

50. METER, Francesca, Mrs. Permanent address: Darmstadter Strasse, BENSHEIM, Germany. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-391).
51. CORBIN, Katharina, Mrs. Home address: Elisabethen Strasse 17, LAMPERTSHEIM, Germany. Husband's address, where she may be found if she gets a passport to France, is: Raymond CORBIN, Rue Saint Etienne, CHAMPAIGNY, s/Marne (Seine). Believed to be friendly. (Case No. 12-391).
52. HEIMS, Everett C., Captain, ASN O-1574442, QMC, CO, 48th QM G.R.Co., BENSHEIM, Germany. Home address: 707 South Cherokee Street, GIRARD, Kansas. (Case No. 12-391).
53. APPEL, Wilhelmina. Home address: 27 Frenaystrasse, BENSHEIM, Germany. Believed to be friendly. (Case No. 12-391).
54. LUCK, Oskar, former policeman, No. 77 Bleichstrasse, OFFENBACH a/M, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone. Born in Stargard, POMMERANIA, Germany. Believed to be unfriendly. Deemed an essential witness; apprehension and movement to WCCSAWE recommended. (Case No. 12-3188).
55. SCHROD, Peter, former member of the German Army; address: No. 13 Mauerfeldstrasse, BIEBER, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone. Born 25 December 1912 at BIEBER Germany. Believed to be unfriendly. Deemed an essential witness; apprehension and movement to WCCSAWE recommended. (Case No. 12-3188).
56. HEBERER, George, former Meister in the Police at OFFENBACH a/M, Germany, No. 16 Babenhauserstrasse, DITZENBACH, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone. Believed to be unfriendly. (Case No. 12-3188).
57. KUSCHNER, Marvin, Captain, Medical Corps, ASN O-446188, 97th General Hospital, APO 204, U.S. Army, FRANKFURT a/M, Germany. (Case No. 12-3188 and Case No. 12-1892).
58. COMO, Peter, former policeman at BIEBER, Germany. Home address: No. 4 Schillerstrasse, LAMMERSPIEL, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-86), U.S. Zone. Born 1 July 1896. Not in custody. Description unknown. Believed to be unfriendly. Deemed an essential witness; apprehension and movement to WCCSAWE recommended. (Case No. 12-3188).
59. KAISER, Johann, Kirchstrasse, HENSENSTAMM, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone. Born 23 September 1897 at WEISSKIRCHEN, Germany. Believed friendly. (Case No. 12-1892).
60. JAEGER, Adam, No. 54 Rumpfenheimerstrasse, BUERGEL/OFFENBACH, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone. Born 13 March 1896 at OFFENBACH a/M, Germany. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-1892).
61. ZAHN, Gerhard, No. 33Herrnstrasse, OFFENBACH a/M, Germany. Born 8 December 1891 at MUHLHEIM a/M, Germany. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-1892).
62. FABIAN, Fritz, No. 59 Karlstrasse, OFFENBACH a/M, Germany. Born 17 February 1896 at OFFENBACH a/M, Germany. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-1892).

63. GÜNTHER, Karl, No. 8 Querstrasse, OFFENBACH a/M, Germany. Born 7 November 1899 at OFFENBACH a/M, Germany. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-1892).

64. ZANG, Johann, No. 4 Langstrasse, OFFENBACH a/M, BUERGEL, Germany. Born 27 April 1890 at MEDER ODEN, Germany. Believed to be friendly. (Case No. 12-1892).

65. BUHLMANN, Philipp, SS Scharfuehrer. Former member of Wehrwolschule, WALLRABENSTEIN, Germany, (GSGS Series 4346, Sheet K-51, Coordinates M-38), U.S. Zone. In custody at WCCSAWE, Dachau. Believed to be unfriendly. (Case No. 12-565).

66. SCHNORRBACH, Philipp, SS Hauptscharfuehrer. Former member of Wehrwolschule, WALLRABENSTEIN, Germany. In custody at WCCSAWE, Dachau. Believed to be unfriendly. (Case No. 12-565).

67. SCHORNWEBER, Karin. Address: Rudesheimerstrasse 3, WIESBADEN, Germany. Believed to be friendly. Deemed an essential witness; presence at trial recommended. (Case No. 12-565).

4. SUMMARY OF EVIDENCE:

- a. (Case No. 12-2000 STROOP. Exhibits other than those of the IMT are found in Case File Folder No. 12-2000).

In Case No. I tried before the International Military Tribunal at NURNBERG, exhibits were offered in evidence showing that airmen of allied nations who parachuted from their disabled airplanes were, upon capture, denied treatment as prisoners of war and instead were executed pursuant to the orders of the Higher Hierarchy of the then German Reich. The first such order, the "Commando Order", was issued by HITLER on 18 October 1942. (Ex. PS-062, Nurnberg Record). On 4 August 1942, General KEITEL issued orders that the Gestapo and SD were to take counter-measures against parachuters. (Ref. Nurnberg Record Pg 1944-45, Ex. PS-553, introduced in evidence as USA Ex. 500). On 10 August 1943, HIMMLER issued an order which was sent to Security Police wherein it was provided that it was not the task of the police to interfere in clashes between German civilians and the American flyers who had bailed out. (Exs. C-178, 179, R ex. 110, Nurnberg Record). On 28 May 1944, Joseph GOEBBELS wrote an article in the paper VOELKISCHE BEOBACHTER in which he openly incited the population to massacre allied flyers who parachuted down from their disabled planes. (Ex. PS-1676, Nurnberg Record). BORMANN, by order dated 30 May 1944, stated that no police measures or criminal procedures were to be invoked against German civilians who participated in lynchings of captured allied airmen. (Ex. PX-057, Nurnberg Record). At a meeting held at HITLER's Headquarters on 6 June 1944, wherein KALTENBRUNNER was present, "Lynch Law" was made the rule and captured flyers who escaped lynching were to be handed over to the SD for special treatment. (Ex. PS-735, Nurnberg Record).

In July or August 1944 at a conference held in WIESBADEN, Germany, General STROOP, higher police leader for Rhein-Westmark (Wehrkreis XII) issued an order to all security police offices within Wehrkreis XII that "all shot down captured Allied airmen would be turned over to the security police for execution." (Ref Ex. I, pg 5; Ex. 5). STROOP had previously discussed this order with General KALTENBRUNNER in WIESBADEN, Germany, in the spring of 1944. (Ex. I, pg 6). This order was forwarded from STROOP's office to all commanding officers of the order police, security police and security service in Wehrkreis XII. (Ref Ex. I, pg 5). Later, the order was discussed by STROOP at a meeting held in STROOP's office in WIESBADEN, Germany, at which Oberfuehrer Hans TRUMMLER, Oberstleutnant NIEMANN (C.O. of the order police) and Oberstleutnant Karl MUELLER of the order police were present. STROOP informed those present that "the order police and security police will be responsible to me that this order is rigorously carried out". (Ref Ex. J, pg 5; Ex. 4).

4. SUMMARY OF EVIDENCE: (Discussion of Case No. 12-2000 - Continued)

At a conference held in WIESBADEN, Germany, during the month of October 1944, the method of treatment of flyers who made emergency landings was dealt with. Oberst NIEMANN, Oberfuehrer Hans TRUMMLER, Oberstleutnant Karl MUELLER, Major Papenkort, Chief of Operations, Hauptmann KALESKE, Else HOECKER and Hans GUNTHER were present. STROOP read an order of HIMMLER at the meeting, and commented "that in cases where the flyer would be captured, in spite of everything he should be turned over to the security police". The security police would receive corresponding orders from higher authorities and "TRUMMLER would know what to do". On this occasion, STROOP said that "it was high time to kill these swine" . . . "There could not be any more bothering about scruples caused by International Law". (Ref Ex. 13, pg 4).

STROOP received an order in the fall of 1944 from HIMMLER which pertained to the treatment of shot-down Allied flyers. (Ref Ex. 2; Ex. 2A). STROOP discussed this order at a conference of security police in METZ, Germany, in 1944. (Ref Ex. 2).

At a meeting of police officials held in KOBLENZ in August or September 1944, presided over by Obersturmbannfuehrer Hans CLAUS, Regierungsbezirk KOBLENZ, an order originating from STROOP's office was read by CLAUS to the effect that all parachuted flyers were to be turned over to the Gestapo. About ten days after this meeting a written copy of the order was received by Jacob BOESEN, Police Commissioner of BENDORF, Germany (Wehrkreis XII). At another meeting of Gendarmerie Kreis Fuehrers and leaders of the Schutzpolizei for the area of KOBLENZ held in February 1945 and presided over by Hans CLAUS and attended by 30 - 35 members of the police of KOBLENZ, including Jacob BOESEN, it was announced by Obersturmbannfuehrer CLAUS that parachuted Allied airmen were not to be regarded as prisoners of war but were to be shot. A written copy of this order was received by BOESEN about two weeks later and was issued from STROOP's office in WIESBADEN. (Ref Vol. I, Case 12-2064, CHINCHILLA (Ex. A, pgs 167 to 172 incl.)

During August or September 1944, a secret order signed by HIMMLER and directed to all Hoehere SS and Polizeifuehrers, Commanders and Inspectors of the Sicherheitspolizei, Staatspolizeistellen and Gauleiters "to shoot all parachuted Allied flyers because they committed acts contradictory to the laws of land warfare" was received by the Darmstadt Gestapo Office located within Wehrkreis XII. "The shooting should take place unobserved and not be recorded, to prevent the Allies securing documents which may cause them to retaliate". (Ref Ex. 3; Ex. 7). This order was also received by the office of the FRANKFURT a/M Gestapo, (Ex. 6; Ex. 11) and was received and distributed by Dr. Kurt CHRISTMANN, Chief of the Gestapo in KOBLENZ, (Ex. 8). Further evidence that an order to kill shot-down Allied airmen was passed on by STROOP, SOMANN and TRUMMLER to all SS police offices in Wehrkreis XII is contained in the statement of Dr. Kurt CHRISTMANN. (Ref Exs. 9, 10). SOMANN admits that the order was to the effect "to kill all shot-down Allied airmen and the Geneva Convention is to be disregarded", (Ex. 10). Fritz GIRKE, Chief of the Darmstadt Gestapo in Wehrkreis XII, advised Heinz HELLENBROICH of the existence of orders issued by STROOP, SOMANN and TRUMMLER to kill shot-down Allied airmen and that in particular TRUMMLER spoke "quite clearly about the order", (Ex. 12).

For further information concerning exhibits, see Paragraph 9b below.

SUMMARY OF EVIDENCE:

- b. (Case No. 12-1872 PHILOSOPHEN FOREST (P)). The Exhibits mentioned herein are found in Case File Folder No. 12-1872.)

On or about 3 October 1944 an unknown American airman parachuted to safety near GIESSEN, Germany, (GSGS Series 4346, Sheet L-51, Coordinates G-62), U.S. Zone, and was apprehended by Ernst MUENK, Meister der Schutzpolizei of WIESECK, Germany, (GSGS Series 4346, Sheet L-51, Coordinates G-62), U.S. Zone, who took the airman to the local police station in GIESSEN. Shortly after arriving at the police station an air raid alarm was sounded and MUENK took the American into an air raid shelter. While in the air raid shelter, the American was observed by Julius LASSAK, SS Standartenfuehrer, who struck the captured American with his fist and departed. LASSAK returned in a few minutes and informed MUENK that he (LASSAK) had telephoned the office of the GIESSEN Gestapo of the presence of the captured American and that the American should be delivered to the local Gestapo for further interrogation. MUENK and an unidentified Gestapo man delivered the American to the office of the Gestapo where the flyer was delivered to Kriminal Secretary Interrogator BRANNER (Exs. 1, 1(a), 1(b), 2 and 8). In a few minutes BRANNER left the Gestapo headquarters in company with the American and upon departing said, "I still have a score to settle". BRANNER later placed a telephone call and upon completion of the call told the telephone operator who was nearby, "I called up because an American flyer's body was lying near the Philosophen Forest", (Ex. 3). The body of the American was found in the Philosophen Forest and was identified as being the same American who had departed GIESSEN Gestapo headquarters with BRANNER, (Exs. 4, 5). The body of the American was interred on 6 October 1946 in the new GIESSEN Cemetery (Ex. 6). BRANNER admits he murdered the American (Ex. 7). LASSAK admits striking the pilot and giving the order to deliver the American to the Gestapo in GIESSEN (Ex. 8).

- c. (Case No. 12-2182 DELLWIG (A)). The Exhibits mentioned herein are found in Case File Folder No. 12-2182.)

On or about 19 October 1944, an American airman, believed to be Willard F. PERRY, T/Sgt, ASN 36591162, bailed out of a disabled bomber and landed in the vicinity of MAINZ, Germany, (GSGS Series 4346, Sheet K-51, Coordinates M-35), French Zone, (Ref Vol. 2, Exs. 23 and 24), and was taken to WIESBADEN, Germany, (GSGS Series 4346, Sheet K-51, Coordinates M-36), U.S. Zone, (Ref Vol. 2, Exs. 21 and 22A). While the flyer was being held in confinement at WIESBADEN, TRUMMLER, (Vol. 2, Exs. 21, 22A) sent for FRAUND, FUHR and HOHLER and instructed them to drive the flyer, after darkness, in the official German car in the direction of OBERURSEL, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-57), U.S. Zone. TRUMMLER said, "As soon as an opportune moment occurs during this trip he will be shot." . . . "After he is shot the local gendarme will have to be informed in order to have the shot flyer buried in the respective cemetery", and that "under no circumstances was anyone allowed to talk about this occurrence." (Vol. 2, Ex. 21). At about 2100 hours the flyer was placed in a car driven by FUHR, with HOHLER and FRAUND in charge, along the road from WIESBADEN to FRANKFURT, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-67), U.S. Zone. About 12 kilometers outside WIESBADEN, the car was stopped at a point just past the Inn "Wandersman", "according to plan" (Vol. 2, Ex. 21). FRAUND and FUHR got out of the car first and then called PERRY out and shot him (Vol. 2, Ex. 21). After PERRY fell, HOHLER then left the car (Vol. 2, Ex. 22A). FUHR says he remained at the wheel while FRAUND and HOHLER got out of the car with the flyer and that then he heard the sound of shooting and saw that "the aviator lay dead on the ground 2 or 3 meters' distance from the edge of the road." (Vol. 2, Ex. 21). Both HOHLER and FUHR, however, agree that FRAUND did get out of the car and shot at the flyer. HOHLER is not sure whether FUHR also got out and fired because "it was a completely dark night." (Vol. 2, Ex. 22A). In a supplemental statement, HOHLER adds the story that "he (the flyer) turned to escape", (Vol. 2, Ex. 22). After the victim had been fired on, he was left on the road. FUHR drove HOHLER and FRAUND to WALLAU, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-46), U.S. Zone. The gendarme EISENMANN was given the order to bury the flyer at WALLAU (Vol. 2, Exs. 20, 21).

and 22A). Two soldiers dug the grave with two German medical aid men, ECKHARD (ref Par. 3 above, sub. 19) and LANG (ref Par. 3 above, sub. 25), present; EISENMANN (Vol. 2, Ex. 20) and KLEINHANS (ref Par. 3 above, sub. 24) were also probably present at the time. After delivering the instructions for the burial, FUHR, FRAUND and HOHLER returned to WIESBADEN and reported to TRUMMLER that the order had been executed. (Vol. 2, Ex. 21). After receiving the report, TRUMMLER said (Vol. 2, Ex. 21) "all that comes from America out of heaven will have to return by the fastest possible way back to heaven." The day after the execution, TRUMMLER said to HOHLER "well done", (Vol. 2, Ex. 22A). He gave HOHLER a box of cigars to be distributed among the members of the Gestapo in WIESBADEN (Vol. 2, Ex. 22A). An autopsy was performed by Major Max BERG (ref Par. 3 above, sub. 18), Medical Corps, ASN O-350334, on 14 December 1945 (Vol. 2, Ex. 19). The body was identified by Major BERG from the identification tag as Sgt. Willard F. PERRY (Vol. 2, Exs. 16, 17, 18). Major BERG in his report (Vol. 2, Ex. 19) gives the cause of death as "bullet wound right chest, point of entrance, posteriorly, point of exit, anteriorly".

- d. (Case No. 12-2127 GARRISON (V). The Exhibits mentioned herein are found in Case File Folder No. 12-2127.)

On or about 29 December 1944 an American airman, believed to be Robert W. GARRISON, ASN 33355463 (Exs. P-4, P-5, P-9), parachuted out of a disabled bomber near LANGENHAIM, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-46), U.S. Zone. He was taken prisoner and placed overnight in the city jail at EPPSTEIN, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-47), U.S. Zone. The next day, 30 December 1944, he was taken to Gestapo Headquarters, Paulinenstrasse 9, WIESBADEN, Germany, (GSGS Series 4346, Sheet K-51, Coordinates M-36), U.S. Zone, interrogated and beaten by SS Hauptsturmfuehrer (fnu) WREDE (also known as WROIDER or FREDE). WREDE was adjutant to SS Oberfuehrer TRUMMLER and after beating GARRISON with his fists made the remark, "He is supposed to be taken to Oberursel", a prison camp. Then, pointing to FRAUND and FUHR, Gestapo SS men, he said, "You know what to do". (Ex. P-5, pg 14). That afternoon SS Oberfuehrer TRUMMLER gave Richard FRAUND and Arthur FUHR orders to take GARRISON out after dark in the official car and shoot him (Ex. P-6). That night, 30 December 1944, FUHR drove Richard FRAUND and the airman out on the Wiesbaden-Frankfurt road and stopped near the Wandersmann Inn, DELKENHEIM, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-46), U.S. Zone, (Ex. P-8). FRAUND and FUHR stepped out of the car with the airman and each fired one shot at the airman, killing him instantly (Ex. P-8). FRAUND and FUHR notified the Gendarmerie of WALLAU, Eugen Michael EISENMANN, to have the body buried (Exs. P-6, P-8). Upon their return to Headquarters at WIESBADEN, FRAUND and FUHR reported to Commanding Officer TRUMMLER as ordered and in their presence TRUMMLER called SS Oberfuehrer Jurgen STROOP on the telephone and informed him that the American flyer had this evening been "Umgelegt" (meaning done away with or killed) (Ex. P-6). Gendarmeriemeister EISENMANN went with gendarmes FUHRMANN and SANDMANN to Burgermeister MULLER of DELKENHEIM and the airman GARRISON was buried in the cemetery at DELKENHEIM (Ex. P-8). Body of GARRISON was disinterred and examination made by pathologist Major Max BERG, War Crimes Branch, 14 December 1945, (Ex. P-9).

- e. (Case No. 12-391 HERMANN (V). The Exhibits mentioned herein are found in Case File Folder No. 12-391.)

On or about 15 February 1945, an unarmed, surrendered American airman was brought into Bensheim Gestapo Headquarters, No. 52 Adolf Hitler Strasse, BENSHEIM, Germany, (GSGS Series 4346, Sheet L-50, Coordinates M-52), U.S. Zone, by two unknown armed German Gendarmerie (Ex. 1, p.3; Ex. 2, p.4). The American was taken to the office of Untersturmfuehrer Albert DENGLER (Ex. 1, p.4; Ex. 2, p.4; Ex. 8, p.9; Ex. 3, p.18; Ex. 9, p.5). DENGLER, STATTMANN and RAAF were then called into the office of Fritz GIRKE (Ex. 2, p.6).

After about one and a half hours, the American was seen to leave Bensheim Gestapo Headquarters accompanied by Michael RAAF and Karl Franz STATTMANN, armed with machine pistols (Ex. 1 p.5; Ex. 2 p.6; Ex. 7 p.12; Ex. 8 p.19). About forty-five minutes later, RAAF and STATTMANN returned to Gestapo Headquarters without the American (Ex. 1 p.5; Ex. 2 p.6). STATTMANN confessed that he and RAAF each fired a shot into the body of the American, killing him instantly; that the American was killed upon orders received by him from HELLENBROICH. HELLENBROICH stated that GIRKE had ordered the American killed. (Ref, see statement of STATTMANN). STATTMANN, after killing the American, reported the facts to HELLENBROICH first, and then to GIRKE. (Ref, see statement of STATTMANN, Ex. 11). The body of the American was buried in a cemetery in BENSHEIM, Germany, by the Bensheim Gestapo, (Ex. 1 p.10), and later disinterred and identified as Ray F. HERMANN, ASN O-695168, rank unknown, (Ex. 3 p.10 - Pathologist's report; also Ex. 4 pgs 5 and 6).

- f. (Case No. 12-3188 OFFENBACH (P). The Exhibits mentioned herein are found in Case File Folder No. 12-3188.)

On or about 22 February 1945 an American airman, believed to be William A. DUKE, 2nd Lt., Air Corps, AUS, ASN O-825602, parachuted to earth in the vicinity of BIEBER, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone. He was captured by Peter COMO and taken to the BIEBER Police Station at about 1430 hours, where he was turned over to ALBRECHT, GOEHRENDT (but cf Ex. 4), LUCK and DIETRICH (Ex. 8). The flyer was searched for weapons in the guard room by ALBRECHT and LUCK and an identification card was found on him, indicating that his name was William DUKE (Ex. 9). Shortly thereafter EICHEL and KIWITT arrived. KIWITT called the policemen in the office "cowards" because the flyer was still living, and shouted, "You ought to beat him into his mouth", (Ex. 1). EICHEL ordered ALBRECHT to have the flyer killed (Exs. 1, 2, 3, 8, 9, Ex. 12 p.3, Ex. 13 p.1 and Ex. 15 p.4). ALBRECHT announced to the policemen who were present that, "This man has to be shot by order of the Police Director EICHEL. Who will volunteer for it?" Nobody volunteered (Exs. 2, 3, but cf Ex. 17 p.3). EICHEL then called MOLLER into the next room and ordered him to shoot the flyer (Exs. 2, 3, Ex. 17 p.3, Ex. 17A). Immediately thereafter ALBRECHT ordered MOLLER to get his weapon and helmet and get ready (Exs. 2, 3, 8, 9, p.3 of Ex. 17), and also ordered COMO to come along.

The flyer was marched out of the Police Station by ALBRECHT, MOLLER and COMO, and the group was joined by GOEHRENDT who was asked by ALBRECHT to keep the crowd of people back (Exs. 1, 4, p.5 of Ex. 15). MOLLER carried a German carbine and the others had pistols. The flyer walked a little ahead of MOLLER; GOEHRENDT followed them on the left side of the road, and ALBRECHT and COMO were on the right side. During this time Peter SCHROD overtook the group and suspected that the flyer was going to be killed. He protested to ALBRECHT and was told by him that they were taking the prisoner to a prison camp (Ex. 11).

A short distance out of BIEBER, Germany, MOLLER directed the flyer to walk off the road to the right into a wooded section. The balance of the group were slightly behind and waited on the road. After MOLLER and the flyer had walked into the woods a short distance, MOLLER fired one shot from his carbine into the victim, who was walking about 10 meters ahead of him. The flyer fell to the ground and MOLLER fired a second shot into his head, killing him, (Exs. 1, 2, 3, 8, 11, pages 6 and 7 of Ex. 15, pages 4 and 5 of Ex. 17, 17A). After the first shot, GOEHRENDT called to MOLLER, "Such a scared dog" (Exs. 2, 3, p.5 of Ex. 17, but cf Ex. 4). ALBRECHT said to COMO, "He has been done with" (Ex. 8). The victim did not attempt to escape prior to the shooting, (Exs. 2, 3, p.5 of Ex. 17).

Later that same day KIWITT made MOLLER accompany him to the body as he wanted to make certain that the order to kill the flyer had been carried out. While viewing the body, KIWITT ordered MOLLER to take a gold ring off the finger of the victim, and the ring was taken away by KIWITT (Ex. 3, Ex. 17 p.5).

The body was buried three or four days later (Ex. 5) in the new cemetery at OFFENBACH, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone. On or about 27 February 1946 the corpse was disinterred and examined by Marvin KUSCHNER, Captain, Medical Corps, AUS. His Pathological Report shows that the victim DUKE died of gunshot wounds in the head and abdomen. Photographs which were taken after the body was examined show the bullet wounds (Ex. 20).

- g. (Case No. 12-1892 OFFENBACH (P). The Exhibits mentioned herein are found in Case File Folder No. 12-1892.)

On or about 22 February 1945 an American airman, believed to be 2nd Lt. Archibald B. MONROE, Jr., Air Corps, AUS, ASN O-834852, parachuted to earth from his disabled B-24 and landed in the vicinity of BIEBER, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone; he was captured by unknown Germans and delivered to the Police Station at BIEBER, Germany, (Ex. 32). That same night Wilhelm GOEHRENDT, Meister (T/Sgt) of Police at BIEBER, Germany, ordered Policemen MICHEL and SCHNEIDER to march the flyer to the Command Post at OFFENBACH, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone, (Exs. 21 p.2, Ex. 22). MICHEL and SCHNEIDER marched the flyer to the Police Station at OFFENBACH, Germany, and delivered him to Lt. ALT who was Police Duty Officer (Exs. 21 p.2, 23 p.2 and Ex. 24). ALT summoned KIWITT, who reprimanded the two policemen for not having already killed the flyer (Ex. 22), and ordered them to take the flyer out on the main street and kill him (Exs. 21, p.2 and p.3, Ex. 22, but cf Ex. 23 p.2, Ex. 23A p.3 and Ex. 24). MICHEL and SCHNEIDER refused to carry out the order (Ex. 21 p.3, but cf Ex. 22). KIWITT then called his superior officer, KUHLENBECK, over the 'phone and was told by the latter that the flyer was to be shot on orders from Police Director EICHEL (Ex. 23 p.3, Ex. 23A p.3). KIWITT then ordered MICHEL and SCHNEIDER to take the flyer out and kill him (Exs. 21 p.2 and p.3, Ex. 22, 23 page 3, 23A page 3, and Ex. 24).

MICHEL and SCHNEIDER then left the Police Station with the flyer, and shortly thereafter KIWITT sent Lt. ALT to follow them to see that they did no wild shooting (Ex. 23 p.3, Ex. 24, but cf Ex. 23A p.3). ALT overtook the three men on Grenzstrasse (Ex. 21 p.3) and asked MICHEL, "How long do you intend to walk before you shoot the flyer?" (Ex. 22, but cf Ex. 24). MICHEL replied that they were taking him back to BIEBER (Ex. 22, but cf Ex. 24).

An air raid alarm sounded at approximately that same time and MICHEL and SCHNEIDER marched the flyer to a nearby air raid shelter at Bierbrauerweg, where Police Director EICHEL's Command Post was also located (Ex. 21 p.3, Ex. 22). At the gate which led to the air raid shelter, the policemen called for a guard. JAEGER and ZAHN, who were standing watch nearby, went to the gate in response to the call. One of the policemen said that the other one, who was a small bow-legged fellow, was too meek to "bump off" the flyer, but that they would do the job anyway (Exs. 25, 26 and 35, but cf Ex. 21 p.4 and Ex. 22). ZAHN told him that they did not have anything to do with that and referred the policemen to NAHRGANG who was in charge of the Air Raid Protection Police at the Guard House close to the gate (Ex. 26). NAHRGANG was called to the door of the Guard House (Exs. 25, 27 p.3). After a few words NAHRGANG called HAMMANN and FAY, who were in the same building. HAMMANN replied, "No" to a conversation which was not overheard, (Ex. 25 but cf Ex. 28 p.3). After a short conference between NAHRGANG, HAMMANN and FAY, NAHRGANG told FAY that the flyer must be killed (Ex. 29 p. 2, 3 and 37, but cf Ex. 27 p.3). Someone asked "Who gave such an order?" and one of the policemen said, "The Police Director, EICHEL." (Exs. 29 p.3, 37, but cf Ex. 27 p. 3 and 22). FAY said, "I will take care of that small matter." (Exs. 25, 34, 35, but cf Ex. 27 p.3, Ex. 28 p.3, Ex. 29 p.3, Ex. 37). FAY called for the policeman and the flyer who were standing at the gate, took a pistol from one of the policemen and began walking towards the rear of the court-yard in the direction of an earthen stairway which was close to the Command Post occupied by Police Director EICHEL, (Exs. 25, 26 p.3, 29, 34, 35, 37). With the flyer were FAY, NAHRGANG, MICHEL, SCHNEIDER and possibly HAMMANN, (Exs. 21 p.5, 22, 25, 26 p.3,

Ex. 27 p.4, but of Ex. 28 p.2 and p.3, and Ex. 36). While walking towards the back of the court-yard FAY fired two shots from his pistol, and the flyer ran down the rear stairs, following the path which led back to Bierbrauerweg (sketches attached to Exs. 25 and 30, and photographs in Ex. 38. Exs. 21 p.5, 22, 25, 26 p.3, 27 p.4, 29 p.4, 33, 34, 35 and 37). HAMMANN ran out of the court-yard to the gate and grabbed JAEGER's carbine (Exs. 25, 26, 28 p.3, 34, 35 and 36). When the flyer came out on Bierbrauerweg, HAMMANN was ready for the kill. The flyer was running, or staggering, down Bierbrauerweg holding up his hands (Ex. 31). HAMMANN pursued his victim and fired one shot from his carbine at about 20 meters. The flyer fell down and HAMMANN fired three more shots into the body (Ex. 33). The victim died where he fell in the road (Exs. 21 p.5, 25, 26 p.3, 27 p.5, 29 p.6, 31, 33, 36 and 37).

The body was buried at the new cemetery at OFFENBACH, Germany, a few days later, and on 27 February 1946 it was disinterred and examined by Marvin KUSCHNER, Captain, Medical Corps, AUS. His Pathologist Report states that the victim died of gunshot wounds to the right chest. (Photographs of the body and the Report are shown in Ex. 39.)

- h. (Case No. 12-565 GOSS (A). The Exhibits mentioned herein are found in Case File Folder No. 12-565.)

On or about 17 March 1945, two or three airmen parachuted out of an American plane in the neighborhood of WALLRABENSTEIN, Germany, (GSGS Series 4346, Sheet K-51, Coordinates M-38), U.S. Zone. (Exs. 1, 2, 3). One of the airmen, believed to be Jimmie R. HEATHMAN, ASN 37630603, was captured the next day by SS Rottenfuehrer Heinrich Matthias MICHELY, who had been sent to search for him by his superior officer, SS Obersturmfuehrer Erwin GOSS, (Exs. 4, 6). MICHELY marched the flyer to the headquarters in WALLRABENSTEIN where he was searched and interrogated by GOSS (Exs. 4, 6).

GOSS told MICHELY that he should kill the flyer while taking him enroute to IDSTEIN, Germany, (GSGS Series 4346, Sheet K-51, Coordinates M-38), U.S. Zone. This was pursuant to instructions coming from STROOP and BEST who were acting upon orders from BORMANN (Ex. 6 p.6, but compare Ex. 4 p.6). As darkness came, GOSS called MICHELY in and told him the time had come, his last words being, in effect, "This man should not be able to ever talk again about it." With this, MICHELY and the flyer departed (Ex. 6).

Leaving WALLRABENSTEIN, MICHELY and the victim took the road toward IDSTEIN. The flyer was marching about 1½ meters in front of his captor, who was armed with the former's Army pistol. MICHELY ordered the flyer to turn into a wagon path (Ex. 1), 5 or 6 hundred meters from the autobahn underpass on the road from WALLRABENSTEIN to IDSTEIN, and when the flyer had gone a few steps in the new direction, MICHELY fired several shots into his back. He fell and then MICHELY shot him in the head. He took the victim's identification bracelet and tags (Ex. 6 p.4, but compare Ex. 1) and then proceeded back to his headquarters and reported to GOSS.

Philipp BUHLMANN and four other men, on GOSS' instructions, took the body to the local cemetery (Exs. 1, 4), where it was placed in a coffin and buried the next day (Ex. 4, 7 (a) (g) (h)). Within a day or two after that, SS Hauptscharfuehrer Philipp SCHNORRBACH arrived at WALLRABENSTEIN and learned of the death of the flyer, the responsibility for which MICHELY admitted as being his (Ex. 2). A few nights later, Frau Karin SCHORNWEBER was in Jacobi's "Lokol", in WALLRABENSTEIN, and heard MICHELY boasting about having done the killing. He told her personally that he had shot the American, but gave no reason for doing so. At that time he was wearing an identification bracelet bearing the name "Jimmie" and said that it was a "gift" from his first American captive (Exs. 3, 6).

At the same time that the victim here parachuted down, a fellow crewman did likewise and was captured (Exs. 1 to 6 incl). GOSS verbally reported this capture to SS Sturmbannfuehrer Georg BEST, who in turn informed

4. SUMMARY OF EVIDENCE: (Discussion of Case No. 12-565 - Continued)

SS General Jurgen STROOP and inquired as to what disposition should be made of the flyer. STROOP ordered BEST to instruct GOSS to execute the man, but before the order was received by GOSS the flyer had been delivered to a PW Camp at IDSTEIN (Exs. 1, 4, 5a) and GOSS so reported. Upon hearing of this, STROOP was "surprised", and wanted to know how this was possible, Delay in transmission of the order was given as the reason by BEST. Shortly after this incident, GOSS reported in writing the death of a foreigner who "might have been a flyer too". BEST handed this report to STROOP (Ex. 5a).

- i. (Case No. 12-391 FORMAN et al. The Exhibits mentioned herein are found in Case File Folder No. 12-391.)

On or about 24 March 1945, two captured, unarmed American soldiers, prisoners of war, were delivered to the Bensheim Gestapo Headquarters, BENSHEIM, Germany, (GSGS Series 4346, Sheet L-50, Coordinates M-62), U.S. Zone, by two unknown SS soldier and a Wehrmacht Hauptmann (Ex. 1 p.16; Ex. 10 p.5). The Wehrmacht Hauptmann told GIRKE "Our Major wants these two Americans shot." (Ex. 1 p.17). Heinz HELLENBROICH and other unidentified members of the BENSHEIM Gestapo were present when this statement was made (Ex. 1 p.17). GIRKE ordered "KAMINISKI leave the room", (Ex. 1 p.17). KAMINISKI went into the courtyard of the Bensheim Gestapo to ready HELLENBROICH's automobile, (Ex. 1 p.18). About seven minutes later, STATTMANN passed KAMINISKI with one of the captured Americans. STATTMANN was walking behind the American and was carrying a pistol in his right hand (Ex. 1 p.18). STATTMANN and the captured American went into a small garden adjoining the courtyard and a minute later a shot was fired (Ex. 1 p.18; Ex. 10 p.6). STATTMANN returned and went into the Bensheim Gestapo Headquarters (Ex. 1 p.20). About two minutes later, the other American came out of Gestapo Headquarters with his hands up, followed by RAAF and STATTMANN, who were armed (Ex. 1 p.20). RAAF and STATTMANN took the American through a gate into a garden adjoining Gestapo Headquarters (Ex. 1 p.20). After they passed through the gate, two shots were fired in rapid succession (Ex. 1 p.21; Ex. 10 p.6). A few minutes later, RAAF and STATTMANN reported to HELLENBROICH that the two Americans had been shot (Ex. 1, p. 21 and p.22). HELLENBROICH asked RAAF and STATTMANN if the Americans had been buried and RAAF replied "not yet". HELLENBROICH said they would have to be buried and RAAF and STATTMANN went after spades and shovels (Ex. 1 p.22). RAAF and STATTMANN later reported to HELLENBROICH that the two had been buried (Ex. 1 p.23). HELLENBROICH then patted RAAF's shoulder and said, "Good. Good." (Ex. 1 p.23). STATTMANN admits his complicity in these murders and implicates RAAF (Ex. 5). RAAF also admits his guilt (Exs. 6, 6a). RAAF told Mrs. SEITZ that two Americans had been "Umgelegt", (Ex. 10 p.6).

HELLENBROICH admits he gave the order to kill these Americans and implicates GIRKE, who gave the original order, (Ex. 6a).

The bodies of the Americans were later disinterred, autopsy performed and identified as William H. FORMAN, ASN O-1821991, and R. T. McDONALD, ASN 32773939 (Ex. 3 p.6). (See real evidence, BIRSNER, Exs. 1 to 8 incl, re FORMAN and McDONALD; real evidence, WIMER, Exs. 1 and 2 -- findings of special investigators.)

5. SUFFICIENCY OF EVIDENCE:

a. Jurgen STROOP, SS Oberfuehrer.

Case No. 12-2000.

As to STROOP, the case is complete and the evidence is that he issued the order to kill captured shot-down Allied airmen (Ex. 1 p.5; Ex. 5 of Case File Folder No. 12-2000) and that he caused said order to be distributed to the chiefs of the various Gestapo Security Police offices in Wehrkreis XII (Ex. 1 p.5), and that he demanded rigorous enforcement of this order (Ex. 1 p.5; Ex. 2, Ex. 4).

Case No. 12-2127.

STROOP was TRUMMLER's superior officer and TRUMMLER reported to him in the presence of FRAUND and FUHR that the American flyer had been "Umgelegt", (done away with and killed).

Case No. 12-565.

STROOP (in Case File Folder No. 12-565) is implicated through MICHELY's testimony as well as BEST's. MICHELY says he doesn't "quite remember" whether GOSS actually mentioned STROOP in connection with the instructions to kill flyers, but that GOSS did say that they came from higher-ups, which MICHELY interpreted to mean STROOP and BEST.

b. Hans TRUMMLER, SS Oberfuehrer.

Case No. 12-2000.

The evidence as to the guilt of TRUMMLER is complete. TRUMMLER had knowledge of the order, passed the order on to subordinate offices and realized that the captured Allied flyers were to be murdered and acquiesced in the policy (Exs. 10, 12).

Case No. 12-2182.

The case against TRUMMLER is sufficient to sustain a conviction for murder. Both HOHLER and FUHR state he ordered the murder and gave instructions for burial. A persuasive factor is that no burial orders would have been given while the man was still alive, in the absence of a murder plan. TRUMMLER complimented the three participants in the murder ride and rewarded HOHLER with a box of cigars to be distributed among the Gestapo members.

Case No. 12-2127.

TRUMMLER is guilty because he was the commanding officer and gave FRAUND and FUHR direct orders to take the airman out after dark and shoot him. As evidence of his frame of mind is the statement in FUHR's confession attributed to TRUMMLER, "All that comes from American out of heaven will have to return by the fastest possible way back to heaven".

c. Otto SOMANN.

Case No. 12-2000.

The evidence against SOMANN is clear. He attended the conference held in WIESBADEN in 1944, during which an order was discussed. Dr. CHRISTMANN recalls that SOMANN did not wish the Security Police to turn any flyers over to the armed forces (Ex. 9 p.3).

d. Leonard BRANNER.

Case No. 12-1872.

The evidence against BRANNER is complete. His statement, "I still have a score to settle", (Ex. 3, Case File Folder No. 12-1872),

5. SUFFICIENCY OF EVIDENCE:

d. Leonard BRANNER. Case No. 12-1872. (Continued)

his departure with the American (Ex. 3), his report to Chief WINTZER upon his return, "Everything is settled"; (Ex. 3), his statement to the telephone operator (Ex. 3), his signed admission of guilt (Ex. 7), clearly establish his guilt beyond a reasonable doubt.

e. Julius LASSAK.

Case No. 12-1872.

The evidence against LASSAK is complete. His statement, "This man is going to the Gestapo for interrogation", (Exs. 1, 1(a), 1(b)); the statement that he knew the American would be murdered if turned over to the Gestapo (Ex. 8), coupled with his prior knowledge of superior secret orders issued by Colonel-General Jurgen STROOP, Otto SOMANN and Hans TRUMMLER, higher SS police leaders for Wehrkreis XII, which he acknowledged as having received, clearly show knowledge of a carefully laid scheme of common design to murder captured allied airmen, (Exs. 8, 9).

f. WREDE (or WROIDER or FREDE) (FNU).

Case No. 12-2127.

WREDE (WROIDER) is joined as a party defendant because he beat the airman with his fists and also told FUHR and FRAUND that they knew what to do even though the airman was supposed to be taken to the prison camp at Oberursel. He was their superior officer and it is apparent that he had knowledge of the planned murder.

g. Arthur FUHR. (FUEHR)

Case No. 12-2182.

Enough evidence exists against FUHR to warrant a charge of murder. He was present when TRUMMLER gave orders to kill the flyer and to attend to the burial after the killing. He drove the murder car with full knowledge of the object of the ride and either fired at the flyer or stood by while HOHLER and FRAUND did the shooting, and made no attempt to prevent the murder. He likewise joined in spreading the story of an attempted escape and was one of the beneficiaries of the box of cigars constituting the reward for a killing well done. FUHR's confession to his part in this murder plus his confession in the same document that he participated in another murder are enough to sustain a conviction against him.

Case No. 12-2127.

The case against FUHR is complete. He signed a confession dated 9 February 1946 (Ex. P-6 in Case File Folder No. 12-2127) in which he not only admits this murder but also the murder of another unidentified American airman on or about the middle of October 1944. FRAUND told EISENMANN in the presence of FUHR that he and FUHR killed the prisoner of war. The witness Lieselette PFEIL saw FUHR wearing GARRISON's boots after the murder.

h. Wilhelm HOHLER (HOEHLER).

Case No. 12-2182.

The evidence against HOHLER is sufficient to sustain a conviction for murder. He had previous knowledge that a man was to be killed. He was a member of the party which drove the victim to the point where the murder took place. He either fired a shot or permitted a shot to be fired and he subsequently issued instructions for burial as they had been given to him by TRUMMLER. He spread the false story of an attempted escape and later on

5. SUFFICIENCY OF EVIDENCE:

h. Wilhelm HOHLER (HOEHLER). Case No. 12-2182. (Continued)

received his reward in the form of a box of cigars from his superior TRUMMLER. His own written statement plus the denunciation of him by his co-perpetrator FUHR are sufficient to warrant a murder charge against him.

i. LUCKHARDT (FNU).

Case No. 12-2182.

Enough evidence exists to warrant holding LUCKHARDT for murder. He was Kriminalrat of the Gestapo at WIESBADEN and as such was in a position of trust and confidence insofar as organization business was concerned. He gave the order to HOHLER to go along on the October murder job. He is therefore directly implicated in the plan to kill captured flyers. There is no doubt that more evidence against him can be obtained from those perpetrators now in custody.

j. Fritz GIRKE.

Case No. 12-391.

The evidence is sufficient to convict GIRKE of murder in that he gave the order to HELLENBROICH to have the Americans killed (Ex. 2 p.6, Ex. 5, Ex. 1 p.17 and p.18, Ex. 11).

k. Heinz HELLENBROICH.

Case No. 12-391.

The evidence is sufficient to convict HELLENBROICH of murder in that he passed on the order he received from GIRKE to have the Americans killed. (Ex. 1 p.21 to p. 23 incl, Ex. 6A).

l. Karl Franz STATTMANN and Michael RAAF.

Case No. 12-391.

The evidence is sufficient to convict RAAF and STATTMANN of murder (Ex. 1 p.5, Ex. 2 p.6, Ex. 7 p.12, Ex. 8 p.19). STATTMANN admits killing the Americans (Ex. 5) and admits that he reported to HELLENBROICH and to GIRKE that the Americans had been killed (Ex. 11).

m. Hans EICHEL.

Case No. 12-3188.

The case against EICHEL is complete. The statements of MOLLER (Exs. 2, 3 page 3, Ex. 17 and 17A in Case File Folder No. 12-3188); COMO (Ex. 8, LUCK (Ex. 9), KIWITT (Ex. 12 p.3 and Ex. 13 p.1), and ALBRECHT (Ex. 15, page 4), clearly prove that EICHEL gave the order to kill the victim.

Case No. 12-1892.

The case against EICHEL is complete. EICHEL is implicated in this case by reason of issuing the orders to shoot all captured enemy flyers. The statements of KIWITT (Ex. 23 p.3, Ex. 23A p. 2 to p.4), ALT (Ex. 24) and FAY (Exs. 29 p. 2 and p.3, Ex. 37), prove that the order to kill captured enemy flyers was given by EICHEL and passed on to the persons who committed this murder.

n. Josef Job n KIWITT.

Case No. 12-3188.

The case against KIWITT is sufficient to sustain a conviction for murder. He was with EICHEL when the order was given to kill the flyer and by his actions approved, aided, abetted and encouraged the trigger-men to do the killing. Upon entering the Police Station with EICHEL, KIWITT called the policemen who were present "cowards" because the flyer was still living, and shouted "You ought to beat him into his mouth". (Ex. 1 of Case File Folder No. 12-3188). He was with EICHEL for a common purpose, i.e., to have the flyer killed and was present and heard EICHEL give the order to kill the flyer (Ex. 12 p.3, Ex.13 p.1, Exs. 1, 2, 3, 8, 9 and p.4 of Ex. 15). Later he ordered MOLLER to accompany him to the body to make certain that the order had been carried out, and also took a gold ring from the victim (Ex. 3 p.5, Ex. 17).

Case No. 12-1892.

The case against KIWITT is complete. His admission in Ex. 23 pages 2 and 3, Ex. 23A pages 2 to 4 (in Case File Folder No. 12-1892), together with the statements of SCHNEIDER (Ex. 21 pages 2 and 3), MICHEL (Ex. 22) and ALT (Ex. 24) clearly prove that he gave the order to shoot the flyer. The statements of FAY (Ex. 29 pages 2 and 3, Ex. 37) show that the order was passed down to the person who actually killed the flyer.

o. Wilhelm ALBRECHT.

Case No. 12-3188.

The case against ALBRECHT is complete. The statements of MOLLER (Exs. 2, 3, Ex. 17 pages 3 and 4), COMO (Ex. 8), LUCK (Ex. 9), SCHROD (Ex. 11) and KIWITT (Ex. 12 pages 3 and 4, Ex. 13 pages 1 and 2) clearly prove that ALBRECHT knew that EICHEL had ordered the flyer to be killed and that he personally saw to it that the victim was disposed of. He ordered MOLLER to take his helmet and carbine and get ready (Exs. 2, 3, 8, 9 and 17), and he well knew for what purpose. After the flyer was shot, ALBRECHT said to COMO, "He has been done with" (Ex. 8).

p. Hermann MOLLER.

Case No. 12-3188.

The case against MOLLER is also complete. He has made a confession of his guilt (Exs. 2, 3, 17 and 17A in Case File Folder No. 12-3188) corroborated by COMO (Ex. 8), SCHROD (Ex. 11), GOEHRENDT (Ex. 4), ALBRECHT (Exs. 1, 15) which clearly prove that MOLLER killed the flyer. The evidence that the flyer did not attempt to escape is contained in MOLLER's statements (Exs. 2, 3, and p.5 of Ex. 17).

q. Wilhelm Friedrich GOEHRENDT.

Case No. 12-3188.

The case against GOEHRENDT is sufficient to sustain a conviction for murder. COMO claims that GOEHRENDT was one of the policemen to whom he delivered the flyer (Ex. 8, Case File Folder No. 12-3188) and MICHEL states that GOEHRENDT was also present at the Police Station before EICHEL and KIWITT arrived (Ex. 10), that he clearly knew what was to happen to the flyer and went along to witness the killing. He was a Meister in the Police at BIEBER and admits in his own statement (Ex. 16, p.4) that prior to the killing he had heard that an order came from HIMMLER directing that all captured flyers were to be killed.

He further states that ALBRECHT told him to go along and calm the people down whom Police Director EICHEL had gotten worked up (Ex. 16 p.2), but claims that he was told by ALBRECHT that the flyer was being taken to OFFENBACH by a side road (Ex. 16 p.2). He admits on page 3, Ex. 16 that he

5. SUFFICIENCY OF EVIDENCE:

q. Wilhelm Friedrich GOEHRENDT. Case No. 12-3188. (Continued)

was the one who directed MOLLER to take the flyer on the path to the right of the road that they were walking on through the woods that led to the OFFENBACH road. After the first shot was fired GOEHRENDT said to MOLLER "Such a scared dog!" (Ex. 3, Ex. 17 p.5). MOLLER was apparently upset after the first shot and GOEHRENDT was making fun of him.

r. Adolf ALT.

Case No. 12-1892.

The case against ALT is complete. The statements of KIWITT (Ex. 23 pages 2 and 3, Ex. 23A pages 2 to 4) prove that he was present when the order to kill the flyer was given by KIWITT and by his own admission in Ex. 24 he states that he was ordered to follow SCHNEIDER and MICHEL, "To see that they did no wild shooting". The statement of MICHEL (Ex. 22) proves that ALT was also interested in seeing to it that the flyer was killed by asking MICHEL, "How long do you intend to walk before you shoot the flyer?" ALT is clearly an accomplice to the murder. The statement of FAY (Ex. 37) places ALT at the scene after the flyer was killed, and shows that he took certain personal possessions from the flyer that MICHEL told him he could have. He was evidently there to make certain that the flyer had been killed.

s. Karl SCHNEIDER and Friedrich MICHEL.

Case No. 12-1892.

The cases against MICHEL and SCHNEIDER can be considered together. They transported the flyer from BIEBER to OFFENBACH a/Main Police Station and received the order to kill the flyer by their own admissions in Exs. 21 and 22 and the statement of KIWITT (Ex. 23) and ALT (Ex. 24). They knew the flyer was to be killed but wanted to pass the job to someone else. The statements of JAEGER (Ex. 25), ZAHN (Ex. 26 p.2) and FAY (Ex. 29 pages 2 and 3, Ex. 37) show their efforts to pass the order on to others who killed the flyer. JAEGER states that one of these two men said that the other, a small bow-legged fellow, was too meek to "bump off" the flyer but that they would do the job anyway (Ex. 25). Either MICHEL or SCHNEIDER actually passed the order to NAHRGANG, FAY and HAMMANN (Ex. 29 pages 2 and 3, Ex. 37), and was present when the plot to force the flyer to escape was formulated.

t. Paul NAHRGANG, Philipp HAMMANN and Bernard FAY.

Case No. 12-1892.

The cases against NAHRGANG, HAMMANN and FAY make it evident that a conspiracy to force the flyer to escape, so that he could be shot legally was quickly formulated between these three men after they learned that the flyer had to be killed. The witnesses ZAHN, GUNTHER, JAEGER and the perpetrators NAHRGANG, HAMMANN, FAY, SCHNEIDER and MICHEL will have to be vigorously interrogated before and at the trial to get the true story. FAY, NAHRGANG and HAMMANN knew that the flyer was to be killed (Ex. 29 pages 2 and 3, Ex. 37) and FAY was heard by JAEGER to say, "I will take care of that small matter," (Exs. 25, 35), and thereupon took a pistol from one of the policemen (probably MICHEL) (Exs. 25, 35, 29 p.4, 37).

During this walk to the back of the courtyard apparently FAY, NAHRGANG, MICHEL, SCHNEIDER and possibly HAMMANN and GUNTHER, were with the flyer (Exs. 21 p.5, 22, 25, 26 p.3, 27 p.4, but cf Ex. 28 pages 2 and 3 and Ex. 36). The evidence as given by the perpetrators indicates that their story will be that the flyer hit or pushed FAY in the chest; then started running, and after that FAY discharged the first two shots from his pistol. It is believed it will be found that the flyer was forced to attempt an escape near the earthen stairs at the rear of the courtyard; probably pushed by FAY and scared by two shots prior to the actual escape.

5. SUFFICIENCY OF EVIDENCE:

t. Paul NAHRGANG, Philipp HAMMANN and Bernard Fay. (Continued)

Case No. 12-1892. (Continued)

It is clear that HAMMANN knew exactly what to do and where the flyer had to enter the street once the escape had started. He ran out of the guard house, snatched the carbine from JAEGER's shoulder and waited for the flyer to appear (Exs. 25, 26, 33, 35). HAMMANN, by his actions, knew that the flyer was going to be chased out to the main road by the only available route, which led down the rear earthen stairs circling the guard house. That the flyer was actually killed by HAMMANN can be proved by ZAHN (Ex. 26), JAEGER (Exs. 25, 35), FABIAN (Ex. 31), GUNTHER (Ex. 33) and by HAMMANN's own admission in Exs. 28 and 36. The statement of FABIAN (Ex. 31) shows that before the last shot was fired, the victim was staggering and holding up his hands. Exhibit 38 contains photographs of the courtyard, the earthen stairs, the gate through which the flyer originally entered and the route which the flyer took when he ran away. Exhibit 39 contains the Pathologist Report and the photographs of the exhumed body of MONROE, showing the bullet holes.

u. Georg BEST.

Case No. 12-565.

BEST's guilt can be established by his own statement that he had been GOSS's superior officer and that when GOSS had reported the capture of the first flyer to him he had asked STROOP what should be done. When STROOP ordered the flyer's execution, BEST then relayed the order.

v. Erwin GOSS.

Case No. 12-565.

GOSS' guilt can be established by his own statement and by the statements of MICHELY that he passed on the order to kill the flyers. Corroborative of this is BUHLMANN's statement relative to his conversation with GOSS concerning disposition of the first of the two flyers captured and the statement of BEST concerning the transmission of STROOP's order to GOSS to execute the flyer, (Ex. 5A).

w. Heinrich Matthias MICHELY.

Case No. 12-565.

The case against MICHELY is complete; he has signed a confession that he committed the murder, and there are witnesses to the finding and burial of the flyer's body. BUHLMANN can testify as to retrieving the corpse from the site of the murder and taking it to the local cemetery, and GOSS can testify that the body was put in a coffin at his direction and buried in his presence. SCHNORRBACH and SCHORNWEBER can testify that MICHELY admitted the murder of the flyer and appropriation of his personal belongings.

x. Albert DENGLER.

Case No. 12-391.

The evidence is not sufficient to convict DENGLER of actual participation in the crime. The only evidence as to DENGLER is that the captured Americans were brought first to his office and he interrogated them (Ex. 1 p.4, Ex. 2 p.4, Ex. 8 p.8 and p.18, Ex. 9 p.5). There is no evidence that DENGLER issued any orders to kill the captured Americans or that he actually participated in the crime. He is therefore not listed as a perpetrator.

5. SUFFICIENCY OF EVIDENCE:

y. BIERBRAUER (FNU), Bernhard DELLWIG and Eugen Michael EISENMANN.

Case No. 12-2182.

Although accusations have been made against BIERBRAUER (FNU), Bernhard DELLWIG and Eugen Michael EISENMANN, there is insufficient evidence to connect them with the commission of any crimes, and therefore they are not included among the perpetrators.

z. The following are believed to be dead and action against them has been abated:

Bernhard WINTZER	(Case No. 12-1872)
Richard FRAUND	(Case No. 12-2127)
Philipp KUHLENBECK	(Case No. 12-1892)

aa. Proof of the dissemination of superior orders is set forth below:

In Case No. 12-1872, IASSAK gives a complete picture of the dissemination of orders emanating from HIMMLER and passed to STROOP, to SOMANN and to TRUMMLER, SOMANN's successor on down to the lowest of the Security Police. It was a carefully arranged scheme to murder all captured allied airmen. Every effort should be made to capitalize upon the statement of IASSAK as to the dissemination and existence of common knowledge among all members of the SS Police in Wehrkreis XII of this order, "Captured enemy airmen are to be turned over to the Gestapo", (Exs. 8, 9, in Case File Folder No. 12-1872).

In Case No. 12-3188, on pages 2 and 3, Ex. 14, EICHEL states that in approximately September 1944 an order came down which was signed either by HIMMLER or the Chief of the Ordnungspolizei that read, "It is not up to the Police to protect captured enemy flyers from the civilian population". The Chief of the Ordnungspolizei at the time this order was issued was General WUNNERBERG. EICHEL states that he gave this secret order to his Deputy GRUNHEIT in OFFENBACH and that it was passed on further.

In Case No. 12-3188, on pages 2 to 4 of Ex. 15, ALBRECHT states that he was the Polizei Revier, Kommissar or 1st Lt. of the Police Department in BIEBER, Germany; that his immediate superior was Major KUHLENBECK, who was the Commander of the Schutzpolizei or Protective Police in OFFENBACH, Germany, and that Police Director EICHEL was KUHLENBECK's superior Police officer; that EICHEL's superior was the Commander of the Befehlshaber der Ordnungspolizei in WIESBADEN, Germany. He further states that in September 1944 an order signed by HIMMLER was passed down through channels stating that policemen should not prevent civilians from doing what they want with bailed out enemy flyers they have captured, and that bailed out enemy flyers were to be delivered to the Gestapo by the Police. In this particular order there was nothing about the shooting of flyers, but he believes that reference to shooting of flyers was made in another secret order of the Gestapo. The police were not permitted to interrogate captured flyers, but this was done by the Gestapo. The order of September 1944 was read by Major KUHLENBECK at an Officers' Conference where all the Revierfuehrers of OFFENBACH were present. ALBRECHT states that EICHEL was not present at this meeting.

In Case No. 12-3188, on page 4, Ex. 16, GOEHRENDT states that prior to the day that the victim DUKE was killed, he heard that an order came from HIMMLER directing that all captured flyers be killed.

See also Exhibits in NURNBERG Trial, Case No. I, before the International Military Tribunal:

PS-745		PS-735
PS-057		C -178
PS-2374		PS-728
PS-780		C -179
PS-553)	PS-062
US-500)	R -110
PS-729	Same	PS-1676

6. RECOMMENDED ACTS:

It is recommended that the accused Jurgen STROOP, Hans TRUMMLER, Otto SOMANN, Arthur FÜHR, Wilhelm HÖHLER, Hans EICHEL, Josef Johann KIWITT, Wilhelm ALBRECHT, Hermann MÖLLER, Wilhelm Friedrich GOEHRENDT, Paul NAHRGANG, Philipp HAMMANN, Bernard FAY, Georg BEST, Erwin GOSS, Heinrich Matthias MICHELY, Leonard BRANNER, Julius LASSAK, Fritz GIRKE, Heinz HELLENBROICH, Karl Franz STATTMANN and Michael RAAF be tried by a General Military Government Court on the following Charges and Particulars:

CHARGE 1: Violation of the Laws of War.

Particulars: That the accused, Jurgen STROOP, Hans TRUMMLER, Otto SOMANN, Arthur FÜHR, Wilhelm HÖHLER, Hans EICHEL, Josef Johann KIWITT, Wilhelm ALBRECHT, Hermann MÖLLER, Wilhelm Friedrich GOEHRENDT, Paul NAHRGANG, Philipp HAMMANN, Bernard FAY, Georg BEST, Erwin GOSS, Heinrich Matthias MICHELY, Leonard BRANNER, Julius LASSAK, Fritz GIRKE, Heinz HELLENBROICH, Karl Franz STATTMANN and Michael RAAF, German nationals, between the 9th day of December 1941 and the 8th day of May 1945, at sundry places within the then German Reich, individually and collectively, as principals, accessories, leaders, organizers, instigators and accomplices, did engage in, formulate and participate in a common plan or design to commit, or cause to be committed, violations of the Laws of War and pursuant thereto did wilfully, deliberately and wrongfully encourage, aid, abet, order and participate in, or took a consenting part in the subjection of members of the armed forces of nations then at war with the then German Reich, who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich, to cruelties and mistreatment, including killings, beatings, tortures, abuses and indignities.

CHARGE 2: Violation of Par. 1(d), Article 2 of Control Council Law No. 10.

Particulars: That the accused, Jurgen STROOP, Hans TRUMMLER, Otto SOMANN, Arthur FÜHR, Wilhelm HÖHLER, Hans EICHEL, Joseph Johann KIWITT, Wilhelm ALBRECHT, Hermann MÖLLER, Wilhelm Friedrich GOEHRENDT, Paul NAHRGANG, Philipp HAMMANN, Bernard FAY, Georg BEST, Erwin GOSS, Heinrich Matthias MICHELY, Leonard BRANNER, Julius LASSAK, Fritz GIRKE, Heinz HELLENBROICH, Karl Franz STATTMANN and Michael RAAF, German nationals, were members of organizations declared criminal by the International Military Tribunal in Case No. 1, i.e., the Leadership Corps, Die Geheime Staats Polizei (commonly known as the Gestapo, Die Sicherheitsdienst der Reichsfuehrer SS (commonly known as the SD), or Die Schutzstaffeln der National Socialistchen Deutschen Arbeitspartie (commonly known as the SS), after 1 September 1939, with knowledge that the said organizations were being used in the commission of acts declared criminal by Article 6 of the Charter of the International Military Tribunal, annexed to the agreement establishing the Tribunal, dated 8 August 1945, or were personally implicated in the commission of such criminal acts.

Case File No. 12-1872, PHILOSOPHEN FOREST.

CHARGE 3: Violation of the Laws of War.

Particulars: In that Jurgen STROOP, Hans TRUMMLER, Otto SOMANN, Julius LASSAK and Leonard BRANNER, German nationals, did, on or about 3 October 1944, at or near GIESSEN, Germany, wilfully, deliberately and wrongfully encourage, aid, abet and participate in the killing of an unknown member of the United States Army who was then and there a surrendered and unarmed prisoner of war in the custody of the then German Reich.

Case File No. 12-2182 DELLWIG (A).

CHARGE 4: Violation of the Laws of War.

Particulars: In that Jurgen STROOP, Hans TRUMMLER, Otto SOMANN, Wilhelm HÖHLER and Arthur FÜHR, German nationals, did, on or about 19 October 1944, at or near WIESBADEN, Germany, wilfully, deliberately and wrongfully encourage, aid, abet and participate in the killing of a member of the United States Army, believed to be Sgt. Willard F. PERRY, ASN 36591162, who was then and there a surrendered and unarmed prisoner of war in the custody of the then German Reich.

Case File No. 12-2127 GARRISON (V).

CHARGE 5: Violation of the Laws of War.

Particulars: In that Jurgen STROOP, Hans TRUMMLER, Otto SOMANN and Arthur FÜHR, German nationals, did, on or about 30 December 1944, at or near DELKENHEIM, Germany, wilfully, deliberately and wrongfully encourage, aid, abet and participate in the killing of a member of the United States Army, believed to be T/Sgt. Robert W. GARRISON, ASN 33355463, who was then and there a surrendered and unarmed prisoner of war in the custody of the then German Reich.

Case No. 12-391 HERMANN (V).

CHARGE 6: Violation of the Laws of War.

Particulars: In that Jurgen STROOP, Hans TRUMMLER, Otto SOMANN, Fritz GIRKE, Heinz HELLENBROICH, Karl Franz STATTMANN and Michael RAAF, German nationals, did, on or about 15 February 1945, at or near BENSHEIM, Germany, wilfully, deliberately and wrongfully encourage, aid, abet and participate in the killing of a member of the United States Army, believed to be Ray F. HERMANN, ASN O-695168, who was then and there a surrendered and unarmed prisoner of war in the custody of the then German Reich.

Case No. 12-3188 OFFENBACH (P).

CHARGE 7: Violation of the Laws of War.

Particulars: In that Jurgen STROOP, Hans TRUMMLER, Otto SOMANN, Hans EICHEL, Josef Johann KIWITT, Wilhelm ALBRECHT, Hermann MÖLLER and Wilhelm Friedrich GOEHRENDT, German nationals, did, on or about 22 February 1945, at or near BIEBER, Germany, wilfully, deliberately and wrongfully encourage, aid, abet and participate in the killing of a member of the United States Army, believed to be William A. DUKE, 2nd Lt., Air Corps, AUS, ASN O-825602, who was then and there a surrendered and unarmed prisoner of war in the custody of the then German Reich.

Case No. 12-1892 OFFENBACH (P).

CHARGE 8: Violation of the Laws of War.

Particulars: In that Jurgen STROOP, Hans TRUMMLER, Otto SOMANN, Hans EICHEL, Josef Johann KIWITT, Paul NAHRGANG, Philipp HAMMANN and Bernard FAY, German nationals, did, on or about 22 February 1945, at or near OFFENBACH, Germany, wilfully, deliberately and wrongfully encourage, aid, abet and participate in the killing of a member of the United States Army, believed to be Archibald B. MONROE, Jr., 2nd Lt., Air Corps, ASN O-834852, who was then and there a surrendered and unarmed prisoner of war in the custody of the then German Reich.

6. RECOMMENDED ACTION:

Case No. 12-565 GOSS (A).

CHARGE 9: Violation of the Laws of War.

Particulars: In that Jurgen STROOP, Hans TRUMMLER, Otto SOMANN, Georg BEST, Erwin GOSS and Heinrich Matthias MICHELY, German nationals, did, on or about 18 March 1945, at or near WALLRABENSTEIN, Germany, wilfully, deliberately and wrongfully encourage, aid, abet and participate in the killing of a member of the United States Army, believed to be Jimmie R. HEATHMAN, ASN 37630603, who was then and there a surrendered and unarmed prisoner of war in the custody of the then German Reich.

Case No. 12-391 FORMAN et al (V)

CHARGE 10: Violation of the Laws of War.

Particulars: In that Jurgen STROOP, Hans TRUMMLER, Otto SOMANN, Fritz GIRKE, Heinz HELLENBROICH, Karl Franz STATTMANN and Michael RAAF, German nationals, did, on or about 24 March 1945, at or near BENSHEIM, Germany, wilfully, deliberately and wrongfully encourage, aid, abet and participate in the killing of two members of the United States Army, believed to be Lt. William H. FORMAN, T.D., AGO Card No. 652973, and Pvt. Robert T. McDONALD, ASN 32773939, who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich.

7. LEGAL THEORY OF PROSECUTION:

a. Violation of Article 2 of the Geneva Convention, 27 July 1929; Paragraph 73, FM 27-10, Rules of Land Warfare.

b. Violation of Paragraph 1(d), Article 2 of Control Council Law No. 10.

c. See photostatic copy of memo submitted by Dr. YUEN-LI LIANG, dated 28 August 1944, to the United Nations War Crimes Commission, entitled "Report on the Plea of Obedience to Superior Orders".

8. PROBABLE DEFENSES:

The defendants will undoubtedly claim the defense of superior orders, which is not recognized as a valid defense. The defendants will also probably enter general denials of their guilt. Reference is made to Paragraph 5 above where the sufficiency of evidence is itemized as to each defendant.

9. SUGGESTIONS FOR TRIAL:

a. In addition to those witnesses named in Paragraph 6c, the following witnesses, at present in custody at WCCSAWE, Dachau, are also deemed essential:

- (1) Waldemar KRUGER (ref Par. 3, sub. 3)
- (2) Eugen Michael EISENMANN (ref Par. 3, sub. 29)

b. The record of the NURNBERG Trial contains the original Exhibits referred to in Paragraph 4a above. The Chief of Trial Branch will cause the original Exhibits or appropriately authenticated copies thereof to be procured and furnished to the Chief Prosecutor.

c. The Court should be requested to take judicial notice of the finding of the International Military Tribunal, Case No. 1, that the following organizations were declared criminal:

Leadership Corps of the former German Reich.
Die Geheime Staats Polizei, commonly known as the Gestapo.
Die Sicherheitsdienst der Reichsfuehrer SS,
commonly known as the S.D.
Die Schutzstaffeln der National Socialistchen Deutschen
Arbeitspartie, commonly known as the SS.

d. That the evidence against the unapprehended perpetrators named in Paragraph 6b above be preserved, authenticated by the Court and forwarded to the Trial Branch for use in subsequent proceedings.

e. That any testimony or other evidence against the unapprehended perpetrators named in Paragraph 6b above which is not now contained in the case file folders and which is not adduced in evidence in the course of this trial and which is procurable from the accused and witnesses in this case be obtained by the Chief Prosecutor and forwarded to the Trial Branch for use in subsequent proceedings. Such testimony should be under oath and submitted in triplicate, preferably in question and answer form.

f. WINTZER, FRAUND and KUHLENBECK are believed to be dead and Charges against them have been abated.

g. With regard to inviting official representatives of other nations, it is pointed out that none of the Charges allege the killing of named nationals of other nations; that nevertheless the case is of international importance by virtue of the general character of the Charges and Particulars relating to the overall design and plan to murder allied airmen; that evidence relating to the murder of British airmen can no doubt be readily obtained in support of the common design alleged in the Particulars. Various members of the United Nations War Crimes Commission have recently expressed concern because of the absence of special invitations to attend American trials, therefore it is recommended:

(1) That the Trial Branch expeditiously obtain appropriate evidence from BAOR relative to the murder of British airmen in Wehrkreis XII, for submission in support of the common design Particulars.

(2) That invitations be extended to all members of the United Nations War Crimes Commission to attend the trial (ref Par. 9 of Group Memorandum No. 26).

9. SUGGESTIONS FOR TRIAL: (Continued)

(3) That in view of the policy of the then German Reich to exterminate surrendered unarmed airmen of all nations and the past interest of British, French and Russian authorities in the policy carried out by the then German Reich, that each of these Governments be invited to send one official observer.

h. That the Prosecutor introduce evidence referred to in Paragraph 4a, then such evidence as is in the file and as is readily procurable bearing upon the membership of the accused in the criminal organizations named in the Particulars to Charge 2, followed by the detailed evidence in support of Charges 2 to 10 inclusive and the Particulars thereunder, emphasizing at appropriate times as the prosecution proceeds with its case the fact that the evidence being adduced is not only in support of Charges 1 and 2, and particularly the implication of the accused in the commission of the criminal acts by the criminal organizations, but it supports the respective charges as well in Charges 2 to 10 inclusive.

Jerome S. Adlerman
JEROME S. ADLERMAN,
Attorney,
Prosecution Section.

I concur:

C. W. PHIFER,
Lt.Col., AC,
Chief, Prosecution Section.

APPROVED:

WILLIAM C. BAUSCH,
Colonel, AC,
Chief, Trial Branch.

WAR CRIMES TRIAL STATUS REPORTOFFICE OF THE DEPUTY THEATER JUDGE ADVOCATE
FOR WAR CRIMES
UNITED STATES FORCES EUROPEAN THEATER
APO 178

SUPERIOR ORDER CASES

Date of Report 7 December 1946

CASE NO. 12-2000 STROOP (A)
 12-1872 PHILOSOPHEN FOREST (P)
 12-2182 DELLWIG (A)
 12-2127 GARRISON (V)
 12-391 HERMANN (V)
 12-3188 OFFENBACH (P)
 12-1892 OFFENBACH (P)
 12-565 GOSS (A)
 12-391 FORMAN et al (V)

PART A1. Names and Nationalities of Accused:

a.	Jurgen STROOP	German national
b.	Hans TRUMMLER	" "
c.	Otto SOMANN	" "
d.	Arthur FÜHR	" "
e.	Wilhelm HÖHLER	" "
f.	Hans EICHEL	" "
g.	Josef Johann KIWITT	" "
h.	Wilhelm ALBRECHT	" "
i.	Hermann MÖLLER	" "
j.	Wilhelm Friedrich GOEHRENDT	" "
k.	Paul NAHRGANG	" "
l.	Philipp HAMMANN	" "
m.	Bernard FAY	" "
n.	Georg BEST	" "
o.	Erwin GOSS	" "
p.	Heinrich Matthias MICHELY	" "
q.	Leonard BRANNER	" "
r.	Julius LASSAK	" "
s.	Fritz GIRKE	" "
t.	Heinz HELLENBROICH	" "
u.	Karl Franz STATTMANN	" "
v.	Michael RAAF	" "

The following accused are not in custody:

w.	WREDE (FNU) (also known as WROIDER or FREDE)	" "
x.	LUCKHARDT (FNU)	" "
y.	Adolf ALT	" "
z.	Karl SCHNEIDER	" "
aa.	Friedrich MICHEL	" "

2. Nature, Place and Date of Offense:

a. (Case No. 12-2000 STROOP (A)). Murder of captured, unarmed American airmen, prisoners of war of the then German Reich, pursuant to a common plan or design emanating from the hierarchy of the Leadership Corps

2. Nature, Place and Date of Offense: (Continued)

of the former German Reich, Die Geheime Staats Polizei, commonly known as the Gestapo; Die Sicherheitsdienst der Reichsfuehrer SS, commonly known as the SD; Die Schutzstaffeln der National Socialistischen Deutschen Arbeitspartei, commonly known as the SS, which common design was carried out, participated in, executed, encouraged, aided and abetted by the perpetrators above named, which resulted in the murders hereinafter described.

b. (Case No. 12-1872 PHILOSOPHEN FOREST (P)). Murder by shooting of an unknown surrendered American airman, at or near GIESSEN, Germany, (GSGS Series 4346, Sheet L-51, Coordinates G-62), U.S. Zone, on or about 3 October 1944. (This case included in Case No. 12-2000).

c. (Case No. 12-2182 DELLWIG (A)). Murder by shooting of a surrendered American airman, believed to be Willard F. PERRY, ASN 36591162, at or near WIESBADEN, Germany, (GSGS Series 4346, Sheet K-51, Coordinates M-36), U.S. Zone, on or about 19 October 1944. (This case included in Case No. 12-2000).

d. (Case No. 12-2127 GARRISON (V)). Murder by shooting of a surrendered, wounded American airman, believed to be Robert W. GARRISON, T/Sgt, ASN 33355463, at or near DELKENHEIM, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-46), U.S. Zone, on or about 30 December 1944. (This case included in Case No. 12-2000).

e. (Case No. 12-391 HERMANN (V)). Murder by shooting of a surrendered American airman, believed to be Ray F. HERMANN, ASN 0-695168, rank unknown, at or near BENSHEIM, Germany, (GSGS Series 4346, Sheet L-50, Coordinates M-62), U.S. Zone, on or about 15 February 1945. (This case included in Case No. 12-2000).

f. (Case No. 12-3188 OFFENBACH (P)). Murder by shooting of a surrendered American airman, believed to be William A. DUKE, 2nd Lt., Air Corps, AUS, ASN 0-825602, at or near BIEBER, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone, on or about 22 February 1945. (This case included in Case No. 12-2000).

g. (Case No. 12-1892 OFFENBACH (P)). Murder by shooting of a surrendered American airman, believed to be Archibald B. MONROE, Jr., 2nd Lt., Air Corps, AUS, ASN 0-834852, at or near OFFENBACH, Germany, (GSGS Series 4346, Sheet L-51, Coordinates M-76), U.S. Zone, on or about 22 February 1945. (This case included in Case No. 12-2000).

h. (Case No. 12-565 GOSS (A)). Murder by shooting of a surrendered American airman, believed to be Jimmie R. HEATHMAN, ASN 37630603, at or near WALLRABENSTEIN, Germany, (GSGS Series 4346, Sheet K-51, Coordinates M-38), U.S. Zone, on or about 18 March 1945. (This case included in Case No. 12-2000).

i. (Case No. 12-391 FORMAN et al (V)). Murder by shooting of two surrendered American airmen, believed to be Lt. William H. FORMAN, T.D., AGO Card No. 652973, and Pvt. Robert T. McDONALD, ASN 32773939, at or near BENSHEIM, Germany, on or about 24 March 1945. (This case included in Case No. 12-2000).

j. Membership in organizations declared criminal by the International Military Tribunal in Case No. 1, in violation of Paragraph 1(d) of Control Council Law No. 10. (This case included in Case No. 12-2000).

3. Names and Nationalities of Victims:

- a. Case No. 12-1872 PHILOSOPHEN FOREST (P). Unknown American
airman.
- b. Case No. 12-2182 DELLWIG (A). Willard F. PERRY, ASN 36591162,
American airman.
- c. Case No. 12-2127 GARRISON (V). Robert W. GARRISON, T/Sgt.,
ASN 33355463, American airman.
- d. Case No. 12-391 HERMANN (V). Ray F. HERMANN, ASN O-695168,
rank unknown, American airman.
- e. Case No. 12-3188 OFFENBACH (P). William A. DUKE, 2nd Lt.,
Air Corps, ASN O-825602, American airman.
- f. Case No. 12-1892 OFFENBACH (P). Archibald B. MONROE, Jr.,
2nd Lt., Air Corps, ASN O-834852, American airman.
- g. Case No. 12-565 GOSS (A). Jimmie R. HEATHMAN, ASN 37630603,
American airman.
- h. Case No. 12-391 FORMAN et al (V).
Lt. William H. FORMAN, T.D., AGO Card No. 652973, American airman.
Pvt. Robert T. McDONALD, ASN 32773939, American airman.

4. Probable Place and Date of Trial:

DACHAU, Germany.

PART B

5. Place and Date of Trial:

6. Judgment and Sentence (Relate to Specific Accused)

WAR DEPARTMENT
WAR DEPARTMENT SPECIAL STAFF
CIVIL AFFAIRS DIVISION
WASHINGTON 25, D. C.

12-2985

2 April 1947

SUBJECT: Request for Interrogations of Witnesses

TO: Commanding General, Fifth Army, Fifth Army Area,
Chicago, Illinois
ATTENTION: A. C. of S., G-2

1. On or about 22 February 1945, an American aircraft was disabled by enemy action in the vicinity of MUHLHEIM, Germany and ten members of its crew were forced to bail out. 2d Lt William A. DUKE, 2d Lt Archibald B. MONROE, Jr., and Sgt Charles FRAZER, Jr., were eventually taken into custody by the German police and were subsequently murdered. It is reported that Sgt Baldmore GARCIA died of wounds within an hour after he had landed.

2. The evidence discloses that the remaining six flyers were captured by German police, civilians, and members of a Flak Battery at MUHLHEIM, Germany and some of them were mistreated in the following manner:

a. One flyer was captured by three German civilians and was mistreated at that time. He was taken to a road and shortly thereafter a policeman drove up with a car, took the flyer into custody and transported him to the police station at MUHLHEIM. After the flyer was placed in the car he was slapped across the face by a German National.

b. Another flyer was brought to the Flak Battery in MUHLHEIM, Germany by his captors and was placed under guard in a freight car at the railroad station there. Two German Nationals went into the freight car and beat this flyer with a thin board about four feet long.

c. Another flyer was captured by a German policeman and a German sergeant. As they were walking towards the police station a crowd of people gathered around, knocked the victim to the ground, kicked him, causing a wound above one eye. The German sergeant pulled his pistol and chased the crowd away. The flyer was then taken to the police station.

d. There is also evidence that some members of the crew were mistreated in the nearby village of DIETESHEIM, Germany where school children spit and threw stones at them.

Basin

3. It is believed that Mr. Albert E. MILLER, formerly Flt O, T-7059, now residing at 210 N. 7th Street, Missouri Valley, Iowa, and Mr. Carl L. JOHNSON, formerly Sgt, ASN 16174596, now residing at 1631 Johnson Avenue, Rockford, Illinois, may have been victims in this case. It is, therefore, requested that they be interrogated in detail with reference to the mistreatment they received after they had parachuted from the disabled aircraft.

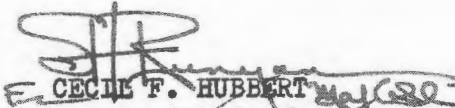
4. Their statements should include a detailed description showing exactly how they were mistreated, giving the names and description of persons who mistreated them, exactly where they were mistreated, and any other information which will lead to the identification and apprehension of the perpetrators. Their statements should also show the results of the beatings and mistreatments upon their physical condition.

5. It is further requested that their depositions be taken in question and answer form and forwarded to this office, in quintuplicate.

6. If the above named individuals have any knowledge concerning any other war crimes about which they have not as yet been interrogated, it is requested that they be interrogated in detail regarding them and that a separate sworn statement in question and answer form, for each incident, be forwarded to this office, in quintuplicate.

7. If the above named individuals have left your area, this request should be forwarded to the headquarters of the army area in which they are now located, directed to the attention of A. C. of S., G-2.

FOR THE CHIEF, CIVIL AFFAIRS DIVISION:


CECILE F. HUBBERT
Acting Chief, War Crimes Branch

RESTRICTED

WAR DEPARTMENT
HEADQUARTERS ARMY AIR FORCES
WASHINGTON

COPY

MISSING AIR CREW REPORT

IMPORTANT: This report will be compiled in triplicate by each Army Air Forces organization within 48 hours of the time an aircraft is officially reported missing.

1. ORGANIZATION: Location: AAF 123 Command or Air Force VIII
GROUP 458th; SQUADRON 754th; DETACHMENT ---
2. SPECIFY: Point of Departure AAF 123 - APO 558; Course ---
Intended Destination PRINE, GERMANY; Type of Mission Combat
3. WEATHER CONDITIONS AND VISIBILITY AT TIME OF CRASH OR WHEN LAST REPORTED: CAVU
4. GIVE: (a) Date 22 FEB 45 Time 1245; And Location of Last known whereabouts of missing aircraft Approx. 5056-0947
(b) Specify whether (x) Last sighted; () last contacted by radio; () Forced down; () Seen to Crash; or () Information not available.
5. AIRCRAFT WAS LOST, OR IS BELIEVED TO HAVE BEEN LOST, AS A RESULT OF (Check only one: () Enemy Aircraft; () Enemy Anti-Aircraft; () Other Circumstances as follows Unknown
6. AIRCRAFT: Type, Model and Series B-24 J : AAF Serial No. 44-10491
7. ENGINES: Type, Model and Series R 1830-65; AAF Serial No. (a) BP 442185 (b) BP 442252 (c) BP 441785 (d) BP 446042
8. INSTALLED WEAPONS (Furnish below Make, Type and Serial Number)
(a) RN 1273152 : (b) LN 1273053 : (c) RU 940500 : (d) LN 1295873 : RB 1295849
(e) NW 1254892 : (f) LN 1273086 : (g) RT 1248836 : (h) LT 1248195 : LB 1243278
9. THE PERSONS LISTED BELOW WERE REPORTED AS: (a) Battle Casualty Yes
or (b) Non-Battle Casualty ---
10. NUMBER OF PERSONS ABOARD AIRCRAFT: Crew 10 : Passengers 0 : Total 10
(Starting with pilot, furnish the following particulars: If more than 10 persons were aboard aircraft, list similar particulars on separate sheet and attach original to this form).

Crew Position	Name in Full (Last Name First)	Rank	Serial Number
1. Pilot:	DUKE, WILLIAM A.	2 Lt	0-825602
2. CP	MONROE JR, ARCHIBALD B.	2 Lt	0-834852
3. Navigator	ESELGROTH, RICHARD M.	P/O	T-132898
4. Bombardier	MILLER, ALBERT E.	P/O	T-7059
5. Radio Opr	LUCAS, ALBERT M.	SGT	39700845
6. Engr (UTG)	GARCIA, BALDAMORE	SGT	39289589
7. Waist Gnr	FRAZER JR, CHARLES	SGT	18232071
8. Nose Gnr	JOHNSON, CARL L.	SGT	16174596
9. Waist Gnr	GRETZ JR, CHARLES E.	SGT	13190224
10. Tail Gnr	PANARESE, ALESSANDRO D.	SGT	11122931
11.			

12. IDENTIFY BELOW THOSE PERSONS WHO ARE BELIEVED TO HAVE LAST KNOWLEDGE OF AIRCRAFT, AND CHECK APPROPRIATE COLUMN TO INDICATE BASIS FOR SAME:

RESTRICTED

WAR CRIMES OFFICE

Washington 25, D. C.

COPY

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WD, Bq AAF, Washington, Missing Air Crew Report.

	Name in Full (Last name first)	Rank	Serial Number	Contacted by Radio	Last Sighted	Saw Crash	Saw Forced Landing
1.	POLLARD THOMAS C.	1 Lt	O-710506		X		
2.	HAYNES, LAURANCE S.	1 Lt	O-700457		X		
3.							

12. IF PERSONNEL ARE BELIEVED TO HAVE SURVIVED, ANSWER YES TO ONE OF THE FOLLOWING STATEMENTS: (a) Parachutes were used _____; (b) Persons were seen walking away from scene of crash _____; or (c) Any other reason (Specify) Unknown.
13. ATTACH AERIAL PHOTOGRAPH, MAP, CHART, OR SKETCH, SHOWING APPROXIMATE LOCATION WHERE AIRCRAFT WAS LAST SEEN.
14. ATTACH EYEWITNESS DESCRIPTION OF CRASH, FORCED LANDING, OR OTHER CIRCUMSTANCES PERTAINING TO MISSING AIRCRAFT.
15. ATTACH A DESCRIPTION OF THE EXTENT OF SEARCH, IF ANY, AND GIVEN NAME, RANK AND SERIAL NUMBER OF OFFICER IN CHARGE HERE None

Date of Report 1 March 1945

ROLLAND H. RUE
Major, Air Corps,
Air Inspector

(Signature of Preparing Officer)

16. REMARKS OR EYEWITNESS STATEMENTS:

A/C 491 peeled off from formation before the I.P. at approximately 5056-0947. He jettisoned his bombs, made 180 degree turn, headed back for France. All engines working and in no apparent trouble.

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WAR CRIMES OFFICE

Washington 25, D. C.

THE WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department

United States of America

In the matter of alleged atrocities committed in or around Wachterbach or Gelnhausen on 22 February 1945. * Perpetuation of Testimony of * Richard M. Eselgroth, formerly * F/O, ASN T-132898.

Taken at: Huntington Station, Long Island

Date: 21 April 1947

In the Presence of: Edward J. Corcoran, Capt., T.C.
O-514346, 108th CIC Det.
Area Intelligence Division
AG of S, G-2
Headquarters First Army
1270 Avenue of the Americas
New York 20, New York

Reporter: Edward J. Corcoran, Capt., T.C.

Questions by: Edward J. Corcoran, Capt.

Q. State your name and home address.

A. Richard M. Eselgroth, c/o Clinton G. Bush Co., Second Street and Lennox Road, Huntington Station, Long Island, New York.

Q. When and where were you born?

A. 13 July 1921 in Brooklyn, New York.

Q. What is your marital status?

A. Married.

Q. What formal education have you had?

A. I graduated from high school in Westwood, New Jersey.

Q. What is your civilian occupation?

A. Caretaker. I also work as airplane mechanic at Mac Arthur Field, Lake Ronkonkoma, Long Island, New York.

Q. When did you leave the United States and when did you return?

A. I left on 8 December 1944 and returned on 15 June 1945.

Q. To what organization were you assigned while overseas?

A. 458th Bomb Group, 754th Squad.

Q. Were you a prisoner of war?

A. Yes.

- Q. Describe the circumstances which led to your capture.
- A. Our plane, a B-24, took off from Horsham-St. Faith, near Norwich, England, on 22 February 1945. Our objective was Nienburg, Germany. The plane was hit by flak in the vicinity of Eisenach and we turned back, hoping to get to France. In the vicinity of Wachterbach or Gelnhausen, we were hit again by flak and the order was given to bail out.
- Q. After your capture, at what places were you held and the approximate dates?
- A. I was captured around Wachterbach or Gelnhausen. From the point of capture, I was taken to a small town, just across the river, and placed in a civilian jail where I remained overnight. On 23 February 1945, I was taken by train to Obercael where I was interrogated. On 25 February 1945 I left for Metlar, and remained at this place until 1 March 1945. On 5 March 1945 I arrived at Muenberg, where I remained until 4 April when I was sent to Moesberg, Stalag 7A. I arrived at Stalag 7A on 18 April 1945 and was liberated on 29 April by the 14th Armored Division.
- Q. After you bailed out and were captured, were you mistreated in any way?
- A. After I bailed out, I landed in a backyard, near a railroad station. I had just about removed my chute when I saw a German sergeant jump over a small fence with a gun in his hand. This sergeant was part of the flak crew which finally downed our plane. He motioned for me to put up my hands and climb over the fence. As we climbed the fence, a crowd of German civilians, numbering about 30, all carrying some sort of weapon such as pitchforks, clubs, etc., gathered around us. The German sergeant tried to hold them off with his gun, but they jumped both of us. In the ensuing melee, I got a whack across the head, probably with a club. Luckily, I still had my heavy flying clothes on which possibly saved me from further injury. The German sergeant managed to get to his feet, held off the crowd with his gun, and motioned for me to run down the road while he covered me. I'm sure that if it weren't for the German sergeant, the crowd probably would have given me a good working over. During my time as a prisoner, I was never physically mistreated. The only trouble was food. There never was enough to eat.
- Q. Did you see any members of your crew after you landed?
- A. Yes. I met P/O Miller, Sgt. Johnson, Sgt. Lucas, Sgt. Panarese and Sgt. Gretz.
- Q. Were any of them mistreated after landing?
- A. Miller told me that he had been beaten up either by civilians or police or both. He had been knocked down and kicked in the head. The cut on his head healed up, just as the cut on mine did.
- Q. Can you name, describe or otherwise identify any of the Germans who attacked you?
- A. No.
- Q. Were all the crew accounted for after bailing out?
- A. No. Lts. Duke and Monroe and Sgt. Frazer were never seen alive again. I recall that Sgt. Garcia died shortly after landing.

Q. Who were the members of the crew?

A. I was navigator; Lt. William A. Duke, pilot; Lt. A. B. Monroe, Jr., Batesville, Miss. co-pilot; F/O Albert Miller, 210 No. 7 Street, Missouri Valley, Iowa, bombardier; Sgt. B. Garcia, engineer; Sgt. Al Lucas, 3390 No. Main Street, Columbia, So. Carolina, radio operator; Sgt. Charles Grets, 1906 Beaver Street, McKeesport, Pa., upper gunner; Sgt. Carl Johnson, nose gunner; Sgt. C. Frazer, ball turret gunner and Sgt. A. D. Panarese, 170 Newbury Street, Portland, Me., tail gunner.

Q. Do you have anything further to add?

A. No.

Richard M. Eselgroth
Richard M. Eselgroth

State of New York

County of

I, Richard M. Eselgroth, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

Richard M. Eselgroth
Richard M. Eselgroth

Subscribed and sworn to before me this 30 day of April 1947.

Edward J. Corcoran
Edward J. Corcoran
Capt., T.C.
Summary Court Officer

C E R T I F I C A T E

I, Edward J. Corcoran, Capt., T.C., G-514346, 108th CIC Det., certify that Richard M. Eselgroth personally appeared before me on 30 April 1947 and gave the foregoing answers to the several questions set forth.

Place: Huntington Station, L.I.

Date: 30 April 1947.

Edward J. Corcoran
Edward J. Corcoran, Capt., T.C.
G-514346, 108th CIC Det.
Area Intelligence Division
AG of S, G-2
Headquarters First Army
1270 Avenue of the Americas
New York 20, New York

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AGFC-S 704 (24 Jul 45)

3 September 1945

SUBJECT: Casualty Information No. 4219

TO : 1st Lt. Charles B. Clancy, Jr. Casualty Branch, AGO,
Munitions Building Rm 4608, Washington 25, D.C.

1. The following is a true account of the action in which the four missing members of the crew of the B-24 #491 Liberator, of the 754 Squadron, 458 Group, 96th Wing, 2nd Division, 8th Air Corps took part on 22 February 1945.

2. The mission in question was a low altitude mission against a rail center at Weinburg. The original briefing was for Peine, Germany but in a last minute navigation briefing, it was changed to Weinburg. We were briefed to bomb in two groups. There were approximately 28 planes in the group using the same I.P., 14 going to one target and 14 to another. On the way to the I.P. at approximately Eisenach, Germany, we were hit by enemy flak. The ship was crippled and we left formation. As near as I can determine from statements by members of the crew, our right aileron and left rudder had been shot away. The pilot gave the order to salvo the bombs, which was done immediately. I gave the pilot a heading to the nearest allied lines. He expressed difficulty in keeping the plane headed in the desired direction. The plane was flying in about a 30° list to the right and we were heading approximately 210° magnetic. In view of the fact that the ship was crippled, the bombardier attempted to open the nose wheel emergency door. The door would not open. I let the nose-gunner out of his turret, and he, the bombardier and I went up on to the flight deck. The bombays were still open after salvoing the bombs and we figured it would be safer to stay on the flight deck in case we had to abandon ship.

3. We were flying at 7000 ft. with an indicated speed of 125 mph with our flaps down to maintain the altitude; we could not contact our friendly fighters; co-pilot Monroe made consistent attempts to contact our airplanes, but was unsuccessful. Two-thirds of the way back to our lines, we were hit again by railroad flak batteries at the town of Gelnhausen, Germany. The first burst missed the ship and because of our slow speed and low altitude, the enemy got in approximately seven or eight hits, further damaging the plane. The radio operator in the waist at the time, said the 50 cal. ammunition was exploding; there were several large holes in the waist. I observed the auxiliary power unit severely damaged by flak and large holes in the bally in front of the forward bombay. One burst hit in the vicinity of #2 engine, very close, causing the pilot to throw his left hand over his head, at which time he gave the order to bail out. I heard the flak hit the side of

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Washington 25, D. C.

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AGFC-S 704 (24 Jul 45)

the ship. The bombardier was first in line to go out the bombay, the engineer second, nose-gunner third and myself fourth. As of this time, none of the members of the crew forward of the bombay had been wounded. Later, on the ground, I was told that Sgt. Panarrese was hit by flak as he went through the escape hatch in the waist. He was hit in the left shoulder and was treated by German medics on the ground.

4. I landed in the backyard of a house some 500 yards from the flak guns that had shot us down. I was immediately taken into custody by a German Sergeant of the flak unit, who took me to the railroad station where the flak guns were located. On the way we were attacked by civilians and severely beaten. Arriving at the railroad station, I was told by the Germans that one of my comrades had died and that one chute had not opened. Because of my lack of knowledge of the language, I could not determine whether they were talking of the same member of the crew or two different members of the crew. Looking around the station, I observed Sgt. Panarrese, Sgt. Lucas, Sgt. Johnson, Sgt. Grets and Flight Officer Miller, who were also in the station.

5. We left our formation at approximately 1230 hours, and bailed out at about 1300 hours. At the time we were at the railroad station it was 1330 hours. At approximately 1730 hours, a German army truck came and took us to a neighboring town, which I believe was Watersbach where we were imprisoned in the local jail, over night. While riding in the truck, I was informed by P/O Miller that he had seen Sgt. Garcia in the German First Aid Station. He said Sgt. Garcia's right arm was almost torn from his body and he looked sickly pale from loss of blood. I was later informed by Sgt. Panarrese that he had gone to a German cemetery with the body of Sgt. Garcia and was asked to identify it by the Germans, which he did.

6. No word from any source was heard by us of the three other missing members of the crew. We assumed they had evaded capture and were on their way back to our lines.

7. The next morning we were taken from the jail at Watersbach and put on a train via Frankfort to Oberusel. During my entire period of imprisonment in Germany, whenever I came in contact with other prisoners shot down in the same vicinity, I inquired about the three missing members of our crew, but at no time did I receive information regarding them. While a prisoner of war, I was with the other five surviving members of the crew, and at no time did they receive any information. In view of the fact that we were all very much concerned as to the fate of the three other members, we were constantly inquiring of fellow prisoners for information, but up to

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Washington 25, D. C.

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AGFC-S 704 (24 Jul 45)

this time of writing, I have received no word concerning the members of the crew mentioned in your letter of 24 July 1945.

For the WAR CRIMES OFFICE
CIVIL AFFAIRS DIVISION, WDSB
United States of America

SUBJECT: In the matter of the mis- * Perpetuation of Testimony of
treatment of Flight Officer Albert E. * Albert E. Miller (formerly Flight
Miller, E-7089, and others, upon the * Officer, E-7089).
occasion of forced abandonment of *
their aircraft over or near WILHELM, *
Germany, and subsequent capture by *
German Army personnel and Nationals *
on 23 February 1945. *

Return add.

4912 Erskine Street, Omaha, Nebraska.

Date.

16 May 1947.

In the Presence of.

Lt Colonel Ross Barr, O-296670,
Hq Nebraska Military District,
Federal Bldg., Omaha, Nebraska.

Questions list.

Lt Colonel Ross Barr.

- Q. State your name, permanent home address, and occupation.
- A. Albert E. Miller, 4912 Erskine Street, Omaha, Nebraska, Addressograph Operator, Mutual Benefit Insurance Company, Omaha, Nebraska.
- Q. State the date and place of your birth and of what country you are a citizen.
- A. 19 October 1923, Missouri Valley, Iowa, USA.
- Q. What educational institutions have you attended and for how long?
- A. Missouri Valley, Iowa, High School.
- Q. At what places were you employed prior to entering the Service and what was the nature of your occupation?
- A. Central States Electric Company, Missouri Valley, Iowa - Bookkeeping.
- Q. What is your marital status?
- A. Married.
- Q. On what date did you return from overseas?
- A. 18 June 1945.
- Q. Were you a prisoner of war?
- A. Yes.
- Q. At what places were you held and state the approximate dates.
- A. Oberwald - February 22 - 24, 1945.
Wehlau - February 26 - 28, 1945.
Humburg - March 1, 1945 - April 4, 1945.
Nonschurg - April 18, 1945 - April 29, 1945.

- Q. What unit were you with when captured?
- A. 455th Bomb Group, 754th Squadron.
- Q. State the circumstances surrounding the loss of your aircraft in the vicinity of Muhlheim, Germany on or about 23 February 1945.
- A. Maybe you had better ask me some questions on that. I could probably give you a better idea.
- Q. Was your plane damaged by ground fire or fighter craft?
- A. Ground fire. There wasn't any fighter craft.
- Q. What type of plane was it?
- A. B-24.
- Q. Did the plane explode while in the air or did it remain intact?
- A. Not to my knowledge. It was still flying when I left the ship. How long it stayed intact, I don't know. It was very definitely damaged. We were hit over Insbruck, Germany first - it might be Insbruck - couple of spellings on it. It was our turning point where we were letting down through an overcast - just as we broke out the barrage hit us, and at that time all of our control cables in the bomb-bay were cut, the tail was damaged and the right wing was damaged, so we left formation. The radio was knocked out, that is, our radio to the group. We left formation there and lost about 1000 feet altitude. The plane in front blew up - disintegrated. The right wing folded up on another ship in front of us, and he went down. The pilot was flying strictly by engines then. He didn't have any other control. We were trying to steer between Frankfurt and Koblenz to get back to France and I never did know exactly what the location was. I was navigating that day but had given the map to the navigator for pilotage. He went up between the pilot and co-pilot while I helped the engineer transfer gasoline from the right wing tank to the left wing tank. Our right wing was damaged and we were losing gas. We were hit again over a small town. I never verified the name of that town as I did not have the map at that time. We met another barrage there. Heavy aircraft on flat cars hit us. We were indicating about 125 air speed at about 8500 feet indicated altitude and the plane was nosing down and coming up - in other words, we were pretty near stall speed. We had salvaged our bombs to get rid of all excessive weight so we could keep in the air. At that time I was helping transfer the fuel. We got two or three heavy barrages, then a report that the tail gunner was hit. About the third or fourth barrage the pilot said, "Get to hell out of here." So I didn't wait - I bailed out and tried to get the engineer to go, but he got cold feet and got the next barrage. I looked off in the distance and saw the plane still flying as I was coming down.
- Q. Were any crew members killed in the plane or so injured that they could not bail out?
- A. The only one I knew about that was injured was the tail gunner. I saw him on the ground. Of course, he didn't bail out when I did. He was Alessandro Panarese, Serial No. 11122831. The pilot was getting prepared to bail out and whether he was hit, I don't know. I couldn't see from where I was.
- Q. Who was the pilot?
- A. 2nd Lt. William A. Duke.

- Q. In what order did the crew bail out?
- A. That, I don't know, because I was the first one out.
- Q. Do you know for a fact that 2nd Lt. William A. Duke, 2nd Lt. Archibald B. Monroe, Jr., and Sgt. Charles Fraser, Jr., cleared the plane and landed safely?
- A. That I do not know. I never saw them after I bailed out. I never did know what happened to them. We got no word through German interrogation what had happened to them.
- Q. When did you last see Sergeant Baldmore Garcia?
- A. It was on the ground. It was at what appeared to be an old garage, and his right arm at the elbow for about 6" was profusely bleeding. I tried to get to my parachute to get some morphine for him, but they wouldn't let me. They wanted information as to whether he was a crew member of mine or not. They left me stand there until he bled to death. He lost a lot of blood. They let him die there on the floor.
- Q. Do you know how Sergeant Garcia received the wounds?
- A. Not definitely. But it was a pretty shattered wound. I do know that when the upper gunner bailed out he said the cat-walk was gone from flight.
- Q. You say Sgt Garcia bled to death?
- A. Yes. That is the only cut I saw - on his right arm. He was very pale from loss of blood -- he was still bleeding profusely.
- Q. Can you name or describe any person or persons who may have been responsible for letting him bleed to death?
- A. No.
- Q. Can you give the names of any crew members who would know more about this?
- A. No. To my knowledge, I was the only one who saw him.
- Q. By whom were you captured -- civilians or troops?
- A. Troops. It was the land army that captured me.
- Q. Can you state exactly where you were captured?
- A. No.
- Q. Were you mistreated in any way by your captors?
- A. Yes.
- Q. Namely what did they do to you?
- A. After I hit the ground a land army soldier picked me up and was joined by two more, making three guards, and civilians gathered around. We started through the town and walked about three or four blocks when the civilians pushed the guards away and started after me and hitting me with something - I don't know what it was. They got me on the ground - then somebody kicked me in the side of the head. Next thing I knew I was being pretty severely beaten, and I pushed myself up, took a swing at one of them, hit him, and jumped in between two guards. They drew their guns and the civilians cleared away.

- Q. For identification purposes can you name or give a good physical description of the person or persons responsible for mistreating you?
- A. Only one. The one I definitely remember was, from all indications, the Mayor of the city. He was stockily built - very stockily built - mustache, dark hair, weighed around 188 to 190 pounds, I would say. I say I don't know for sure, but I thought he was the mayor.
- Q. About what age was this individual?
- A. I would say in his early 40's.
- Q. Were you brought together with some of the other crew members upon capture?
- A. At first I was taken to the jail where I met the upper gunner, Charles Grets. We were asked a few questions and were stripped down for weapons, etc, and were left in a very unsanitary basement -- I suppose it was a cell in the jail. From there they marched us up to the railroad depot where we saw my navigator, who was Richard Nealgroth; also Albert Lucas, Carl Johnson and Alessandro Panarese.
- Q. Had the other crew members been mistreated?
- A. Not to my knowledge at that time. They had separated us to keep us from talking, and while we were waiting there for a truck to pick us up the upper gunner, Charles Grets, was in a box car by himself. A brown shirt started an uprising and they all wanted to hang us, of course. He broke through the guard and, with another fellow, jumped in the honor, grabbed a board for a weapon and severely beat Grets. Then the guards, after a period of 5 or 6 minutes, casually walked over and broke it up.
- Q. Can you describe the person or persons responsible for the mistreatment of Grets?
- A. No, I can't.
- Q. Did you witness any other incidents of mistreatment?
- A. No.
- Q. Have you anything further to add concerning the treatment you and the other crew members received that would be of value to this case?
- A. No, that is about all I know that would be of value.
- Q. Do you have anything further to add?
- A. No.

Albert E. Miller

ALBERT E. MILLER

STATE OF NEBRASKA }
 } SS
COUNTY OF DOUGLAS }

I, ALBERT E. MILLER, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

Albert E. Miller
ALBERT E. MILLER

Subscribed and sworn to before me, this 23d day of May 1947.

Ross Barr
ROSS BARR, Lt Colonel, 0296670
Summary Courts Officer.

C E R T I F I C A T E

I, ROSS BARR, Lt Colonel, certify that ALBERT E. MILLER, personally appeared before me on 23 May 1947, and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Place: Omaha, Neb.

Date: 23 May 1947

Ross Barr
ROSS BARR, Lt Colonel,
Hq Nebraska Military District.

For the WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department

United States of America

In the matter of atrocities committed Perpetration of testimony of Albert M. Lucas, formerly Technical Sergeant, ASN 39700845, in the vicinity of Muhlheim, Germany 22 February 1945, after an American aircraft was disabled by enemy action.

Taken at: 405 Palmetto State Life Building, Columbia, South Carolina.

Date: 11 April 1947

In the Presence of: Elmer T. Neighbors, Special Agent, Counter Intelligence Corps.

Reporter: Elmer T. Neighbors, Special Agent, Counter Intelligence Corps.

Questions by: Silas V. Strickland, Special Agent, Counter Intelligence Corps.

- Q. State your name, former rank, serial number and permanent home address.
- A. Albert Marcus Lucas, Technical Sergeant, ASN 39700845, 2737 Milwood Avenue, Columbia, South Carolina.
- Q. Mr. Lucas, please state briefly your education, and occupation prior to war.
- A. Completed ninth grade at Columbia High School, Columbia, South Carolina.
- Q. Mr. Lucas, have you recently been returned to the United States from overseas?
- A. Yes, 12 June 1945.
- Q. Mr. Lucas, were you a prisoner of war?
- A. Yes.
- Q. Mr. Lucas, at what places were you held and state the approximate dates?
- A. Captured on 22 February 1945, on 23 February 1945 arrived in the vicinity of Frankfurt, Germany, remained there 2 or 3 days, went to Wetzlar for about 3 weeks, left Wetzlar about 15 March 1945 and went to Nurnberg, Germany, remained at Nurnberg, Germany until about 5 April 1945, then went to Moosberg, Germany arriving about 21 April 1945, remained there until liberated on 29 April 1945.
- Q. Mr. Lucas, did you witness any atrocities or mistreatment of American Citizens at any time?
- A. Yes, on 22 February 1945, about 1300 and about 1 to 1½ hours after bailing out of plane in the vicinity of Frankfurt, Germany, I witnessed the mistreatment of Charles E. Grets, Upper-turrent Gunner on the plane I was on. Grets was beat with a club by a German Civilian and kicked by a German Officer (member of the German Ground Forces). Grets was in a box car and the German Civilian went into the car first and started beating Grets, later the German Officer went into the car and kicked Grets around.

- Q. Mr. Lucas, can you furnish the name and/or physical description of the German Officer who kicked Grets around?
- A. The mistreatment occurred at about 1400, 22 February 1945 in the vicinity of Frankfurt, Germany. The perpetrator's name is unknown to me, he is described as follows; wore a German Army uniform, black boots, height approximately 5 feet 11 inches, weight 150 pounds and 55 or 60 years of age.
- Q. Mr. Lucas, can you furnish the name and/or physical description of the German civilian who mistreated Grets?
- A. The perpetrator's name is unknown to me. The beating occurred about 1400 on 22 February 1945, in the vicinity of Frankfurt, Germany. In the box car, where Grets was beaten, visibility was poor. Grets stayed in the box car for some time after the beating was administered. When he came out he had visible bruises on the head, otherwise he appeared to be alright. The perpetrator (a German civilian) is described as follows: height 5 feet 10 inches, weight 150 pounds, complexion fair (face flushed red from anger), age 40 years, no visible scars or marks and was dressed in civilian clothes. His clothing consisted of pants, shirt and thin sweater.
- Q. Mr. Lucas, why was Grets beaten by the German Army Officer and the German Civilian?
- A. For no apparent reason at all, other than the Germans especially disliked American Air Force personnel.
- Q. Mr. Lucas, did you witness any other atrocities or mistreatment of American citizens at any other time?
- A. No.
- Q. Mr. Lucas, was any incident related to you by others regarding atrocities or mistreatment of American citizens?
- A. Yes, Flight Officer Albert Miller told me that he was attacked by several German civilians, knocked down, struck and injured over the eye. This occurred about 1300, 22 February 1945, in the vicinity of Frankfurt, Germany. Miller stated the incident occurred while being escorted to the police station by a German policeman. Miller did not state the names of the perpetrators, nor did he describe them. Also, Miller did not state why the incident occurred.
- Q. Mr. Lucas, do you know what happened to Second Lieutenant William A. Duke, Second Lieutenant Archibald B. Monroe Jr., Sergeant Charles Frazier Jr., and Sergeant Baltimore Garcia, after the aircraft was disabled in the vicinity of Muhlheim, Germany?
- A. No.
- Q. Mr. Lucas, do you have any knowledge where some of the crew members were mistreated in the village of Dietschheim, Germany, where school children spit and threw stones at the victims?
- A. No.
- Q. Mr. Lucas, did you receive any mistreatment by any one after parachuting to earth from the disabled aircraft?
- A. No, the majority of the hardships which I underwent while a prisoner of war, was to keep from being strafed by the American Air Forces, and keep out of the way of Patton's shells.
- Q. Mr. Lucas, does the mistreatment you received while a prisoner of war, impair your physical condition?
- A. No.

Q/ Mr. Lucas, do you have any additional knowledge regarding the incident, which has not previously been stated?

A. No.

Q. Mr. Lucas, do you have any knowledge of any other war crimes of which you have not been previously been interrogated?

A. No.

Albert M. Lucas
Albert M Lucas

State of: South Carolina }
 } SS
County of: Richland }

I, Albert M. Lucas, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

Albert M. Lucas
Albert M. Lucas

Subscribed and sworn to before me this 12th day of April 1947.

My commission expires: At the pleasure
 of the Governor.

[Signature]
Notary Public

C E R T I F I C A T E

I, Elmer T. Neighbors, Special Agent, Counter Intelligent Corps, certify that on 12 April 1947, personally appeared before me Albert M. Lucas, and gave the foregoing answers to the several questions set forth; that after his testimony had been transcribed, the said Albert M. Lucas read the same and affixed his signature thereto in my presence.

Place Columbia, South Carolina

Elmer T. Neighbors
signature

Date 12 April 1947

Special Agent, CIC
rank and organization

For the WAR CRIMES OFFICE
CIVIL AFFAIRS DIVISION, WDSS
United States of America

SUBJECT: In the matter of the mistreatment of Sgt Charles Gretn and others, while Prisoners of War at Mulheim, Germany o/a 22 February 1945 * Perpetuation of Testimony * of Carl L. Johnson (formerly * Sgt ASN 16174596)

Taken at: 5302 ASU U.S. Army Recruiting Station
Post Office, Rockford, Illinois

Date: 10 May 1947

In the Presence of: Captain David L. Case, O1O4O191
Commanding Officer, U.S. Army Recruiting
Station, Rockford, Illinois

Questions by: Captain David L. Case

- Q. State your name, permanent home address, and occupation.
- A. Carl L. Johnson, 1631 Johnson Avenue, Rockford, Illinois, Production Expediter for Sundstrand Machine and Tool Company, Rockford, Illinois
- Q. State the date and place of your birth and of what country you are a citizen.
- A. October 12, 1925, Rockford, Illinois. United States.
- Q. What educational institutions have you attended and for how long?
- A. Morris Kennedy Grade School, eight years, East High School, four years, in Rockford, Illinois
- Q. At what places were you employed prior to entering the Service and what was the nature of your occupation?
- A. Nelson's Standard Service, 3300 11th Street, Rockford, Ill, grocery clerk and gas station attendant.
- Q. What is your marital status?
- A. Married, no children.
- Q. On what date did you return from overseas?
- A. June 11, 1945
- Q. Were you a prisoner of war?
- A. Yes
- Q. At what places were you held and state the approximate dates.
- A. Interrogation Center, Oberursel, Germany, February 23, 24, 1945.
Netalar, Germany, 25 February, March 7th, 1945.
Luft No. 3 at Neurenburg, Germany, March 8 to April 1, 1945.
From the 1st to 20th of April we marched from Neurenburg to Neuserberg, Germany.
From 20th to 29th of April we were at Neuserberg, Germany. We were liberated 29 April 1945.
- Q. What unit were you with when captured?
- A. 374th Bomber Squadron, 456th Bomber Group.
- Q. State the circumstances surrounding the loss of your aircraft in the vicinity of Mulheim, Germany on or about 22 February 1945.

(continued on next page)

Incl #2

- A. We were flying at 7,000 feet having been hit previously when we passed over Muhlheim. They had Flak guns and opened fire at us. The pilot ordered us to bail out. I was sitting beneath the flight deck, Flight Officer Miller and Sgt Garcia were standing on the bomb-bay cat walk. I saw the Flight Officer motion to Sgt Garcia to jump. He shook his head and Flight Officer Miller jumped. Sgt Garcia followed immediately. I jumped up after Garcia left and followed. I landed and was captured immediately by Luftwaffe Flak Gunners.
- Q. Did the plane explode while in the air or did it remain intact and crash and burn on the ground?
- A. The last time I saw the plane it was in a shallow dive, and was not burning that I could see. I did not see it hit the ground.
- Q. Were any crew members killed in the plane or so injured that they could not bail out?
- A. Not to my knowledge.
- Q. In what order did the crew bail out?
- A. I know only of the order of three, Flight Officer Miller first, Sgt Garcia second, and myself third. Still remaining on the Pilot's Deck of the ship were 2nd Lt. William A. Duke, 2nd Lt. A. B. Monroe, Flight Officer Eselgroth, and Sgt Gretz.
- Q. Do you know for a fact that 2nd Lt. William A. Duke, 2nd Lt. Archibald B. Monroe, Jr., and Sgt Charles Frazer, Jr. cleared the plane and landed safely?
- A. No
- Q. It is alleged that Duke, Monroe, and Frazer were taken into custody by the German police and later murdered. Can you provide any information that would confirm or deny this?
- A. No
- Q. When did you last see each of these men?
- A. Just before we left the home base prior to the mission, when they entered the aircraft.
- Q. Can you name or describe, for identification purposes, the person or persons responsible for the deaths of each of these men?
- A. No
- Q. When did you last see Sgt Baldmore Garcia?
- A. As he abandoned the plane.
- Q. It has been alleged that Sgt Garcia died of wounds within an hour after he landed. Do you know how Sgt Garcia received the wounds?
- A. No
- Q. Do you know exactly where Sgt Garcia's death occurred?
- A. No
- Q. Can you name or describe any person or persons who may have been responsible for the death of Sgt Garcia?
- A. No
- Q. Can you give the names of any other crew members who would know more about the death of Sgt Garcia?
- A. Flight Officer Miller and Sgt Gretz.

(continued on next page)

- Q. By whom were you captured? Civilians or Troops?
- A. Troops
- Q. Exactly where were you captured?
- A. In the center of Muhlheim, about 100 yards from the marshalling yards.
- Q. Were you mistreated in any way by your captors?
- A. No
- Q. Exactly what did they do to you?
- A. Upon capture, they proceeded to strip me of my chute harness and I was escorted to the Railway station and ordered to remove my clothes. My flying boots, my underwear, my summer flying suit, winter flying jacket with lining removed, were returned to me. Also a pack of gum which I shared with Sgt Panarese.
- Q. Were you brought together with some of the other crew members upon capture?
- A. Yes
- Q. Name the others.
- A. Sgt Panarese, Sgt Lucas, Flight Officer Eselgroth, Flight Officer Miller, Sgt Gretz
- Q. Had the other crew members been mistreated in any way?
- A. Flight Officer Eselgroth was scratched around the face and ears. Flight Officer Miller had a cut over his right eye. I saw Sgt Gretz taken into a box car by a German civilian and a Wehrmacht Officer and beaten and kicked until he was insensible.
- Q. Did you personally see any other crew members being mistreated?
- A. Yes, as stated above.
- Q. For identification purposes can you name or describe the person or persons responsible for the mistreatment of each of the other crew members?
- A. No
- Q. Describe in detail any other incidents of mistreatment you witnessed.
- A. I cannot
- Q. What injuries did each of the crew members sustain from each of these incidents?
- A. Flight Officer Miller and Flight Officer Eselgroth as mentioned in question above. Sgt Gretz was bruised in general all over.
- Q. Have you anything further to add concerning the treatment you and the other crew members received that would be of value to this case?
- A. Sgt Panarese's wounds were dressed immediately, and we were protected from the German civilians while at the station.
- Q. Have you any additional information concerning war crimes that you may have witnessed or heard of that would be of interest to the War Crimes Group USPFI?
- A. No

The final question will be:

Q. Do you have anything further to add?

A. No

Carl L. Johnson
Carl L. Johnson

STATE OF ILLINOIS)
)SS
COUNTY OF WINNEBAGO)

I, Carl L. Johnson, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

Carl L. Johnson
Carl L. Johnson

Subscribed and sworn to before me, this 13th day of May 1947.

David L. Case

DAVID L. CASE
Captain, CAC
Summary Courts Officer

CERTIFICATE

I, Capt. David L. Case, certify that Carl L. Johnson, personally appeared before me on 10 May 1947 and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Place: Rockford, Illinois

David L. Case
(Signature of Interrogator)

Date: 13 May 1947

DAVID L. CASE
Captain, CAC

C O P Y

WAR DEPARTMENT
WAR DEPARTMENT SPECIAL STAFF
Civil Affairs Division
Washington 25, D. C.

12-2986

2 April 1947

SUBJECT: Request for Interrogation of S Sgt Charles E. GRETZ, Jr.

TO: Commanding General, Caribbean Air Command
APO 825, c/o Postmaster
New Orleans, Louisiana
ATTENTION: A. C. of AS., A-2

1. On or about 22 February 1945, an American aircraft was disabled by enemy action in the vicinity of MUEHLHEIM, Germany and ten members of its crew were forced to bail out. 2d Lt William A. DUKE, 2d Lt Archibald B. MONROE, Jr., and Sgt Charles FRAZER, Jr., were eventually taken into custody by the German police and were subsequently murdered. It is reported that Sgt Baldmore GARCIA died of wounds within an hour after he had landed.

2. The evidence discloses that the remaining six flyers were captured by German police, civilians, and members of a Flak Battery at MUEHLHEIM, Germany and some of them were mistreated in the following manner:

a. One flyer was captured by three German civilians and was mistreated at that time. He was taken to a road and shortly thereafter a policeman drove up with a car, took the flyer into custody and transported him to the police station at MUEHLHEIM. After the flyer was placed in the car he was slapped across the face by a German National.

b. Another flyer was brought to the Flak Battery in MUEHLHEIM, Germany by his captors and was placed under guard in a freight car at the railroad station there. Two German Nationals went into the freight car and beat this flyer with a thin board about three feet long.

c. Another flyer was captured by a German policeman and a German sergeant. As they were walking towards the police station a crowd of people gathered around, knocked the victim to the ground, kicked him, causing a wound above one eye. The German sergeant pulled his pistol and chased the crowd away. The flyer was then taken to the police station.

3. It is believed that S Sgt Charles E. GRETZ, Jr., ASN 13190224, who is presently assigned to Headquarters, 91st Reconnaissance Squadron, APO 832, New Orleans, Louisiana, may have been one of the victims in this case. It is, therefore, requested that he be interrogated in detail with reference to the mistreatment that he received after he had parachuted from his disabled aircraft.

C O P Y

15

4. His statement should include a detailed description showing exactly how he was mistreated, giving the names and description of the persons who mistreated him, exactly where he was mistreated, and any other information which will lead to the identification and apprehension of the perpetrators. His statement should also show the results of the beatings and mistreatments upon his physical condition.

5. It is further requested that his deposition be taken in question and answer form and forwarded to this office, in quintuplicate.

6. If S Sgt GRETZ has any knowledge concerning any other war crimes about which he has not as yet been interrogated, it is requested that he be interrogated in detail regarding them and that a separate, sworn statement in question and answer form, for each incident, be forwarded to this office, in quintuplicate.

7. A sample deposition is inclosed for your information and guidance during the interrogation.

FOR THE CHIEF, CIVIL AFFAIRS DIVISION:

1 Incl:
Sample dep

/s/ Cecil F. Hubbert
/t/ CECIL F. HUBBERT
Acting Chief, War Crimes Branch

C O P Y

For The WAR CRIMES BRANCH

Civil Affairs Division - War Department
United States of America

In the matter of the mistreatment of * Perpetration of Testimony of Charles
Charles E. Gretz, Jr., S/Sgt, RA-15190224, * E. Gretz, Jr., S/Sgt, RA-15190224
at Dietsheim, Germany. *

Taken at: 7452nd Service Unit General Hospital, Fort Clayton, C.Z.

Date: 8 May 1947

In the Presence of: Capt Charles H. Nott, O-808715, AF, Hq & B Sv Sq,
562nd ASG, Howard Field, C.Z.

Questions by Capt Charles H. Nott:

- Q. State your name, rank, serial number, and permanent home address.
- A. Charles E. Gretz, Jr., S/Sgt, RA 15190224, 316-32nd Avenue, McKeesport, Pa.
- Q. What was your civilian occupation?
- A. Assistant manager in a shoe store.
- Q. What educational institutions did you attend?
- A. Through the eighth grade at Centennial Grade School, McKeesport, Pa.
- Q. When were you returned to the United States from overseas?
- A. June 30, 1946.
- Q. Were you a prisoner of war?
- A. Yes.
- Q. Will you give the places and approximate dates where you were held?
- A. The town was Dietsheim. We were taken there the day we bailed out, February 22, 1946.
- Q. Was it a military or civilian jail?
- A. Civilian jail.
- Q. Did you witness (or have you been told of) any atrocities or mistreatment of American citizens?
- A. I was beaten.
- Q. Will you describe this incident in detail?
- A. After they took us from the jail, they marched us to a railroad yard, and the crew was there that had bailed out, all separated in sort of a circle, and they put me inside of a box car and this German captain searched me all over and found a small statue of St. Mary that I carried with me. Because of that

C E R T I F I C A T E

I, Charles E. Nott, Captain, O-808715, AC, Hq & B Sv Sq, 582nd ASG, Howard Field, Canal Zone, certify that on 8 May 1947 personally appeared before me Charles E. Grets, Jr., S/Sgt, RA-15190224, and gave the foregoing answers to the several questions set forth; that after his testimony had been transcribed, the said Charles E. Grets, Jr. read the same and affixed his signature thereto in my presence.

Place: 7452d S.U. General Hospital

Fort Clayton, Canal Zone

Date: 13 May 1947



CHARLES E. NOTT

Captain, Air Corps

Hq & B Sv Sq, 582nd ASG

Howard Field, Canal Zone

FOR THE WAR CRIMES OFFICE

Judge Advocate General's Department - War Department

United States of America

- - - - -

In the matter of the mistreatment of * Perpetration of Testimony of
American prisoners of war by Germans * Alessandro Dominick Panarese,
at or near Gelnhausen, Germany, on or * formerly S/Sgt., Serial No.
about 22 February 1945. * 11122931.
Gelnhausen *****

ADD.

Taken at: Portland, Maine
Date: 5 May 1947
In the Presence of: Edward T. Howard, Special Agent
Counter Intelligence Corps
108th CIC Detachment
Reporter: Edward T. Howard, Special Agent
Counter Intelligence Corps
108th CIC Detachment
Questions by: Edward T. Howard, Special Agent
Counter Intelligence Corps
108th CIC Detachment

Witness was duly sworn.

- Q. State your name, former rank and serial number, and permanent home address.
- A. Alessandro Dominick Panarese, formerly Staff Sergeant, Serial Number 11122931. My permanent home address is 170 Newbury Street, Portland, Maine.
- Q. When and where were you born?
- A. November 22, 1925 at Portland, Maine.
- Q. What is your civilian occupation?
- A. Student at the University of Maine, Orono, Maine.
- Q. Have you recently returned to the United States from overseas?
- A. About two years ago. In June 1945 I returned to New York from La Havre, France.
- Q. Were you a prisoner of war?
- A. Yes, of the Germans.
- Q. What was your assignment and principal duties in the Army?
- A. Tail Gunner on a B-24 bomber, attached to 458th Bomb Group, based at Norwich, England, at Horsham St. Faith Field.
- Q. Will you state the details of your last flight leading up to your capture by the Germans.
- A. We took off about 0800 on 22 February 1945 from Norwich, England, on a

mission as briefed to Pains, Germany. I believe the mission was changed after we took off. This was my fifth mission. Target time must have been shortly after 1800 hours. Weather was good with perfect visibility. It was a low-altitude mission, ten thousand feet. We assembled over the channel and went in over Holland and down to Frankfurt-am-Main, Germany. Before we got to the IP, we came down from eighteen thousand feet to nine thousand feet. At the initial point our navigator said we were supposed to make a turn, but the squadron as a whole didn't turn until a little too late. This brought our squadron over a flak town. There we got quite a bit of flak. The plane on our right went down. Then we were hit by flak. Our plane turned off course and the pilot directed that the bombs be dropped to gain altitude. We were flying off course, heading west. About fifteen minutes later the pilot asked the crew who was flying the ship. It was going on its own; the stick had no control. The pilot then instructed the crew in the waist to throw out everything but the radio and guns. He said he would try to make France but that all would have to jump since he couldn't land the ship. About ten minutes later we flew over Gelnhausen. We were at about seven thousand feet at the time. There everything came up--flak. We were getting pasted there when the pilot said, "Bail out, boys, I am not kidding." About that time I was hit in the left shoulder by a piece of flak. I was the first to jump out. I dove out the escape hatch. I landed beside a railroad track at Gelnhausen and was captured immediately by German soldiers, members of the Wehrmacht.

Q. State the names of your fellow crew members on your last mission, described above.

A. Pilot, Second Lieutenant William A. Duke, 818 Jackson Avenue, Oxford, Mississippi; Co-pilot, Second Lieutenant Archibald B. Monroe, Jr., Panola Avenue, Batesville, Mississippi; Navigator, Flight Officer Richard M. Eselgroth, 650 Lotus Avenue, Gradell, New Jersey; Bombardier, Flight Officer Albert M. Miller, 316 North West Street, Missouri Valley, Iowa; Radio Operator, Technical Sergeant Albert M. Lucas, 2227 Green Street, Columbia, South Carolina; Engineer, Technical Sergeant Baldamore Garcia, Route 2, Box 644, San Marcos, California; Armorer-Gunner, Staff Sergeant Charles Frazer, Jr., 609 Leigh Street, San Antonio, Texas; Nose Gunner, Staff Sergeant Carl L. Johnson, 1631 Johnson Avenue, Rockford, Illinois; and Gunner, Staff Sergeant Charles E. Grets, 1906 Beaver Street, McKeesport, Pennsylvania.

Q. At what places were you held a prisoner of war and state the approximate dates?

A. I was held in a jail the night of my capture in a town about twenty-five miles from Gelnhausen. The next morning we were moved to an interrogation camp at Wetzlar, Germany. We stayed there two days. There we were put on a train and taken three days to Murnberg, a large prisoner-of-war camp. I forget the number of the camp but I think it was Stalag Luft III, where we stayed several weeks. We arrived March 13th and left April 14th. The camp was right across the tracks from the Sportplatz and across from the autobahn. Then we walked to Moosburg, Bavaria, where I was held until 29 March 1945, when I was liberated.

Q. When you parachuted on February 22nd near Gelnhausen, how many and which of your fellow crew members did you witness land safely?

A. After I got to the ground I saw five of my crew members who had landed safely, Eselgroth, Miller, Lucas, Johnson and Grets. I also saw Garcia, but he was dead. The Germans took me in a truck to a courthouse of a jail and they brought Garcia's body out of the courthouse on a stretcher, putting him on my truck, and we two went to a graveyard right outside Gelnhausen, where the Germans took Garcia's body off. Then I went to a hospital in another town, where my shoulder wound was treated.

Q. Did you see the five crew members, Eselgroth, Miller, Lucas, Johnson and Grets again?

A. Yes, I saw them that same day after my shoulder was treated and the Germans drove me back to where they were. Then all six of us were taken together to the police station for the night. These five, Eselgroth, Miller, Lucas, Johnson and Grets, were with me all the time until I was liberated.

Q. After you were captured, having parachuted as described above, were you mistreated by the Germans in any way?

A. No, I wasn't. As far as being beaten up, I wasn't. At the Interrogation Center at Wetlar later, the Germans turned off the heat in a little compartment where we were held, if we didn't answer their questions to suit them. They fed us two slices of bread in the morning and soup at noon and two slices of bread at night.

Q. Were you slapped or otherwise mistreated at Wetlar?

A. No--threatened only.

Q. After you parachuted, did you witness any mistreatment of the five crew members listed above?

A. No.

Q. After you parachuted, did you at any time see Second Lieutenant William A. Duke, Second Lieutenant Archibald B. Monroe, Jr., or Staff Sergeant Charles Frazer, Jr.?

A. No, I never saw them after I left the plane.

Q. After you parachuted, as described above, did Eselgroth, Miller, Lucas, Johnson or Grets tell you that they were at any time mistreated by the Germans?

edf
A. Grets, Eselgroth and Miller, while we were driving to the jail from the Gelfhausen area where we were captured, told me that they were mistreated. Grets told me that after he was captured, he was put in a box car by German soldiers, police or civilians, and beaten up by being clubbed with a piece of two-inch-by-four-inch wood. He indicated to me by a motion that it was about three feet long. Eselgroth told me that he was attacked by German civilians in the town which I believe is named Gelfhausen. He told me he was mobbed. He didn't say by how many, and was beaten with fists, as I recall. Miller told me that he also was mobbed by civilians in Gelfhausen but he was more severely beaten than Eselgroth.
edf
edf

Q. While you were riding to the prison with Eselgroth, Miller, Lucas, Johnson and Grets, did you observe any injuries which they had received as a result of being clubbed or mobbed after capture, as you have stated?

A. Yes. I saw Miller's face was cut in a few places. Eselgroth had a cut over an eye and his ear was cut quite badly and was bleeding. I do not recall exactly what their other injuries were, but they did have some other injuries.

Q. Did any of the five fellow crew members you rode to prison with, Eselgroth, Miller, Lucas, Johnson and Grets, tell you they had seen Duke, Monroe, Jr., or Frazer, Jr., after they hit the ground?

A. They told me they did not see Duke, Monroe or Frazer at any time after we left the plane. We discussed what had happened to these three. None of us had any idea what had happened to them.

Q. Were you mistreated or did you witness any other Americans mistreated on any other occasions than above mentioned?

A. No.

Q. Can you in any way name, describe or otherwise identify any of the Germans who captured you?

A. The fellow who captured me was a member of the German Wehrmacht. He was ordering other soldiers around, so must have been in authority. *ad* I think he was a non-com. He was attached to the flak battery at Gelnhausen who captured me. He was about five feet, five inches, weighed about one hundred and forty pounds. He was in his late thirties, wore dark-rimmed tortoise shell glasses. He had a cap on. I don't know what color his hair or eyes were. I do not know any of the Germans' names and cannot recall the other Germans.

Q. Were you at any time the target of stones thrown by German civilians, school children or others?

A. Yes, just after I was captured, when the Germans were getting the six of us Americans together at the railroad station, five or six German school children, and some grown-ups, were throwing stones at us. The German who had captured me told them to stop, which they did.

Q. Were you or the other Americans hit or injured by the stones?

A. I was hit twice by the stones but wasn't injured. I do not think the others were injured by the stones either.

Q. Is there anything else you wish to state regarding any of the subjects discussed above?

A. No.

Alessandro D. Panarese
Alessandro D. Panarese

State of Maine)
) ss
County of Cumberland)

I, Alessandro D. Panarese, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation, and all answers contained therein are true to the best of my knowledge and belief.

Alessandro D. Panarese
Alessandro D. Panarese

Subscribed and sworn to before me this 14th day of June, 1947

Ida P. McKenzie
Notary Public

My term expires: My Commission Expires Aug. 31, 1950

C E R T I F I C A T E

I, Edward T. Howard, Special Agent, Counter Intelligence Corps, certify that Alessandro D. Panarese, formerly Staff Sergeant, United States Army Air Corps, Serial No. 11122951, personally appeared before me on 5 May 1947 and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Edward T. Howard

Place: Boston, Massachusetts

Special Agent, CIC

Date: 18 June 1947

108th CIC Detachment

October 8, 1948

Adjutant General
War Department
Washington 25, D.C.

PO

RE: AGPO--CG 201 Sgt. Frazer, Charles, Jr.

Dear Sir:

In reference to your letter of August 22, 1947, I would appreciate very much if there are further details that could be sent to me.

According to your letter, the coincidence of the name of the town, and the amount of persons, it is not very hard to surmise that one of them was our son.

The reason I am writing you this is because I read two articles by the Associated Press in a newspaper dated October 6, 1948, of which I will quote you parts of said article.

- 1) From Los Angeles referring to the death sentence of Tomoya Kawakita. In said article the judge said: "To spare Kawakita's life 'would dishonor the memory of Pvt. Sadao Munemori.' (Nisei winner of the congressional medal of honor.)"
- 2) The other article is from Washington D.C. of a special army commission recommending sparing the lives of a limited number of 139 Nazis sentenced to die for war crimes. In part it says:

"Army officials refused to say how many commutations have been recommended to General Lucius Clay, U.S. military governor in Germany.

Among the 139 given a stay of execution last spring following the Dachau trials were 17 men convicted of killing unarmed American prisoners at Malmedy, during the Battle of the Bulge."

In view of these two articles, and as one concerned, you may consider this letter a kind of protest, and would like to recommend in the name of justice that said sentences be carried out.

Sincerely yours,

Charles Frazer Sr.
Charles Frazer, Sr.

Encl. 2 ✓

cc - Mr. George L. MacElroy
V.F.W. Washington Representative

Mr. and Mrs. H. C. Duke
Mr. and Mrs. Archibald B. Monroe

12-2985

22 November 1948

Mr. Charles Frazer
Post Office Box 871
San Antonio, Texas

Dear Mr. Frazer:

Your letter to The Adjutant General dated 8 October 1948 has been referred to this office for reply.

It is regretted that due to administrative changes in this office, a report as to the results of the war crimes trial, referred to in the War Department letter of 22 August 1947, was not given to you.

On receipt of your letter of 8 October 1948, an examination of the record in the trial of Jurgen Stroop, et al. was conducted by personnel of this office. The examination indicated that 2d Lt William E. Duke and 2d Lt Archibald B. Monroe were victims of murder by defendants in the case, but there was no evidence to indicate that your son was also a victim.

Inquiry was made to the European Command in this matter and they advised that 2d Lt Duke, 2d Lt Monroe and Sgt Frazer left the plane together and that Lts Duke and Monroe were killed after capture. The perpetrators of the war crime were tried in the case of U. S. vs. Jurgen Stroop, et al. (No. 12-2000).

The European Command further advised that available information indicated that your son, Sgt Frazer, was not seen again after leaving the plane.

After receipt of reply from the European Command, additional investigation was made in files of Casualty Section, Office of The Adjutant General. This investigation also failed to uncover any evidence that your son was a victim of war crimes atrocities.

In regard to that section of your letter which concerns general aspects of our War Crimes program, there are inclosed three press releases issued by the Department of the Army, which we trust will be of interest to you.

Sincerely yours,

E. N. Young
EDWARD N. YOUNG
Colonel, GSC
Chief, War Crimes Branch
Civil Affairs Division

12-2985

1 Incl:
3 press releases

WCB File Copy

MEMO FOR RECORD: Mr. Frazer, in letter to TAGO, dated 8 October 1948, requested information concerning case in which his son had been alleged to be a victim. This letter advises him that examination of the trial records, investigation in files of Casualty Section, TAGO, and advice from EUSOM indicates that his son was not a victim of war crime. It also forwards to Mr. Frazer three ~~xxx~~ press clippings concerning general aspect of the War Crimes program about which program Mr. Frazer had commented in his letter.



MN

DEPARTMENT OF THE ARMY
STAFF MESSAGE CENTER
INCOMING CLASSIFIED MESSAGE

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~~CONFIDENTIAL~~
PRIORITY

PARAPHRASE NOT REQUIRED

From: HQ EUCOM Heidelberg Germany sgd Huebner cite ECJAG
To: CSUSA for Chief Civil Affairs Div
Nr: S-3877 10 November 1948

Reurad WCL-20606 cite CSCAD-WC info in files of War Crimes Branch indicates that Sgt Charles Frazer Junior together with eight other members of the crew parachuted from a disabled airplane on 22nd Feb 1945. Upon landing five of the crew members were subjected to minor mistreatment (in case number 12-1892).

Second Lieut William A Duke Second Lieut A B Munroe and Sgt Frazer left the plane together. Duke and Munroe were killed after capture, and the perpetrators were tried (US versus Jurgen Stroop et al, case number 12-2000 charges seven and eight).

The ninth member of the crew Technical Sgt Waldemore Garcia is reported to have died as the result of wounds he received before leaving the plane.

The info available here indicates that Sgt Charles Frazer was never seen or heard of again after leaving the plane.

NOTE: WCL 20606 believed to be WCL 20616.

ACTION: CAD(NFD)

CM IN 2138

(11 Nov 48) DTG 101317Z mlf/A

DECLASSIFIED AND RELEASED

E.O. 11652, Sec. 3(E) and 5(D) or (E)

Authority NND 735027

By RWR NARS, Date 5-11-78

~~CONFIDENTIAL~~

12-2985

COPY No.

23 November 1948

MEMORANDUM FOR FILE:

Office of QMG (Miss Dyer, Ext. 6679) advised that individual identification of Sgt Frazer had been established by QMGO and that he was buried at U. S. Military Cemetery, St. Avoild, France, grave 23, Row 2, Plot WP.

mn
MN

AGPO-66 201 Duke, William A.
(12 Mar 47) 0825602

22 August 1947

W
MT

W
Mr. and Mrs. Homer C. Duke,
818 Jackson Avenue,
Oxford, Mississippi.

Dear Mr. and Mrs. Duke:

X In writing concerning your son, the late Second Lieutenant William A. Duke. *V0825602*

X This is to advise you that a message was recently received from the Commander-in-Chief of the European Command regarding developments which may occur at future War Crimes Trials. The message stated that a case has been referred for trial in connection with evidence indicating that three persons, one of whom is believed to be Lieutenant Duke, were shot to death at or near Bieber, Germany, after having surrendered as prisoners of war. I regret that more detailed information is not available at this time; however, I wish to assure you that you will be promptly notified of any additional reports pertaining to the case of Lieutenant Duke.

My profound sympathy continues with you in the great loss you have been called upon to bear.

Sincerely yours,

EDWARD F. WITSELL
Major General
The Adjutant General of the Army

file with 12-2985-51

C * O * P * Y

AGPO-CG 201 Duke, William A.
(12 Mar 47) 0825602

22 August 1947

Mr. and Mrs. Homer C. Duke,
818 Jackson Avenue,
Oxford, Mississippi.

Dear Mr. and Mrs. Duke:

I am writing concerning your son, the late Second Lieutenant William A. Duke.

This is to advise you that a message was recently received from the Commander-in-Chief of the European Command regarding developments which may occur at future War Crimes Trials. The message stated that a case has been referred for trial in connection with evidence indicating that three persons, one of whom is believed to be Lieutenant Duke, were shot to death at or near Bieber, Germany, after having surrendered as prisoners of war. I regret that more detailed information is not available at this time; however, I wish to assure you that you will be promptly notified of any additional reports pertaining to the case of Lieutenant Duke.

My profound sympathy continues with you in the great loss you have been called upon to bear.

Sincerely yours,

EDWARD F. WITSELL
Major General
The Adjutant General of the Army

C * O * P * Y

ASFO-CG 201 Monroe, Archibald B., Jr.
(12 Mar 47) 0834852

22 August 1947

Mr. and Mrs. Archibald B. Monroe, Sr.,
Panola Avenue,
Batesville, Mississippi.

Dear Mr. and Mrs. Monroe:

I am writing concerning your son, the late Second Lieutenant Archibald B. Monroe, Junior. 0834852

This is to advise you that a message was recently received from the Commander-in-Chief of the European Command regarding developments which may occur at future War Crimes Trials. The message stated that a case has been referred for trial in connection with evidence indicating that three persons, one of whom is believed to be Lieutenant Monroe, were shot to death at or near Bieber, Germany, after having surrendered as prisoners of war. I regret that more detailed information is not available at this time; however, I wish to assure you that you will be promptly notified of any additional reports pertaining to the case of Lieutenant Monroe.

My profound sympathy continues with you in the great loss you have been called upon to bear.

Sincerely yours,

EDWARD F. WITSELL
Major General
The Adjutant General of the Army

12-2985-51

AGPO-08 201 Fraser, Charles Jr.
(12 Mar 47) 18 232 071

22 August 1947

EDW
W
H
Mr. and Mrs. Charles Fraser, Sr.,
609 Haight Street,
San Antonio, Texas.

Dear Mr. and Mrs. Fraser:

X I am writing concerning your son, the late Sergeant Charles
Fraser, Junior. 18232071

This is to advise you that a message was recently received from the Commander-in-Chief of the European Command regarding developments which may occur at future War Crimes Trials. The message stated that a case has been referred for trial in connection with evidence indicating that three persons, one of whom is believed to be Sergeant Fraser, were shot to death at or near Biebr, Germany, after having surrendered as prisoners of war. I regret that more detailed information is not available at this time; however, I wish to assure you that you will be promptly notified of any additional reports pertaining to the case of Sergeant Fraser.

My deepest sympathy continues with you in the great loss you have been called upon to bear.

Sincerely yours,

EDWARD F. WITSELL
Major General
The Adjutant General of the Army

file with

12-2985-51

12-2985

8 April 1948

Mr. Homer C. Duke
c/o Duke Cotton Company
Oxford, Mississippi


Dear Mr. Duke:

Your letter of 16 March 1948, addressed to The Adjutant General, concerning your son Lt. William A. Duke has been referred to this office for acknowledgment.

On 20 March 1947, thirteen German nationals were found guilty and sentenced to death by a United States Military Commission for murdering your son and other members of the United States Armed Forces, in violation of the rules of land warfare in that they were guilty of shooting surrendered American airman. Seven other German nationals also were found guilty and each was sentenced to a term of years.

It is regretted that there is only one copy of the record of trial on file in this office. It must be kept in the office for official use by the Department of the Army. If you wish to examine it in this office you may do so.

Sincerely yours,


EDWARD H. YOUNG
Colonel, GSC
Chief, War Crimes Branch

MEMO FOR RECORD: In a ltr dtd 16 Mar 48 to the Adjutant General, Mr. Homer C. Duke requested info regarding the persons who were responsible for the death of his son Lt. William A. Duke. Ltr was fwded to this office by DF dtd 30 Mar 48 fr TAG. This ltr informs Mr. Duke of the sentences given to the guilty persons.

JEE

Rec'd
360

12-2985
DUB FILE COPY

DUKE COTTON COMPANY

OXFORD, MISSISSIPPI

Nov. 21, 1948

War Department
Civil Affairs Division
Washington 25, D.C.

Attention Edward H. Young

Dear Mr. Young;

Regarding my son the late Lt. William A Duke, and your letter of April 8th, where you stated that I might examine the file on the trial of German nationals who were tried and found guilty.

I will be in Washington on Tuesday Nov. 30 and will appreciate your advising me if the file will be available for me to see on that date; I plan on leaving here on Sunday night arriving in Washington Monday night, and will appreciate your wiring me Western Union if it will be O.K. for me to see this file on Tuesday.

Sincerely yours,

Homer C. Duke

CSCAL, C/none/Ext. 75090
Maj. Fred B. Hammond, Jr/dw
Col. E. H. Young

DEPT OF ARMY, WASH., DC

UNCLASSIFIED

MR HOMER C DUKE
DUKE COTTON COMPANY
OXFORD MISSISSIPPI

ROUTINE

24 NOVEMBER 1948

FROM CIVIL AFFAIRS DIV CMA WAR CRIMES BR

REQUEST CONTAINED IN YOUR LETTER TWO ONE NOV ONE NINE FOUR EIGHT CAN BE
COMPLIED WITH IF YOU COME TO ROOM TWO ABLE SIX FIVE SIX PENTAGON BLDG

MFR: Addressee of telegram by ltr 21 Nov 48 refers to our ltr of 8 Apr 48,
wherein we will permit him to examine the Record of Trial in the War Crimes
case (File 12-2985) involving his son, Lt. Wm. A. Duke. An exception is
made to ruling of Secretary of Army due to this prior commitment and it is
felt no harm will be done by making this exception inasmuch as Mr. Duke is
interested only in information concerning his son. Telegram is used because
Mr. Duke plans to leave for Washington, Sunday, 28 Nov 48.

FBH

*wc# 24817
25 Nov.*

*orig hand-poured
to Exec, CAG
by Maj. Hammond
24 Nov 48*

*pm (500)
new*

12-2985

UNCLASSIFIED

CSCAD/WC/Ext. 75090
MAJ. FRED B. HAMMOND, JR.

C. R. SMITH, MAJ., AGD
Administrative Officer

WAR CRIMES BR. FILE COPY

1 1

65-2985-1000/none
Major Hammond/ans
Col Young

12-2985

1 December 1948

Mr. A. B. Monroe
112 Panola Avenue
Batesville, Mississippi

Dear Mr. Monroe:

Pursuant to your request made to me in this office 29 November 1948 I am inclosing information selected from the record of trial in the case of U. S. vs Jurgen Stroop, et al., prepared by Major Hammond, of this office.

It is hoped that this information will give you a better understanding of the facts surrounding the death of your son Lt. Archibald B. Monroe.

Sincerely yours,

1 Incl:
Brief Summary of
Record of Trial, U.S.
vs Jurgen Stroop, et al.

Edw. H. Young
EDWARD H. YOUNG
Colonel, GSC
Chief, War Crimes Branch
Civil Affairs Division

MEMO FOR RECORD: Mr. Duke and Mr. Monroe came to this office 29 November and referred to letter written to Mr. Duke in April 1948 wherein Mr. Duke was advised that he might examine the files of U.S. vs. Jurgen Stroop, et al. Mr. Duke and Mr. Monroe stated to Col. Young that the only interest in this matter was to notify their respective families of the facts surrounding the death of their sons. Col. Young stated to them the policy of the D/A regarding making available War Crimes files to the lay public. Colonel Young instructed the undersigned to select information concerning the death of these 2 boys and to send same to Mr. Duke and Mr. Monroe pursuant to their request. This letter forwards information.

FBH

12-2985

WCS FILE COPY

4660

Brief Summary of Record of Trial
U.S. vs. Jurgen Stroop, et al.
Pertaining to Lt. Archibald B. Monroe

The case of U.S. vs. Jurgen Stroop, et al. was tried before a general military government court sitting at Dachau, Germany during the period 10 January 1947 to 21 March 1947. 22 persons were tried for atrocities committed against allied airmen who parachuted from their disabled planes in the general vicinity of Frankfurt, Germany. The general charges in the case were concerned with several orders which came from the German Police Headquarters that allied airmen were to be killed when captured in one instance and that the German police were not to protect the fliers from the wrath of the people in the other instance.

Specifically in the case of Lt. Monroe the evidence indicates that he was captured on or about 22 February 1945 by one GOEHRENDT who turned him over to policemen MICHEL and SCHNEIDER in the police station in Bieber, Germany with instructions to deliver him to police headquarters in Offenbach. They took Lt. Monroe to Offenbach and reported to police captain KIWITT who was an assistant to EICHEL, lieutenant colonel of police, the police director of this area. KIWITT ordered them to kill Lt. Monroe. After leaving the police station, an air raid alarm sounded and the three of them went into an air raid shelter on Bierbraur Weg. The air raid shelter consisted of an open area and an underground shelter one end of which was used as a command post by EICHEL. EICHEL was present in this underground shelter at the time. With the exception of the main gate, the only other exit from the area was on Bierbraur Weg. Near the main gate one of the policemen, mentioned above, told one NAHRGANG they had a flier who was to be shot. NAHRGANG, who was Sergeant of the Fire Protection Police, called his assistants, HAMMAN and FAY, and engaged in a whispering conversation in which FAY was heard to say that "this was an easy matter." Thereupon FAY pushed Lt. Monroe toward the stairway accompanied by NAHRGANG and one of the policemen. In the meantime the policeman had given FAY his pistol. Suddenly FAY fired the pistol into the air and shouted that a flier was escaping. Lt. Monroe ran down the stairway toward the secondary exit. HAMMAN who remained behind ran to the main gate, took a carbine from the guard and ran down Bierbraur Weg to head off the flier who could only come out the secondary exit.

It was brought out at the trial by FAY that Lt. Monroe hit him and started to run about this time whereupon FAY fired a shot into the air and yelled "halt". HAMMAN fired three shots from the carbine at Lt. Monroe at close range, killing him. NAHRGANG and HAMMAN were later seen standing by the body of Lt. Monroe very soon after the shots were fired.

NAHRGANG, HAMMAN and others picked up the body and carried it to the air raid shelter area. EICHEL appeared and HAMMAN reported that he had shot the flier while attempting to escape. HAMMAN testified at the trial that while he was in his room in the air raid shelter he heard some shots followed by shouting which he assumed that some prisoner was escaping. That he ran outside, took a carbine from one

of the guards and saw a flier running out on the street. He called "Halt" several times and the man kept running and he chased him for 80 to 100 meters whereupon he fired one shot. When the flier did not stop he fired two more shots whereupon the flier was killed. FAY testified generally to the sequence of events mentioned above but specifically qualified his actions on the basis that the flier had struck him and tried to escape which made him fire the shots in the air from his pistol.

Persons directly or indirectly connected with the death of Lt. Monroe were sentenced by the court as follows:

Hans EICHEL - Death by hanging;
Josef KIWITT - Death by hanging;
Paul NAHRGANG - 5 years imprisonment;
Bernard FAY - 5 years imprisonment;
Philipp HAMMAN - 15 years imprisonment.

EICHEL has not been executed as yet, KIWITT was hanged on 15 October 1948 and NAHRGANG, HAMMAN and FAY are presently serving their sentences at War Criminal Prison No. 1, Landsberg, Germany.

Brief Summary of Record of Trial
U.S. vs. Jurgen Stroop, et al.
Pertaining to Lt. William A. Duke

The case of U.S. vs. Jurgen Stroop, et al. was tried before a general military government court sitting at Dachau, Germany during the period 10 January 1947 to 21 March 1947. 22 persons were tried for atrocities committed against allied airmen who parachuted from their disabled planes in the general vicinity of Frankfurt, Germany. The general charges in the case were concerned with several orders which came from the German Police Headquarters that allied airmen were to be killed when captured in one instance and that the German police were not to protect the fliers from the wrath of the people in the other instance.

Specifically in the case of Lt. Duke the evidence in the case showed that he was captured on or about 22 February 1945 and brought to the police station in Bieber, Germany. That one ALBRECHT, a police lieutenant, was the commanding officer of the police station and policemen MOLLER and GOEHRENDT were under his command. One EICHEL was a lieutenant colonel of the police and director of the area while one KIWITT was a police captain, one of his assistants. While Lt. Duke was being interrogated by ALBRECHT and others EICHEL and KIWITT entered the police station and reprimanded ALBRECHT for showing consideration to the flier. EICHEL ordered ALBRECHT to shoot the flier but ALBRECHT refused whereupon EICHEL ordered MOLLER to kill the flier. The flier left the police station with MOLLER, accompanied by ALBRECHT and policeman COMO. ALBRECHT ordered GOEHRENDT to follow them. In a forest near Bieber, MOLLER shot the flier to death.

The evidence brought out at the trial indicated that EICHEL had ordered MOLLER to shoot the flier and when MOLLER indicated his unwillingness to carry out the order EICHEL threatened him with court martial. The persons mentioned in the paragraphs above took Lt. Duke to the woods whereupon MOLLER fired two shots at him which killed him. COMO was ordered to guard the body and MOLLER returned to his home. Later MOLLER filed a report to the effect that the flier had been shot while trying to escape. Lt. Duke was later buried in a cemetery in Offenbach.

Persons directly or indirectly connected with Lt. Duke's death were sentenced by the court as follows:

Hans EICHEL - Death by hanging;
Josef KIWITT - Death by hanging;
Wilhelm ALBRECHT - 15 years imprisonment;
Hermann MOLLER - Death by hanging.

EICHEL has not been executed as yet, KIWITT was hanged on 15 October 1948 and the sentence of MOLLER was commuted to life imprisonment by the reviewing authority on 22 November 1947.