

DEPUTY JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
EUROPEAN COMMAND

25 April 1947

UNITED STATES)

vs.)

Edith KOHLER, Heinrich REINHARD,)
Heinrich RUPP, Johann TRENZ,)
Hugo LANGENFELD and Ferdinand)
BLUM, German nationals.)

Case No. 12-2150

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

Tried at Dachau, Germany
Date: 20-23 December 1946
Intermediate Military
Government Court

Sentences: Edith KOHLER - Nolle Prosequi

Heinrich REINHARD - 1½ years imprisonment commencing
29 June 1946

Heinrich RUPP - 2 years imprisonment commencing
29 June 1946

Johann TRENZ - 1½ years imprisonment commencing
16 October 1946

Hugo LANGENFELD - 1 year imprisonment commencing
1 July 1946

Ferdinand BLUM - 4 years imprisonment commencing
12 April 1945

ACCUSED

Heinrich REINHARD, Age 51
Married, six children
Occupation, switchboard
operator in mine

Heinrich RUPP, Age 46
Married, two children
Occupation (for 30 years)
miner

Johann TRENZ, born 11
August 1913
Married, one child
Occupation, telephonist

Hugo LANGENFELD, Age 29
Married, one child
Occupation, office clerk
Residence: Huelzweiler

Ferdinand BLUM, Age 54
Married, no children
Occupation, master of
gendarmerie

CHARGE: Violation of the Laws of War

	<u>Pleas</u>	<u>Findings</u>
KOHLER	Nolle Prosequi	
REINHARD	G	G
RUPP	G	G
TRENZ	G	G
LANGENFELD	NG	G
BLUM	NC	C

PARTICULARS: In that Edith KOHLER, Heinrich REINHARD, Heinrich RUPP, Johann TRENZ, Hugo LANGENFELD and Ferdinand BLUM, German nationals, did, at or near SCHWALBACH, Germany, on or about 1 August 1944, wilfully, deliberately, and wrongfully encourage, aid, abet and participate in assaults upon an unknown member of the United States Army, who was then an unarmed, surrendered prisoner of war in the custody of the then German Reich.

	<u>Pleas</u>	<u>Findings</u>
KOHLER	Nolle Prosequi	
REINHARD	G	G
RUPP	G	G
TRENZ	G	G
LANGENFELD	NC	C
BLUM	NG	G

2. RECOMMENDATIONS: That the findings and sentence, as to accused LANGENFELD be disapproved and that, as to the others, they be approved.

3. EVIDENCE:

For the Prosecution.

a. At the outset of the trial, pursuant to higher authority, the Prosecution entered a nolle prosequi as to accused Edith KOHLER (R 1).

b. Prosecution's Exhibits 1, 2, 3 and 4, photographs identifying the remaining accused, except accused LANGENFELD, were received in evidence without objection (R 10, 11). Prosecution's Exhibit 5, map of the area surrounding SCHWALBACH, was received in evidence without objection (R 11). Prosecution's Exhibits 6-19, both inclusive, and Prosecution's Exhibits 6a - 10a, both inclusive, were received in evidence without objection (R 12, 13, 14, 15, 17, 18, 19, 20, 21, 22). These exhibits are affidavits in German of 14 witnesses and translations thereof, by which it was shown that on or about 1 August 1944, at or near SCHWALBACH, Germany, an American flyer parachuted down into the branches of

to the ground and was taken to the edge of the forest by his German captors. Meanwhile a large crowd of people had gathered. Accused BLUM, Master of Gendarmerie, arrived, took charge, seized the flyer by the collar, shook him, pushed him and kicked him several times in the buttocks and then turned him over to one SCHULD, who transported him on his motorcycle to the Ostschascht mine at SCHWALBACH not far distant (P. Exs. 5, 6, 7, 8, 9, and 10). There the victim dismounted on order of BLUM. Accused TRENZ slapped the victim in the face several times (P. Exs. 9 and 10). From the mine the victim was escorted on foot to the police station. En route, accused REINHARD kicked him in the buttocks several times and slapped him in the face several times (P. Exs. 11, 12, and 13); accused BLUM and accused TRENZ kicked and slapped him several times. The victim fell to the ground and TRENZ continued to beat him (P. Exs. 13 and 14). Affiant WAHL saw the victim lying in the street, heard TRENZ say, "I gave it to him good" and observed that BLUM sat by and let the people do as they pleased (P. Ex. 15). Affiant WILHELM saw the victim proceed down the street with both hands raised over his head; a Wehrmacht soldier kept kicking the victim in the buttocks and accused RUPF hit the victim several times with his hands. The victim's face was swollen and covered with blood (P. Ex. 16). Affiant PHILIPPI observed that BLUM accompanied the victim and saw RUPF push through the crowd, hit and kick the victim several times; the victim's face was bleeding (P. Ex. 17).

c. Affiant JOCI, (P. Ex. 16) standing in front of his house, saw the victim walking along the street with BLUM on his left and accompanied by a "Feldwebel" with a bicycle and an infantry soldier with a bicycle; both of these pushed their bicycles at the victim and both kicked him in the back; the infantry soldier kicked the victim about 30 times. "I do not know this infantry soldier, but

the time on furlough." Near the school RUPP kicked the victim several times. Affiant HONNECKER, (P. Ex. 9) saw a "flaksoldier" get off his bicycle, hit the victim about the head, push the bicycle at the victim, who fell to the ground -- name of "flaksoldier" unknown. Affiant Maria DOERR, (P. Ex. 13) observed that 3 soldiers accompanied the victim; one wore an "Africa" uniform, the other two, regulation gray Wehrmacht uniforms. Affiant GROSS, (P. Ex. 14) observed the soldier in "Africa" uniform poking a bicycle in the victim's back causing him to fall several times. Affiant PHILIPPI, (P. Ex. 17) saw the victim walk along the street, BLUM walked about 1 meter behind and a soldier "from the Flak", name unknown, walked on the right side of the victim. Affiant JUNGEMANN, (P. Ex. 19) who was about 15 years of age at the time of the incident, saw the victim walk along the street, his face was covered with blood, BLUM was on his right and a German soldier in bathing trunks on his left; behind the victim was a German infantry soldier with a bicycle with which he was constantly poking the victim. "I heard later that this infantry soldier was from HUELZWEILER, Kreis Saarlouis".

d. Prosecution's Exhibits 20-24, both inclusive, are affidavits, respectively, of accused BLUM, LANGENFELD, TRENZ, RUPP and REINHARD, and Prosecution's Exhibits 20a-24a, both inclusive, are translations thereof. These exhibits were received in evidence without objection (R 23, 24 and 25). TRENZ, who pleaded guilty, admitted he hit the victim several times with his hands on order of a policeman whom he did not know. RUPP, who also pleaded guilty, admitted he hit the victim a few times with his hands. He states he saw BLUM walk in front of and two soldiers walk on either side of the victim and that the one on the left side had on bathing trunks. REINHARD, who likewise pleaded guilty, admitted he kicked the victim a few times on order of BLUM, once repeated. BLUM denied that he mistreated the victim in any way and denied that he saw any soldier

do so. He had SCHULD transport the victim on his bicycle to SCHWALBACH. When he arrived there, 8 or 10 soldiers from the Flak station in BOUS had charge of the victim. On the way to the police station he walked on the victim's right, the soldiers walked behind and left of the victim and kept pushing him with their bicycles. LANGENFELD states that his residence is at HUELZWEILER and that on 28 July 1944 he was discharged from the Wehrmacht at a hospital; that a few days thereafter he went to the forest at SPRENGEN and saw the enemy aviator being pushed around, kicked and beaten by at least 10 civilians; he saw "Policeman BLUM" push the victim around and saw the victim taken away on a motorcycle. LANGENFELD followed on his bicycle to SCHWALBACH and there saw the victim walked along the street by BLUM. At the left of the victim was an SS man with his motorcycle; behind the victim was a "flak-soldier" from BOUS; LANGENFELD walked next to the accompanying man and had his bicycle. A man, name unknown, hit the victim several times in the face. After the group had progressed about 100 meters, the victim's trousers hung on my bicycle. As I attempted to release the trousers from the bicycle I pushed the foot of the aviator a few times." The "flaksoldier", who walked behind the victim, kicked the back of his leg. The victim walked with his hands above his head. After the interrogation at the police station, the same "flaksoldier" and another soldier in bathing trunks led the victim away.

For the Defense. Accused LANGENFELD testified that he rode on his bicycle to the place where the American pilot landed; that when he arrived the people were pushing and kicking at the pilot and accused BLUM was shoving him; that the flyer was taken by motorcycle to SCHWALBACH; that he followed as he had to go that way to get home. That the flyer was set down a little beyond Ostchascht and was beaten by several people but never fell down;

dismounted his bicycle and found that the flyer knew some words of German but attempts at conversation failed. "I got caught with my bicycle on his pants or shoelaces. I don't recall exactly what it was. This was the only occasion where I came in contact with the pilot. I did not beat or kick him" (R 28, 29). That at the police office the flyer was in condition to be interrogated; that accused BLUM refused him water and that the witness obtained water for him twice (R 29, 30). That the flyer was taken from the office by two A. soldiers one of whom said, "we will get through with him" (R 29). That he, the witness, was at the time badly injured and undergoing treatment in the hospital; that he was in his tank destroyer uniform and therefore could not be confused with an infantry soldier (referring to statement of affiant JCST, Pros. Ex. 18) (R 29, 30). That no one person kicked the flyer 30 times (R 30). "I was considered up to now within the army and at home as a decent person" (R 31). That the statements of Prosecution witnesses are exaggerated, because if the flyer had been mistreated as they say he was he would not have been in condition to be interrogated (R 31-32). That he, the witness, was a Sgt. in the Wehrmacht (R 32).

On cross examination, he testified that he resided at HUELZWEILER at the time (R 32). That accused BLUM did not mistreat the flyer but shoved him ahead 2 or 3 times before sending him off on the bicycle; that BLUM told him to keep his arms up (R 32, 33). That the witness did not mistreat the flyer because the witness's right arm was paralyzed and he had been shot through the lung (R 33). That he, the witness first walked behind the flyer and then at the flyer's left. That his bicycle was between him and the flyer and that is how the laces caught in the bicycle (R 34). That on arrival at the police station, the flyer was in condition to be interrogated; his nose was bleeding and he had a swollen eye, not

That he, the witness went to get the water for the flyer and affiant Jungmann handed it to him (R 34-35).

On redirect examination he testified that he did not hear BLUM use the word "swine" toward the flyer (R 35).

On recross examination he testified that he obtained the water and affiant Jungmann handed it to the pilot (R 36).

On examination by the court, he testified that he was pushing the bicycle with both hands, the right hand, which was paralyzed, was resting on it (R 36-37); that the shoelaces or lace at the bottom of the pants of the flyer, became entangled in the spokes of the front wheel of the bicycle where the spokes cross (R 37) and that he disentangled them with his left hand (R 38) and that he did not strike the flyer or bump him with the bicycle (R 38, 39). That he always lived in Huelzweiler, which is about one-half a kilometer from SCHWALBACH, where he is not acquainted (R 39); that he spoke to the flyer, desiring to know his name and where he was from, and that he went to see the flyer out of curiosity because he had never seen one or an allied enemy soldier (R 40). During the course of the direct examination of this witness, Defense Ex. 1 was received in evidence without objection (R 30, 31); it is a single sheet of paper entitled "Copy", in typewriting; the typewritten statements thereon, the reviewer takes to be English translations of originals in German, viz:--

1. Statement dated at Schwalbach 6 August 1946, with indicated signatures, "certified by Forster", of 7 persons to the effect that accused LANGENFELD, at the time and place in question, went only as far as the police office, and from there went immediately to Huelzweiler and that his talk while on the way "did not show any offense against the pilot".

2. A certificate of Marta Gensike that on the day in question, on the request of accused LANGENFELD, she gave him water twice for the American flyer.

3. Certificate of Helga Noh that accused did not "trouble" the American flyer in any way.

4. Certificate of Henry Reinhard to the same effect.

Signatures attested by burgomeister Schmidt.

Accused BLUM testified that he ordered SCHULD to take the pilot to the police station in Schwalbach on the motorcycle; that he may have shoved the pilot but did not beat or kick him (R 42); that the flyer was still in Schwalbach when he arrived; that SCHULD then said he had turned the flyer over to the AA soldiers; that he does not recall seeing accused REINHARD or LANGENFELD; that in his excitement he may have told accused TRENE to slap the flyer but did not recall it; that he did not see the flyer beaten or kicked; he may have been pushed by civilians (R 43). That he went into a store to buy cigarettes; that he did not see accused RUPF; that the pilot was at the police station when he arrived; that it was against orders for him to give food or drink to prisoners, but that he did not forbid others to do so (R 44). That the pilot did not fall to the ground while marching through the village; that affiant Marie (sic) Dorr is not trustworthy (R 45); that affiant Schuld is a "goldbrick" and a liar (R 46); that he had difficulty with affiant Schudell over his air raid shelter and the latter said "There will be a day when I will be able to put a stone in your way" (R 47). That he considered the Wehrmacht had custody of the pilot, as when he arrived Schuld told him he had already turned the pilot over (R 48); that he does not recall telling accused REINHARD to kick the pilot and if he did it was a "big foolishness" (R 49).

On cross examination, he testified that he was Master of Gendarmerie, as was Schuld, who was his subordinate (R 49); that the statement of affiant Bluss is not correct, nor that of Busche, nor that of Hennecker, nor that of Schuld (R 50, 51). That the person who pushed the pilot with a bicycle was not accused LANGENFELD but

REINHARD, LANGENFELD or RUFF there (R 54).

On redirect examination, he testified that the trouble he had with affiant Hennecker was that he refused him permission to shoot the pilot (R 54).

On recross examination, he testified that the trouble he had with affiant Katharina Focht was that she was vulgar and fresh towards him (R 54). On redirect examination, he testified that affiant Jungmann is a "big mouth" and likes to talk (R 55).

On examination by the court he testified that Himmler had ordered the police to take no action to protect landed flyers from the populace; that he was not acquainted with accused LANGENFELD on the date in question and that he had been in the custody of U.S. authorities since 12 April 1945 (R 55).

After the findings, Defense Exs. 2 and 3 were received in evidence without objection. The defense took leave of court to withdraw these exhibits and substitute true copies (R 60, 61). These exhibits pertained to accused TRENZ and are, respectively, the certificate of Dr. H. Stiegler, a practicing physician, dated at Langenzenn 16 February 1945, to the effect that TRENZ, in 1941, suffered a fracture of the vertebrae of the spinal column and is unfit for service, and the certificate of the burgomeister of Huelzweiler, dated there 11 January 1946, to the effect that TRENZ was not a member of the Party or the NSDAP, or any affiliated organizations.

4. JURISDICTION: The Court was legally constituted and had jurisdiction of the persons of the accused and of the offense.
5. COMMENTS: Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused, except as to accused LANGENFELD: - in the opinion of the reviewer he should have been found not guilty for, as reflected by paragraph 3 supra, there is no evidence in the record which, beyond

soldier who is said to have assaulted the victim. In point of fact, the preponderance of the evidence is to the effect that LANGENFELD was not one of the soldiers in question.

6. CLEMENCY: Separate Petitions for Review for each of the five accused dated at Dachau, Germany, 3 February 1947 signed by Major Carl E. Whitney, defense counsel, have been filed. As indicated in paragraph 5 supra, the reviewer concurs in the allegation that the evidence does not support the findings as to accused LANGENFELD. The other petitions are bottomed on allegations that the respective sentences are excessive; they seem to the reviewer, however, to be appropriate.

7. CONCLUSIONS:

- a. It is recommended that the sentences as to accused REINHARD, RUPP, TRENZ and BLUM be approved.
- b. It is recommended that the findings and sentence as to accused LANGENFELD be disapproved.
- c. Legal Forms Nos. 13 and 16 to accomplish these results are attached hereto, should they meet with approval.

/s/ Henry C. Chiles
/v/ HENRY C. CHILES
Attorney
Post Trial Section

Having examined the record of trial, I concur.

/s/ C. E. Straight
/t/ C. E. STRAIGHT, Colonel, JAGD
Deputy Judge Advocate
for War Crimes