

DEPUTY THEATER JUDGE ADVOCATE'S OFFICE
 WAR CRIMES GROUP
 UNITED STATES FORCES EUROPEAN THEATER.

23 August 1946

UNITED STATES)
)
 v.)
)
 Wilhelm HEENE and Wilhelm)
 MATTHAEI, German Nationals)

REVISED RECOMMENDATIONS OF THE
 DEPUTY THEATER JUDGE ADVOCATE FOR
 WAR CRIMES:
 Case No: 12-1086

1. TRIAL:

The accused Wilhelm HEENE and Wilhelm MATTHAEI were tried on 21, 22, 26, 27, 28 and 29 March, 1946, by a General Military Government Court appointed by paragraph 14, Special Orders 77, the Headquarters Seventh United States Army, APO 758, United States Army, dated 10 March 1946.

2. FINDINGS:

The offense involved was:

	<u>Plea</u>	<u>Findings</u>
CHARGE: Violation of the Laws of War.	NG	G
Particulars: In that Wilhelm HEENE and Wilhelm MATTHAEI, German Nationals, did at or near Hausen, Frankfurt am Main, Germany, on or about 21 November 1944, wilfully, deliberately and wrongfully encourage, aid and abet and participate in the killing of William COUCH, a member of the United States Army, who was then an unarmed, surrendered prisoner of war in the custody of the then German Reich.	NG	***

During the trial, (R.59), the Particulars were amended to read as follows:

Particulars: In that Wilhelm HEENE and Wilhelm MATTHAEI, German Nationals, did, at or near Hausen, Frankfurt am Main Germany, on or about the 21st day of November 1944, wilfully, deliberately and wrongfully encourage, aid, abet and participate in the killing of an unknown American flyer, presumed to be William COUCH, a member of the United States Army, who was then an unarmed, surrendered prisoner of war in the custody of the then German Reich.	NG	G
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3. SENTENCE:

The court by at least a two thirds vote of the members

present at the time the vote was taken concurring, sentenced both accused to death by hanging. The record of trial has been forwarded to the Commanding General, United States Forces, European Theater for final action (paragraph 8d, Letter, Headquarters, United States Forces, European Theater, File AG 000.5 JAG-50, subject: "Trial of War Crimes Cases", 14 October 1946).

4. DATA AS TO ACCUSED:

The accused Wilhelm HEINE is a German national, 53 years old, an electrical engineer, and resides at Ketterlschwalbach. He joined the National Socialist Party and Sturm Abteilung in 1932. He became Ortsgruppenleiter and Burgmeister of Hausen in October 1943 and served in that dual capacity until the collapse of the Reich. He had one daughter who testified in his defense (n. 117). No further personal data appears in the record.

The accused Wilhelm MUTHLEI is a German National, 44 years old and a resident of Hausen. He is married and has one son 19 years old. He became a member of the N.S.D.A.F. on 1 May 1933, and at the end of the war was connected with the German Labor Front in the local office at Hausen.

5. RECOMMENDATIONS:

That the sentence of the Military Government Court be approved as to each accused.

6. EVIDENCE:

a. For the Prosecution:

(1) The witness Herman KIEFFEL testified that near Frankfurt he saw a plane hit by anti-aircraft fire in November 1944 (n. 8) and that several crew members bailed out in parachutes in the vicinity of the Ginnheimer woods (n. 9). The two accused went in search of them (n. 10). An hour or an hour and a half later they came to the Lipps Tavern and washed their hands. At that time MUTHLEI said, "I did away with the first one and I also gave him the shot of mercy." HEINE remarked

remarked, "The second one is in the Ginnheim Forest and people from Ginnheim should get him," (R.10). In addition, accused showed medals, flyers, insignia and a compass. When one KIPPS remonstrated with them for this treatment, one of the accused said "Well, that was our right. He was merely a Jew." (R.11).

(2) The next witness, August PECK, testified that on the day in question, 21 November 1944, he was Police Commandant of the northern section of Frankfurt (R.19). He went to the scene of the landing and found a parachuted flyer in a tree. A spectator pointed a pistol at the flyer, but PECK told him to desist (R. 19-20). The witness identified the flyer as an American (R.20). An Ortsgruppenleiter in uniform told him to turn over the American to him but PECK said he had already turned him over to the Armed Forces (R.20) who took him into custody (R.21). The witness then left the scene and went to another flyer who had landed about 700 or 800 meters distant (R.21). He found this latter flyer badly wounded and was told he had been shot while trying to escape. As he started to return to town he saw the first flyer being led away by persons in brown uniforms (R.21). On cross-examination he identified METZ as the man who asked for the surrender of the American airman (R.24) but failed to identify MATTHAEI (R.25). The witness Johannes HEENE, chauffeur for the witness PECK corroborated PECK's testimony. (R.26-32).

(3) One Fritz MARTIN testified that on the day in question he went to the scene and found an American airman wounded in the neck and in the back (R.33). About twenty-five minutes later MATTHAEI arrived and attempted to shoot the airman (R.34). The witness remonstrated and prevented MATTHAEI's shooting until HEENE arrived. HEENE then dispersed the bystanders, and the witness saw MATTHAEI shoot the victim once at close range (R.35). A young Wehrmacht soldier who was present then shot the victim five or six times and everybody left (R.35). About half an hour later HEENE returned, placed the corpse in a wagon and drove off (R. 36).

(4) The next prosecution witness was Mrs. Theresa PARIS, a housewife of Ginnheim. She testified that a half an hour after seeing the disabled plane, on the day in question (R.44), she saw three men coming across a field (R.45). One wore the uniform of an American and another that of an Ortsgruppenleiter (R.45). She saw the Ortsgruppenleiter shoot the American, who fell down, while the other two men left (R.46). She went to the scene of the shooting about fifteen minutes later and saw the wounded American on the ground, guarded by a Wehrmacht soldier (R.45).

(5) The next witness was Lena NUSS (R.65). She testified she heard five or six shots then viewed the wounded American flyer with Mrs. PARIS (R.65-66). She also saw two men leaving the scene, one in the uniform of an Ortsgruppenleiter, but distance made better identification impossible (R.66-67).

(6) Mrs. Bertha RIPS testified next for the prosecution (R.74). She is employed in a tavern in Hausen in which the local Ortsgruppenleiter had his office (R.75). On the day in question she saw the two defendants leave for the scene of the air raid, HEENE on a motorcycle and MATTHAEI on a bicycle, about 12:50 or 1 o'clock (R.75). The former was in the uniform of an Ortsgruppenleiter while the latter was in civilian clothes (R.76). They returned about 5 o'clock. MATTHAEI said, "May I please wash my bloody hands? We have killed an American flyer. I gave him the first shot and HEENE gave him the second shot." During this conversation HEENE came in and said, "I have taken care of the second one. He is lying there in the direction of Ginnheim, and the people of Ginnheim should go and get him." (R.76). Mrs. RIPS remonstrated, and HEENE said, "He was a Jew" (R.77). HEENE showed a small compass and MATTHAEI some insignia. The latter said, "I took it from him" (R.77). Mrs. RIPS's son remonstrated at the story of the story of the killing, and HEENE said again, "That was a Jew" (R.78). Cross examination developed only a few details, among which was that HEENE was in civilian clothes on his return (R.79).

(7) Fritz George RIPS, a son of Bertha RIPS, next was called by the prosecution (R.82). He corroborated his mother's testimony relative to the late afternoon conversation (R.83-84) and the showing of the captured souvenirs. Cross and recross-examination elicited no additional information., (R.84-88).

(8) Jakob DEBUS was next called by the prosecution (R.95). He was a resident of Hausen and testified as to the events of the day in question. He saw HEENE, MATTHAEI and an American flyer walk away from the scene of action (R.95) HEENE was in the uniform of an Ortsgruppenleiter (R.97). He later saw a dead American flyer in a cart. HEENE exhibited a small compass (R.97).

(9) The next prosecution witness was Alfred HOFFMAN (R.103). He described the events of the day in question. He identified some pictures of the scene of action (P-Ex 4, P-Ex 5, P-Ex 6, R.104). He stated he arrived at the scene and saw a flyer suspended from a tree by a parachute (R.103). He pointed his pistol at the flyer and ordered him down (R.103). The flyer surrendered himself to the witness who later turned him over to a policeman (R.105). Two party officials, who were unknown to the witness, later led the flyer away (R.106-107).

(10) The prosecution's last witness was Rudolf KOENIG, (R.110). On the day in question he was a police official at Hodelheim (R.110-111). From a distance of 100 or 150 meters he saw an American flyer leaving the scene with two party members and identified them as the accused HEENE and MATTHAEI (R.111). The witness merely corroborated his direct testimony on cross-examination (R.114-116). The prosecution then rested its case (R.116).

b. For the Defense:

(1) The first defense witness was Elfrieda HEENE, daughter of the accused Wilhelm HEENE (R. 117). She testified that she had occasion to telephone her father on the day in question at 3:00 p.m. relative to the removal of the dead body of an American

airman, which had been reported to her near the Fraunheim-Ginnheim Highway (R.118). At that time he was in his office (R.118). She also testified as to the performance of acts of kindness by her father (R.119).

(2) The second defense witness was Albert THIER.

He said he saw a wounded flyer on the ground. He also saw the two accused. He had been sent away when he heard two shots, but he did not know who was responsible for them. A short time later a wagon came along, loaded the body and proceeded to the cemetery (R.122). He also denied (R.122) being the youth who fired at the wounded flyer as testified by the witness Martin (R.96).

(3) Wilhelm HEINE then took the stand in his own defense (R.133). He stated he was 53 years old and an engineer by profession (R.135). He testified that on 21 November 1944 he proceeded to the scene of the grounded American airman. While en route it was reported to him that one had killed himself and one had been shot while trying to escape. He was dressed in a blue civilian suit (R.135). He thereupon returned to his office and took up his routine duties. He was then notified half hour later by his daughter of the finding of the body of the airman (R.136). He picked up MATTHIAS and the two accused proceeded to the scene of action (R.138). They found the flyer dead. A few minutes later a wagon came by, they hailed it, loaded the body and continued to the cemetery (R.134). Papers and other identifying material were turned over to the Wehrmacht (R.141). HEINE then returned to the KLEPS Tavern in which his office was located, and cleaned up (R.141). He denied having any conversation of the dead airman or discussing his death (R.141). He also denied hearing any such conversation from MATTHIAS (R.142). A lengthy cross and redirect examination failed to bring out any additional facts (R.143-162).

(4) Alfred HOFFMAN and Jakob DEBUS were called for further cross examination by the defense (R.162-164). They were questioned relative to testimony they had previously given (R.162-66). Rudolf KOELLEN testified that HEENE had delivered an unharmed British airman to the police station between October 1943 and April 1944 (R.167). The defense for the accused HEENE then rested (R.171).

(5) Fritz MARTIN was recalled to the stand but failed to identify Albert THIN as the youth who had fired five or six shots into the body of the wounded American flyer (R.175). Albert THIN testified that he was the foster son of Sgt. MR. BAUER (R.177).

(6) Wilhelm WUTTHAUI took the stand in his own defense (R.181). He stated he was a German national, 44 years of age (R.181) and a member of the Nazi Party since 1933. He said he was apprised that the body of an American flyer was lying close by at about 2:30, 21 November 1944 (R.184). He then accompanied HEENE to the spot (R.184). They arrived there about 3:30 p.m. (R.186). About five minutes later they began approaching, driven by Sgt. WUTH (R.187), loaded the body into the wagon (R.188) and drove to the cemetery. They then returned to the office in the N.P.S. Tavern where this witness proceeded to clean up (R.189). He admitted showing a small compass and insignia, but denied that he had obtained them from the dead flyer. He also admitted making some vain boasts concerning the flyer's death (R.192).

(7) Ferdinand MEHDEL was then called as the next witness for the defense (R.214). He testified that he was 57 years old, a German national, and was a present President of Police awaiting a new position (R.215). He stated he had made an independent investigation relative to the death of an American airman on 21 November 1944 (R.218). This was an independent investigation instigated by an official either of war Crimes Branch or Military Government (R.221). His investigation indicated that the

killing was perpetrated by one HARR and one GLASS (A.227). It further indicated that another killing had been perpetrated by one WIGGAMPT (A.228).

7. JURISDICTION:

Particulars alleged a violation of the Law and usages of war which were committed prior to 9 May 1945 by enemy nationals against a member of the United States armed Forces at a time when a state of war existed between the United States of America and the German Reich. Accordingly, the Court which was specifically appointed to hear the case had jurisdiction of the persons and subject matter in accordance with the above-stated letter, dated 16 July 1945, and the provisions of Law No. 10 of the Allied Control Council, dated 20 December 1945.

8. DISCUSSION:

There is ample evidence to sustain the finding of "guilty". Not only does the evidence of the prosecution establish the guilt of the accused, but some of the defense's own testimony corroborates the same beyond a reasonable doubt that they aided, abetted and participated in the killing of an American airman believed to be William Couch.

One additional point warrants discussion, viz; an officer with "legal training" was not detailed as a member of the court which tried this case, notwithstanding the fact that paragraph 3, letter this Headquarters, file AG OGC.5-2 G.F, Subject: "Trial of War Crimes and Related Cases", 16 July 1945, which letter was in effect at the time of trial, provided in part that "at least one officer with legal training will be detailed as a member of such courts" when dealing with the trial of War Crimes Cases. The significance of the absence of an officer with legal training was not touched upon by the court, the prosecution or the defense. Nevertheless the question arises whether because of this the court might have lacked jurisdiction, and, irrespective of whether that question is answered in the affirmative or the negative, whether the

substantial rights of the accused have been prejudiced thereby. Military Government Courts are not established pursuant to specific statutory authority. Likewise, the articles of war and the principles governing Courts-Martial are not applicable to the trial of enemy nationals for violations of the Laws of War (Sec 270, Manual for the Trial of War Crimes and Related Cases, 15 July 1946; in re YAMASHITA, #61 and #672, Sup. Ct., October 1945).

It is provided in section 338, Title 5, 32, "Effect of Irregularities" (Rule 26) that;

The proceedings shall not be invalidated, nor any finding or sentence disapproved, for any error or omission technical or otherwise occurring in such proceedings, unless in the opinion of the reviewing authority, after an examination of the entire record, it shall appear that the error or omission has resulted in injustice to the accused". (Underlining supplied).

The Theater Commander has not modified this particular regulation with regard to courts appointed specifically for the trial of War Crimes as is permissible in the provisions of section 395, 32, Title 5.

Before reaching a final conclusion as to the question whether this decision affects the court's jurisdiction or whether the substantial rights of the accused have been prejudiced, it should be pointed out that the provision of the Theater Directive referred to above concerning the detailing of an officer with legal training did not specify the amount of legal experience the officer must have. Consequently there is considerable doubt as to the value of this provision insofar as the rights of the accused are concerned. Moreover, it is emphasized that even had the provision required the detailing of a lawyer of proven ability, neither that directive nor any other directive has required or grants to the officer with "legal training" any functions or responsibilities analogous to those of the Law member provided for in connection with Courts-Martial by the articles of war (Article 8, Articles of War, Manual for Courts-Martial, United States Army, 1928, Edition 1943; p. 23; War Department Technical Manual TM 27-2, 5, Military Justice Pro-

cedure, Edition 1945, p. 73).

In view of the authorities above cited it cannot well be contended that the proceedings are invalid because of the absence of an officer with legal training, or that the findings or sentences should be disapproved because of this technical omission in order creating the court. This is particularly true in view of the fact that an examination of the entire record does not reveal anything on which the reviewing authority could base a conclusion that the substantial rights of the accused have been prejudiced or that any injustice has resulted to them.

There are no errors or irregularities which affect any of the substantial rights of the accused. The trial was held with impartiality, and adequate opportunity was given to each accused to present any matter in his defense which he might desire.

The record further shows that the two accused participated together and conjointly in an effort to bribe about the death of the American flier after having obtained his liberty from a police officer. Two-thirds of the members of the Court concurred in the finding and the sentence.

A General Military Court may impose any lawful sentence, including death or imprisonment for life in proper cases. The maximum punishment for all war crimes is death, although a lesser punishment may be imposed. The Court in this case was presented with facts which indicated murder, and the sentence of death by hanging was appropriate to the offense charged and the evidence adduced in support thereof. The action of the Court under the circumstances does not appear to be unwarranted and the sentences imposed appear to be adequate.

9. CLEMENCY:

The offense of which both accused stand convicted is a war crime. All war crimes are subject to the death penalty, although a lesser penalty may be imposed (par 357 FM 27-10, Rules of Land Warfare).

A petition for clemency dated 30 March 1946 has been filed by the accused MATTHEW. He stated that he is innocent of the crime charged, and claims that he acted according to his duty and has never before been involved in a criminal proceeding. No new material appears to be thus raised which should alter the findings of the court.

A Petition for Review dated 5 April 1946 has also been filed on behalf of both accused by their counsel, Casara Herbert J. STRONG and Maximilian KOESLER, United States civilian counsel. The chief contention for reversal is the refusal of the court to grant a continuance to investigate new material injected into the trial by a witness, one MUEHDEL. A perusal of the record and the petition leads to the conclusion that there is no substantial probability that any new evidence which would have a material bearing on the Court's conclusion, could have been obtained as a result of such a continuance. More specifically the assumptions by this witness are clearly without foundation and are entirely incompatible with facts proved in this record beyond a reasonable doubt. The witness responsible for this testimony was present and was examined exhaustively, but only a suspicion of doubt was raised which was weighed by the court in reaching its finding. It is believed that no questions of law or fact were raised which have not been hereinbefore disposed of. No extenuating circumstances are disclosed in the record and no clemency is recommended.

10. CONCLUSION:

It is accordingly believed that the sentence of the Court as to each accused should be approved. Forms of action prepared to accomplish this result are attached hereto.

/s/ David E. Hervey,
/t/ DAVID P. HERVEY,
Attorney,
Post Trial Section

Having examined the record of trial, I concur:

/s/ C.E. Straight,
/t/ C.E. STRAIGHT,
Colonel, JAGC,
Deputy Theater Judge Advocate
for the Theater

HEADQUARTERS
US FORCES, EUROPEAN THEATRE

LEGAL FORM NO:16

AG 383.6 JAG-AGG

SUBJECT: United States v. Wilhelm MATTHAEI. (Case No: 12-1006)

APO 757

TO : Commanding General, Third US Army Area, APO 403, US Army.

Reference is made to letter, this Headquarters, File AG 013-57 383-AGG, dated 11 July 1946, subject: "Designation of Prison for war Criminals," and to the inclosed copies of the Order on Review as to accused Wilhelm MATTHAEI in the above entitled case.

Upon compliance with the Order on Review the certificates below will be completed and returned to the Deputy Theater Judge Advocate for War Crimes, 7708 War Crimes Group, this Headquarters, APO 178, US Army.

By Command of GENERAL McNAULLEY:

/s/ George F. Herbert
/t/ GEORGE F. HERBERT
Colonel AGD
Adjutant General

Tel. Frankfurt: 2-2510

CERTIFICATE OF COMPLIANCE

The death sentence imposed on Wilhelm MATTHAEI, a German National, was put into execution at the war Criminal Prison, Landsberg, Germany, on 13 April, 1947, at 1013
(Date) (Hour)

/s/ L.H. Johnson, Jr., Maj
(Signature and Rank)

Hq. 1st Mil Dist.
(Organization)

/t/ Lynn K. Olson, 1st Lt. FI
(Countersignature and Rank
of Witnessing Officer).

HEADQUARTERS
UNITED STATES FORCES
EUROPEAN THEATER
Office of the Theater Judge Advocate

UNITED STATES)
))
 v.))
))
Wilhelm HEINE and Wilhelm)
MATTHAEI, German nationals)

RECOMMENDATION
of
THE THEATER JUDGE ADVOCATE

I have examined the record of trial, and I concur in
the Report and Recommendations of the Deputy Theater Judge Advocate
for War Crimes and in his recommendation that the sentences be
approved.

8 January 1947

/s/ C.B. Mickelwit,
/t/ W.B. MICKELWIT,
Colonel, JAGD,
Theater Judge Advocate

I concur:
/s/ M.G. White
Deputy Chief of Staff.

I concur:
/s/ C.A. Huchner
Chief of Staff.

MILITARY GOVERNMENT COURT
MILITÄRGERICHT

Order on Review
Verfügung nach Überprüfung

Case No.
Strafsache Nr. 12-1086

Order No.
Verfügung-Nr. _____

whereas one Wilhelm HEENE, a German National
(Name of Accused) (Name (des) der Angeklagten)

was convicted of the offence of wrongfully killing a prisoner of war
wegen der folgenden strafbaren Handlung gesetzwidrige Tötung eines
Kriegsgefangenen

*Summary
by the ~~*Internationales~~ Military Court
*General
*Kaufmann
*Militäres Militärgericht
*Obere

at Ludwigsburg, Germany
in Ludwigsburg, Deutschland
(Address of Court)
(Anschrift des Gerichts)

and sentenced to death by hanging
schuldig erkannt und zu Tod durch den Strang

by Judgment dated the 29 March
durch Urteil vom 29 März 1946 and
(date) (Datum)

whereas the case has now come before me by way of review and
after due consideration and in exercise of the powers conferred upon
me, I hereby order:

Diese Strafsache ist mir zur Überprüfung vorgelegt worden und
nach entsprechendem Studium des Sachverhaltes und in Ausübung der mir
übertragenen Befugnisse verfüge ich:

That the findings and sentence are approved. The commanding General,
Third United States Army Area, will carry the sentence of Wilhelm
HEENE into execution at the War Criminal Prison, Ludwigsburg, Germany,
at a time to be determined by him.

Dass der Befund und das Urteil hiermit bestätigt werden. Der
Kommandierende General im Bereich der Dritten Armee der Vereinigten
Staaten wird dafür Sorge tragen dass das Urteil Wilhelm HEENE'S
in dem Kriegsverbrecher-Gefängnis in Ludwigsburg, Deutschland, zu
einer von ihm festgesetzten Zeit, vollstreckt wird.

Dated this
Gegeben am 11 January 1947

/s/ Joseph T. McNarney
(Signature of Reviewing Author-
ity)
(Unterschrift der nachprüfenden
Behörde)
/t/ JOSEPH T. MCNARNEY
General, U.S. Army

*Strike out words not applicable

*Nichtzutreffendes ist zu durchstreichen.

(Title)

(Title)

HEADQUARTERS
US FORCES, EUROPEAN THEATER

LES 1 FORM NO: 16
APO 757

AG 389.6 JAG-AGC

SUBJECT: United States v. Wilhelm HEINE. (Case No: 12-1036)

TO : Commanding General, Third US Army Area, APO 403, US Army.

Reference is made to letter, this Headquarters, File AG
013-37 AGC-AGC, dated 11 July 1946, subject: "Designation of Prison
for war Criminals," and to the inclosed copies of the Order on Review
as to accused Wilhelm HEINE in the above entitled case.

Upon compliance with the Order on Review the certificate
below will be completed and returned to the Deputy Theater Judge
Advocate for war Criminals, 7709 War Criminals Group, this Headquarters,
APO 178, US Army.

By Command of GENERAL MORROW:

/s/ George F. Herbert

/t/ GEORGE F. HERBERT
Colonel AGC
Adjutant General

Tel. Frankfurt: 2-2010

CERTIFICATE OF COMPLIANCE

The death sentence passed on Wilhelm HEINE, a German National, was
put into execution at the War Criminal Prison, Landsberg, Germany,

on 1 April, 1947, at 1005
(Date) (Hour)

/s/ Carl Johnson, Jr., Major
(Signature and Rank)

AG 1st Lt. Dist.
(Organization)

/s/ Fred K. Olson, 1st Lt. Ft.
(Signature and Rank
of Witnessing Officer)

MILITARY GOVERNMENT COURT
MILITÄRGERICHT

Order on Review
Verfügung nach Ueberpruefung

Case No.
Strafsache Nr. 12-1035

Order No.
Verfügung Nr. _____

Whereas one Wilhelm MATTHEI, a German National
(Name of accused) (Name des (der) Angeklagten)

was convicted of the offence of wrongfully killing a prisoner of war
wegen der folgenden strafbaren Handlung gesetzwidrige Tötung eines
Kriegsgefangenen

*Summary
by the *Interallied Military Court
*General
*Einfache
*Militäres Militärgerichte
*Obere

at Ludwigsburg, Germany
in Ludwigsburg, Deutschland
(Address of Court)
(Anschrift des Gerichts)

and sentenced to death by hanging
schuldig erkannt und zu Tod durch den Strang

by Judgment dated the 29 March
durch Urteil vom 29 März 1946 and
(Date) (Datum)

Whereas the case has now come before me by way of review and
after due consideration and in exercise of the powers conferred upon
me, I hereby order:

Diese Strafsache ist mir zur Ueberpruefung vorgelegt worden
und nach entsprechendem Studium des Sachverhalts und in Ausuebung der
mir uebertragenen Befugnisse verfaege ich:

That the findings and sentence are approved. The commanding General,
Third United States Army Area, will carry the sentence of Wilhelm
MATTHEI into execution at the War Criminal Prison, Ludwigsburg, Germany,
at a time to be determined by him.

Dass der Befund und das Urteil hiermit bestaetigt werden. Der Kom-
mandierende General im Bereich der Dritten Armee der Vereinigten
Staaten wird dafuer Sorge zu nehmen dass das Urteil Wilhelm MATTHEI's
in dem Kriegsverbrecher-Gefangnis in Ludwigsburg, Deutschland, zu
einer von ihm festgesetzten Zeit, vollstreckt wird.

Dated this
Gegeben am 11 January 1947

/s/ Joseph T. McNarney
(Signature of Reviewing
Authority*)
(Unterschrift der nachprue-
fenden Behoerde)

*Strike out words not applicable.
*Nichtzutreffendes ist zu durchstreichen.

/t/ JOSEPH T. MCNARNEY
General, U.S. Army
(Title)
(Titel)