

DEPUTY JUDGE ADVOCATE'S OFFICE  
7708 WAR CRIMES GROUP  
EUROPEAN COMMAND  
APO 407

19 January 1948

UNITED STATES )

v. )

Peter GOLDMANN )

Case No. 000-Flossenburg-11

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, during the period 27-29 October 1947, before a General Military Government Court.

II. CHARGE AND PARTICULARS:

CHARGE: Violation of the Laws and Usages of War.

Particulars: In that Peter GOLDMANN, a German national, did, at or in the vicinity of Flossenbuerg, Germany, in or about April 1945, wrongfully encourage, aid, abet and participate in the killing of approximately 15 non-German nationals, inmates of Flossenbuerg Concentration Camp, who were then in the custody of the then German Reich, the exact names and numbers of such persons being unknown.

III. SUMMARY OF EVIDENCE: During the latter part of April 1945, the accused was an SS guard on an inmate evacuation transport and march which departed Flossenburg Concentration Camp. While the transport was halted at Floss, Germany, and at Schwerzenfeld, Germany, the accused killed at least six inmate evacuees, of whom no less than three were shown to be Polish. He beat one to death and shot five to death.

IV. EVIDENCE AND RECOMMENDATIONS:

Peter GOLDMANN

Nationality:	German
Age:	33
Civilian Status:	Laborer
Party Status:	None
Military Status:	Waffen SS Private First Class
Plea:	NG

A Date 3/2/48  
775032

Sentence:

Death by hanging

Evidence for Prosecution: During the period of 16 to 23 April 1945 (R 125, 130) the accused was an SS guard (R 10, 20, 32, 63) on an inmate evacuation transport and march consisting of 2000 to 3000 Jews which departed Flossenburg Concentration Camp (R 9, 10, 19, 20, 32, 37, 45, 62). On 16 April 1945, the first day en route, the transport halted at <sup>the edge of</sup> Flossenburg where strafing attacks by American planes occurred (R 9, 10, 18, 20, 32, 36, 45, 48-50, 136). During and after the attacks the SS guards proceeded to fire upon inmates who fled from the train (R 9, 10, 20, 32, 137, 145-149). One witness testified that about this time he saw the accused from a distance of 30 to 40 meters shoot to death a Jewish inmate from Krakow, Poland (R 20, 21, 23, 24) and a second witness testified that he saw the accused from a distance of 10 to 15 meters shoot to death a Jewish inmate of unknown nationality (R 32-34, 38, 43). These two witnesses testified that both of the victims had left the train to seek cover (R 28, 32). A third and fourth witness testified that later in the day the accused and other SS guards went from car to car in the transport searching for articles that were taken by inmates from SS kit bags during the air attacks (R 10, 45, 46, 51). The second witness above mentioned, testified that in the same car of the train that he was in, the accused beat to death and threw to the ground a Polish inmate because an SS kit bag had been trampled and the food therein spoiled (R 32, 33, 39, 40). The third witness above mentioned, testified that during the search he saw the accused from a distance of two to three meters kill a Polish inmate with four shots in the abdomen because the victim was wearing SS shoes which the accused claimed the inmate had stolen from him (R 10-12, 17, 18).

After an air attack at Schwarzenfeld where the transport halted, the wounded inmates were collected near the train to

775032  
3/21/45

death, although innocent. If he had done anything, I would submit myself to it because each guilty (act) calls for punishment, but this way I simply do not comprehend it. Back home he was in no Nazi organization. But then the hate against us Germans is too great and therefore (they) try time and again to kill another (German). Since nobody else in this world can help me, I address myself in this (hour of) distress and loneliness to

— Your Eminence

and ask you respectfully to submit a petition for clemency in favor of my husband because it might be heard by an ecclesiastical office before it is too late. Where else is a Christian supposed to address himself if not to the Highest (Shepherd) of the Church. The petition for clemency is to be addressed to: Chief, Post Trial Section, 1100 War Crimes Group, APO 407, US Army, Munich. Name of my husband: Peter GOLDMANN, born 15 October 1914 in Schoenwald, Gliwice District, Upper Silesia. He is now in Landsberg/Lech (13b) Hindenburgring 12. My present address: Anna GOLDMANN, Gerstetten, Heidenheim District, Sedanstr. No. 10, (14a) Wuerttemberg, US Zone. It might perhaps be good to mention in the petition for clemency that I lost everything (including) home and moreover, I have been sick for the past 1 1/2 years as the result <sup>of typhoid fever</sup> from which I have (just) recovered. ~~of typhoid fever.~~ For this reason, it is twice as hard for me to take care of the child alone. I herewith enclose M. 10 - for expenses incurred (See footnote), and ask you most politely to acknowledge (these) with a few lines. To your Eminence a thousand "God Bless You" for your trouble.

train (R 116, corroborated R 89, 94). He did not hear any shooting in Floss nor was any reported to him (R 120, 121).

Three of the five witnesses above mentioned, and a sixth witness testified that they did not see the accused beat and throw an inmate out of a railway car at Floss (R 76, 83, 89, 104). Two of the five witnesses testified that they would have been notified if the accused had beaten an inmate to death (R 95, 116).

Four of the foregoing witnesses testified that in Floss they did not see the accused shoot an inmate four times in the stomach (R 76, 83, 89, 103, 104). One of them admitted that, if the shooting occurred on the outside of the train, it was possible he could not have seen it (R 83, 84). Two of the five witnesses first mentioned, testified that they would have known it if the accused had shot an inmate four times in the stomach (R 95, 116).

Three of the five witnesses testified that they did not see the accused shoot two wounded inmates in Schwarzenfeld (R 84, 90, 117). One of these testified that he did not see the accused shoot eight or ten others (R 84). Another of the five witnesses testified that he would have received a report of the shooting (R 97).

One of the witnesses first mentioned, who was a guard on the transport, attempted to establish an alibi for the accused by testifying that he was with the accused the whole time on the transport, and that the accused did not kill any inmates in Floss or Schwarzenfeld (R 102-105, 107-110, 112). The accused, in his testimony, specifically denied the various killings and testified that he did not beat or shoot any inmate, nor did he fire a single shot on the transport (R 126, 127, 132). In Floss he did not lose his kit bag (R 133, corroborated R 113). He testified that in Schwarzenfeld before the air attack occurred, he and another guard went into the village and remained until about 1600 or 1700 hours (R 127, 132, corroborated R 105, 108).

15032  
3/13/50

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: A Petition for Review was filed by Major L.F. Benson, defense counsel, 27 November 1947. Petitions for Clemency were filed by Mrs. Anna Goldmann, wife of the accused, and the Bishop of Rottenburg, 22 and 25 November 1947, respectively.

Recommendation: That the findings and sentence be approved.

V. QUESTIONS OF LAW:

Jurisdiction: It is clear that the Court had jurisdiction of the accused and of the subject matter.

Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused.

VI. CONCLUSIONS:

1. It is recommended that the findings and the sentence be approved.

2. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto, should it meet with approval.

SAMUEL P. ROACH  
Major AGD  
Post Trial Branch

Having examined the record of trial, I concur, this \_\_\_\_\_ day  
of \_\_\_\_\_ 1948.

G. E. STRAIGHT  
Lieutenant Colonel, JAGD  
Deputy Judge Advocate  
for War Crimes