

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

11 June 1947

UNITED STATES)

vs)

Case No. 12-1761

Hugo BLESSMANN, Franz Johann
SCHMITZ, Wilhelm KARLSOHN,
Gottfried SEGSCHNEIDER and
Adam MARX, all German Nationals.)

(The record was amended to reflect the
correct name of the accused MARX as
Johann Adam MARX (R 6))

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

Tried jointly at Dachau, Germany
Date: 18 - 19 March 1947
Intermediate Military Government Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
BLESSMANN, Hugo	Age, 40 Civilian Criminal Police Secretary	2 years' confinement from 8 May 1945
SCHMITZ, Franz Johann	Age, 37 Civilian District Captain of the Rural Police	Acquittal
KARLSOHN, Wilhelm	Age, 44 Civilian Mechanic	1 1/2 years' confinement from 16 May 1945
SEGSCHNEIDER, Gottfried	Age, 48 Civilian Bookkeeper	1 year confinement from 12 July 1945
MARX, Johann Adam	Age, 41 Civilian Coal Miner	1/2 year confinement from 20 July 1945

CHARGE: Violation of the Laws
and Usages of War.

Pleas Findings

PARTICULARS:	PLEAS	FINDINGS
In that Hugo BLESSMANN,	BLESSMANN	NC C
Franz Johann SCHMITZ,	SCHMITZ	NC NC
Wilhelm KARLSOHN,	KARLSOHN	NC C
Gottfried SEGSCHNEIDER,	SEGSCHNEIDER	NC C
and Adam MARX,	MARX	NC C
German nationals, did, at or near BRUHL, Germany, on or about January 1945, wilfully, deliberately and wrongfully encourage, aid, abet and participate in committing assaults upon a member of the United States Army, believed to be Richard Johnston, who was then and there a surrendered and unarmed prisoner of war in the custody of the then German Reich.		

2. RECOMMENDATIONS: That the findings and sentences be approved.

3. EVIDENCE:

For the Prosecution: An American flyer parachuted to safety at a little town called Velchum which is a short distance from Bruhl, Germany (R 28). The flyer was taken into custody by members of the German Wehrmacht who later surrendered the flyer to an Ortsgruppenleiter, the accused KARLSONN, and another (R 80). In transporting the flyer to a jail in Bruhl, a route was taken which brought the flyer before an S.A. Club House where he was assaulted by accused HARK and SEGSCHNEIDER (I-Ex 8). Immediately prior to the assault the American flyer had been marching with his hands clasped behind his head in an attitude of complete surrender and was in this position when he was assaulted by the above two accused and others (R 28, 29). The route taken by the captors was not the shortest one to the jail and the occupants of the S.A. Club House had been notified of the route of march of the group (R 80).

Thereafter the flyer was taken to the Rathaus in which the jail was located where he was later handcuffed with his arms behind his back and then assaulted and beaten by the accused KARLSONN and BLES-
MANN (I-Ex 4).

For the Defense: The accused had been stirred by the bombings of Germany. They had been led to believe by propaganda that the American flyers were gangsters. This was a slight beating and when their passion was spent - a matter of seconds - the accused did the flyer no further harm (R 99).

Accused BLESBLANN beat the American flyer in such a way that blood was running down his face and there was even blood on the walls (R 30). This was testified to by one witness who had been told this by his lady friend who was employed in the Rathaus at the time. The lady friend had died of wounds received from artillery fire (R 32). Another witness testified that the American flyer was a Lieutenant Richard Johnston from California (R 34). In a

statement (I-Ex 5) the testimony was that BLESSMANN hit the American with his fist and spun the airman around. The airman fell, hitting his head against the wall. This beating took place after the flyer had been handcuffed, the handcuffs being applied to his wrists, with both arms in back of his body.

In defense, BLESSMANN testified in his own behalf, admitting that he had struck the American while he was being handcuffed (R 50). He further testified that the flyer bled only from his nose.

Accused KARLSOHN was shown to have hit the American flyer before and after he was handcuffed (I-Ex 4). In another statement (I-Ex 5) KARLSOHN was said to have struck the flyer in the face several times. In addition, the statement continues, KARLSOHN kicked the flyer in the buttocks while the flyer was lying on the floor, having been forcibly thrown there by a blow from one of the other accused.

In defense, KARLSOHN admitted on direct testimony that he struck the flyer once (R 79). He testified, "after the search he (the flyer) was struck repeatedly in the face by the Chief of the Criminal Police Station, BLESSMANN, and I tried to hit the flyer but missed because the flyer shielded his face with his arm and I hit his elbow instead. This was the extent of my efforts to hit him." (I-Ex 2).

Accused SEGSCHNEIDER was cited by one witness as participating with others in assaulting the flyer in front of the S.A. Club House (R 37). In his confession (I-Ex 8) he states that three others and he especially beat him up (referring to the American flyer.)

In defense, the accused admits that he was very eager to assault the flyer but was only partially successful due to the aggressiveness of others who pressed forward to assault the American preventing the accused from landing any solid blows.

Accused MARY was mentioned by SEGSCHNEIDER (I-Ex 8) as a fellow assaulter in this language, ". . . we seized him and especially . . . MARY and I beat him up." In a statement marked into the evidence (I-Ex 4) the testimony was that three men, including the accused MARY, suddenly attacked the flyer as he was being led past the

S.A. Club House. The airman was attacked so suddenly that he stumbled forward several meters.

In defense MARK testified and denied participation in the assault. He denied having seen the incident although he admitted having been there. He denied that any assault took place although the other accused, SECSCHNEIDER, admits participating.

4. JURISDICTION: The Court was legally constituted and had jurisdiction of the persons of the accused and of the offenses.

5. COMMENTS: Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused. All of the accused were clearly shown to have participated in the assault and battery of the American flyer and the Court was warranted by the evidence adduced in so finding.

6. CLEMENCY: There are no Petitions for Review nor Petitions for clemency.

7. CONCLUSIONS:

a. It is recommended that the findings and the sentences be approved.

b. Legal forms Nos. 13 and 16 to accomplish this result are attached hereto.

/s/ Abraham S. Bernstein
/t/ ABRAHAM S. BERNSTEIN
Attorney
lost Trial Branch

Having examined the record of trial, I concur.

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