

DEPUTY THEATER JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
UNITED STATES FORCES, EUROPEAN THEATER
APO-178

25 February 1947

UNITED STATES)
) vs)
Carl FEIX, Franz REININGER,)
and Alfred ROMER, all)
German nationals.)

Case No. 12-2185

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

ACCUSED

Tried at Dachau, Germany
Date: 4 October 1946
Intermediate Military
Government Court
Sentences:

FEIX, Carl - Age 50
Civilian

REININGER, Franz - Age 49
Civilian

FEIX, Carl - 1 year com-
mencing 15 December 46.

ROMER, Alfred - Age 38
Civilian

REININGER, Franz - 1 year
commencing 15 December 46.

ROMER, Alfred - 1 year
commencing 4 January 46.

Pleas Findings

CHARGE: Violation of the Laws of War

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Particulars: In that Carl FEIX, (also known as Karl FEIX), Franz REININGER, and Alfred ROMER, did, at or near NIEDERNHAUSEN, Germany, in or about October 1944, wrongfully encourage, aid, abet and participate in committing an assault 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.

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

3. EVIDENCE:

For the Prosecution. During the fall of 1944 an unknown American pilot parachuted to the ground near Niedernhausen, Germany and was captured by several German soldiers (Pros. Ex. 1, R 9). On the way to the burgomaster's office a crowd

followed and the accused KOEHL, according to his own pre-trial statement, accosted the flier, struck him with his left hand, pushed his bicycle into him, struck and kicked the flier (Pros. Ex. 4, R 13). The accused PEIK leaped out into the street, jumped on the flier from behind, kicked him and hit him three times with his hand (Pros. Ex. 2, R 10). They fell to the ground and the accused REININGER, an employee of PEIK, thereupon struck the flier with his hand and beat him with a stick until the stick was broken (Pros. Ex. 2, 3; R 10, 11). The accused REININGER, KOEHL and PEIK, German civilians, signed pre-trial statements admitting the attack by them while the flier was in the custody of three German soldiers (Pros. Ex. 2, 3, 4; R 11, 22, 25, 27, 31). The victim was an American (Pros. Ex. 2, R 10; P. Ex. 3, R 11; P. Ex. 4, R 13).

FOR the Defense: The burgemeister of Niedernhausen, Johann FAUST, was called as a defense witness and testified that when the flier reached his office he showed no discernible marks of the beating (R 14, 15, 16, 17). Accused PEIK and REININGER testified at the trial to refute their pre-trial statements but cross-examination brought out the facts that the surrendered flier was adequately guarded by soldiers and that the attack by PEIK and REININGER was unprovoked (R 17 to 34). Wilhelm HOFFMANN, Protestant minister, testified as a character witness for PEIK (R 35). Friedrich BRAUN, a civilian, testified as to KOEHL's good reputation (R 7). August STALLER, a Catholic priest testified as to REININGER's good reputation (R 36).

4. CONCLUSIONS: There was sufficient evidence before the court to establish beyond reasonable doubt the guilt of the accused.

their own behalf. Their testimony corroborated the facts admitted by them in their pre-trial statements. ROBERT although he had the opportunity refused to testify and his signed statement taken before trial admitting the assault went uncontradicted. The case was tried upon the record and the defense objected to the introduction of pre-trial statements of the accused first because no foundation had been laid for their identification and secondly that the statements were not voluntary. The court was within its rights in allowing the introduction of these statements.

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

5. CLEMENCY: No Petitions for Review or Petitions for Clemency have been filed.

6. JURISDICTION: The court was legally constituted and had jurisdiction of the person of the accused and of the offense.

7. RECOMMENDATIONS:

1. It is recommended that the sentences be approved.
2. Forms of action to accomplish this result are attached hereto, should this recommendation meet with approval.

ROBERT TRAVIS,
Attorney,
Post Trial Section

Having examined the record of trial, I concur:

C. E. STRIGHT,
Colonel, JAGD
Deputy Theater Judge Advocate
for War Crimes