

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

12 May 1947

UNITED STATES )

vs )

Case No. 12-2270 )

Peter SCHNEIDER, Jakob ZIMMER,  
Frenz GOLDINGER, Peter KIAES,  
and Albert WOLL, German nationals )

REVIEW AND RECOMMENDATIONSTRIAL DATA:

Tried at Dachau, Germany  
Date: 21 - 22 October 1946  
Intermediate Military Govern-  
ment Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
SCHNEIDER, Peter	Age 61 Occupation: Police Sergeant	Acquittal
ZIMMER, Jakob	Age 51 Occupation: Police Official	Confinement at hard labor, 18 months from 23 June 1945
GOLDINGER, Frenz	Age 65	Confinement at hard labor, 18 months from 6 June 1945
KIAES, Peter	Age 45 Occupation: Miner	Confinement at hard labor, 2 years from 7 June 1945
WOLL, Albert	Age 52	Confinement at hard labor, 22 months from 6 October 1945

CHARGE: Violation of the Laws  
of War.

Plas Findings

PARTICULARS: In that Peter SCHNEIDER, Jakob ZIMMER, Frenz GOLDINGER, Peter KIAES, and Albert WOLL, all German nationals, did, at or near MUELENBERG, Germany, on or about 31 July 1944 wrongfully encourage, aid, abet and participate in committing assaults upon three unknown members of the United States Army, who were then unarmed, surrendered prisoners of war in the custody of the then

SCHNEIDER	NG	70
ZIMMER	NG	0
GOLDINGER	NG	0
KIAES	NG	0
WOLL	IN	0

(The Court entered a plea of Not Guilty on behalf of accused Peter KIAES, who pleaded guilty to the

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

3. EVIDENCE:

For the Prosecution. The Prosecution's case was based entirely on extrajudicial sworn testimony. Prosecution's Exhibits 1 to 4, inclusive, consist of extrajudicial testimony of accused ZIMMER, GOLDMANN, KIAES and WOLL, respectively, and all contain admissions and in some instances confessions.

On or about 31 July 1944 three American flyers parachuted to safety at Dudweiler, Germany (P. Ex. 1 through 12). Two of the flyers were turned over to accused ZIMMER by members of the fire department near the scene of the plane crash. ZIMMER searched the flyers but found no weapons. While both flyers were standing with arms above their heads ZIMMER hit one of them on the hand in an effort to force him to unclench his fist. ZIMMER also hit this flyer on the face and neck (P. Exs. 1, 10). The third flyer was captured by the Wehrmacht (P. Ex. 11). The flyers were taken to the police station where they were mistreated by members of a crowd that had gathered in front of the station (P. Exs. 1, 2, 4, 5, 9). Accused GOLDMANN hit one of the flyers on the face with his hand (P. Ex. 3). He later bragged about beating the flyers and exhibited bloodcovered hands (P. Exs. 7, 8). Accused WOLL shook one flyer several times. The flyer fell as WOLL started to beat him. WOLL stepped on him and then beat him for about ten minutes (P. Ex. 4). WOLL later exhibited his bloody hands and bragged about his part in the beating (P. Exs. 5, 12). The flyers were taken to the station where witnesses saw at least two of them with bloody faces (P. Exs. 1, 9, 11, 12). As the three flyers were taken from the station to a vehicle to be transported from Dudweiler they were again mistreated by members of the crowd (P. Exs. 1, 3, 11, 12). Accused KIAES hit one of the flyers on the head and

wood (P. Exs. 3, 12). Accused SCNEIDER tore a cross from the breast of one of the flyers at the time they were turned over to accused ZIMMER (P. Ex. 10). Later, when the crowd had gathered at the police station, SCNEIDER shouted from a window of the station, "Get iron bars and go around the back and beat the gangsters to death, once they come to us it is too late" (P. Ex. 11).

For the Defense. Extrajudicial sworn testimony of two witnesses was introduced as evidence of the fact that the three flyers were seen in the air-raid shelter office and in the police station uninjured (D. Ex. 1, 2).

Accused GOLDINGER testified that he pushed the flyer over and touched him lightly with his hand. The flyer's face was bloody and GOLDINGER got blood on his hands but did not show them to anyone or brag about the incident (R 27, 28).

Accused WOLL testified that he beat a flyer and kicked him once because eight horses on WOLL's farm had been killed during a previous air raid (R 31). WOLL's hand was cut by flying glass during the air raid the day of the incident and the blood on his hand was from that cut (R 30, 31).

Accused KIAES testified that on the day of the incident, in accordance with custom, he took a stick of wood from the coal pit in which he worked for the purpose of starting a fire at home (R 33, 34). KIAES punched the flyer because the flyer jumped toward him and pushed him against the wall (R 35). He did not beat the flyer with the stick (R 34, 35).

Accused ZIMMER testified that two flyers were standing with their arms raised when they were turned over to him but one flyer had his fist clenched. He tried to make the flyer understand that he must open the hand but the flyer failed to respond. He then hit the flyer's right fist with his left hand because he had read that parachuted flyers had weapons concealed in

37, 38).

Accused SCHMIDER testified that he was on duty in the cellar of the police station at the time he was reported to have shouted inciting words from the ground floor to a crowd outside (R 50, 51. See P. Ex. 11). As a policeman it had been necessary for him to file charges at one time against the only man who was a witness against him as to this incident (R 52, 53). The testimony of two witnesses corroborated these statements (R 56, 57, 63).

4. JURISDICTION: The Court was legally constituted and had jurisdiction of the person 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.

6. CLEMENCY: Consideration was given to a Petition for Review dated 20 October 1946, filed by Captain Frank E. Morse, Defense Counsel, on behalf of Jakob ZIMMER, and Petitions for Clemency as follows:

On behalf of Albert WOLL:

- a. Petition dated 27 October 1946, signed by Albert WOLL.
- b. Petition dated 1 December 1946, signed by Mrs. Anna Stein, accompanied by Certificate dated 28 November 1946 from Police Commissioner, signature illegible; certificate dated 27 November 1946 from Economical and Food Office, signature illegible; Certificate dated 27 November 1946 from Office of Vital Statistics, signature illegible.

On behalf of Peter KIASS:

- a. Petition dated 19 November 1946, signed by Peter KIASS.
- b. Petition undated, signed by Captain Frank E. Morse, Defense Counsel, accompanied by Petition dated 1 January

and Certificate dated 12 December 1946 from Coal-Mine  
Comptroller, signature illegible.

7. CONCLUSIONS:

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

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

NOTA G. SP I GUMID  
1st Lt., WAG  
Post Trial Section

Having examined the record of trial, I concur.

C. E. STRAIGHT  
Colonel, JAGC  
Deputy Judge Advocate  
for War Crimes