

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

17 November 1947

WET Rpt # 571

UNITED STATES)
 v.)
 Paul SCHULT)

Case No 12-2202

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, 12 June 1947, before a General Military Government Court.

II. CHARGE AND PARTICULARS:

CHARGE: Violation of the Laws and Usages of War.

Particulars: In that Paul SCHULT, a German national, did, on or about 9 March 1945, at or near DARMSTADT, Germany, wrongfully encourage, aid, abet and participate in committing assaults upon a member of the United States Army, Sgt. John A. STAR, who was then and there a surrendered and unarmed prisoner of war in the custody of the then German Reich.

III. DATA AS TO ACCUSED:

1. Paul SCHULT

This accused was acquitted (R 61).

IV. SUMMARY OF EVIDENCE: On or about 9 March 1945 an American flyer, Sergeant John A. Star, landed in a forest near Darmstadt, Germany (P-Ex 2). He was captured by two policemen and conducted to police headquarters and there delivered to accused SCHULT, the police captain in charge (R 7). An angry crowd of policemen gathered in the corridor shouting "Beat him dead", "shoot the murderer" and "bump him off" (R 3; P-Exs 4, 5). The accused searched the flyer (P-Ex 3) and then, speaking in German, ordered the flyer to remove the chewing gum from his mouth (P-Exs 3, 5). As Star did not understand, he continued to chew, which infuriated the accused (P-Ex 3). Accused kicked at the flyer (R 7, P-Exs 3, 4, 5). The evidence was conflicting as to whether the accused's foot actually struck the flyer. The accused denied mistreating the flyer in any way (R 38, 41).

The Court had jurisdiction of the person of the accused and of the subject matter.

V. CONCLUSIONS:

It is recommended that the record of trial be filed in the records of this office and that a copy of this Review and Recommendations be forwarded to the Judge Advocate, European Command, for his information.

F. K. L. WALTERS
Attorney
Post Trial Section

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

C. B. STRAIGHT
Lieutenant Colonel, JAGD
Deputy Judge Advocate
for War Crimes