

DOSSIER

In case of

United States vs Heinz Endress, et al.

1. Charge and Particulars.

CHARGE: Violation of the Laws of War.

Particulars: In that HEINZ ENDRESS, a German national, did, at Neckarsulm, Germany, on 21 March 1945, wilfully, deliberately and wrongfully, encourage, aid, abet and participate in the killing of four members of the United States Army whose identities are unknown and who then were surrendered, unarmed prisoners of war in the custody of the then German Reich.

2. Summary of Evidence.

a. On 21 March 1945, six American soldiers, probably air corps personnel, who were prisoners of war, entered Neckarsulm, Germany, under guard of three members of the German Luftwaffe, an oberfeldwebel, an obergefreiter and a gefreiter, enroute from Verona, Italy, to Oberursel, near Frankfurt, Germany.

b. After arrival in Neckarsulm, the six prisoners were left in the vicinity of a railroad warning marker located at the northeast corner of a place known as the Karlplatz, near the intersection of Neckar and Urban Streets in the custody of the obergefreiter, whose name was Franz Kolzer, and the oberfeldwebel and gefreiter, whose names are unknown, left for the purpose of securing information about further transportation to their destination.

c. Shortly after 1645 hours, while the group was waiting in the place aforementioned, civilians, Ortsgruppenleiters of the Nazi Party in Neckarsulm, Heinz Endress, and Clemens Funder, deceased, came out of the Nazi Party House, a short distance away, and approached the group of prisoners, shouting that they must die.

d. Both Endress and Funder drew pistols and started firing at the group of Americans. The obergefreiter at first started to protect the prisoners, but upon learning the status of the two civilian assailants in the Nazi Party, offered no further resistance, and assisted them.

e. The names of the American soldiers are not known and for purposes of convenience they have been identified by numbers 1 to 6, inclusive.

f. The prisoner identified as No. 1 was shot at by both Endress and Funder as a result of which he fell to the ground. The prisoner identified as No. 2 was shot by Endress after

which he threw his arms into the air, fell to the ground, rolled several times and remained motionless. All witnesses are in complete accord that No. 2 was shot and killed by Endress. The prisoner identified as No. 3 was shot at by Endress, at which time No. 3 retreated a short distance, placing his hands upon a tree for support. By this time Funder also joined in the shooting and No. 3 was caught in a cross-fire. Endress chased No. 3 and again shot at him while No. 3 was supporting himself against the tree, and No. 3 fell to the ground. As he lay upon the ground, he was shot in the head by Funder. Both Endress and Funder thereafter gave their attention to the prisoner identified as No. 4, and started firing at him with their pistols. No. 4 started running away (West on Neckar Street), however, out of the effective range of their pistols, and either Endress or Funder called to the guard, obergefreiter Franz Kolzer, to shoot, whereupon the guard raised his carbine and fired two shots, No. 4 falling to the ground, apparently hit in the head from the rear after the second shot. Funder thereafter apparently noted that No. 1 was not dead, and attempted to shoot him in the head with his pistol, but the gun was evidently empty. Funder called to the guard, who again raised his carbine, and fired at No. 1.

g. During the course of the attack upon the four American prisoners, a total of approximately 25 shots were fired, 3 or 4 by the guard, and the majority of the balance by Endress.

h. At the time Funder and Endress started shooting at the group of prisoners, Nos. 1-4 inclusive retreated into the area known as the Karlsplatz where the shooting previously described took place, but the prisoners identified as Nos. 5 and 6 proceeded across Neckar Street to the rear of their assailants and were not harmed. After the shooting of the four, the two remaining Americans were threatened by Endress and Funder, but a German Army officer who had arrived on the scene intervened and Nos. 5 and 6 were not further molested at that time.

i. A short time after the shooting, the bodies of Nos. 1-4 inclusive were examined by a doctor from the Neckarsulm Municipal Hospital. Nos. 1, 2 and 4 were dead and were removed to the local morgue. No. 3, who was still alive, was taken to the Neckarsulm Municipal Hospital, where he died a few minutes after his admission. He was later removed to the morgue.

j. Nos. 1-4 inclusive died from the gunshot wounds which were the efficient producing cause of their respective deaths. They were buried in wooden caskets in a wooded area near Neckarsulm.