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Death and Treason

American fair play dooms some Nazi prisoners of war to die for murder but sends new arrivals to prison camp in a comfortable train

To the Nazi prisoners of war at Camp Tonkawa, Okla., Cpl. Johann Kunze was a *Vaterlandsverräter*—a traitor to the Reich and to the Führer. Some of them had seen a statement Kunze had given American Army officers—information they believed had been of great value to the Allies in bombing Hamburg, where the homes and families of some of the prisoners were destroyed. On the morning of Nov. 5, 1943, camp officials found Kunze's lifeless body, beaten to death with sticks and bottles.

The murder brought the first American court-martial involving a capital offense by German prisoners of war. Held from Jan. 17, to 28, 1944, the trial leaned over backward to be fair to the five noncommissioned officers accused: Walther Beyer, Berthold Seidel, Hans Demme, Willi Scholz, and Hans Schomer. The Geneva Convention entitled them only to court-appointed counsel, but in addition they were permitted a German lawyer, selected from among their fellow prisoners. Their American attorney distinguished himself by a fiery defense speech in which he argued that the slain man was guilty of treason to his country and therefore fully deserved a traitor's death.

The defendants were also told that under the American Bill of Rights they could refuse to testify against themselves. They waived this privilege, insisted that their sworn testimony be heard, and proudly admitted their part in Kunze's liquidation. Under the Articles of War the court had no choice but to pronounce the death sentence. The Nazis appeared entirely satisfied. Only one aspect of the proceedings mystified them: How was it possible for their American defender to confer in so friendly a manner with the colonel conducting the prosecution—did not the colonel represent the enemies of the Reich?

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Kangaroo Court

This week the five men awaited their doom in a Federal penitentiary. Under Article 66 of the Geneva Convention, penalty may not be executed until three months from the date of the final verdict —and President Roosevelt confirmed the sentence only recently.

Meanwhile two other Nazi POW's have joined their ranks. On June 13, 1944, Eric Gaus and Rudolph Straub were found guilty of the murder near Camp Gordon, Ga., of Cpl. Horst Gunther. Gunther too had been denounced as a traitor and beaten to death, however, with this difference: His body was hanged on a tree to make him appear a suicide.

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