

HEADQUARTERS  
UNITED STATES FORCES IN AUSTRIA  
APO 777, U.S. ARMY

MILITARY COMMISSION )

9 June 1947

ORDERS NUMBER 5 )

Before a Military Commission which convened at Salzburg, Austria, pursuant to paragraph 2, Special Orders Number 304, Headquarters, United States Forces in Austria, 31 December 1946, as amended by paragraph 2, Special Orders Number 20, same Headquarters, 23 January 1947, and paragraph 8, Special Orders Number 35, same Headquarters, 10 February 1947, were arraigned and tried:

Anton Taurer, Franz Winkler, Stefan Hanser and Anton Oberzauchner Austrian nationals.

CHARGE: Violation of the Laws of War.

Particulars: In that Anton Taurer, Franz Winkler, Stefan Hanser and Anton Oberzauchner, Austrian nationals, did, at or near Ebenberg, Carinthia, Austria, on or about 16 November 1944, wilfully, deliberate and wrongfully encourage, aid, abet and participate in the killing of an American airman believed to be William J. McCurdy, who was then unarmed and in the act of surrendering himself to the then German Reich.

PLEAS

Anton Taurer:		
To the particulars of the Charge	:	Not Guilty
To the Charge	:	Not Guilty
Franz Winkler:		
To the particulars of the Charge	:	Not Guilty
To the Charge	:	Not Guilty
Stefan Hanser:		
To the particulars of the Charge	:	Not Guilty
To the Charge	:	Not Guilty
Anton Oberzauchner:		
To the particulars of the Charge	:	Not Guilty
To the Charge	:	Not Guilty

FINDINGS

Anton Taurer:		
Of the particulars of the Charge	:	Guilty
Of the Charge	:	Guilty
Franz Winkler:		
Of the particulars of the Charge	:	Guilty
Of the Charge	:	Guilty
Stefan Hanser:		
Of the particulars of the Charge	:	Not Guilty
Of the Charge	:	Not Guilty
Anton Oberzauchner:		
Of the particulars of the Charge	:	Not Guilty
Of the Charge	:	Not Guilty

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ACQUITTALS

The Commission thereupon on 26 February 1947 acquitted the following named accused:

Stefan Hanser

Anton Oberzauchner

SENTENCES

Anton Taurer:

To be confined at hard labor, at such place as the reviewing authority may direct, for the term of his natural life.

Franz Winkler:

To be confined at hard labor, at such place as the reviewing authority may direct, for the term of his natural life.

The sentences were adjudged on 26 February 1947.

ACTION OF REVIEWING AUTHORITY

Anton Taurer:

The sentence is approved and will be duly executed. The Commanding General, Zone Command, Austria, is directed to effect the commitment of the said accused to such confinement at hard labor in the custody of the Austrian authorities.

Franz Winkler:

The sentence is approved and will be duly executed. The Commanding General, Zone Command, Austria, is directed to effect the commitment of the said accused to such confinement at hard labor in the custody of the Austrian authorities.

BY COMMAND OF LIEUTENANT GENERAL KEYES:

OFFICIAL:

THOMAS F. HICKEY  
Brigadier General, GSC  
Chief of Staff

/s/ B. W. Saurel  
B. W. SAUREL  
Lt Colonel AGD  
Acting Adjutant General

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