7708 WAR CRIMES GROUP EUROPEAN COMMAND APO 178

26 June 1947

UNITED STATES

Case No. 000-50-2-69

Julius UELTZEOEFFER.

REVIEW AND RECOMMENDATIONS

1. TRIAL DaTa: The accused was tried at Dachau, Germany, during the period of 28 February - 3 March 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

FIRST CHARGE: Violation of the Laws and Usages of War.

PARTICULARS: In that Julius UELTZHOEFFER acting in pursuance of of a common design to commit the acts hereinafter alleged, and as individuals aiding in the operation of the Dachau Concentration Camp and camps subsidiary thereto, did, at or in the vicinity of DaCHau and LANDSPERG. Germany, between about 1 January 1942 and about 29 april 1945, willfully, deliberately, and wrongfully encourage, aid, abet and participate in the subjection of civilian nationals of nations then at war with the then German Reich to cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such civilian nationals being unknown but aggregating many thousands who were then and there in the custody of the German Reich in exercise of belligerent control

SECOND CHARGE: Violation of the Laws and Date of War.

PARTICULARS: In that Julius UELTZHOEFFER acting in pursuance of a common design to commit the acts hereinsfter alleged, and as individuals aiding in the overation of the Dachau Concentration Camp and camps subsidiary thereto, did at or in the vicinity of DACHAU and LANDSBERG, Germany, between about 1 January 1942 and about 29 april 1945, willfully, deliberately and wrongfully encourage, aid, abet and participate in the subjection of members of the armed forces of nations then at war with the then German Reich, who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich, to cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such prisoners of war being unknown, but aggregating many hundreds.

III. SUMMARY OF EVIDENCE: The convicted accused was, by his own admission, a member of the SS at Camp Dachau and/or its outcamps for a considerable period of time between the dates alleged, and was shown to have participated in the Dachau Concentration Camp mass atrocity. Prosecution's exhibit, (PLEX 1) is a certified copy of the charges, particulars, findings and

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weiss, et al., 000-50-2, March 1946, hereinafter referred to as the "Parent Gase", see paragraph V, post; R 5).

IV. EVIDENCE AND RECOMMENDATIONS:

JULIUS UELTZHOEFFER

Nationality:

age:

55

Civilian Status:

Unknown

German

Party Status:

WSDAP 1933; Aligomaino SS 1933

Military Status:

SS, Technical Sgt.

Plea:

NG, first charge; NG, second charge

Findings:

C, first charge; MC, second charge

Sentence:

Life Imprisonment

Evidence for Prosecution: UNLTZHOEFFER, an SS Technical Sgt., with service in the Concentration Camps of anschwitz, Mauthausen, Ravenabrucek, Nataweiler and Camp Dachau (R 72 and 73 was, in the early months of 1945, assigned to Camp Dachau and more particularly in charge of a mass grave burial detail (R 78). The graves to be dug by this detail were on a mountain near Bracttelbach, Germany, (R 59). It was an extremely difficult detail for the approximately 90 inmates under UNLTZHOEFFER and was made more difficult by his brutality(R 60, 61).

On one occasion, UELTZHORFFER best an old man of his cessil for being manble to unload a cart, of dead bodies (R 62). He hit him several times with his fist, striking the immate's face and temple (R 62). The immate cellaper (R 63) and was eventually brought back to the camp in a cart (R 64) where the following morning he was found dead in his bunk (R 65). Subsequently the body was buried in the mass grave this inmate had helped dic (R 71).

The victim was not a German; he was a Czech, Pole or Yugoslavien (R 70). He probably was not a prisoner of war (R 71).

UELTHOEFFER frequently numbed and kicked innates of various nationalities (R 8). His reputation among the innates was very bad. On one occasion, when UELTHOEFFER had returned after an absence, the people said, "Oh my God, this

(R 73). He categorically denied all the charges of the prosecution witnesses (R 73, 77). He testified that he had never seen an SS man in any Concentration Cump that he had been in ever beat a prisoner (R 79, 81).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive.

<u>Petitions</u>: No Petitions for Review or Petitions for Clemency were filed.

<u>Recommendation</u>: That the findings and sentence be approved.

V. QUESTIONS OF LAW:

Jurisdiction: It is clear that the court had jurisdiction of the person of the accused and of the subject matter.

Parent Case: The court was required to take commizance of the decision rendered in the parent case, including the findings of the court therein, that the mass strocity operation was criminal in nature and that the participants therein, acting in pursuance of a common design, subjected persons to killings, beatings, tortures, etc., and was warranted in inferring that those shown to have participated knew of the criminal nature thereof (Letter, Hdgs., United States Forces, European Theater, File ac 000.5. JAG-AGO, subj: "Trial of War Crimes Cases" 14 Oct. 1946, and the Parent Case). The accused was shown to have participated in the mass atrocity and the Court was warranted by the evidence adduced either in the parent case or in this subsequent proceeding in concluding, as to him, that he not only participated to a substantial degree, but that the nature and extent of his participation was such as to warrant the sentence imposed.

Examination of the record fails to disclose any error or omission which resulted in injustice to the accused.

VI. CONCLUSIONS:

- 1. It is recommended that the findings and sentence be approved.
- 2. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto, should it meet with approval.

/s/ ABRAHAM S. BERNSTEIN
ABRAHAM S. BERNSTEIN
Attorney
Post Trial Branch

APO 757

SUBJECT:	Execution Julius I	n of	Sentence	in	the	Case	of	the	Und ted	Statoe	ve.
	THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.	A STATE OF THE PARTY OF	Production of the Park A	ANDRES		1.71.76.7	- PMF 3-	- A - 64.5			

TO : Commanding General
First Military District
APO 1, U.S. Army

Heference is made to letter, Hq. USFET, file AG 383 JAG-AGO, subject:
"Designation of Prisons for War Criminals," 26 February 1947 and to the inclosed
copies of the Order on Review in the above entitled case as to accused
Julius UELTZHOEFFER

Upon compliance with the Order on Review the certificate below will be completed and returned to the Deputy Judge advocate for War Crimes, 7708 war Crimes Group, aPO 178, U.S. army.

BY COMMAND OF GENERAL CLAY:

/s/ Wm. W. BERGIN
Wm. H. BERGIN
Brigadier General, US
adjutant General

1 Incl: 1 Form No. 13 (in dup)

Frankfurt 7175

CERTIFICATE OF COMPLIANCE

The sentence covered by the above described Order on Review was our line execution at War Criminal Prison No. 1, Landsberg, Germany, on

> /s/ GEORGE T. LAGISH (Signature and Rank)

GEORGE T. LACISH, Major, Inf. Prison Officer War Criminal Prison Landsberg

(Organization)

/s/ LIOYD .. WILSON
(Countersignature and Rank of
Witnessing Officer)
LIOYD A. WILSON, Capt. CMP
A set. Prison Officer
War Criminal Prison Landsberg