

13 November 1947

UNITED STATES

v.

Ludwig Johann Michael ENGELHARD

Case No. 6-55

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, 24 June 1947, before a General Military Government Court.

II. CHARGE AND PARTICULARS:

CHARGE: Violation of the Laws and Usages of War.

Particulars: In that Ludwig Johann Michael ENGELHARD, a German national, did, at or near HOLEBOULD, Belgium, on or about 27 May 1944, wrongfully kill an unknown member of the United States Army, who was then and there in the act of surrendering himself to the then German Reich.

III. DATA AS TO ACCUSED:

Ludwig Johann Michael ENGELHARD

This accused was acquitted (A 67).

IV. SUMMARY OF EVIDENCE: On 25 May 1944 an American flier parachuted to safety in the vicinity of Hombourg, Belgium (A 6, 7, 16, 17; P-Exs 3, 4). The accused and Wilhelm Schmitz got on a postoffice car and started towards the area where the flier had landed (A 7, 34). The accused saw the flier land in the road, take off his parachute, place the parachute on the hedge nearby (A 34) and climb over the hedge (A 35). When the accused and Schmitz arrived they could not see the flier so they yelled several times. The flier then stood up behind the hedge which was approximately chest high. The accused and Schmitz then ordered the flier to put up his hands, also indicating by motions what they meant. The flier did not obey this command but moved as though to pick up something from the ground (A 7, 35). The accused shot the flier and he died immediately (A 7, 16, 17, 20, 36; P-Exs 3, 4, 6). The flier did not offer to surrender (A 11). The accused testified that the flier started to run away and that before firing at him he yelled for him to

halt but he continued to run (A 35, 36). 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.

FLOYD H. LUNDBERG  
Major JAGD  
Post Trial Branch

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

G. E. STRAIGHT  
Lieutenant Colonel, JAGD  
Deputy Judge Advocate  
for War Crimes