

DEFENSE ATTORNEY GENERAL'S OFFICE
7708 WAR CRIMES GROUP
UNITED STATES FORCES, EUROPEAN THEATER

21 February 1947

UNITED STATES)

vs)

Sigfried UTERMANN,
a German national)

Case No. 12-1973

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

ACCUSED

Tried at Dachau, Germany
Date: 2-3 October 1946
General Military Government Court
Sentence: Not Guilty of Charge
and Particulars

Married
Age 36
Reich Labor Service since
1932 Oberarbeitsdienst-
fuehrer equivalent to rank
of Lt. Col., of the Vol-
zen District, Germany since
1940

	<u>Pleas</u>	<u>Findings</u>
CHARGE: Violation of the Laws of War	NG	NG
PARTICULARS: In that Sigfried UTERMANN, a German national, did, at or near GROSS LINDERN, Germany, on or about 23 August 1944, willfully, deliberately and wrongfully kill a member of the United States Army, believed to be Lt. Leslie N. HAUSS, who was then unarmed and in the act of surrendering himself to the then German Reich, by shooting him with a gun.	NG	NG

2. EVIDENCE:

For the Prosecution: On 23 August 1944, an American flier believed to be Lt. Leslie N. HAUSS, of the United States Army Air Corps, parachuted to safety in the vicinity of GROSS LINDERN, Germany. While this pilot sat on the ground with his hands raised, a German soldier running towards the flier shot him. There is no identification of this soldier (P-5A, R 17). The accused admitted killing this flier in self-defense. There is hearsay evidence that the flier was killed with his hands upraised by an arbeitsdienst-fuehrer (P-6A, R 19). No pistol or pistol holder was found on the

flier (P-7A, R 20; P-8A, R 20; P-9A, R 21). The body was guarded and buried in the cemetery in GROSS LIEFTEU (P-7A, R 20; P-8A, R 20; P-9A, R 21, P-11A, R 28; P-12A, R 28; P 13A, R 29; P-14A, R 30; P-15A, R 30).

For the Defense. accused took the stand and testified that the flier raised his hands in compliance with his command (R 40). The flier then put his right hand in his combination suit and when he failed to raise his hands again at the accused's command, he shot him (R 41, 42). At the time the flier was sitting on the ground with his legs crossed and the parachute was strapped behind him (R 40). On cross-examination he testified he removed the pistol from the flier's body, took it to his office and locked it in his desk. He did not show it to anyone (R 43). The pistol was removed from the flier's left side between the combination suit and the leather jacket. The barrel was held by the parachute bolts running down and across his body (R 33). A Defense witness, LIEBOW, testified that the combination suit was fastened (R 99), that he did not see accused with an American pistol (R 102) and that he did not see the flier's hand inside his clothes (R 104). The accused never said anything about an American pistol (R 105).

3. CONCLUSIONS: No formal approval is required. It is recommended that the record of trial and this Review and Recommendations be filed without further action and that a copy hereof be forwarded to the Theater Judge Advocate for his information.

/s/ Ronald Dadamo
RONALD DADAMO
3rd Lt.
Post Trial Section

Having examined the record of trial, I concur.

/s/ C. E. Straight
C. E. STRAIGHT, Colonel, JAGC
Deputy Theater Judge Advocate
for War Crimes