

DEPUTY JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
EUROPEAN COMMAND
APO 178

WCT Rpt # 442

26 June 1947

UNITED STATES)
) v.)
Julius UELTZHOEFFER.)

Case No. 000-50-2-69

REVIEW AND RECOMMENDATIONS

I. 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 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 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 Usages of War.

PARTICULARS: In that Julius UELTZHOEFFER acting in pursuance 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 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, (P-Ex 1) is a certified copy of the charges, particulars, findings and

sentences in the parent Dachau Concentration Camp case (United States v. Weiss, et al., 000-50-2, March 1946, hereinafter referred to as the "Parent Case", see paragraph V, post; R 5).

IV. EVIDENCE AND RECOMMENDATIONS:

JULIUS UELTZHOEFFER

Nationality:	German
Age:	55
Civilian Status:	Unknown
Party Status:	NSDAP 1932; Allgemeine SS 1932
Military Status:	SS, Technical Sgt.
Plea:	NG, first charge; NG, second charge
Findings:	G, first charge; NG, second charge
Sentence:	Life Imprisonment

Evidence for Prosecution: UELTZHOEFFER, an SS Technical Sgt., with service in the Concentration Camps of Auschwitz, Mauthausen, Ravensbrueck, Natzweiler 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 Bruettelbach, Germany, (R 59). It was an extremely difficult detail for the approximately 90 inmates under UELTZHOEFFER and was made more difficult by his brutality (R 60, 61).

On one occasion, UELTZHOEFFER beat an old man of his detail for being unable to unload a cart of dead bodies (R 62). He hit him several times with his fist, striking the inmate's face and temple (R 62). The inmate collapsed (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 dig (R 71).

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

UELZHOEFFER frequently punched and kicked inmates of various nationalities (R 8). His reputation among the inmates was very bad. On one occasion, when UELZHOEFFER had returned after an absence, the people said, "Oh my God, this is horrible, he is back again", (R 13).

Evidence for Defense: UELTZHOEFFER testified in Court and denied that he had beat prisoners (R 73). On some occasions, his hand may have "slipped out" (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 Camp 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.

Petitions: No Petitions for Review or Petitions for Clemency were filed.

Recommendation: 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 cognizance of the decision rendered in the parent case, including the findings of the court therein, that the mass atrocity 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, Hdqs., United States Forces, European Theater, File AG 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

Having examined the record of trial, I concur.

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

HEADQUARTERS
EUROPEAN COMMAND

AG 383 JAG

Jul 21 1947

APO 757

SUBJECT: Execution of Sentence in the Case of the United States vs.
Julius UELTZHOEFFER (Case No. 000-50-2-69)TO : Commanding General
First Military District
APO 1, U.S. Army

Reference 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. E. BERGIN
Wm. E. 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 carried
into execution at War Criminal Prison No. 1, Landsberg, Germany, on

2 August 1947, at 0800
(Date) (Hour)

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

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

(Organization)

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

MILITARY GOVERNMENT COURT
 MILITÄRGERICHT
 ORDER ON REVIEW
 Verfügung nach Überprüfung

Case No. 000-50-2-69
 Strafsache Nr. 000-50-2-69

Order No. _____
 Verfügung Nr. _____

Whereas one Julius UELTZHOEFFER
 (Name Of Accused) (Name des (der) Angeklagten)

was convicted of the offence of participation in Dachau Concentration Camp mass atrocity
 wegen der folgenden strafbaren Handlung Teilnahme an Massengreueln im Konzentrationslager Dachau

~~*Summary~~
 by the ~~*Intermediate~~ Military Court at Dachau, Germany
 *General in Dachau, Deutschland
 *Einfacher (address of Court)
 vom ~~MILITÄRISCHEN~~ Militargerichte (Anschrift des Gerichts)
 *Oberen

and sentenced to imprisonment for life, commencing forthwith.
 schuldig erkannt und zu lebenslänglicher Freiheitsstrafe verurteilt, mit Wirkung ab sofort

by Judgment dated the 3 March 1947
 durch Urteil vom 3 March 1947 194 and
 (date)
 (Datum)

Whereas the case has now come before me by way of review and after due consideration and in

Diese Strafsache ist mir zur Überprüfung vorgelegt worden und nach entsprechendem Studium des Sach-
 exercise of the powers conferred upon me, I hereby order:
 verhaltenes und in Ausübung der mir übertragenen Befugnisse verfüge ich:

That the findings and sentence are approved. The Commanding General, First Military District, will confine the individual in War Criminal Prison No. 1, Landsberg, Germany, for the duration of his life.

Dass der Befund und das Urteil bestätigt werden. Der kommandierende General, Militärbezirk I, wird die Inhaftierung des Betreffenden im Kriegsverbrechensgefängnis No. 1, Landsberg, Deutschland, für die Dauer seines Lebens veranlassen.

Dated this
 Gegeben am 17 July 1947

J. L. HARBAUGH, Jr.,
 (Signature of Reviewing Authority)
 (Unterschrift der nachprüfenden Behörde)
 J. L. HARBAUGH, Jr.,
 Colonel, JAGD,
 Judge Advocate.
 (Title)
 (Titel)

*Strike out words not applicable.
 *Nichtzutreffendes ist zu durchstreichen.