

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 Bructelbach, 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

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

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