

AFTER THE BATTLE

CRIME IN WWII



There are many untold stories of World War II, untold that is apart from in the official records, those dusty files hidden under an avalanche of everyday reporting of the myriad of activities carried out by an army at war. Two months ago, the honorable side of waging war was commemorated in Normandy by the victorious nations. On such occasions, the down side is hidden by the bands and the flag-waving; people did not really want to know about the thousands of French civilians killed (more than the Allies lost on D-Day); the killing of prisoners, suppressed in the unit histories or perhaps obliquely referred to as 'mopping up'; or criminal acts committed against the civilian population.

Unfortunately, it is still not possible to present a balanced view, either because people just do not want to believe that some British, Canadian or American soldiers committed improprieties, or because the records — certainly as far as Britain is concerned — are still closed from public view. The defeated enemy has his cupboard laid bare; the victors cover their tracks.

Fortunately, one nation makes her records freely available to researchers but it must not be inferred that just because the crimes described here were perpetrated by US servicemen, only American soldiers were guilty of such acts. British reticence to release records or information of a 'sensitive' nature is well known, and although the 21st Army Group administrative history does give broad totals of crimes committed by men under its command (some 10,000 courts-martial for all offences by May 1945), no details are given, and we are unlikely to be able to consult the appropriate records until well into the 21st century.

As far as rape was concerned, in its post-war report the US Judge Advocate General said the offences fell into three broad categories: the British phase in England (see *After the Battle* No. 59); the French after D-Day, followed by the German:

'The French phase began on D-Day, and with it came a new series of factors that molded new rape patterns. The war was now on in deadly earnestness. From a land of law and order, the soldiers of the invading army suddenly landed in a country for four years

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occupied by their enemy, hurled back by the weight of overwhelming military might. The French people welcomed their liberators, often giving them drink to show their appreciation. They spoke a strange tongue. The invading soldiers came fully armed. The people were grateful, but they had little or no protection. Many soldiers had the notion that French women generally were both attractive and free with their love. At any rate, whatever the operative factors, the number

of violent sex crimes enormously increased with the arrival of our troops in France.

'Generally speaking, the rape cases of the French phase fell into one broad pattern characterized by violence, though of different degrees. The use of firearms was common in perpetrating the offense. Oftentimes, the hospitality of the host was grossly violated. Usually the attacker had been drinking, the name of 'Calvados' appearing with regularity in the records from Normandy.'



Top: The initial assault phase over, the battle has moved inland, leaving the civilian population to count its own cost in homes destroyed and lives lost. It was all part of the price which had to be paid yet there was an additional burden and those that had to bear it were usually women. Since time began, all conquering armies have been the same and, in a situation where life is cheap, it is inevitable that some soldiers will press their demands with violence. **Above:** We can imagine the scene as a farmhouse is approached and searched for the spoils of war.

The first rape case coming from Normandy illustrates the violence that was usually to accompany the rapes committed in France. It was the case of Court-Martial ETO 3141, Whitfield.

Vierville-sur-Mer lays just behind Omaha, right at the junction of Charlie and Dog Beaches at the head of the valley from the sea known as the D-1 exit. On D-Day, this lay within the assault area of the 116th Regimental Combat Team where its Company A suffered grievously. However, within a week, the front line had moved some 15 miles inland, when, on the evening of June 14, Private Clarence Whitfield of the 240th Port Company (494th Port Battalion), in the company of three other soldiers, accosted two Polish farm girls as they were pulling a cart towards the field where they were going to milk their cows. The soldiers pushed the wagon into the field and then asked the girls, Aniela Skrzyzniarz and her sister, Zofia, if they could have some milk. Aniela began to milk one cow while Zofia went into the adjoining field to round up more cows.

All the men had been drinking and made advances towards the girls. From the testimony introduced into court, it appears that both were taken against their will but, in the case of Aniela, she was threatened directly with a rifle, a shot actually being fired, before she submitted. Whitfield's rifle was 'laying right alongside' all the time, she said. On hearing the shot from the next field, Zofia jumped up and ran home to fetch Aniela's husband. Returning in a Jeep with three officers of the 3704th Quartermaster Truck Company, they found Whitfield struggling with Aniela over the rifle. Her husband struck the soldier who was then taken before his battalion commander.

The US First Army was obviously mindful of establishing good relations with the local population and concerned with maintaining discipline with its second line, follow-up troops. Perhaps the fact that Private Whitfield was black also played its part in the hasty convening of a General Court-Martial. This was held at Vierville on June 20 at which he was found guilty and sentenced to death. The case was reviewed by the Judge Advocate General in Britain; legal case law was consulted and the findings of previous court-martials quoted to show that 'acquiescence through fear is not consent'.

The findings of the court-martial were confirmed on July 24, and on August 12 the sentence was ordered to be carried out. Gallows were erected in the kitchen garden of the château at Canisy, five kilometres southwest from St Lô, and the execution performed on the 14th.



Each court-martial designated the manner of death to be suffered, whether by musketry or hanging, although the firing squad was only invoked by US forces in the ETO five times: Private Alex Miranda shot on May 30, 1944 and Private Benjamin Pygate on November 28, 1944 at the 2912th Disciplinary Training Center in England (see *After the Battle* No. 59);

Branch Office of The Judge Advocate General
with the
European Theater of Operations
APO 871

(351)

BOARD OF REVIEW

ZTO 3141

27 JUL 1944

UNITED STATES)
v.)
Private CLARENCE WHITFIELD)
(34672443), 240th Port Com-)
pany, 494th Port Battalion,)
Transportation Corps.)

FIRST UNITED STATES ARMY

Trial by GCM, convened at
Chateau Sirdl, Vierville
Sur Mer, France, 20 June
1944. Sentence: To be
hanged by the neck until
dead.

HOLDING by the BOARD OF REVIEW
RITER, SERGEANT and STEVENS, Judge Advocates

1. The record of trial in the case of the soldier named above has been examined by the Board of Review and the Board submits this, its holding, to the Assistant Judge Advocate General in charge of the Branch Office of The Judge Advocate General with the European Theater of Operations.

2. Accused was tried upon the following Charge and Specification:

CHARGE: Violation of the 92nd Article of War.
Specification: In that Private Clarence (NMI)
Whitfield, Two-hundred Fortieth Port Com-
pany, did, at Vierville Sur Mer, France,
on or about 1830, 14 June 1944, forcibly
and feloniously, against her will, have
carnal knowledge of Aniela Skrzyzniars.

He pleaded not guilty to and, all members of the court present when the vote was taken concurring, was found guilty of the Charge and Specification. Evidence was introduced of four previous convictions, three by summary court: one for absence without leave from place of organization, another for absence without leave from detail and the third for absence without leave for 15 hours; and one by special court-martial for absence without leave for nine hours; all in violation of Article of War 61. All members of the court present when the vote was taken: concurring, he was sentenced to be hanged by the neck until dead.

The first Allied soldier convicted of rape to be executed on the Normandy battlefield was Private Clarence Whitfield. Guards were posted at each shell hole in the wall surrounding the château and the execution was only witnessed by one civilian, M. Aimable Lehoux. According to his recollection Whitfield was brought in the day before to help dig a pit beneath the gallows. He went to his death smoking a cigar.



Private Eddie Slovik at St Marie-aux-Mines on January 31, 1945 (see *After the Battle* No. 32), and Privates Woodrow Parker and Sidney Bennerman at Les Milles on October 15, 1945. Above: We visited the execution site of Private Whitfield early one morning, the gloom adding to the atmosphere at the mist-shrouded château.



Court-Martial 293448 (ETO 5584) United States v. Private Waiters Yancy, Prosecution Exhibit A (left) shows the road and side view of the house of Auguste Mace where the shooting occurred on August 1, 1944. Right: When we visited Hameau-

Pigeon we were faced with the same problem as had the scene of crime photographer in 1944: namely, the sun right in the lens of the camera. We therefore took a reverse comparison looking back up the road towards the farm gate.

At 8.45 p.m. (French time) on August 1, 1944, Private Waiters Yancy, of the 1511th Engineer Water Supply Company, and Private Robert L. Skinner, of the same unit bivouaced at Bricquebec, had gone to the home of Monsieur Xavier Hébert at Hameau-Pigeon (about four kilometres west of the camp), where Marie Osouf, aged 19, was employed as a housemaid. They demanded, received and consumed five glasses of cider. They left but returned in a few minutes and asked for more. Marie went to the cider shed to obtain the beverage and was there seized by one of the soldiers. She was thrown to the floor, struck several blows on the head and dragged into the courtyard. When she screamed, Skinner released his hold on her and she fled along the road. During this time, Yancy pointed his carbine at Madame Renée Hébert. She grabbed his carbine and fled but was soon caught and knocked down. She dropped the gun and ran to the home of a neighbour, Auguste Mace. Yancy caught up with Madame Hébert on the doorstep and fired at Mace, wounding him in the arm.

Hearing her cries, her husband, Xavier, who was working nearby with a farm labourer, Auguste Lebarillier, rushed to her aid but, as they reached the neighbour's house, shots were fired at them. Lebarillier fell, hit in the stomach, and Xavier in the back as he turned to enter the courtyard. Yancy then struck him with his carbine, breaking both the weapon and Monsieur Hébert's arm.

At this point, both soldiers, one of whom threatened her with a knife, dragged Marie into a field. Each engaged in sexual intercourse and while each was in the act, the other stood guard with the carbine at the gate.

The wounded men and Marie were not taken to the 101st Evacuation Hospital until the following morning by which time Lebarillier's wound had become gangrenous and he died soon after an emergency operation (although his headstone gives the date of death as August 1).

The General Courts-Martial (Skinner ETO 5363 and Yancy ETO 5584), convened at Cherbourg on November 7, lasted two days. Skinner was charged, in the words of the indictment, that he did 'forcibly and feloniously, against her will' have 'carnal knowledge of Miss Marie R. Osouf', as was Yancy who was additionally charged with killing Auguste Lebarillier and assaulting all three individuals. Both men were sentenced to be hanged, but held in prison until final approval for their execution was given in January 1945.



A better comparison this time for Prosecution Exhibit B: 'the house of Auguste Mace'. Monsieur Lebarillier was shot in the open gateway; Marie raped in the field on the left. The Hébert house stands on the right.





Left: We were fortunate that Monsieur Xavier Hébert was still alive and living in Hameau-Pigeon. He was able to point out where each event took place and he also took us to the place of execution: La Ferme des Galeries (right).

Early on February 10, some twenty French witnesses were brought by Jeeps to a field just outside Hameau-Pigeon. They included the Lebarillier family, the Mace family (the neighbour), Marie and her parents, and Monsieur and Madame Hébert. A raised gallows had been set up at the end of the field where hundreds of black soldiers were drawn up, guarded by a large number of military police. Villagers from Bricquebec who tried to approach and see what was happening were chased away by some of the MPs firing their weapons in the air.

As the two men stood on the scaffold, the long indictment and sentence was read out in both English and French. Immediately the execution was over, the local people were taken back to their homes and the gallows dismantled.

In all, 49 American servicemen were hanged for various crimes committed on French soil after D-Day. In the European Theater of Operations as a whole, 70 soldiers, all enlisted men, had been executed up to October 31, 1945. Of this total, 15 were white and 55 coloured. The original number of those sentenced to death was much higher at 443, broken down as 245 white and 198 coloured. Thus, although 55 per cent of those receiving the death sentence were white, only 21 per cent of these sentences were actually carried out, but of the 45 per cent coloured soldiers found guilty, 79 per cent were executed.



The gallows had been constructed just inside the gate to the field. Monsieur Hébert explained that because they used the 'western' style of hanging (where the victim is strangled rather than having his neck suddenly broken), the first soldier took six minutes to die, watched all the time by the second man waiting his turn.

The total number of civilians murdered by US troops in the ETO was 109, plus 214 American servicemen and 107 German

nationals. There were 181 rapes that resulted in a court-martial in France and 552 in Germany with a sharp drop noted as of VE-Day.



Procedure for Military Executions, Execution by Hanging, Section III, Paragraph 17a: 'The officer charged with the execution will face the prisoner and read aloud to him the charge, finding, sentence and orders. He will then notify the chaplain and the prisoner that a brief time will be allowed the prisoner for any last statement. After a reasonable time he will have the sergeant from the main guard place the hood over the prisoner's head and bind his ankles. The sergeant of the execution party will then adjust the noose around the prisoner's neck.

The sergeant of the execution party will then place himself in position at the trigger and, upon a signal from the officer charged with the execution, will spring the trap. The officer charged with the execution and the medical officer will then examine the body for time of death.' **Left:** As the shadows lengthened, your Editor could not resist staging one final symbolic photograph. **Right:** 'A la mémoire d'Auguste Lebarillier né le 6.6.1925. Victime civile de la guerre, le 1.8.1944.' A picture kindly supplied to us by his brother.