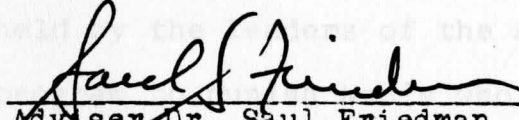


THE IMPACT OF THE COLD WAR AND KOREA ON AMERICAN
DENAZIFICATION IN GERMANY, 1945-1951

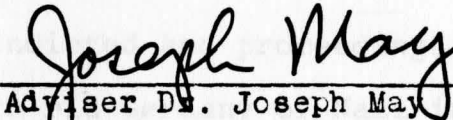
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John Andrew Muntean

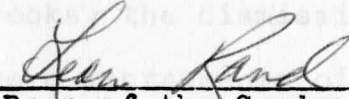
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ABSTRACT

THE IMPACT OF THE COLD WAR AND KOREA ON AMERICAN
DENAZIFICATION IN GERMANY, 1945-1951

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Master of Arts in History

Youngstown State University, 1978

The Cold War and Korean Conflict played a vital role in helping the Germans to end denazification. Such legal proceedings had been instituted at the end of World War Two by the wartime Allies consisting of the Americans, British, French and Russians. The four powers implemented the denazification program as a means to rid the German populace of the Nazi element which had produced atrocities prior to, and during, the course of the war. Numerous conferences were held by the leaders of the Allies in order to develop the program to punish Nazis who participated in criminal acts. Hence, as soon as Nazi Germany surrendered, top Nazis were indicted and proceedings were set into motion by the Allies to rid Germany of Nazi influence through the burning of Nazi books, the dismissing of civil servants such as teachers who were instruments of Nazi indoctrination, and the utilization of denazification courts to try lesser Nazi war criminals in hopes of discouraging any future revival of war atrocities. Following the completion in 1946 of the trials of the major Nazi war criminals held at Nuremberg, Germany, by the Allied powers it was agreed, also in 1946, that further trials would

be held by each in its own sector of occupied Germany. The Americans thus began, along with the British and French, to implement their denazification programs with the objective of preparing the Germans for an eventual democratic republic. The Russians, however, did not seek a democratic German nation but one which conformed to their ideology of Communism. Thus, differences between the Soviet Union and the rest of the major war allies began to widen and Germany became the site of tensions between the Russians and Western Allies.

Cold War tensions, such as the Berlin Blockade of 1948-1949, caused the West, especially the Americans, to seek new sources of power to counter the threats of Communist aggression. West Germany was seen as possessing a potential for trained military manpower which could be utilized by the Americans to assist them in preventing a Russian military take over of Western Europe. In order to win approval from the West German people the Western powers permitted them to establish self-government over the combined British, French and American zones of occupied Germany. After the Korean attack, the West Germans, however, sought more in return for their participation in European defenses against the Communist bloc. They wanted an end to the denazification program which they hated. Since 1946, those proceedings had not only dislodged many prominent Nazis from positions of importance in German daily life but also resulted in the processing of the population in order to ferret out

those accused of criminal acts during the war. Millions of West Germans were screened by anti-Nazi Germans to determine who was to face trial by German denazification courts under American Military Government supervision. Those who were determined by Military Government Governor, General Lucius D. Clay and the American prosecutor, General Telford Taylor, to have had a more prominent role in the Nazi atrocities were tried by American Military Tribunals in a series of 12 cases that ended in April 1949.

As the Cold War tensions began to become extreme and a hot war seemed likely, the Americans handed the Germans more authority in the denazification program. The result was that the West Germans, under leadership of Konrad Adenauer, sought to put denazification under complete German control. Also, pressure was applied on the Americans not only to become more lenient in their trials but to terminate them as well as release previously sentenced criminals. High Commissioner John J. McCloy, who replaced the retired Clay in June 1949, served as a review officer regarding the deferral of sentences of prominent Nazis. Hence, when the Korean Conflict erupted in June 1950, the United States had already begun to appease the West Germans in order to gain their support against the Russians who were now the enemy. The Korean War and Cold War problems distracted the United States from other issues such as denazification. That permitted many German Courts to do virtually nothing in the matter of trying war criminals. In fact, former criminals

were permitted to regain posts of importance in the West German Government; many criminals escaped punishment. Consequently, many atrocities committed by some Nazis, such as mass murdering of European Jews, went unanswered in terms of justice because West German denazification proceedings became too lenient and seemed to go into a dormant state.

Perhaps if the Cold War as well as Korean Conflict did not occur there would not have been any disruption of the American Denazification Program and justice would have been carried through as originally intended. Hopefully, some of the tarnish the West Germans placed on previous denazification proceedings will be removed through the revival of German conducted trials such as at the Majdanek Trial that began at Duesseldorf, Germany, on November 26, 1975.

ACKNOWLEDGEMENTS

I am indebted to my adviser, Professor Saul Friedman, whose expertise and helpful advice has been a source of inspiration.

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THE VIRTUAL TERMINATION OF DESEGREGATION.
1949-1951
IV. CONCLUSIONS
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CHAPTER I

INTRODUCTION

This thesis will attempt to explore links between the Cold War and Korean War with the ending of the American denazification program in West Germany during the early 1950's. The deterioration of relationships between the Western Allies and the Soviet Union had a drastic effect on the Allies' ability to carry through their original intent of sternly prosecuting the Nazi war criminals.

In order to do justice to the theory posed above, one must examine the denazification process beginning briefly with the Trial Of The Major Nazi War Criminals by the International Military Tribunal from November 1945 to October 1946. Following the judgments of that Tribunal, the victorious major powers agreed that further trials would continue in the sectors of Germany which they governed. Because of the Russians' reluctance to release documents, it is difficult to compare the ending of the Soviet denazification program to that of the Americans'. One could generalize, however, that the Russians indicted many Nazis who were involved in war crimes against the Soviet Union. It is estimated they shot or imprisoned "between 100,000 and 250,000 Germans" in the course of two years after the end of

World War Two.¹ The Soviets conformed to the principle that "the social revolution required the elimination of all those who had held top ... posts [while] ... lesser fry ... could be forgiven ... once they submitted to the new order of things."² Numerous Nazis of lesser importance were considered by them as worthy of serving the Communist cause and were thus freed.³

According to joint Allied agreement, one principle was supposed to operate in all occupied zones of Germany. It was that a program was necessary to denazify Germany and to re-educate the German people to the ideas of democracy.⁴ The Trial Of The Major Nazi War Criminals and the ensuing secondary trials were a major part of the program of denazification. The twelve secondary trials held by the Americans in their zone of occupation lasted until April 1949 and pertained to war crimes committed by Nazi doctors, generals as well as top officials of the Nazi Government, Judicial

¹Michael Elkins, Forged in Fury (New York: Ballantine Books, Inc., 1971), p. 283.

²Alfred Grosser, Germany In Our Time: A Political History of the Postwar Years, trans. Paul Stephenson (New York: Praeger Publishers, Inc., 1971), p. 45.

³U.S. Office Of Military Government For Germany, Denazification In The Four Zones (November 1947), Army Tag Permit 9N314, 1947, pp. 9-10.

⁴Germany: Territory Under Allied Occupation, 1945, U.S. Zone, United States Program for the Occupation of Germany. 15 September 1945, (Berlin-Tempelhof: Druckhaus Tempelhof, 1945), pp. 3-4. The section "Our Basic Aims" on pages 3-5 contains a statement of the purpose of denazification.

system and industrial corporations.⁵ Associated with those proceedings were programs of rehabilitation and hearings held by local boards of inquiry. The latter was mainly a process of purifying the smaller bureaucrats through fines and restriction of rights. Many lesser Nazis were excluded by American as well as German boards from teaching and serving in a public or political capacity. The number of former Nazis who underwent examination was so great that the boards had to deal with them quickly which resulted in poor handling of many cases. That phase of the denazification program might be viewed by some Jews as not providing a meaningful justice on behalf of the millions who suffered or died due to the criminal ideology of the Nazis. In a sense, the proceeding resembled a delousing procedure in which one would spray a cleansing substance on millions of lesser Nazis to rid them of their criminal taint. However, that laxness of justice was not applied to the more prominent Nazis until the Cold War and Korean War eras created the need for West German friendship.

When the Trial Of Major Nazi War Criminals began in the fall of 1945, there was little talk of a need for a quick German alliance. Americans held the belief that it was necessary to punish the Nazis who participated in war crimes. There was only a minimal amount of protest in America regarding the proceedings. Most of the opposition was

⁵Raul Hilberg, The Destruction of the European Jews (Chicago: Quadrangle Books, Inc., 1961), pp. 691-96 passim.

political in nature since some Republican Party leaders differed with the Truman Administration's postwar policies. However, as time progressed, world tensions grew and there developed an increase in domestic opposition to denazification. The proceedings in the western sectors of Germany began to become more lenient and mass pardons were granted to war criminals. General Telford Taylor considered the events of the Cold War as playing a part in bringing about a more lenient attitude towards the Nazi criminals.⁶ Even some of the Germans voiced their opposition to the trials. Former Nazi Field Marshall Erhard Milch, who was sentenced by an American Military Tribunal to a life prison term, was irked by atrocity charges. He told the Court that not all Germans should be considered as war criminals because most of them are "good hearted and ... not ... hangmen who delighted in other peoples' misery."⁷ Such resentment of the proceedings grew throughout the western zones of Germany and can be attributed to the effects of Soviet influence. According to a May 20, 1948, New York Times news item, 235 Nazi prisoners in the American zone staged a hunger strike on May 19, 1948, to protest the slow conduction of trials

⁶Telford Taylor, Final Report To The Secretary Of The Army On The Nuernberg War Crimes Trials Under Control Council Law No. 10, (Washington, D.C.: U.S. Government Printing Office, 1949), p. 92. General Taylor, as Chief American Counsel for the Nuremberg Trials Under Law No. 10, filed the report on August 15, 1949. (See p. v.)

⁷New York Times, 15 March 1947, p. 4.

which they attributed to Communist tampering.⁸ Thus, the Germans utilized the Cold War conflict between the East and West to obtain a more favorable outcome of the denazification trials.

After the Korean Conflict began the German leaders, such as Dr. Carlo Schmid who served as West German Vice President, claimed that the denazification program resulted in an unfair "psychological" burden upon the Germans and hampered their assistance to European defenses.⁹ Hence, the Germans used probable alliance with the Western powers as a means to stimulate a termination of denazification. The Americans responded with a show of more leniency towards convicted Nazis. War criminals, such as industrialist Friedrich Flick, were released before their prison terms expired and permitted to return to positions they once held.¹⁰ Also, control of the proceedings was allowed to ease into German hands by the Western Allies consisting of the United States, United Kingdom and France. The West Germans let it become dormant. Thus, the proceedings became almost a forgotten issue. However, some United States officials of that era, such as General Clay, deny that the Cold War and Korea had any connection in giving the Germans control of

⁸New York Times, 20 May 1948, p. 6.

⁹Jack Raymond, "Bonn Legislators Press McCloy For Amnesty For War Criminals," New York Times, 10 January 1951, p. 10.

¹⁰Elkins, pp. 287, 293.

denazification.¹¹ Another official, General Taylor, asserted in a personal letter of June 3, 1976, that his memory of what occurred is "pretty foggy."¹² Regardless of such a denial and lack of recollection, one can ascertain that the Cold War and Korea motivated the West to forgive their former Nazi enemy for its war crimes in order to incorporate the German military resources into mutual European defenses against the Russians. The disturbing historical syndrome exists. It should be noted that the only trial of a Nazi which received major widespread publicity after the Korean War was not held by Germany, but by Israel. That trial occurred in 1961 following the abduction of previously charged war criminal Karl Adolf Eichmann from Argentina by Israeli agents.¹³

It is the intent of this writer to examine the previously mentioned links even though the State Department documents from 1951 onward have not been released to the public by the United States Government. Also, many previously released documents are too aged to be available for public use. Thus, most of the reference sources utilized to formulate this thesis will consist of available primary materials, newspaper articles, letters of correspondence with various American denazification personnel, and secondary sources.

¹¹Lucius D. Clay, personal letter, May 8, 1976.

¹²Telford Taylor, personal letter, June 3, 1976.

¹³Robert K. Woetzel, "The Eichman Case in International Law," in From Nuremberg to My Lai, ed. Jay W. Baird (Lexington, Massachusetts: D.C. Heath and Company, 1972), pp. 150-59.

This work may be viewed as a prospectus for a future doctoral dissertation which will incorporate newly released documents. Such material should shed new evidence to back some of the generalizations which link the ending of denazification with Cold War tensions and the Korean War. Hopefully, a release of documents by all participating countries will set the record straight and thus document fully the hypothesis.

From schemes devised by Adolf Hitler and his followers, to further the cause of world conquest and the ideology of a German super race. The Nazi atrocities ranged from crimes against humanity to harsh treatment of war prisoners. Even during the war, knowledge of these criminal acts, especially against the Jewish people, leaked out of Europe. The American and British governments both checked the accounts for validity. After such information was verified by escaped Jews and war prisoners, the Allies reached the conclusion that those Nazis who were involved in atrocities should be punished after the war.¹⁴ However, the wartime Allied governments of the United States, the United Kingdom, and the Soviet Union did not wait until the war terminated before beginning to formulate procedures to punish the Nazi war criminals. The three Allied powers held a conference in

¹⁴ New York Times, 12 February 1943, p. 4.
 This reference to Nazi atrocities and Allied intent to bring them justice to bear upon the war criminals is found inside the text of Prime Minister Churchill's speech to the Congress on February 11, 1943.

CHAPTER II

THE AMERICAN DENAZIFICATION PROGRAM TAKES SHAPE,

1945-1947

The Nazi government of Germany committed many criminal acts while in power. Those injustices resulted from schemes devised by Adolf Hitler and his followers, to further the cause of world conquest and the ideology of a German super race. The Nazi atrocities ranged from crimes against humanity to harsh treatment of war prisoners. Even during the war, knowledge of these criminal acts, especially against the Jewish people, leaked out of Europe. The American and British governments both checked the accounts for validity. After such information was verified by escaped Jews and war prisoners, the Allies reached the conclusion that those Nazis who were involved in atrocities should be punished after the war.¹⁴ However, the wartime Allied governments of the United States, the United Kingdom, and the Soviet Union did not wait until the war terminated before beginning to formulate procedures to punish the Nazi war criminals. The three Allied powers held a conference in

¹⁴New York Times, 12 February 1943, p. 4.

This reference to Nazi atrocities and Allied intent to bring stern justice to bear upon the war criminals is found inside the text of Prime Minister Churchill's speech to the Commons on February 11, 1943.

Moscow during the fall of 1943. One of the agreements reached at that Tripartite Conference on October 30, 1943, concerned the criminal acts of the Nazis. The Anglo-Soviet-American Communiqué of that agreement which was released to the press on November 1, 1943, asserted the Allies' determination to establish a military court to try the Nazis at the conclusion of the war for the atrocities committed.¹⁵ This announcement revealed a switch in thinking by the Soviets and Americans. Previously they had favored execution of the war criminals without the trials which the British advocated.¹⁶ Also, prior to the Moscow Conference secret talks had been conducted on the ambassadorial level regarding the establishment of a United Nations War Crimes Commission to gather evidence to prosecute the Nazis.¹⁷ The commission was put into operation by the Allies in early November 1943.¹⁸ However, that was only the beginning because the Allies still needed to establish trial guidelines. Hence, other meetings were necessary.

¹⁵U.S. Department of State Bulletin, The Tripartite Conference in Moscow: Declaration of German Atrocities; statement signed by Franklin D. Roosevelt, Winston S. Churchill and Joseph V. Stalin; Series Pubn. No. 2021 (November 6, 1943), pp. 310-11.

¹⁶Cordell Hull, Memoirs of Cordell Hull, 2 vols. (New York: Macmillan Company, 1948), 2: 1289-91.

¹⁷New York Times, 21 October 1943, p. 3.

¹⁸David Anderson, "Board To Direct Atrocity Trials: United Nations Commission Will Supervise Punishment of War Crimes Perpetrators," New York Times, 8 November 1943, p. 7.

Between February 4 and 11, 1945, leaders of the three Allied nations met at Yalta in the Soviet Union. The Yalta agreements, signed on February 11, 1945, set standards for the governing of Germany during Allied occupation. They also called for the destruction of Nazism and invited France to participate in the occupation.¹⁹ That meeting was followed by the Potsdam Conference which was held in Potsdam, Germany, between July 17 and August 2, 1945. A communiqué issued by the three powers at the conference on August 2, 1945, provided for denazification, demilitarization and decentralization of Nazi Germany.²⁰ The agreement made affiliation with the Nazi Party as sufficient grounds for prosecution.²¹ This conference, officially called the Berlin Conference, also put into force the Yalta Agreement.²² The Berlin communiqué was quickly followed by the London Agreement signed on August 8, 1945, which established the Charter of

¹⁹U.S. Department of State Bulletin, The Crimea Conference: Report of the Conference, report signed by Winston S. Churchill, Franklin D. Roosevelt and J. Stalin; Series Pubn. No. 2269 (February 18, 1945), pp. 213-14. This conference, also known as The Yalta Conference, resulted in an agreement being signed on February 11, 1945, by the three Allied leaders.

²⁰U.S. Department of State Bulletin, Tripartite Conference at Berlin, statement signed by J. V. Stalin, Harry S. Truman and C. R. Attlee, and released by the White House on August 2, 1945; Series Pubn. No. 2369 (August 5, 1945), pp. 155-58.

²¹Julia E. Johnsen, comp., The Dilemma Of Postwar Germany (New York: H. W. Wilson Company, 1948), p. 148.

²²Louis Snyder, ed., Documents of German History (New Jersey: Rutgers University Press, 1958), pp. 484-85.

the IMT and described the principles of operation and authority for prosecution of Nazi war criminals.²³ However, in establishing the means to prosecute the Nazi criminals the Allies did not set a time limit for the conduction of trials and this proved to be one factor in the undoing of later denazification proceedings because the bureaucrats simply became wearied of the endless prosecutions.²⁴ The Allied

²³U.S. Department of State Bulletin, War Criminals of the European Axis: Agreement for the Establishment of An International Military Tribunal, signed by Robert H. Jackson for the United States, Robert Folco for the Provisional Government of the French Republic, William A. Jowitt for the United Kingdom, I. T. Nikilchenko and A. N. Trainin for the Soviet Union; Series Pubn. No. 2374 (August 12, 1945), pp. 222-28.

This agreement, also known as the London Agreement, was signed on August 8, 1945, and set the stage for a co-operative trial on Nazi war crimes. It was the intent of the Allies not to try the major Nazi war criminals in a civil law manner but to have a military tribunal to prosecute them.

²⁴C. E. Black and E. C. Helmreich, Twentieth Century Europe: A History, 4th ed. (New York: Alfred A. Knopf, 1972), pp. 660-61.

In addition, the author pointed out that the war time Allies established a priority in which they planned to denazify Germany. It was their intent to try the major Nazis immediately and severely. The Allies then agreed to try other Nazis who they viewed as being of lesser importance but participating in the crimes committed. The final priority was the denazification of the German populace through trials, fines and an elimination of Nazis from positions of importance. Only the Americans attempted to enforce that priority to any extent. However, it soon became clear that it would be impossible to carry out the plan to punish all former Nazis. For example, German teachers had to join the Nazi party and the Americans found that it was impossible to recruit a new teaching force. Therefore, they had to alter their original denazification plans. It resulted in the United States requiring that adult Germans file questionnaires in order to determine who should be prosecuted. It was the hope of the United States that the denazification of Germany would be as thorough as possible because the need for a time element was not deemed necessary back in 1945 and 1946.

wartime planning did set up the guidelines of what was to become a denazification program intended to be implemented throughout Germany.

The International Military Tribunal that was created on August 8, 1945, was not the first Court to be formed by war victors to prosecute the losers for criminal acts. The Versailles Treaty of 1918 had contained special provisions for the constitution of a tribunal to try Kaiser Wilhelm II and other Germans accused by the World War I allies of violating laws pertaining to war. Because the Kaiser found refuge in the Netherlands he was never tried.²⁵ Yet, that World War I Court did not achieve the prosecution results equal to the one created to deal with the Nazis. The World War II Tribunal, consisting of representatives of the United Kingdom, the United States, France and the Soviet Union, was designed to purify Germany of surviving major Nazi war

²⁵S. William Halperin, Germany Tried Democracy: A Political History of the Reich from 1918 to 1933 (New York: W. W. Norton and Company, Inc., 1946), pp. 93, 141, 168-69. Halperin points out that the Versailles Treaty contained Article 227 which served notice to the Dutch that the Allies wanted the Kaiser for trial. It also established the constitution for a special tribunal to try him and others. Articles 228-230 imposed on the Germans the obligation of acknowledging the right of the Allies to try individuals accused of violating laws of war. (See page 141.) The Allies composed a list of 895 offenders. Because of such a vast number of accused individuals the Allies turned over responsibility for trying them to the German authorities. Their proceedings turned out to be something of a farce. A list of 45 test cases was presented for trial in 1920 but no more than 12 were tried and of those only six resulted in convictions when the trials ended. Although the Allies reserved the right to scrutinize the results they never did anything. (Consult pp. 168-69.)

criminals who were not dead as were Hitler, Goebbels, Himmler, Heydrick, etc.²⁶ The prosecution indictments consisted of four charges: (1) "conspiracy to wage aggressive war," (2) "breaches of international peace," (3) "violations of the rules of warfare," and (4) "conduction of crimes against humanity."²⁷ Those charges were made public by the IMT prosecutors at its first session which was held in Berlin on October 18, 1945. All other sessions were held in Nuremberg, Germany, because the Allies felt it possessed adequate facilities to hold such an immense trial as well as the city having served as a vital site in the growth of the Nazi Party from 1933 onward.²⁸ Thus, it was felt by the war allies that Nuremberg was an appropriate site to bring to light the atrocities committed by the Nazis. The Tribunal was constructed to project the British view that the Nazis had to be given a fair trial which differed from the previous Soviet position that the criminals should just be shot and

²⁶Gerhard L. Weinberg, Introduction to vol. 1: Trial Of The Major War Criminals Before The International Military Tribunal, Nuremberg, 14 November 1945 - 10 October 1946, 42 vols. (New York: AMS Press, 1971), pp. xiii-xv. Weinberg wrote the introduction to this series while serving as Professor of History at the University of Michigan.

²⁷Gordon Dean, Preface to The Case Against The Nazi War Criminals, by Robert H. Jackson (New York: Alfred A. Knopf, 1946), p. xi. Dean served as Counsel for the United States at the Trial.

²⁸Sir John Wheeler-Bennett and Anthony Nicholls, The Semblance of Peace: The Political Settlement After The Second World War (New York: W. W. Norton and Company, Inc., 1972), p. 406.

not tried.²⁹ Heading the IMT as its president was the British member, Lord Justice Geoffrey Lawrence. The other judges of that Court were: Francis Biddle of the United States, Henri Donnedieu de Vabres of France, and General I. T. Nikitchenko of the Soviet Union.³⁰ Justice Robert H. Jackson served as the chief prosecutor for the United States.³¹

Prior to the first session the prosecutors had agreed to try the following Nazis at Nuremberg: Herman W. Goering, one time second in command to Adolf Hitler; Rudolf Hess, the unstable personal secretary to Hitler; Joachim von Ribbentrop, Nazi Foreign Minister from 1938-1945; Robert Ley, head of the Nazi labor front; Wilhelm Keitel, Chief of the High Command of the German Armed Forces; Ernst Kaltenbrunner, Head of the Reich Main Security Office and Chief of the Security Police and Security Service; Alfred Rosenberg, chief Nazi ideologist; Hans Frank, Governor General of occupied Poland; Wilhelm Frick, Reich Minister of the Interior and Reich Protector for Bohemia and Moravia; Julius

²⁹Elkins, p. 251.
Prior to October 1943 the Russians felt the Nazis should be shot.

³⁰Robert H. Jackson, The Nürnberg Case (New York: Alfred A. Knopf, 1947), pp. vii-viii.

³¹Weinberg, Introduction to Trial Of The Major War Criminals Before The International Military Tribunal, Nuremberg, 14 November 1945 - 10 October 1946, 1: xii.
Jackson was an Associate Justice of the United States Supreme Court.

Streicher, Editor in Chief of the anti-Semitic newspaper Der Stuermer; Walter Funk, head of the German Reichsbank; Hjalmar Schacht, Reich Minister of Economics; Gustav Krupp, head of the giant Friedrich Krupp A. G. works; Karl Doenitz, successor to Hitler as head of the Nazi Government; Erich Raeder, Commander-in-Chief of the German Navy; Baldur von Schirach, head of the Nazi Youth Education program; Fritz Sauckel, General Plenipotentiary for the Employment of Labor; Alfred Jodl, Chief of the Army Operations Department of the Wehrmacht; Martin Bormann, head of the Party Chancery and persecutor of clergy; Franz von Papen, Hitler's first Vice Chancellor; Artur Seyss-Inquart, State Chancellor of Austria; Albert Speer, Reich Minister for Armament and Munitions; Constantin von Neurath, Nazi diplomat; and Hans Fritzsche, head of the Wireless News Service.³² Thus, the accused the leaders of the Nazi Party, the high command of the military, the principal diplomats, industrialists, bankers, judges and bureaucrats. Baron Gustav Krupp, one of the great industrialists of Nazi Germany, was declared too ill by the Allied High Command to stand trial. His son Alfried, who was "next in the hierarchy of the Krupp enterprises," was convicted in 1949 by an American Military Tribunal and received a twelve year prison term, which later was reduced.³³

³²Robert H. Jackson, The Case Against the Nazi War Criminals (New York: Alfred A. Knopf, 1946), pp. 178-96.

³³Elkins, pp. 287-88.
Krupp's sentence was commuted in January, 1951, to time served. He was not tried by the IMT but by a later American Tribunal.

During the course of the trial held by the IMT the vast number of crimes committed by the Nazis was revealed. Many of the atrocities were directed against the Jewish people who suffered as no people had suffered. The Nazi plan was to exterminate the Jews in Europe and throughout the world. To accomplish that objective, the Nazis incited hatred of the Jews in order to seize Jewish property and arrest those people.³⁴ According to prosecutor Jackson, many "arrests were followed by brutal treatment and tortures carried out by the most diverse methods, such as immersion in icy water, asphyxiation, torture of limbs, and the use of instruments of torture, such as the iron helmet and electric current."³⁵ In most instances Jews were placed in death camps such as Auschwitz, in Poland, for the purpose of killing them.³⁶ Jews were also put in special concentration camps such as Buchenwald, in Germany. There, mortality also reached huge rates. Between January 1, 1943, and April 15, 1945, some 22,761 persons died of exhaustion at the Buchenwald camp due to slave labor mistreatment.³⁷ Those who were able to endure the camp hardships still faced death through

³⁴Jackson, The Case Against The Nazi War Criminals, pp. 38-41.

³⁵Ibid., p. 141.

³⁶Hilberg, pp. 630-32.

³⁷Jackson, The Case Against The Nazi War Criminals, pp. 140-42.

devious means such as gas chambers, gas wagons, crematory wagons and pseudo-scientific experiments relating to the heart, cancer of the womb and sterilization of women.³⁸ Jews who were not exterminated by such methods still faced murder by means of starving, over-crowding, hanging and shooting.³⁹ Over 60,000 Jews were shot at Kiev and Dniepropetrovsk.⁴⁰ Such treatment violated the Hague Regulations established by that International Convention in 1907 as well as the laws of war and the principles of criminal law and internal penal laws of the nations in which the crimes were carried out by the Nazis.⁴¹

Some war criminals, such as Streicher, did not want to be blamed for the atrocities committed against the Jews. He attempted to place sole blame for the killing of Jews on Hitler. It was Streicher's claim that he was "politically impotent" and only wanted to move the Jews out of Germany but had to obey Hitler's orders.⁴² Such attempts to shift blame without valid proof failed to influence the IMT verdicts due to Allied determination to severely punish the Nazi criminals.

³⁸Jackson, The Case Against The Nazi War Criminals, p. 142.

³⁹Ibid., p. 138.

⁴⁰Ibid., p. 176.

⁴¹Ibid., p. 139.

⁴²New York Times, 13 July 1946, p. 5.

On September 30 and October 1, 1946, the IMT announced the judgment it reached regarding the major Nazi criminals. Hess, Funk, Raeder, Schirach, Speer and Neurath were sentenced to prison terms. The Tribunal acquitted Fristche, Schacht and Papen. The remaining men were sentenced to death by hanging. Prior to sentencing, Ley took his own life. Goering committed suicide before his execution date. The Court also found four major Nazi organizations to have been criminal in nature. Those were: the Leadership Corps of the Nazi Party; the SS; the SD; and the Gestapo.⁴³ Membership in those organizations on or after November 1, 1939, made a person liable for trial. Technically, that included millions of Germans in the American zone alone.⁴⁴ Thus, the IMT decision regarding the organizations paved the way for further trials of secondary Nazis. However, the IMT judgments did not receive complete support of all Americans, such as Senator Robert A. Taft (R-Ohio).

While speaking at Kenyon College in Ohio on October 5, 1946, Senator Taft declared that "the verdict at Nuremberg was a miscarriage of justice [by violating] ... that fundamental principle of American law that a man can not be tried under an ex post facto statute."⁴⁵ He premised his

⁴³Jackson, The Nürnberg Case, p. xiii.

⁴⁴Elkins, p. 273.

⁴⁵Walter W. Reich, "Taft Condemns Hanging For Nazis As Unjust Verdict," New York Times, 6 October 1946, pp. 1, 45.

condemnation on American constitutional grounds even though the Tribunal was an international military court. Also, the crimes for which the Nazis were being tried were unprecedented atrocities for which there was no previous legal standards. According to John F. Kennedy, Taft felt the United States Constitution was a "gospel" that ordered no 'ex post facto laws' and he tended to apply that concept "universally."⁴⁶ His position was thus based on constitutional grounds and was not political in nature. Taft's stand was attacked by many Republicans as well as Democrats throughout the United States.

Governor Thomas E. Dewey (R-N.Y.) on October 8, 1946, issued a statement that disputed Taft's position. According to Dewey:

The defendants at Nuremberg had a fair and extensive trial. No one can have sympathy for these Nazi leaders who brought such agony on the world. While the just penalties imposed can neither expiate their sins nor bring back to life the millions for whose deaths they are responsible, their sentences will serve as a warning against future acts of aggression and oppression by totalitarian rulers.⁴⁷

Taft's stand was also repudiated by Jacob K. Javits who was a Republican candidate for New York's Twenty-first District in Congress. Javits claimed that the Ohio Senator's

⁴⁶John F. Kennedy, Profiles in Courage (New York: Harper and Brothers, 1955), pp. 216-17. In this section on Taft, Kennedy points out that Taft had a habit of speacking out when he was disturbed as he was about Nuremberg.

⁴⁷New York Times, 8 October 1946, p. 15.

statement was "a disservice to all we fought for and to the cause of future peace."⁴⁸ Senator Alben W. Barkley (D-Kv.) criticized Taft by stating that the Senator "never experienced a crescendo of heart about the soup kitchens of 1932, but his heart bled anguishedly for the criminals at Nuremberg."⁴⁹ However, the Senator held fast to his principle that the trial was unfair due to the constitutional grounds.⁵⁰ Other congressmen opposed the trials too. Senator William Langer (R-N.D.) proclaimed that "Communist influences dominated" the proceedings and Congressman John E. Rankin (D-Miss.) declared that the "trials were an orgy of Jewish vengeance."⁵¹ Hence, adverse opinion regarding the punishment of the Nazis was beginning in United States and Germany. Subsequent trials as well as the denazification program in general also became issues for criticism.

After the verdicts were given by the IMT, Jackson sent a letter to President Truman on October 7, 1946. In that letter he recommended that it was necessary for the four nations occupying Germany to hold additional trials in

⁴⁸New York Times, 8 October 1946, p. 15.

⁴⁹Gladwin Hill, "Wallace, Barkley Condemn The GOP," New York Times, 25 October 1946, p. 15.

⁵⁰James T. Patterson, Mr. Republican: A Biography of Robert A. Taft (Boston: Houghton Mifflin Company, 1972), pp. 326-29.

⁵¹William J. Bosch, Judgment on Nuremberg (Chapel Hill: The University of North Carolina Press, 1970) pp. 232-33. In his writing (on p. 232) Bosch mistakenly referred to Rankin as a Senator.

their own zone since there were many Nazis who remained unpunished for crimes identical to those tried by the IMT.⁵² Jackson contended that separate trials were needed because they provided the "quickest" way for continuing the effort to prosecute the Nazis.⁵³ The allies agreed and saw a need to establish throughout Germany a uniform legal basis for prosecution of Nazis not dealt with by the IMT.⁵⁴ Such a basis could be found in Control Council Law Number 10 which had been established by the four powers on December 20, 1945.⁵⁵ Law No. 10 was meant to "give effect to the terms of the Moscow Declaration ... and the London Agreement" by making them integral parts of that law.⁵⁶ However, Law No. 10 did not establish any courts but authorized the four commanders comprising the Control Council to create tribunals in their zones to try persons who violated any of the four charges prepared by the IMT.⁵⁷ The Control Council consisted of the military governors of each zone of occupied Germany

⁵²New York Times, 16 October 1946, p. 23.

⁵³Ibid.

⁵⁴Taylor, Final Report, pp. 4-10 passim.

⁵⁵U.S., Legal Division, Legal Advice Branch, and Drafting Section of the Office Of Military Government For Germany, Enactments And Approved Papers Of The Control Council And Coordinating Committee For Germany For Year 1945 (1946), p.311
Law No. 10 of the Control Council is in its entirety on pages 306-11.

⁵⁶Ibid., p. 306.

⁵⁷Taylor, Final Report, p. 9.

who served as a collective body in overseeing administrative as well as legislative policies throughout that country immediately after Nazi surrender.⁵⁸ Thus, that Council and the four separate military governments in Germany provided the legality needed for the development of denazification programs in each zone.

The American denazification program which followed in the aftermath of the trial by the IMT continued to dwell on prosecuting Nazi war criminals through the supervision of the American Military Government.⁵⁹ In order to prepare the legal organization needed to carry through more trials the Military Government enacted Ordinance No. 7 on October 18, 1946.⁶⁰ That law provided for the "establishment of military tribunals to try and punish persons" charged with violating any of the four charges incorporated into Article 11 of Control Council Law No. 10.⁶¹ Articles five and six of the Ordinance gave the tribunals the needed power for prosecution.⁶² It was the "fundamental objective of the United States ... to insure that Germany does not again menace the

⁵⁸Montgomery Belgin, Victors' Justice (Hinsdale, Illinois: Henry Regnery Company, 1949), p. 37

⁵⁹Taylor, Final Report, pp. 16-17.

⁶⁰Trials Of War Criminals Before The Nuernberg Military Tribunals Under Control Council Law No. 10, October 1946 - April 1949, 14 vols. (Washington, D.C.: U.S. Government Printing Office, 1950), 1: xxi - xxvi.

⁶¹Ibid., pp. xxi - xxii.

⁶²Ibid., p. xxiii.

peace of the world and makes a vital contribution to the economic rehabilitation and political security of Europe."⁶³

Although the wartime Allies of the United States decided to carry out further trials, they took different views of how the judicial process should be conducted. Basically, the British followed the American example, while the French never brought to justice a large proportion of those who were tried in absentia. The Russians have not released statistics but it is believed they shot over 100,000 Germans that were considered to be major offenders.⁶⁴

The Americans in their proceedings never instituted such a degree of punishment as did the Soviets. That was due in part to what denazification meant to the United States. Denazification was viewed as proceedings "to exclude Nazi influence ... from German political, economic, and culture life ... to ensure against a revival of Nazi influence."⁶⁵ American denazification was largely the arrest and prosecution of former members of the German National Socialist party.⁶⁶

⁶³Foreign Relations of the United States. "Germany." An August 26, 1948, Department of State Policy Statement. (Washington: U.S. Government Printing Office, 1973), II, No. 8660, p. 1297.

⁶⁴Elkins, pp. 282-83.

⁶⁵Foreign Relations of the United States. "Establishment Of Federal Republic Of Germany." A November 17, 1949. Department of State Policy Directive for U.S. High Commissioner for Germany, John McCloy. (Washington: U.S. Government Printing Office, 1974), III, No. 8752, p. 337.

⁶⁶Belgin, p. 125

Germans were first investigated to determine their connection with various criminal acts. To assist in the proceedings, denazification boards were established as lesser courts to the Military Tribunals. It was the function of the boards to dispose of Germans accused of lesser alleged criminal acts but not viewed as being pertinent to a higher court.⁶⁷ Such a mass program was intended to adhere to a provision in Ordinance No. 7 which specified that qualified personnel were to staff the denazification courts.⁶⁸ There is no evidence, however, that the boards adhered to that provision. In fact, the disposition of some 930,000 cases by the end of 1946 indicates that the personnel conducting hearings acted in haste and with less expertise than possessed in the higher tribunals. Of that vast number, tried in such a short period of time, the boards only gave prison terms to some 9,000 offenders.⁶⁹ Over 500,000 Nazis received fines as their sole punishment.⁷⁰ Correlated with the findings of those boards was the implementation of amnesties beginning with the Youth Amnesty. It was granted on July 2, 1946, by the Military Government and was for Germans born after January 1, 1919,

⁶⁷Taylor, Final Report, p. 16.

⁶⁸Ibid., pp. 28-29.

⁶⁹Lucius D. Clay, Decision in Germany (Garden City, New York: Doubleday and Company, Inc., 1950), p. 260.

⁷⁰Ibid.

that were not fanatics occupying places of leadership.⁷¹ Thus, after the summer of 1946, the Americans decided that a quick reinstatement of the German populace into vital areas of German employment and public life was needed.

When American denazification proceedings began in West Germany scores of Nazis were relieved of their positions as agreed upon at the Potsdam meeting.⁷² The United States felt such action was needed to educate the Germans about democracy. Teachers as well as public officials who were active in the Nazi Party constituted the majority of those removed from positions of responsibility in the new German society. They were replaced by persons the Americans believed possessed good moral qualities that would help the development of democracy in Germany.⁷³ The removal of Nazis had to be correlated with the elimination of Nazi laws, government and judicial personnel in order to hasten self-rehabilitation of the occupied zone.⁷⁴ Under the American plan, the Germans were not permitted to establish a central

⁷¹Kathleen McLaughlin, "U.S. Gives Amnesty To Young Germans," New York Times, 2 July 1946, p. 4.

⁷²U.S. Legal Division, Enactments And Approved Papers Of The Control Council, pp. 19-19, 21-22. On pages 18-28 is a reprint of the "Report On The Tripartite Conference Of Berlin" which was signed on August 2, 1945, by J. V. Stalin, Harry S. Truman and C. R. Attlee.

⁷³Ibid., pp. 21-23.

⁷⁴U.S. Office Of Military Government For Germany, Denazification In The Four Zones (November 1947), pp.3,10. This (pages 3-6) is a discussion of "Denazification Practices In The Four Zones" up to November 1947.

government. However, on October 5, 1945, the United States did authorize the formation of a Council of States called the Laenderrat.⁷⁵ The Laenderrat was composed of the minister-presidents of the three states of Bavaria, Hessen-Nassau and Baden-Württemberg.⁷⁶ The council was under formal control of the American Military Government but was given a voice in denazification with the promulgation of the "Law for Liberation" on March 5, 1946.⁷⁷ That law provided for the prosecution by the West Germans of all war criminal cases in the United States zone that the Americans did not decide to try such as the thousands of civilian internees held in confinement camps that were not charged with crimes against peace or humanity.⁷⁸ Despite the fact that the Germans were given a role in denazification the American Military Government was still the major decision making apparatus.

The American Military Government in West Germany was originally headed by General Dwight D. Eisenhower who served as Military Governor until he was succeeded by General Joseph T. McNarney in November 1945. General Lucius

⁷⁵Clay, Decision, pp. 442.

⁷⁶Germany: Territory Under Allied Occupation, 1945, United States Program for the Occupation of Germany, p. 11. That page deals with the "Decentralization of Governmental Authority" in Germany.

⁷⁷Clay, Decision, pp. 86, 98-99, 258.

⁷⁸U.S. Office Of Military Government For Germany, Denazification In The Four Zones (November 1947), pp. 3-4.

D. Clay served as Deputy Military Governor up to 1947 and then became Military Governor until his retirement in 1949.⁷⁹ The military governor was a key figure in the rehabilitation of that zone. General Clay interpreted the American reorientation program as being a vital part of denazification.⁸⁰ Hence, reeducation of the populace was deemed a necessity for the eventual establishment of a central German government and reacceptance of those people in the world community. The secondary Nuremberg Trials which were held in West Germany under Law No. 10 by the Americans were intended to assist in achieving such goals. They were an aftermath of the IMT proceedings and were not only intended to rid Germany of

⁷⁹Jean Edward Smith, ed., The Papers of General Lucius D. Clay: Germany 1945 - 1949. 2 vols. (Bloomington: Indiana University Press, 1974), xxv-xxxiv passim, 141. It should be mentioned that the United States War Department was in charge of overseeing the operations of the Military Government (in 1945) in the American Zone of Germany. (p. 83). Discussions regarding the take over of occupation responsibilities from the Army were in process among American officials (such as between General Clay and John Hilldring who was Assistant Secretary of State for Occupied Areas) since March 1946. (pp. 168-71). But, it was not until January 8, 1948, that Secretary of State Marshall announced that the State Department would take over control of German occupation from the Army on July 1, 1948. (See pp. 529, 596-97). During the time from 1946 until 1948 the State Department's influence in occupational affairs increased. In a sense, by 1948 Clay was taking orders from both the Department of War and Department of State even though the transfer was not official until July 1, 1948.

⁸⁰Ibid., pp. 308-09. Consult section on those pages regarding "Education and Information Policy."

Nazism, but to educate the Germans about the horrors of that system in comparison with democracy.⁸¹

The Nuremberg Trials held by the American Military Tribunals under Law No. 10 (from the winter of 1946 through April 1949) were seen by Taylor as being instrumental in ridding that sector of Germany of "culprits ... who bore an overall responsibility for the crimes of the Third Reich."⁸² Those trials were under complete control of the Military Government because they dealt with prosecuting criminals accused of crimes against peace and humanity.⁸³ The Truman Administration appointed Brigadier General Telford Taylor to serve as prosecutor and selected American judges to preside over the proceedings.⁸⁴ In order to determine who was to be prosecuted, Taylor compiled an enormous list of about 5,000 criminal offenders. That list was reduced to fewer than 200 men due to a lack of time, staff and financial funds. In the reduction process there was an attempt to achieve some degree of balance in regards to offenses and professions of the

⁸¹Foreign Relations of the United States. "Germany." This is an August 26, 1948, Department of State Policy Statement; No 8660, pp. 1302-08 passim.

⁸²Telford Taylor, "Nuremberg Trials: War Crimes and International Law," International Conciliation 450 (April 1949): 277.

⁸³Trials Of War Criminals Before The Nuernberg Military Tribunals Under Control Council Law No. 10, 1: xxxi-xxii.

⁸⁴Smith, 1: 261-62, 273-74. This is Clay's October 24, 1946, reflection on the war trials.

accused. The offenders were divided into 12 groups for arraignment. Those groups consisted of medical doctors, judiciary personnel, industrialists, generals and the bureaucracy of the concentration camps.⁸⁵ The 12 trials consisted of:

1. The Medical Case, officially designated "United States against Karl Brandt," charged 23 doctors of criminal responsibility resulting in murders. Major General Karl Brandt of the SS, who served as Reich Commissioner for Health and Sanitation, had supervisory authority over all military and civilian medical services.

2. The Milch Case brought to trial the former Field Marshall of the Luftwaffe, Erhard Milch, for enslavement and crimes against humanity that included complicity in medical experiments of a criminal nature.

3. The Justice Case, also titled "United States against Josef Altstoetter," indicted 16 members of the Nazi Judiciary System for promulgating judicial murder. Nazi Judge Alstoetter was involved along with others in destroying justice in Germany and then utilizing the legal process for purposes of persecution, enslavement and extermination of civilians.

4. The Pohl Case, known formally as "United States against Oswald Pohl," charged Lieutenant General Pohl of the Waffen SS and 17 other SS members of the concentration camps' bureaucracy with involvement in slave labor and with murder.

⁸⁵Hilberg, pp. 693-94.

5. The Flick Case, officially called "United States against Freidrich Flick," brought the industrialist Flick and five other officers of his steel complex to trial for involvement in Nazi crimes such as utilization of slave labor and ill treatment of prisoners.

6. The I. G. Farben Case, designated "United States against Carl Krauch," charged 24 defendants, who were officials of the I. G. Farben chemical and synthetics combine, with such war crimes as helping plan aggression, enslavement and mistreatment of the enslaved.

7. The Hostage Case, also called "United States against Wilhelm List," indicted Field Marshal List and 11 other German army leaders for crimes ranging from kidnapping to murder.

8. The Ru SHA Case, known officially as "United States against Ulrich Greifelt," brought charges against 14 top SS officials involved in Nazi Germany's racial policy of extermination of undesirable people in Nazi territory. Greifelt served as "Reichskommissar for the Strengthening of Germandom" and was indicted for involvement in crimes against humanity. The American prosecutors viewed the Nazi killing of Jews as "cultural genocide."

9. The Einsatzgruppen Case, also called "United States against Otto Ohlendorf," indicted 24 Gestapo and SS officers of the Einsatzgruppen (special killer battalions) that concentrated on murdering Jews, especially in occupied Soviet territory. Otto Ohlendorf, who commanded the units, was charged with murder.

10. The Krupp Case, known formally as "United States against Alfried Krupp," brought 12 major officials of the Krupp Steel Company to trial. The Krupp steel mills manufactured armaments for the Nazi cause. Krupp and other industrialists were indicted for helping the Nazis fight an aggressive war, use of slave labor and mistreatment of prisoners that were used as laborers.

11. The Ministries Case, called officially "United States against Ernst von Weizsaeker," charged 21 top members in the civil administration of the Third Reich for crimes against peace and humanity. Von Weizsaeker was a career diplomat and while serving as Undersecretary of the German Foreign Office he became implicated in war crimes which involved the extermination of racial and religious groups.

12. The High Command Case, designated as "United States against Wilhelm von Leeb," indicted 14 Nazi Generals and Field Marshals for planning and waging an aggressive war, and for committing atrocities against civilian populations. Von Leeb was the senior of all the military officers that were charged by the Americans.⁸⁶

Altogether, the 12 trials held by American tribunals indicted 185 Nazis for war crime violations. But only 177 of the 185 were tried by the United States military courts because suicide and dropping of charges caused the number

⁸⁶Taylor, "Nuremberg Trials," pp. 280-335 passim.

tried to have been fewer than those originally indicted.⁸⁷ In addition, these secondary trials created an overlapping of American court proceedings with that of the denazification boards in which the Germans had obtained a role as seen below. Both proceedings went on simultaneously until the American trials ended in April, 1949.

As for denazification proceedings other than the 12 trials, the Military Government in Germany followed the enactment of the Law for Liberation (March 5, 1946) with the requirement that every adult German had to register and submit a resumé. From that registration a list of Nazis was drawn up for German authorities, who had been non-Nazis, to decide the extent that a Nazi had been involved in criminal acts in order to determine what sanctions could be applied. The Germans screened the Nazis into one of five categories consisting of: I. Major Offender; II. Offender; III. Lesser Offender; IV. Follower; and V. Exonerated.⁸⁸ The Major Offenders were then screened by the Americans to determine if they or the Germans were to prosecute the accused. In General, the German denazification courts tried the criminals not categorized as being Major Offenders because the Military Government did not have the staff or

⁸⁷Taylor, "Nuremberg Trials," p. 371.

⁸⁸Lucius D. Clay, "The Present State of Denazification," quoted in Constantine Fitz Gibbon, Denazification (New York: W. W. Norton and Company, Inc., 1969), pp. 131. This December 31, 1950, report of Clay is quoted in its entirety (pp. 129-38) by Fitz Gibbon.

time to prosecute the 3,000,000 chargeable cases.⁸⁹ To deal with that large number of war criminals there was a need for over 500 denazification tribunals and 22,000 people to staff them.⁹⁰ Because of that need, the Americans were utilizing non-Nazi German volunteers. However, there were not enough of German volunteers to staff the German tribunals. Therefore, a special law was passed by the Americans on November 20, 1946 that made it a duty for German civilians to cooperate in denazification.⁹¹ Hence, Germans cleared of connection with Nazism were utilized to staff the needed courts. The German denazification courts were thus civilian tribunals comprised of a few people to hear charges presented by a public prosecutor.⁹² Those courts did occasionally punish the Nazis severely by giving the guilty stiff fines or prison terms especially when a tribunal was composed of neighbors of a defendant who had rendered injustices on them.⁹³ However, as time progressed, the Germans became more forgiving and handed out less harsh punishments, if any at all. Even the Americans in their 12 trials became lenient as time passed

⁸⁹Clay, Decision, pp. 247, 259.

⁹⁰Whitney R. Harris, Tyranny On Trial: The Evidence at Nuremberg (Dallas: Southern Methodist University Press, 1954), p. 541.

⁹¹Grosser, German In Our Time, p. 44.

⁹²Clay, "The Present State of Denazification," in Fitz Gibbon, pp. 130-31.

⁹³Ibid., p. 136.

on. The result was that many Nazis escaped punishment and regained positions of importance in West Germany.⁹⁴ By the end of 1950, denazification was becoming a dormant issue. On December 15, 1950, the German Lower House of the newly established Federal Republic of Germany approved the liquidation of that program.⁹⁵ It is possible that American reversal in pursuing denazification may have stemmed in part from bureaucratic fatigue with the entire program, or a sense that injustice was being done to a people by punishing them after the war was over, or even that economic interests (big business) needed a viable Germany. It is equally true, however, that German reaction against denazification was due in part to the state of Cold War which was prominent in the years after the end of World War Two.

When the Second World War ended, tensions immediately developed between the Western democracies and Russians over reconstruction of Europe. The Soviet Union was determined to

⁹⁴Brown Book, 2nd English ed. (German Democratic Republic: Executive Council Of The National Front Of Democratic Germany, Documentation Centre Of The State Archives Administration Of The German Democratic Republic, 1968), pp. 14-17, 125, 244. The First release of this book was on July 2, 1965, and since then it has been reprinted in English, French and Spanish.

⁹⁵Clay. "The Present State of Denazification," in Fitz Gibbon, p. 134. The Cold War tensions caused the Americans to forgive the Nazis in order to seek a German alliance against the Russians.

extend Communism everywhere.⁹⁶ The Truman administration, influenced by public opinion and Congressional pressure, began a new policy of toughness in 1946 towards the Soviet Union that later developed into one of resisting Communist expansionism with the issuing of the Truman Doctrine on March 12, 1947.⁹⁷ Such a policy led to an increase in world tensions. Some scholars, such as Paul Seabury, in his book The Rise and Decline of the Cold War, have asserted that the Cold War had its beginning during 1946, or 1947, due to it being the "point in time when all of the analytic features of this conflict were fused together."⁹⁸ However, his point of view is not shared by everyone. For instance, Frederick L. Schuman in his publication of lectures, The Cold War: Retrospect and Prospect, declared that the Cold War started

⁹⁶U.S. Department of State Bulletin, Tensions Between The United States And The Soviet Union, statement made by Secretary of State Dean Acheson at the University of California at Berkeley, California, on March 16, 1950; Series Pubn. No 3800 (March 27, 1950), pp. 475-76.

⁹⁷Harry S. Truman, Memoirs by Harry S. Truman, vol. 2: Years Of Trial And Hope, 2 vols. (Garden City, New York: Doubleday and Company, 1956), pp. 106-06, 110-12.

⁹⁸Paul Seabury, The Rise and Decline of the Cold War (New York: Basic Books, Inc., 1967), p. 16. Seabury, a former Professor of Political Science at the University of Southern California, pointed out that many Western writers date the origin of the Cold War somewhere within the period of 1939-1946. (See p. 8.)

with the Russian Revolution of 1917.⁹⁹ Thus, the origins of the Cold War are a matter of controversy. The term Cold War was defined by Seabury as "a state of relations between states or social systems characterized by a constant policy of reciprocated hostility, in which ... armed force is not employed."¹⁰⁰ That state of hostility existed in 1947 and resulted in many crises over the reconstruction of East Europe and Germany. Major issues of dispute concerned boundaries advocated by the Russians as well as the American desire that free elections be held in order to establish democratic nations throughout Europe.¹⁰¹ German reconstruction also became a key issue since the Soviet Union did not want a united and free Germany.¹⁰² Despite being a part of reconstruction, denazification did not become a major factor of dispute because it was agreed that the Nazis had to be

⁹⁹ Frederick L. Schuman, The Cold War: Retrospect and Prospect (Baton Rouge: Louisiana State University Press, 1962), pp. 78-80.

This book consists of a series of three lectures delivered by Professor Schuman during March 27, 28 and 29, 1961, at Louisiana State University. His comment on the Cold War origin was made in his last lecture.

¹⁰⁰ Seabury, pp. 10-11.

¹⁰¹ John Lewis Gaddis, The United States and the Origins of the Cold War, 1941-1947 (New York: Columbia University Press, pp. 263-65, 280, 356-58).

¹⁰² George F. Kennan, Memoirs, vol. 1: 1925-1950, 2 vols. (Boston: Atlantic-Little, Brown and Company, 1967), pp. 378-79.

Kennan also compiled another volume which covered the years from 1950-1963. As an American diplomat he served as ambassador to the Soviet Union from 1952-1953 and is a world authority on the complexities of East-West politics.

punished for their atrocities. However, the Russians did criticize the American Denazification Program even though their program after the IMT proceedings was disorganized.¹⁰³

According to available information, the Soviet Military Administration initially carried out its program in an irregular fashion by local commands which quickly eliminated all important Nazis from leading positions.¹⁰⁴ Although the Russians dealt severely with the major offenders they did not establish German tribunals to try the numerous lesser offenders as the Americans did in West Germany. Those Nazis that were categorized by the Soviet Union as Lesser Offenders and Followers were made the "responsibility of ordinary German legal and judicial agencies in accordance with existing laws on criminal procedure."¹⁰⁵ The Russians did maintain control over the German agencies and with their help the denazification removals in East Germany totaled over 400,000 trials by November 1947.¹⁰⁶ However, there was no attempt by the Soviet Union to obtain a uniform denazification procedure until they adopted SMA Order No. 201 on August 16, 1947.¹⁰⁷ The Order was planned to gain the favor of the

¹⁰³U.S. Office Of Military Government For Germany, Denazification In The Four Zones (November 1947), p. 9.

¹⁰⁴Ibid., p. 7.

¹⁰⁵Ibid., p. 8.

¹⁰⁶Ibid., pp. 7-8.

¹⁰⁷Ibid., p. 7.

Germans since it showed indulgence towards the Lesser Nazis and thus emphasized Russian propaganda that the Law for Liberation severely punished the lesser criminal while the major ones went unmolested.¹⁰⁸ The Soviet Union, therefore, granted through its directive virtual amnesty to the less important Nazis by giving them the privilege to vote and hold public office as well as removing all previous restrictions placed by former orders on political or civil rights. Also, in their proceedings the Soviets exempted normal Nazis not chargeable with specific crimes. That differed from the American intent of trying Germans just for being members of the Nazi Party.¹⁰⁹ Hence, the Russians' denazification policy was opportunistic in nature. They omitted persons who proved useful to the Communist aims and attempted to draw attention from their unsatisfactory proceedings by criticizing American denazification practices.¹¹⁰ The principal difference between Soviet and American denazification was that the Russians had no uniform zonal German law, as the United States, but a directive.¹¹¹

Soviet criticism of United States policy in Germany reflected fear of westernization of Germany and establishes a link between denazification proceedings and Cold War

¹⁰⁸U.S. Office Of Military Government For Germany, Denazification In The Four Zones (November 1947), p. 7.

¹⁰⁹Ibid., pp. 3-4, 9.

¹¹⁰Ibid., p. 9.

¹¹¹Ibid., pp. 7-8.

tensions. The Russians charged, for example, that the United States made possible the Second World War through its appeasement and financial aid to Hitler's war industry.¹¹² Such charges became common since Germany was an issue in the Cold War. Germany became an area of crisis because both the Communists and Americans sought to prevent each other from achieving control over all that divided nation.¹¹³ The Cold War crisis led both the Soviet Union and the United States to regard the Germans no longer as an enemy but as a potential ally.¹¹⁴

Professor Alfred Grosser, in his book, *The Federal Republic of Germany*, made the following observation:

...East-West conflict was to enlarge the number of Hitler's faithful who would henceforth be considered indispensable....

...From 1946 on, ... the greater the tension between the two blocs, the more authority would be handed over by each side to 'its' Germany.

...The birth of the two German governments in 1949 did little to halt the chain of events.¹¹⁵

In order to enlist West Germans' assistance against the Kremlin, the Americans had to make some concessions to the Germans. Most of those concessions pertained to the

¹¹²New York Times, 10 February 1948, p. 1.

¹¹³Stephen E. Ambrose, Rise to Globalism: American Foreign Policy Since 1938 (Baltimore, Maryland: Penquin Books, Inc., 1971), p. 131.

¹¹⁴Alfred Grosser, The Federal Republic Of Germany: A Concise History, trans. Nelson Aldrich (New York: Frederick A. Praeger, 1964), p. 11.

¹¹⁵Ibid., pp. 10-12.

postwar policies placed on Germany by the Americans. Following the Youth Amnesty for Nazis born after January 1, 1919, the Military Government issued (also in 1946) the Christmas Amnesty. That amnesty was granted on December 24, 1946, and excluded from prosecution about 800,000 poor as well as disabled persons.¹¹⁶ The connection was that those peoples' income was so small that they could not have profited from their association with the Nazi Party even though they were devoted to Nazism as much as the rich.¹¹⁷ The two amnesties of that year were due to the American reasoning that those Nazis who were not chargeable as Major Offenders and Offenders had to be readmitted into German society if they were to be rehabilitated.¹¹⁸ Hence, the American denazification program did have some lenient tendencies even in its beginning. In fact, it can be argued that the Law for Liberation gave the Germans an opportunity to implement lenient standards. Prosecutors in the German tribunals that evolved from that law were inclined to base judgement mechanically on what the accused put in his questionnaire. This mechanical procedure was not adequate because it led to an eventual wholesale downgrading by the

¹¹⁶Dana Adams Schmidt, "McNarney Frees 800,000 From Denazification Trials," New York Times, 25 December 1946, p. 1.

¹¹⁷Ibid.

¹¹⁸Smith, 1: 228-29, 285.

Germans. One could regard that downgrading as being a "whitewashing."¹¹⁹ Even the Military Government criticized the German prosecutors. General Clay informed the Laenderrat that the Americans would resume all denazification obligations if they did not change from their mechanical procedure to one which was more thorough.¹²⁰ However, criticism was not exhibited only by Military Government personnel. During the Cold War the Germans, including the war criminals, began to express criticism of denazification.¹²¹

Initially the Germans exhibited no public criticism of the American denazification trials which were running concurrently at Nuremberg and Dachau. The proceedings at Dachau featured cases involving Nazis charged with specific crimes such as taking part in murders and cruelties in concentration camps. The twelve trials at Nuremberg dealt basically with Nazi political and economical factors that

¹¹⁹John H. Herz, "The Fiasco Of Denazification In Germany," Political Science Quarterly 63 (December 1948): 572-73.

¹²⁰Ibid., p. 575.

¹²¹Guenther Roth and Kurt H. Wolff, The American Denazification of Germany: A Historical Survey and Appraisal (Columbus: Department of Sociology and Anthropology, Ohio State University, 1954), pp. 21-22, quoted in Constantine Fitz Gibbon, Denazification (New York: W. W. Norton and Company, Inc. 1969), pp. 176-77.

The authors in their paper mentioned that denazification was "influenced" by "public opinion" and "particular persons" exerting pressure on denazification personnel. (See pp. 176-77 quoting of Roth and Wolff).

the Americans felt contributed to a policy of aggression.¹²² According to Clay, those trials, especially the ones that dealt with acts of mass exterminations, provided the Germans with "knowledge of the extent of Nazi brutality."¹²³

Although the trials were educational to the public, some defense personnel and defendants made the court the target of adverse reactions. For example, during the Krupp proceedings the defense counsel and defendants developed an "intransigent attitude" regarding the Tribunal's refusal to allow further arguments on a point of procedure that was already ruled upon. To show their disapproval, the defense counselors arose and left the court proceedings. Because they refused to return the Tribunal ordered that they be held in "contempt of court."¹²⁴ Their uncompromising position remained throughout the trial.¹²⁵ Such actions by the Germans did not occur during the IMT proceedings, but developed in the Western zones of Germany as the Cold War grew worse. In fact, in 1948 the West Germans began to press for an ending of the American denazification program and called for a review of

¹²²Clay, Decision, pp. 251-52.

¹²³Ibid.

¹²⁴Taylor, "Nuremberg Trials," p. 309. The Krupp Trial began early in December, 1947, and lasted until the end of June, 1948. Taylor's reflections on the trial are on pages 308-312.

¹²⁵Ibid.

previous cases by a clemency board.¹²⁶ The Cold War developments also influenced some of the accused criminals to become bold enough to attack the justification of denazification. One such person was Baron Franz von Papen who once was Chancellor of Germany as well as Hitler's Vice-Chancellor.

Papen was originally tried by the International Military Tribunal in 1945-1946 for crimes against peace. He was found not guilty and released by that court. But, he was not freed from further judicial proceedings. Bavarian authorities demanded his arrest and re-trial before a denazification tribunal. Papen was then arrested by German authorities and in 1947 was tried by a court presided over by President Camille Sachs of the District Court.¹²⁷ Papen viewed Dr. Sachs as a vengeful Jew who failed to obtain a Court appointment due to the Nazi racial policy.¹²⁸ The court subsequently found Papen guilty of participating in a rule of terror and profiting from the Nazi movement. The former Vice-Chancellor was thus sentenced to eight years at a labor camp and lost his professional right of teaching, acting as a lawyer and holding public office.¹²⁹ The trial

¹²⁶Belgion, pp. 89, 166-68.

¹²⁷Constantine Fitz Gibbon, Denazification (New York: W. W. Norton and Company, Inc., 1969), pp. 152-53.

¹²⁸Franz von Papen, Franz von Papen: Memoirs, trans. Brian Connell (New York: E. P. Dutton and Company, Inc., 1953), p. 577
Since the "Nuernberg Laws of 1935" Jews had been deprived of many rights.

¹²⁹Ibid., p. 578.

as well as the verdict made Papen a bitter man. He regarded his denazification trial as a gross miscarriage of justice and the whole concept of denazification as immoral.¹³⁰ In his memoirs, Papen asserted:

Nuremberg ... awakened the conscience of the world [and] ... established the conception of the collective guilt of certain organizations. Under the aegis of the occupying powers this led to the formation of denazification courts which have probably done more damage to the general conception of law than can yet be appreciated. Millions of people in Germany have been placed under an assumption of guilt which they have had to disprove individually in totally inadequate hearings....
 ... The courts [are] often composed of political opponents without legal training. [There are] ... countless cases in which prosecutors and members of the court were suspended ... for accepting bribes and other corrupt behaviour....
 ... This ... led to a form of judicial chaos. [Thus,] ... the very same methods were employed as those which the Nuremberg Tribunal condemned so roundly in the Third Reich.¹³¹

Such statements came from a bitter man who aspired briefly to replace Dr. Konrad Adenauer as leader of West Germany's Christian Democratic Party.¹³² His criticism of the proceedings was echoed in part by other participants in denazification trials such as Field Marshal Albert Kesselring and Defense Counselor Dr. Karl Doetzer.

Kesselring contended in his memoirs that the Allies should have brought no charges against him for actions against the underground because he only obeyed his orders and

¹³⁰ Papen, pp. 578-81.

¹³¹ Ibid., pp. 573-74, 579.

¹³² Fitz Gibbon, p. 161.

performed his duties as a commander. He also felt that the trials were not worthy of being called justice.¹³³ That opinion was shared by many of the other Nazis on trial or participating as defense lawyers.

Dr. Doetzer, who was counselor for Edmund Veessenmayer, in the Ministries Case, not only was critical of the trials but also noted the power struggle in which the courtroom proceedings were taking place on July 31, 1948, when he asserted:

The events since 1945 [constitute] ... a struggle between the Eastern and Western World which continues to shake the world community to its very foundations....

... In the name of this ... world community, constantly aimed at but never materialized, the American prosecuting authorities conduct this trial.... They admittedly appeal to the moral principles of the civilized world, but the eternal love and perpetual preparedness for sacrifices for their fatherland, inherent in the Germans, terrorized by Hitler and his close circle of collaborators, are disregarded by them....

... In this courtroom it sometimes seems that two entirely different worlds face each other.¹³⁴

The Cold War developments also had an affect upon the American judiciary personnel involved in the trials. It

¹³³Alfert Kesselring, Kesselring: A Soldier's Record, trans. Lynton Hudson (New York: William Morrow and Company, 1954), pp 353-65 passim.

Field Marshal Kesselring was sentenced by a British court to death in May, 1947, for killing Italian civilians. That verdict was later changed to life in prison and then to a 21 year term. (See pp. 353, 371.)

¹³⁴Trials Of War Criminals Before The Nuernberg Military Tribunals Under Control Council Law No. 10, October 1946-April 1949, (1951), 12: 297-98.

For the complete statement pp. 295-301 of volume 12 which pertains to the Ministries Case.

led Judge James Morris, who presided over the I.G. Farben trial, to remark to Prosecutor Josiah Du Bois on one occasion during lunch that 'We have to worry about the Russians now; it wouldn't surprise me if they overran the courtroom before we get through.'¹³⁵ The Russians thus created a fear of Communist aggression that resulted in a need for West Germany to act as a buffer against them. That thought had to be in the back of the minds of American officials when they approved giving West Germany responsibility in denazification through the Law for Liberation. It was becoming evident that the United States needed assistance and new allies to counter the Communist bloc.

The West did seek to reach accord with the Soviets regarding Germany during the Cold War. At the convening of the Moscow Conference on March 10, 1947, the Western Allies consisting of the Americans, British and French, sought to delegate more power to the Germans in governmental affairs as well as in denazification.¹³⁶ Under their plan they desired to establish a provisional German government. That central government would have legislative and executive powers but still be under the influence of the wartime allies.¹³⁷

¹³⁵Josiah Du Bois, The Devil's Chemists, p. 95, quoted in Hilberg, p. 695.

¹³⁶U.S. Office Of Military Government For Germany, Civil Administration Division, Distribution Of Governmental Powers Between Federal, State And Local Government November 1947, Lithographed by Adjutant General, OM GUS, (1947), pp. 1-2, 17.

¹³⁷Ibid., pp. 4-6.

Although agreeing in part to the need for a central government, the Soviets wanted to have increased control over such a German government. They also sought to influence adversely the development of Western ideology in West Germany. For example, they attempted to degrade the denazification proceedings in the Western zones of Germany as not being harsh enough. But, the Russians had no intention of implementing harsh standards in their zone.¹³⁸ In fact, by 1948, their denazification proceedings ceased.¹³⁹ With the conclusion of their denazification the Russians placed more emphasis on furthering the cause for Communist world conquest by concentrating on Germany and creating tensions there. Much of the tensions developed by the Russians in Germany were due to their violations of law. They raided West German farmhouses across the border and arrested Americans who strayed from the highway to Berlin.¹⁴⁰ Such action makes it apparent that the Soviet Union sought to prevent any settlement regarding a united Germany under one central government unless the Russians obtained virtual control of that

¹³⁸Foreign Relations of the United States. "The Fourth Session Of The Council Of Foreign Ministers, Moscow, March 10-April 24, 1947: Preparations For The Session; Substantive Pre-conference Papers and Discussions." A telegram from the U.S. Ambassador in the Soviet Union (Bedell Smith) on January 7, 1947, to the Secretary of State (James F. Byrnes). (Washington: U.S. Government Printing Office, 1972), II, No. 8530, pp. 140-41.

¹³⁹Smith, 2: 576-77.

¹⁴⁰Clay, Decision, pp. 137-38.

government. Since the Western Allies would not permit such an occurrence, the Communists used ideological differences with the West to cause tensions which would result in a permanent split of Germany. A German stalemate thus developed in 1947 and heightened the Cold War crisis in Europe.¹⁴¹ That stalemate also affected denazification because it is less than coincidental that the American denazification program was being rushed to completion after the Berlin Blockade of 1948-1949.¹⁴²

In stopping such an occurrence especially in countries that had to depend on outside assistance in recovering from the effects of the war. It was hoped by the Truman Administration that American financial help would influence the countries of Europe to adopt a democratic type of government instead of Communism. Secretary of State George C. Marshall, in a speech at Harvard University on June, 1947, had voiced his feeling that "the United States should do whatever it is able to do to assist in the return of normal economic health in the world, without which there can be no political stability and no assured peace."¹⁴³ The European Recovery Program (ERP) evolved out of his speech. The program was instituted by the Americans on June 28, 1948, and provided for European recovery

¹⁴¹McGeorge Bundy, ed. The Pattern of Responsibility (Boston: Houghton Mifflin Company, 1952), pp. 103-04. This is edited by Bundy from the Record of Secretary of State Dean Acheson. Prior to becoming Secretary of State, Acheson was Under-Secretary of State from 1945 to 1947.

¹⁴²Clay, Decision, pp. 138, 240-41, 252.

CHAPTER III

THE VIRTUAL TERMINATION OF DENAZIFICATION,

1948-1951

Before 1947 ended, the Russians had not only created a stalemate over German unification but sought to spread Communism throughout the European continent. The United States had assumed the leadership among the Western powers in stopping such an occurrence especially in countries that had to depend on outside assistance in recovering from the effects of the war. It was hoped by the Truman Administration that American financial help would influence the countries of Europe to adopt a democratic type of government instead of Communism. Secretary of State George C. Marshall, in a speech at Harvard University on June, 1947, had voiced his feeling that "the United States should do whatever it is able to do to assist in the return of normal economic health in the world, without which there can be no political stability and no assured peace."¹⁴³ The European Recovery Program (ERP) evolved out of his speech. The program was instituted by the Americans on June 28, 1948, and provided for European recovery

¹⁴³U.S. Department of State Bulletin, European Initiative Essential to Economic Recovery, remarks made by Secretary of State George C. Marshall at the commencement exercises at Harvard University on June 5, 1947; Series Pubn. N. 2843 (June 15, 1947), pp. 1160.

through American foreign aid.¹⁴⁴ It was offered to all European countries. However, the Communist nations refused to participate in the program and sought means to disrupt it.¹⁴⁵ Nevertheless, American relief aided in preventing a quick Soviet take over of Western Europe by providing a step for "peace, progress and prosperity."¹⁴⁶ Hence, the American instituting of ERP assisted in making West European governments impenetrable to Communist revolution.

The European Recovery Program, however, was too late to halt the advance of Communism in Eastern Europe, such as in Czechoslovakia. In that country the Communists precipitated a Cabinet crisis from February 17 to 25, 1948, over whether the organization of the police force would be subject to a majority decision of the cabinet. That led to mass demonstrations, organized by the Communists, to force non-Communist ministers to resign. New Communist members took over on February 25, 1948, and thus brought that nation

¹⁴⁴New York Times, 29 June 1948, p. 14.

France, Italy and Ireland were the first nations to accept (on June 28, 1948) aid under the Marshall Plan. Basically the program was an expansion to billions of dollars of lend lease in a time of peace.

¹⁴⁵Ibid., p. 79.

¹⁴⁶U.S. Department of State Bulletin, The 1947 Foreign Relief Program, an article with no author named regarding U.S. aid after W.W.II; Series Pubn. No. 3220 (July 25, 1948), p. 103.

under Communism.¹⁴⁷ Such governmental conquest might have been prevented if American assistance could have been obtained by the Czechoslovakian government as a deterrent to the Communists. Yet, even American aid could have proved useless in stopping the Communist take over of that nation as was the case later in China.

The Chinese, under Chiang Kai-shek's Nationalists Government, sought and obtained American aid. That aid was in the form of a financial relief program for grain procurement which was implemented on October 27, 1947, and expanded with the passage of Public Law 393 on December 23, 1947.¹⁴⁸ The relief program failed to motivate the Chinese people to resist the Communist forces in their eventual take over of China in 1949.¹⁴⁹ Hence, American aid did not always act as an effective means of preventing the spread of Communism throughout the world. In contrast, ERP was a valuable tool for the Americans in rebuilding Western Europe. According to President Truman, ERP led the Soviets "to retaliate by [establishing] ... a counterpart of a Marshall Plan under Russian auspices for her satellites [on January 25, 1949, known as the Council for Economic Mutual Assistance]

¹⁴⁷U.S. Department of State Bulletin, United States, France, and United Kingdom Condemn Development in Czechoslovakia, a declaration issued jointly on February 26, 1948, regarding Communist seizure of power in Czechoslovakia; Series Pubn. No. 3079 (March 7, 1948), p. 304.

¹⁴⁸U.S. Department of State Bulletin, The 1947 Foreign Relief Program, p. 102.

¹⁴⁹Bundy, pp. 169-74, 177-78.

... and to risk a military incident in Berlin to test ... American ... firmness and ... patience."¹⁵⁰ The Soviet reaction was a direct out growth of the stalemate between East and West. Their actions in 1948 did not, however, prevent the Western Allies from seeking the development of a united West Germany with a constitution of German origin.¹⁵¹ The Russians interpreted the Allies' actions as being in violation of the Four-Power authority and a threat to Communism.¹⁵² The Soviet Union responded by breaking up the Allied Control Council during its meeting on March 20, 1948.¹⁵³ Shortly thereafter, a partial Berlin Blockade was established by the Communists. Thus, ERP as well as Allied plans for a West German government independent of Soviet influence helped to lead to the Berlin Blockade.

The Soviet Union, on March 31, 1948, sent a directive, to be implemented the next day, which imposed a temporary restriction applying only to the movement of Allied military trains across Communist East Germany to reach west Berlin. A total blockade of all surface traffic between West Berlin and the three Western zones was instituted by the Russians on June 24, 1948.¹⁵⁴ The Soviets claimed their action of

¹⁵⁰Truman, p. 120.

¹⁵¹Jane P. C. Carey, "German Politics and the East-West Deadlock," Foreign Policy Reports 25 (April 1, 1949): 15, 23-25.

¹⁵²Bundy, p. 105.

¹⁵³Clay, Decision, pp. 348, 356-57, 443.

¹⁵⁴Ibid., 358-62, 365.

June 24, 1948, was needed in order to keep the currency reform undertaken in West Germany from having an adverse effect on the economy in East Germany.¹⁵⁵ The blockade was also meant to cause a disruption of Western efforts to establish a West German government as agreed upon by the West in the London Agreement announced on June 1, 1948.¹⁵⁶ Although the Soviet action created much tension between the Eastern and Western blocs, the London Agreement plans to organize a new West German Republic were carried through. In addition, the Americans sought to overcome the Russian blockade with the massive airlifts to West Berlin.¹⁵⁷ The airlift was meant to save West Berlin from starvation and to show the Germans that the United States wanted their friendship against a common enemy. However, the airlift did not end the tensions which in turn had a drastic influence on denazification proceedings in West Germany.

One person who was actively involved in the Berlin Crisis as well as denazification was General Clay. In his capacity as Military Governor during that era, Clay sought to win the support of the German people. It was he who implemented the airlift to save West Berlin from falling to the Communists. His desire to promote German alliance with the

¹⁵⁵Clay, Decision, p. 362.

¹⁵⁶Bundy, pp. 104-05.

¹⁵⁷Clay, Decision, pp. 365-67.
Air lifts were begun on June 25, 1948.

West is also reflected in his role of reviewing officer in affairs pertaining to denazification. He wanted to be fair to the criminals and do a justifiable job because there was no court of appeal.¹⁵⁸ As Clay explained:

The responsibility for ... executions rested on my final judgment and in every case I pored over the record to satisfy my conscience that the sentence was deserved.

Among the ... trials [I examined] was that of Ilse Koch, the branded 'Bitch of Buchenwald' [who] ... delighted in flaunting her sex, emphasized by tight sweaters and short skirts, before ... male prisoners.... I reduced her sentence [and] perhaps erred in judgment but no one can share the responsibility of a reviewing officer.... I felt that evidence leading to the death sentence must be indisputable and therefore ... approved ... more than 200 death sentences [while commuting] ... 127 to life imprisonment.¹⁵⁹

Clay also found himself faced with mounting criticism in West Germany regarding the proceedings. Whereas the German populace initially went along with the program without offering much criticism in the atmosphere of humiliation in 1945, as time passed, they became critical of later trials. For example, the cases which involved the industrialists failed to convince the German people that their industrial leaders had been guilty of provoking the events that led to war.¹⁶⁰ Punishment of those involved in the cases which included the industrial combines of Flick, Krupp and

¹⁵⁸Clay, Decision, p.252.

¹⁵⁹Ibid. p. 254.

Ilse Koch received a life sentence for killing an inmate of the Buchenwald Camp.

¹⁶⁰Ibid., pp. 251-52

I. G. Farben, resulted from their abuse of slave labor.¹⁶¹ The German critics did not deem such abuse as being important and lost their interest in the lengthy proceedings. The increase in criticism led American and West German presses to advocate a cessation of the whole program by the summer of 1948. The result was that the Military Governor, Clay, was influenced on March 27, 1948, to apply measures to end denazification trials.¹⁶² The measures were in the form of amendments to existing denazification laws to expedite the trials by re-classifying most Nazis awaiting prosecution to a lesser category.¹⁶³ After the partial blockade ensued in April 1948, Clay told American General Omar Bradley, on April 10, 1948 that denazification should be completed by June 1, 1948, due to the exemption of all minor offenders from the court dockets. Although the blockade was the central issue of discussion, it was noteworthy that reference was also made to the progress of the denazification program.¹⁶⁴ Actually, by June 1948 over 2,000,000 Germans had been granted amnesties since 1946, and over 800,000 hearings had

¹⁶¹Clay, Decision, p.252.

¹⁶²Delbert Clark, "Clay Ends Trials For Lesser Nazis," New York Times, 28 March 1948, p. 1. Clark in his article mentioned that denazification was attacked "effectively by important United States and German individuals who considered it was an undue burden on German social and economic life." (See p. 21.) Such attacks influenced Clay to apply measures to end trials for lesser Nazis. (See pp. 1, 21.)

¹⁶³Ibid., pp. 1, 21.

¹⁶⁴Smith, 2: 621-24.

been held leaving 31,000 persons eligible for trial.¹⁶⁵ The net result was that of the 3,000,000 charged, only about 15 per cent had been penalized and the remainder returned to the German society unpunished.¹⁶⁶ Thus, liquidation of the denazification program began prior to the blockade but was hastened by that initial incident.

As 1949 began, the Berlin Crisis from June 24, 1948, persisted. There were still a number of cases yet pending but the high importance once attached to them had dwindled. American Secretary of State Dean Acheson was influenced by the Cold War developments to strive for the establishment of a North Atlantic Treaty Organization (NATO) as a means of European defense against the spread of Communism. He felt that a defense alliance was necessary to stop a possible Communist absorption of Western Europe.¹⁶⁷ The North Atlantic Treaty, which was negotiated during the winter of 1948-1949, was ratified by the United States Senate by a vote

¹⁶⁵Clay, "The Present State of Denazification," in Fitz Gibbon, p. 132. After June 1, 1948, new refugees and returning POWs led to more persons being registered for the proceedings. By September 30, 1950, a total of 13,416,000 persons had been registered; 958,071 trials had been held; and 2,777,444 amnestied, either by the prosecutor or after trial. There remained 1,740 cases to be disposed of. (See p. 132 of Fitz Gibbon's quoting of Clay's paper.)

¹⁶⁶Foreign Relations of the United States. "Germany." An August 26, 1948, Department of State policy statement; No. 8660, p. 1302.

¹⁶⁷Dean Acheson, Present At The Creation: My Years in the State Department (New York: W. W. Norton and Company, Inc., 1969), pp. 272, 282-84.

of 82 to 13 and signed at Washington on April 4, 1949.¹⁶⁸ The United States was the principal power in the defense organization which represented its first alliance since the Treaty of 1778 with France. Although West German defense was an important concern of the pact members, the Americans did not seek at that time a rearmament of West Germany.¹⁶⁹ Nevertheless, the United States felt German support was needed to win the Cold War and deter the Russians from absorbing West Europe.

With the lifting of the Berlin Blockade by the Soviet Union at midnight on May 12, 1949, some of the tensions pertaining to West Germany were eased.¹⁷⁰ However, there was still a need to win the solid support of the West Germans against the Soviet enemy. One way to gain that aid was to quickly satisfy the West German desire to obtain self-government. The Americans, British and French were eager to comply with that wish. They decided to turn over complete authority to the German officials who previously had obtained jurisdiction in some matters such as denazification. Those three powers were thus determined not to permit the Soviet Union to delay the return of self-rule to the West German people.¹⁷¹ Therefore, on September 21, 1949, the Allies

¹⁶⁸Bundy, pp. 59, 66.

¹⁶⁹Ibid., p. 106.

¹⁷⁰Clay, Decision, p. 390.

¹⁷¹Ibid., p. 393.

officially combined their three Western zones, thus permitting formation of the Federal Republic of Germany.¹⁷² This action formally brought the military occupation to an end. The Military Government was replaced by a civilian agency called the Allied High Command. It was intended to oversee the German government especially in foreign affairs. John J. McCloy, appointed by President Truman to replace the retiring Clay in June 1949, took over control of the High Command in the position of United States High Commissioner for Germany. Although replacing the position of Military Governor it possessed basically the same powers and functions.¹⁷³ As High Commissioner, McCloy assisted the West Germans in conducting elections for Parliament, establishing a central government, and also acted as a review officer for the war criminals. Clay had attempted to complete the majority of executions of the war criminals before McCloy took over in order to take the burden off the High Commissioner's shoulder.¹⁷⁴ Nevertheless, McCloy still had the tremendous

¹⁷²U.S. Department of State Bulletin, Western Germany Begins New Phase of Self-Government, a statement by the Acting Secretary of State (James E. Webb) that was released to the press on September 21, 1949; Series Pubn. No. 3648 (October 3, 1949), p. 512.

The Germans also sought complete sovereignty but did not get it at this time.

¹⁷³U.S. Department of State Bulletin, Federal Republic of Germany Established, an article with no author named; Series Pubn. No. 3648 (October 3, 1949), pp. 512-13.

¹⁷⁴Smith, 2: 1038, 1062.

task of dealing with the Russians' attempts to disrupt a smooth transition of internal affairs to the West Germans.

Having failed to deter the West from establishing a German Government, the Soviet Union responded with a like measure, the founding of the German Democratic Republic on October 7, 1949.¹⁷⁵ The East German regime was a culmination of a series of Soviet political moves starting with the establishment in November 1947, of a 'People's Congress' to discuss German unification.¹⁷⁶ Those talks were held in East Berlin and attracted attendance mainly from the Communist bloc because the West felt the Russians would not permit a legitimate German state to exist. The lack of Western response to Soviet proposals, as well as those of the People's Congress, provided the Communists with an opportunity to place the blame for the splitting of Germany on the West.¹⁷⁷ As a consequence of the split, two separate German republics emerged in 1949.

Although the Russians had total control of the East Germans the Western Allies did not exert such domination over West Germany. The Allies did, however, guide the West

¹⁷⁵U.S. Department of State Bulletin, East German Government Established Through Soviet Fiat, State Department statement released to the press on October 12, 1949; Series Pubn. No. 3656 (October 24, 1949), p. 634.

¹⁷⁶U.S. Department of State Bulletin, Establishment Of Soviet-Sponsored East German Republic, an article by Henry B. Cox; Series Pubn. No. 3686 (November 21, 1949), p. 761.

¹⁷⁷Ibid., pp. 761-64.

Germans in developing the principles of a democracy. For instance, they counseled the Germans in the adoption, on May 8, 1949, of a Constitution called the Basic Law.¹⁷⁸ After the three Western powers officially approved the German Constitution on May 12, 1949, they permitted the Germans to hold free elections on August 14, 1949, in order to establish a Parliament.¹⁷⁹ That Parliament, consisting of the Bundestag (lower house) and Bundesrat (upper house), officially constituted itself on September 7, 1949.¹⁸⁰ It met in the capital city of Bonn on September 15, 1949, and elected Dr. Konrad Adenauer as the Federal Chancellor.¹⁸¹ With the forming of his cabinet on September 20, 1949, the German Federal Government was established.¹⁸² The Allies did not make that government a puppet regime. In fact, Adenauer sought German sovereignty while voluntarily cooperating with the West against Communist aggression.

In Adenauer's inaugural speech of September 20, 1949, he repeatedly denounced Soviet policy on Germany.¹⁸³ He also

¹⁷⁸Clay, Decision, pp. 421, 424, 436.

¹⁷⁹Paul Weymar, Adenauer: His Authorized Biography, trans. Peter De Mendelssohn (New York: E. P. Dutton and Company, Inc., 1957) pp. 254, 257.

¹⁸⁰Konrad Adenauer, Memoirs: 1945-53, trans. Beate Ruhm von Oppen (Chicago: Henry Regnery Company, 1966), p. 183.

¹⁸¹Jack Raymond, "Adenauer Elected By A Single Vote." New York Times, 16 September 1949, p. 5. Adenauer needed 202 votes from the 402 man Bundestag and received exactly 202 votes.

¹⁸²Jack Raymond, "Adenauer Chooses A 13--Man Cabinet," New York Times, 21 September 1949, p. 13.

¹⁸³Ibid.

reflected upon denazification. According to Adenauer:

The procedure of denazification ... has caused a great deal of harm and much misfortune and unhappiness. It is only right and just that those genuinely responsible for the crimes committed during the National Socialist period and the war should be punished with all severity. For the rest we must make an end of distinguishing in Germany between two classes of human beings - the politically acceptable and the nonacceptable, the tarnished and the clean. This distinction must disappear, and the sooner the better. The war and the chaos of the postwar years have subjected many to such cruel ordeals, and exposed them to such inordinate temptations, that there must be understanding and sympathetic consideration for many offenses and cases of misdemeanor....

... While the federal government is ... resolved ... to let bygones be bygones ... it is firmly resolved ... to act upon the lessons learned from the past in its dealings with all those who are endangering the existence of the state....

... let me say a word about certain anti-Semitic tendencies which are once again making themselves felt among us.... We consider it altogether unworthy, indeed wholly outrageous, after all that has happened under National Socialism, that there should still be people in Germany who persecute ... the Jews for no other reason than that they are Jews!¹⁸⁴

Hence, Adenauer wanted an ending to all denazification proceedings even though there were still anti-Semitic tendencies among the German populace. One wonders why he did not call for a strict enforcement of the program if such tendencies existed. It would seem that further carrying out of the proceedings was needed in order to ensure that all fragments of Nazism were removed from Germany.

The new West German government did declare that it intended "to eradicate all traces of Nazism from German life.

¹⁸⁴Weymar, pp. 280-81.

and institutions."¹⁸⁵ However, Bonn has failed to live up to its affirmation because there were in the 1960s many former Nazis in high public office in West Germany. For example, many of the Foreign Office diplomats were in its service even though they served as staff for Nazi Foreign Minister Joachim von Ribbentrop, who was executed for committing crimes against humanity.¹⁸⁶ Over 2,000 Nazis were serving in powerful positions of state and economy by 1968.¹⁸⁷ Such oversight or forgiveness of Nazis by Bonn is traceable to 1949 when 92 percent of school teachers dismissed by denazification courts were reinstated.¹⁸⁸ The erasure of denazification apparently held a greater priority than the punishment of Nazis. German tribunals during the crisis of the Cold War began to be lenient in their sentencing of criminals as well as aiding them by not trying the Nazis that could be useful to the government in Bonn.¹⁸⁹ Hence, the West Germans had gradually absorbed control of all the denazification proceedings except for the 12 American trials

¹⁸⁵Foreign Relations of the United States. "Establishment Of Federal Republic Of Germany." A Policy Directive for the United States High Commissioner for Germany (McCloy) issued from Washington on 17 November 1949. (Washington: U.S. Government Printing Office, 1974), III, No. 8752, p. 345.

¹⁸⁶Brown Book, p. 231.

¹⁸⁷Ibid., p. 11.

¹⁸⁸Elkins, p. 293.

¹⁸⁹Brown Book, pp. 14-15.

at Nuremberg. The trials the United States held at Dachau had ended on December 30, 1947.¹⁹⁰ Those trials had judged 1,672 Nazis, resulting in 426 death sentences being issued out of the 1,090 that were found guilty.¹⁹¹ After 1948 the American role in denazification trials was primarily concerned with the proceedings of the 12 trials at Nuremberg.

By 1949, the Nuremberg Trials were in their final stage. Because of the length of each trial and the amount of material covered regarding the activities of the defendants from 1933 to 1945, it is unfeasible to examine each trial. However, one should note a few cases which dealt with atrocities committed by the Nazis against prisoners of war and the Jewish people. For example, the Medical Case related facts regarding how the Jews of Europe were guinea pigs for many experiments by Nazi doctors which resulted in death. Upon death, the bodies of many Jews were dissected in order to provide body parts for possible transplants to wounded German soldiers.¹⁹² Some cruelties involved in that case even amazed the German populace.¹⁹³ Seven of the defendants were executed in 1948 for their role in the crimes.¹⁹⁴ Other

¹⁹⁰Clay, Decision, p. 253.

¹⁹¹Ibid.

¹⁹²Trials Of War Criminals Before The Nuernberg Military Tribunals Under Control Council Law No. 10, October 1946 - April 1949, 1: 171-89 passim.

¹⁹³Taylor, "Nuremberg Trials," p. 286.

¹⁹⁴Taylor, Final Report, p. 91.

trials, such as the High Command Case, brought out similar acts of atrocities. In that case the German military leaders carried out the so-called "Führer Order" of Hitler, which called for the extermination of Jews and Gypsies because they were viewed as causing racial impurity in Germany.¹⁹⁵ In fact, one criminal in that case, Paul Blobel, admitted responsibility for massacring 30,000 Jews in Kiev and had also expressed his regret that there were not more Jews killed.¹⁹⁶ For his role in the killings Blobel was hung on June 7, 1951.¹⁹⁷ Such murdering of Jews was common in other cases.

The great majority of convictions at the Nuremberg Trials held by the Americans resulted from charges pertaining to war crimes and crimes against humanity which involved offenses such as slave labor, the killings of hostages and the persecution as well as murder of Jews and other racial groups.¹⁹⁸ Of the 177 Nazis tried, 35 were acquitted and 24 received death sentences.¹⁹⁹ The Tribunal handling the Einsatzgruppen Case sentenced 14 Nazis to death.²⁰⁰ That was the largest number of all the 12 trials to receive the death

¹⁹⁵Arthur Settel, "Seven Nazis Were Hanged: The Diary of a Witness," Commentary 29 (May 1960): 372.

¹⁹⁶Ibid., p. 373.

¹⁹⁷Ibid., p. 379.

¹⁹⁸Taylor, Final Report, p. 92.

¹⁹⁹Taylor, "Nuremberg Trials," p. 371.

²⁰⁰Ibid.

penalty. Some, however, had their sentences changed to life in prison. Thus, again the question arises -- WHY? To that, Prosecutor Taylor commented:

On the whole, it was apparent to anyone connected with the entire series of trials under Law No. 10 that the sentences became progressively lighter as time went on. Defendants such as Darre, Dietrich, and Stuckart in the 'Ministries Case' (Case No. 11) who, although convicted under two or more counts of the indictment of serious crimes, received very light sentences in 1949, would surely have been much more severely punished in 1946 or 1947.... A number of factors played a part in this trend toward leniency, including waning interest on the part of the general public and the shift in the focus of public attention resulting from international events and circumstances....

... The Nuernberg Trials [, beginning in 1948, were] ... discussed, often bitterly attacked, and less often defended, in the German press....

... In my opinion, any effort to 'soft pedal' Nuernberg will inevitably play into the hands of those Germans who do not want a democratic Germany.²⁰¹

Thus, when the trials concluded in 1949, the defendants were gaining more leniency in their sentences due in part to criticism by the public regarding the trials and circumstances relating to world crisis.

American prosecution of Nazi war criminals had ended on April 14, 1949, with the conclusion of the last and longest of the 12 trials, the Ministries Case. Afterwards, all that remained for American authorities was a review of sentences. That review was handled by High Commissioner McCloy and a clemency board sent from America. The Board began its work in April 1950, and pressured McCloy to reduce

²⁰¹Taylor, Final Report, pp. 92, 11-12.

as well as commute many sentences.²⁰² Businessmen such as the directors of I. G. Farben were among the quickest to be released. For instance, Otto Ambros, who was a principal director of I. G. Farben, was released in 1950 after serving only one year of the eight year prison term he received in 1949.²⁰³ Such acts of leniency most likely created a social problem for some of the non-Nazi populace in Germany who attacked the actions of the war criminals. However, the Americans had far more serious problems to contend with than the re-establishment of Nazi criminals in West German social life.

The Soviet menace in Germany not only caused a desire to end denazification as a means to gain West German friendship against the Russians but also led to discussions regarding the possibilities of German rearmament. Such a consideration of Germany rearming was conceived by the "Operations and Plans Division of the U.S. Army (G-3)" back in 1947 because the West lacked manpower.²⁰⁴ However, it was

²⁰²Hilberg, pp. 696-97.

²⁰³Elkins, p. 286

²⁰⁴Laurence W. Martin, "The American Decision To Rearm Germany," in American Civil - Military Decisions: A Book of Case Studies, ed. Harold Stein (Birmingham, Alabama: University of Alabama Press, 1963), pp. 646-47. Professor Martin points out that the Army convinced the Joint Chiefs of Staff (JCS) of the need to rearm Germany and obtained the JCS approval on April 30, 1950, for a plan to incorporate German ground forces in NATO. However, the State Department rejected rearmament until after the Korean attack. Until the attack occurred the State Department and Pentagon doubted the wisdom of the other. There were unpleasant relations between Secretary of State Acheson and Secretary of Defense Louis A. Johnson. (See pp. 648-53.)

not until after knowledge of a Soviet Atomic Bomb test in 1949 was revealed to the public that interest rose regarding Germany's military status.²⁰⁵ President Truman released information on September 23, 1949, of a Russian explosion of an Atomic Bomb in Siberia during July or August.²⁰⁶ That information, along with the manpower deficiency, proved to be factors which led the Americans to review the military situation. It motivated General Clay to announce on November 20, 1949, that there was a need for a composite European military force, that included German infantry, in order to help stop possible Russian aggression.²⁰⁷ A few days later, on November 26, 1949, Senator Elmer Thomas (D-Okla.) came out in favor of German rearmament because he felt the Allies needed the fighting ability of the German people.²⁰⁸ Although the Germans had been a great military power, not everyone in the West favored rearming of West Germany. French Foreign

²⁰⁵Martin, "The American Decision," p, 649.

²⁰⁶U.S. Office Of The Chief Of Military History: United States Army, "Peace Becomes Cold War, 1945-1950," American Military History (Washington, D.C.: U.S. Government Printing Office, p. 543
Russia successfully exploded their Atomic Bomb in 1949. (See p. 543.) Also, consult Chapter 24 (pages 529-44) regarding American Military reaction to the Cold War and Russia.

²⁰⁷New York Times, 21 November 1949, p. 5.

²⁰⁸New York Times, 27 November 1949, p. 22.
It is also mentioned that 5 Senators opposed German rearmament until Germany proved to be economically stable and more democratic. Those Senators were: Dennis Chavez (D-N.M.); John L. McClellan (D. Ark.); John C. Stennis (D-Miss.); Edward J. Thye (R-Minn.); and A. Willis Robertson (D-Wa.).

Minister Robert Schuman feared an armed Germany and was opposed to German rearmament.²⁰⁹ Even West German Chancellor Adenauer voiced his disapproval of rearming Germany. He urged that the Germans devote their energy towards reconstruction and rearm only if they felt it was necessary.²¹⁰ Rearmament was opposed, however, by many American statesmen too. Diplomat George F. Kennan rejected the idea because it was his opinion that "the Russians ... had no intention of attacking Western Europe in those postwar years, and [they] thought we must have known it."²¹¹ Also opposing rearmament in 1949 was Secretary of State Dean Acheson. It was not until after the shock of the Communist attack of South Korea that he changed his mind.²¹²

²⁰⁹Harold Callender, "Paris Gets 3 Views On German Arming," New York Times, 23 November 1949, p. 6. In this article General Bradley is mentioned as stating that he favored rearmament when Germany became more economically and politically stable.

²¹⁰Adenauer, pp. 267-70. Adenauer made his view known in an interview he gave the Cleveland Plain Dealer on December 3, 1949. He also contended that he would refuse to establish a German force even if the Allies made such a demand. (See p. 267.) However, it should be noted that Adenauer rather easily changed his mind after Korea. In fact, he used rearmament and Korea as a means to obtain American concessions in Germany. Although a main concern was full restoration of German sovereignty he did seek, from 1950 onward, some concessions regarding the war criminals. (Consult pages 274-83, 300-304, 409, 445.)

²¹¹George F. Kennan, Memoirs, vol. 2: 1950-1963, 2 vols. (Boston: Atlantic-Little, Brown and Company, 1972), p. 138.

Following the fall of Nationalist China to the Communists in 1949, Secretary of State Acheson became concerned with containing the spread of Communism not only in Europe but in Asia. In a speech to the National Press Club in Washington on January 12, 1950, Acheson defined America's so called defense perimeter. That perimeter consisted of parts of the Far East which fell inside a great arc comprised of the Aleutian Islands, Japan, the Ryukyus, and the Philippine Islands.²¹³ Acheson stipulated that if an attack occurred outside that arc the "initial reliance must be on the people attacked to resist it and then upon the commitments ... of the United Nations."²¹⁴ It was frequently assumed by the American press that this had been examined thoroughly by the Communists because they selected an area excluded from the perimeter to test American intentions regarding Communist aggression. That area was the Republic of South Korea.

The Korean War began on June 25, 1950, with an invasion by North Korean Communist forces upon South Korea.²¹⁵ The United States Department of Defense later believed that "it was inspired by the Soviet Union [and was not] ... a Korean affair because when the Chinese Communists saw it

²¹³U.S. Department of State Bulletin, Crisis In Asia: An Examination Of U.S. Policy, remarks by Secretary of State Acheson on January 12, 1950; Series Pubn. No. 3729 (January 23, 1950), pp. 111, 113-16.

²¹⁴Ibid., p. 116.

²¹⁵Truman, pp. 331-36.

going badly, they moved in and kept it going for nearly three more bloody years."²¹⁶ The Chinese entered the combat on October 12, 1950, with the objective of repelling American troops from all of Korea as a means to "destroy a neighboring free nation."²¹⁷ Their entrance into the Korean War was also motivated by the presence of American troops near the Chinese border in pursuit of the fleeing North Korean forces.²¹⁸ The Chinese involvement in the affair turned American hopes for victory into one for containment in order to prevent the development of a general war with the Russians. Such a containment policy by Acheson created much criticism in the United States.²¹⁹ Previously he had been criticized by some Americans for inviting the attack by omitting Korea from his defense perimeter. Senator Taft claimed on June 28, 1950, that Acheson's perimeter speech led the Russians to instigate the aggression as a test of the Administration's inconsistent foreign policy.²²⁰ Consequently, the Truman Administration

²¹⁶U.S. Department of Defense, Chinese Communist Aggression and Barbarism in Korea, No. 465-54, LI 5-6700 Ext. 53201--53176 (May 15, 1954), p. 1.

²¹⁷Ibid., p. 3.

²¹⁸Bundy, pp. 263-67.

²¹⁹U.S. Congress, Senate; 82d Cong., 2d sess. 25 June 1952, Congressional Record 98, pt. 6: 4471-76. Senator Taft asserted that Acheson's Korean policy was foolish.

²²⁰U.S. Congress, Senate; 81st Cong., 2d sess. 28 June 1950, Congressional Record 96, pt. 7: 9319-23. Senator Taft attacked Acheson's policy for Korea.

found itself facing much criticism regarding its fighting in Korea and in need of support from strong allies. Throughout the war Acheson reassured the American allies that the United States intended to keep their European commitments and would not do anything drastic which might result in a general war with Russia.²²¹ He wanted to maintain a close working relationship with America's allies because he felt the United States could not protect the free world from Communist aggression without assistance.²²²

The Korean attack changed Acheson's stand on German rearmament. After the attack occurred he sought to develop the fighting capabilities of West Germany's reserve of former soldiers. The shift in his position is evident in his testimony before a Senate sub-committee on August 30 of that year.²²³ Acheson told the sub-committee:

A program for Western Europe which does not include the productive resources of all the countries of Western Europe ... Western Germany as well as France, and ... the military manpower of all of Western Europe ... Western Germany as well as France, will not be effective in the long-range political sense. Therefore we must include them both.... How [to] ... do it is a matter which has to be worked out in such a way that you get the ... cooperation of all the [Allied] countries.²²⁴

Because of the acknowledged need by Acheson for West German

²²¹David S. McLellan, Dean Acheson: The State Department Years (New York: Dodd, Mead and Company, 1976), p. 307

²²²Bundy, pp. 279-80.

²²³Ibid., pp. 116-17.

²²⁴Ibid., p. 117.

rearmament the Americans had begun deliberating with the West German government the feasibility of a German contribution to Western Europe defenses. Many meetings with West German leaders were necessitated in order to work out details to bolster Western defenses.

During such a conference with the three Western Allied Commissioners on August 17, 1950, Chancellor Adenauer, alarmed at the developments in Korea, discussed West German security. He felt the West Germans would be unable to stop a similar attack on their soil inasmuch as they were unarmed. Adenauer asked that the Allies strengthen their defenses in West Germany and consider a "German defense force made up of volunteer units" that totaled around 150,000 men.²²⁵ McCloy admitted that there was a need for urgent action. He felt that the Allies would have to bolster their fighting forces in West Europe and that the Germans' will to resist had to be reinforced.²²⁶ The meeting concluded with McCloy's reassurance that Europe would not be forgotten but also with the appraisal that much had to be done in the way of rearmament.²²⁷ However, Adenauer was not satisfied with mere assurances. He sent a memorandum to the Western Powers on August 29, 1950, in which he pointed out that the developments in Korea had

²²⁵Adenauer, p. 274.

The 3 Western Allied High Commissioners present were: McCloy of the United States; Kirkpatrick of the United Kingdom; and, Francois-Poncet of France.

²²⁶Ibid., p. 275.

²²⁷Ibid., p. 278.

caused a feeling of insecurity in Germany.²²⁸ Adenauer also asserted that a build up of Allied forces was necessary and that the West Germans were prepared to contribute soldiers to an international European army if such a force were formed.²²⁹ Thus, rearmament was to serve as a means of self-defense as well as play a role in Western defenses. McCloy endorsed German rearmament by publicly pointing out the need for German arms in the defenses of West Europe.²³⁰ However, though Adenauer had seemingly changed his mind about rearmament, he placed conditions on such an agreement. He made it known that if Germany had to rearm, the Allies must fully restore German sovereignty.²³¹ Although that was his main concern, Adenauer did also seek concessions from the Americans which concerned denazification. Because of the growing criticism among the German people regarding the program, he probably was motivated to seek concessions in order to survive politically.

It was Adenauer's intent to obtain a satisfactory settlement of the sentences the Americans had imposed on the war criminals. He requested from McCloy on November 16, 1950, commutation for all pending death sentences into prison

²²⁸Adenauer, pp. 278-79.

²²⁹Ibid., pp. 279-80.

²³⁰Bundy, p. 118.
McCloy made his feelings public in August 1950.

²³¹Ibid.

terms and a quick review of all prison sentences.²³² The United States had already begun to move in that direction in April 1950, when it created an American Clemency Board. That Board consisted of: "David W. Pick, Presiding Judge, Appellate Division, First Department, New York Supreme Court; ... Frederick A. Moran, chairman, New York Board of Parole; and Brigadier General Conrad E. Snow, Assistant Legal Adviser, Department of State."²³³ The function of the Board was to review all the court decisions on behalf of the High Commissioner. After the Korea incident occurred, they, along with the Germans, pressured McCloy to resolve the decisions with the most lenient treatment applicable. The High Commissioner yielded to their pressure and even commuted death sentences that he had himself imposed. By the end of January 1951, the defendants sentenced in the 12 Nuremberg Trials had their cases reviewed and half were already freed. All the convicted industrialists had their sentences commuted. They returned to their jobs in West Germany and were greeted as heroes.²³⁴ Among those industrialists released was businessman Fritz Ter Meer. He was one of heads of I. G., Farben who was convicted of being responsible for the deaths

²³²Adenauer, pp. 302-04.

Although he did not push the issue to any extent at this time, Adenauer desired German jurisdiction in matters pertaining to clemency. He not only sought these concessions from the Americans but the British and French as well.

²³³Hilberg, p. 696.

²³⁴Ibid., p. 697.

of over 25,000 slave laborers at Farben's Buna factory in Auschwitz.²³⁵ Upon his release from Landsberg prison on August 25, 1950, Ter Meer made a revealing comment about the relationship between Korea and denazification sentencing. He stated, "now that they have Korea on their hands, the Americans are a lot more friendly."²³⁶ Ter Meer's remark was typical of the thoughts that some Nazis had regarding America's need for West German military assistance.

It is apparent that the West Germans needed the United States just as much as they needed the Germans and for the same reasons. The Adenauer government could not risk too much nor push the Americans too far. This imposed a restraining factor which dissipated much of the bargaining position of the Germans. They could not afford to be too openly demanding and had to be somewhat coy. Another constraining factor on Adenauer was his determination to tie West Germany to the West and avoid the risks of the independent or neutralist strategy favored by the Social Democratic opposition. He saw a neutralist strategy as doomed to failure and likely to lead to the Communization of all Germany. To tie West Germany firmly to the Western Allies meant that he had to be careful to calculate just how far and fast he could push on denazification. In this context the modest pressures he exerted take on more meaning. One might even say that

²³⁵Elkins, p. 281.

²³⁶New York Times, 26 August 1950, p. 7.

because Adenauer was so subtle and loyal he achieved more from the Americans than he would have otherwise.

By 1951, some German leaders, such as West German Vice President Carlo Schmid, exhibited an open cockiness towards denazification sentences established by the Americans. For instance, on January 9, 1951, Dr. Schmid told McCloy that it was necessary for the Americans to modify "death sentences ... on the ground of political ... factors [involved in] ... Western Germany ... being called upon to make a military contribution to Western defenses."²³⁷ He thus linked the German desire for a commutation of death sentences to the Western need of a German defense contribution. The West Germans sought a speedy release of war criminals whose military skills were needed in bolstering the defenses in Europe. German military leaders became annoyed in 1952 at the slowness of the Allies in releasing Nazi officers. The West Germans desired the military brilliance of such detained men as Field Marshal General Fritz Erich von Mannstein and Field Marshal Albert

²³⁷Raymond, "Bonn Legislators," p. 10.

In this article in the New York Times of January 10, 1951, Raymond tells of Dr. Schmid and a German Parliamentary committee seeking an amnesty for all war criminals due to political and psychological factors. At this time the Germans were concerned with commuting the sentences of Nazi soldiers in order to restore honor in Germany. Although Schmid connected commuting of death sentences to a German role in western defenses he was opposed to German rearming.

Kesselring.²³⁸ One of the military leaders who sought their release was Wilhelm Speidel who was a Military adviser to the German government.²³⁹ But, prior to that, Speidel had been a Nazi General who had been imprisoned by an American Tribunal. He was successful in persuading the Americans to free him in 1951.²⁴⁰ Nevertheless, his attempt to obtain the discharge of his fellow officers did not readily succeed. The decisive step came after the reemphasis by the United Press on October 2, 1952, that the West German Parliamentary Deputies have demanded Kesselring's and Mannstein's release as a condition for the Germans signing a peace treaty with the Western Allies.²⁴¹ Due to that pressure, Kesselring

²³⁸Jack Raymond, "Bonn Drive Pushed To Free Generals," New York Times, 25 July 1952, p. 3. Even though not all the soldiers were held by the Americans, the Germans tended to exert pressure on the Americans. It was felt they were the leading power of the Allies and could influence the British and French to comply to their wishes in most matters.

²³⁹Ibid.

²⁴⁰Hilberg, p. 713. Speidel was sentenced to 20 years in prison and released by the Clemency Board.

²⁴¹New York Times, 3 October 1952, p. 4. The article, "Nazi War General Freed By British," makes no mention as to when the initial demand of the Deputies occurred nor if it was a resolution of the whole Parliamentary body. The press did, however, reemphasize the importance of that demand on October 2, 1952, while reporting the release of former Nazi General Eberhard von Mackensen who served five years (of a life term) in a British prison for ordering the massacre of 335 Italians in Rome in 1944. The Deputies also had previously requested his release prior to the signing of the treaty. They had in effect utilized the condition in the manner of a threat in order to influence a favorable response.

was freed on October 23, 1952.²⁴² Mannstein, who was on medical parole since August of that year, was not officially released until May 7, 1953.²⁴³ Both Kesselring and Mannstein after their release, served as advisory consultants to the West German Defense Ministry.²⁴⁴ The freed Nazi officers created the nucleus of a new German army which eventually developed into the strongest military force in NATO next to the United States.²⁴⁵

The West German government not only sought the release of war criminals but also the reinstatement of Nazi civil servants who had been dismissed by denazification courts. By the end of 1951, over 129,000 former Nazis were back at their old civil service jobs and were paid for the years they were dismissed.²⁴⁶ The Nazis were thus able to resume their former positions as if nothing had previously occurred. The objective of taking the Nazi element out of German life had become forgotten. Adenauer's persistence in

²⁴²New York Times, 24 October 1952, p. 8.
The British freed Kesselring as an act of clemency and as a response to pressure applied on them by the Germans and Americans.

²⁴³New York Times, 8 May 1953, p. 5.
Mannstein had been convicted by a British court for committing atrocities while in Russia.

²⁴³Hilberg, pp. 708, 710.
In his writing Hilberg misspelled Mannstein's name. He spelled it as 'Manstein.' (See p. 710.)

²⁴⁵Brown Book, pp. 194-96.

²⁴⁶U.S. Military Government, "Report of Dr. John D. Montgomery," Senior research officer, in Forced To Be Free (Chicago: 1957), p. 81, quoted in Elkins, p. 293.

obtaining concessions regarding denazification had proved to be a success. Therefore, he continued to strive for a liberal reviewing of all sentences even after the Eisenhower Administration took office.²⁴⁷ He was able to obtain many concessions regarding denazification because the Americans needed German assistance in the defenses of western Europe. One can not help wondering what would have happened if there was not such a need. Nevertheless, the Germans got their way after the Korean attack due to the Allies fear of further Communist aggression, Adenauer's pressure for concessions and the Allied need for German contribution to West Europe defenses.

Prior to the signing of the Korean War armistice on July 27, 1953, the West Germans had successfully brought an end to all denazification proceedings which they felt rendered unfair sentences to the Nazis.²⁴⁸ They had, in a sense, quietly put denazification in a state of dormancy before the

²⁴⁷Adenauer, pp. 443-45.

Adenauer points out that the slowness of the Americans in releasing war criminals had resulted in a psychological problem. He felt that the problem could be solved through restoring honor among the Germans. Such a restoration would be accomplished by releasing the war criminals. He believed that the freeing of those criminals would enhance the enlisting of specialists in a German defense force. Adenauer also sought the release of IMT prisoners at Spandau prison in West Berlin due to the Russians opposing medical treatment to preserve the health of those prisoners. (See page 445.)

²⁴⁸Drew Middleton, "Germans Get Their Way On The War Criminals," New York Times, 24 February 1952, p. 1. It is mentioned in the article that the German military advisers pressured Adenauer to seek the release of Nazi Generals.

armistice was signed in Korea. The Germans later reported that their denazification trials proved to be a success due to "a total of 12,846 persons [being] ... tried ... since the war."²⁴⁹ However, they omitted to publish reports which showed that: "of the 12,846 persons tried, only 5,426 were convicted; of those convicted, only 155 were found guilty of murder; of those found guilty of murder, only 72 were [given] ... more than ten years imprisonment."²⁵⁰ One should be reminded that the only trial of importance which was held after the Korean attack was Eichmann's 1961 trial held by Israel. For all practical purposes, denazification was a forgotten program.

²⁴⁹Federal Ministry of Justice, Report of Ludwigsburgh Central Office for War Crimes Prosecution (Bonn: November 1963), quoted in Elkins, p. 303.

²⁵⁰Ibid.

CHAPTER IV

CONCLUSIONS

The Cold War was instrumental in persuading the Americans to befriend the West Germans through postwar concessions in order to obtain their support against the possibility of Communist hegemony in western Europe. A major source of concession pertained to denazification and the war crimes trials. When the Korean War erupted, the Germans had complete control of the denazification program and used the war as a vehicle to terminate the proceedings and to pressure the Americans to commute many sentences.

It has been shown that the United States Defense Department, but not the State Department, strove for West German rearmament in order to aid in the defenses of Western Europe prior to the Korean War. Secretary of State Acheson acknowledged that the Joint Chiefs of Staff believed for several years that West Europe could not be successfully

chairman of the JCS, mentioned on June 7, 1950, that it was his belief that western defenses would be improved if West Germany were involved. He felt that the Germans possessed valuable production facilities that the West could utilize and the populace was comprised of very capable military personnel. (See p. 436.) In Acheson's papers that were edited by McGeorge Bundy into The Pattern Of Responsibility, the former Secretary of State, contended that few Western officials expected an imminent Russian invasion of West Europe after the Korean attack occurred. Those who might have expected such an attack were not named. Acheson's own views reveal that there was apprehension among Western officials of "Conquest" by subversion and even defeat. (See pp. 30-34 of The Pattern Of Responsibility.)

defended without West German "inclusion."²⁵¹ After the Communist attack of South Korea, Acheson held that belief too. Initially, Adenauer played coy by making it appear that the West Germans were not too willing to rearm because of the need to reconstruct their country. However, the Communist action in Korea caused the West Germans to agree that their nation had to be rearmed in order to assist in European defenses. In return for a defense contribution Adenauer wanted a full restoration of sovereignty.²⁵² The three western Allies and Chancellor Adenauer formally signed agreements on May 26, 1952, at Bonn, which was intended to restore West German sovereignty but such restoration did not

²⁵¹Acheson, pp. 435-36.

Dean Acheson also pointed out that General Bradley, who was chairman of the JCS, mentioned on June 3, 1950, that it was his belief that Western defenses would be improved if West Germany were involved. He felt that the Germans possessed valuable production facilities that the West could utilize and the populace was comprised of very capable military personnel. (See p. 436.) In Acheson's papers that were edited by McGeorge Bundy into The Pattern Of Responsibility, the former Secretary of State, contended that few Western officials expected an imminent Russian invasion of West Europe after the Korean attack occurred. Those who might have expected such an attack were not named. Acheson does reveal that there was apprehension among Western officials of "Conquest" by subversion and even default. (See pp. 90-94 of The Pattern Of Responsibility.)

²⁵²Bundy, p. 118.

actually occur until 1954.²⁵³ Correlated with the German drive for sovereignty was their desire to obtain freedom for the war criminals.

Although the West Germans had gained control of denazification proceeding through the Law for Liberation and the Cold War crisis, they had no actual voice in the review of sentences. Therefore, they could not terminate the sentences of war criminals as they had done to the trials. Because of that the West Germans included in their efforts for sovereignty a goal of aiding the war criminals. For example, the West German Minister of Justice, Dr. Thomas Dehler, demanded on November 14, 1950, that the Allies "lighten" the sentences and not seek any new trials.²⁵⁴ The West German government received a stimulus to its endeavor in this regard by reports that the East Germans had ended

²⁵³Louis J. Halle, The Cold War As History (New York: Harper and Row, 1971), p. 253.

There were four major agreements signed on that date which would have restored West German sovereignty. They were conditional upon ratification by six nations signatory to the European Defense Community (EDC) of May 27, 1952. Those six nations consisted of: France, Germany, Italy, and the Benelux countries. EDC Treaty provided for a supranational community with common institutions, common armed forces, and a common budget. (pp. 253-54.) However, the French Assembly rejected the treaty. The rejection brought a halt to the contingent arrangements to end the occupation of Germany and restoration of German sovereignty. (p. 256.) While at the London Conference (of September 28 to October 3, 1954) the Americans, British and French formally agreed to quickly restore West German sovereignty. (See p. 258.)

According to C. E. Black and E. C. Helmreich, in their book Twentieth Century Europe: A History, full sovereignty was restored on May 5, 1955. (See pp. 668-69.)

²⁵⁴New York Times, 15 November 1950, p. 15.

their trials during September, 1950, because in their view "justice had been done."²⁵⁵ Bonn, too, felt that justice had already been achieved in West Germany and that the war criminals facing death should be reprieved. In support of this position the Germans pointed out to the Allies that continued executions conflicted with the German Constitution abolition of the death penalty.²⁵⁶ The West responded to the West German pressure by stopping the execution of 21 Nazis and commuting the sentence of industrialist Alfried Krupp on January 31, 1951.²⁵⁷ American High Commissioner McCloy expressed hope that the revision of the sentences of the 21 Nazis "would end once and for all the West German agitation in this field."²⁵⁸ However, Bonn was not satisfied in merely obtaining a change of sentence for the 21 Nazis and continued to push for the freeing of all Nazi war criminals.²⁵⁹ Yet the Allies did not readily yield to the continuing agitation. Therefore, when the West German Parliament voted on February 8, 1952, to rearm, the action was contingent on

²⁵⁵New York Times, 14 September 1950, p. 4.

²⁵⁶New York Times, 15 November 1950, p. 15.

²⁵⁷Jack Raymond, "21 Nazi Criminals Saved From Death," New York Times, 1 February 1951, p. 1.

²⁵⁸Jack Raymond, "Germans Agitate For New Reprieves," New York Times, 7 February 1951, p. 14
Raymond mentions that the British and French privately expressed dismay at what they viewed as 'wholesale' sentence revisions by the Americans due to German pressure. The Germans utilized posters to campaign for the reprieves of 21 Nazis sentenced to death

²⁵⁹Ibid.

the Allies meeting certain conditions, including a release of all war criminals.²⁶⁰ Some Germans, such as Brig. General Bernhard Ramche, demanded that the "West ... make a clean sweep of the past by freeing ... war criminals ... including ... top officials ... buried alive in West Berlin's Spandau Prison ... before [there is] ... any talk of a West German defense contribution."²⁶¹ Adenauer pressured the Americans to release Nazi officers, such as Field Marshal Mannstein, in order to aid the military staff in developing a new West German army. Bonn finally acquired a voice in clemency proceedings on July 20, 1953, when the Allies included Germans on the review boards.²⁶² Indirectly, the Cold War and Communist aggression in Korea benefitted many war criminals.

Regarding the effect that the Cold War had upon denazification, Nazi-hunter Simon Wiesenthal has commented:

²⁶⁰Drew Middleton, "Bonn House Votes Rearming But Insists on Six Conditions," New York Times, 9 February 1952, p. 1. The vote to rearm was 204 to 156. They also wanted a voice in the decisions in NATO and more rights internationally.

²⁶¹New York Times, 10 March 1952, p. 5. Brig. General Bernhard Ramche, Hitler's paratroop leader released by the French after serving three months of a five year term for crimes committed in the defense of Brest, demanded (on March 9, 1952) the freeing of all Nazis before the Germans consider defense contributions.

²⁶²New York Times, 21 July 1953, p. 5.

On the postwar problem of apprehending and trying war criminals ... the East-West conflict became a deterrent.

They profited from the Cold War [because] ... everything was dropped.

The United States needed specialists or informers for the Eastern European theater. Therefore, the Central Intelligence Agency brought a few of these people to the United States from the displaced persons camps. Now we are finding a few of them.²⁶³

Wiesenthal felt that because of such an occurrence there are around 200 war criminals "at large" in America.²⁶⁴ Hence, the Cold War and Korean War had an adverse effect on the denazification program's objective of punishing Nazis who took part in criminal acts. The East-West confrontation resulted in the end of denazification and caused it to be somewhat of a failure.

Denazification can be classified a failure because many Nazis escaped punishment and some, such as Speidel and Ter Meer, were permitted to regain positions of importance in Germany. From the convenience of the 1970s one may agree that not all Nazi Party members were full-fledged Nazis who were thoroughly committed to the racism of Hitler. Many may have joined a party which restored pride in the army or Fatherland. Such distinctions were almost impossible within the context of the postwar atmosphere that anyone bearing the

²⁶³Jay Bushinsky, "Says 200 War Criminals Are Still At Large in U.S.." Youngstown Vindicator, 21 May 1978, sec. B. p. 4.

Wiesenthal said that only 3 or 4 of the 200 war criminals in America are of German origin. Many of the 200 suspects participated in the mass murder of Jews throughout Europe.

²⁶⁴Ibid.

title Nazi was evil and once a Nazi, always a Nazi. No matter how slight the connection with the party, all Nazis were supposed to be purified through the postwar program. Yet scores of diplomats, teachers, petty bureaucrats, etc. were instantly rehabilitated, leaving a negative impression of the political orientation of the Bonn Government. The Brown Book, a 1968 publication of the Executive Council of East Germany, lists numerous examples of former Nazi war criminals who have regained prominence in West Germany. This Communist publication tells of 94 former Nazis running West Germany's economy and charges that the West Germans aided influential criminals by not trying them.²⁶⁵ For example, Ambros Otto, due to his role as a military economic leader and his membership on the executive board of I. G. Farben industrie AG, was subsequently released from prison because he was needed as an arms expert in rearmament.²⁶⁶ Thus, Nazi war criminals whose previous expertise proved useful did not have to endure the full punishment placed on them. A large number of Nazis who were in that category were not even prosecuted by the West Germans. That included more than 800 Nazi lawyers who were charged with responsibility for

²⁶⁵Brown Book, pp. 16-17, 34.

²⁶⁶Ibid., pp. 38-39.

over 100 death sentences imposed by the Third Reich.²⁶⁷ It was originally the intent of the wartime Allies to punish the criminals as a deterrent to future war atrocities. However, when the Western Allies overlooked such occurrences on the part of West German denazification courts and even allowed themselves to be pressured into acts of clemency, they opened the way for the Nazis to return to positions of power in West Germany. The Americans had vowed "to prevent ... Nazis from [regaining their posts of] ... power."²⁶⁸ But, the need for West German assistance in Western defenses after the Korean attack caused the Allies to view the war crimes situation in a different manner. One wonders whether the Allied acts of clemency towards the Nazis may have taken away the deterrent value from their denazification trials.

When the machinery of law fails, as was the case with denazification, individuals or groups sometimes seek their own remedies. A group of Jews realized the failure of the war crime trials as a deterrent and reestablished in 1952 a Nazi-hunter organization known as DIN. That organization

²⁶⁷Brown Book, p. 116.

In addition, this East German publication asserted (p. 115) that the East Germans have mentioned "at numerous press conferences since 1955, [that] a total of 1,500 former jurists previously belonging to ... Nazi ... courts, ... are [as of 1968] ... in office in West Germany." For example, Dr. Leonhard Grach, a former Nazi prosecutor of a special "People's Court" in Nazi Luxemburg, received a mild term and in 1956 was made a public prosecutor in West Germany. (See p. 116.)

²⁶⁸New York Times, 22 September 1949, p. 11. Acting Secretary of State James E. Webb on September 21 told the West Germans that the Allies would use force if needed to keep the Nazis from obtaining power in the nation.

was intended to bring many escaped Nazis to justice.²⁶⁹ The DIN arranged what appeared to be "accidental" or "natural" deaths of many war criminals in order to permit the "executioners time to escape."²⁷⁰ For example, "Otto Abetz, who ... sent French Jews to the gas chambers, was burned to death when something went wrong with the steering gear of his speeding car and ... [it] went cartwheeling along the autobahn."²⁷¹ However, not all Jews want to act as executioners. Some, such as Simon Wiesenthal, seek to bring to trial war criminals who escaped from Germany at the conclusion of the war.²⁷²

It has been Wiesenthal's intent to bring judicial justice to such men as Walter Rauff who operated death trucks

²⁶⁹Elkins, pp. 193, 272, 298-99.

DIN, which means 'judgment' in Hebrew, was established in 1945 and disbanded in 1946. It was reformed in December, 1952, by the Jews of Israel when the Allies did not strictly enforce denazification as originally intended.

²⁷⁰Ibid., p. 299.

²⁷¹Ibid., p. 300.

²⁷²Dave Smith, "Nazi Hunter Says 'the Trial' is Main Reason for His Quest," Youngstown Vindicator, 16 November 1977, p. 15.

Wiesenthal, his wife and relatives were imprisoned by the Nazis. A total of 89 members of their families were murdered by the autumn of 1942. However, both he and his wife managed to survive. Immediately after being freed by the Americans in May, 1945, he began to gather evidence on Nazi atrocities for the War Crimes Section of the United States Army. Although he has devoted the rest of his life to bring war criminals to trial he did aid some accused war criminals. For instance, he helped clear an SS officer, named Beck, who was made a prisoner by the Nazis due to refusing to execute Jews. He says he wants to bring to trial only those Nazis who brought death and suffering to millions of people.

in which 250,000 Jews were gassed to death.²⁷³ Although locating him in Chile, Wiesenthal has not been successful in obtaining Chilean permission to extradite him.²⁷⁴ Thus, the Chileans are protecting Nazis as the West Germans have done. The West Germans incorporated in their constitution a prohibition of the extradition of German nationals.²⁷⁵ Therefore, Wiesenthal can not seek to apprehend the war criminals still in West Germany. All he can do is hope that the West Germans change their attitude regarding the war criminals in West Germany. There are about 4,700 people in that country who live a virtual "unrestricted" life inasmuch as investigators are unhurried in looking over piles of

²⁷³Bushinsky, sec. B, p. 4.

²⁷⁴Ibid.

Wiesenthal mentions that Auschwitz' infamous Dr. Josef Mengele, who was responsible for many inhumane deaths, is alive in Paraguay.

²⁷⁵Peter Gehrig, "Suspected Nazi War Criminals Lead Virtually Unrestricted Lives," Youngstown Vindicator, 9 March 1978, p. 20.

The West German Constitution (1949) in number 2 of Article 16 that pertains to "Basic Rights" states that "No German may be extradited to a foreign country." (See the "Basic Law for the Republic of Germany," especially article 16, number 2.) The complete text of the "Basic Law" is also found in Snyder, Documents of German History, on pages 500 to 538. Article 16, number 2 is on page 504.

evidence.²⁷⁶ Perhaps the West German prosecutors feel that Israel has been recompensed enough because in 1952 Bonn paid the Jewish nation \$800 million "as surrogates for the [6 million murdered] ... Jews."²⁷⁷ The reparations, however, do not provide the same deterrent results as a continuation of strict prosecution of war criminals would have done. A stringent enforcement of denazification proceedings should have been continued by the West even though the Cold War and Korean War occurred. Too many war criminals escaped the punishment they deserved because of the Western Allies need for West German military assistance in preventing Communist aggression in Europe.

In hope of obtaining information that would document fully the hypothesis that the Cold War and Korea resulted in the dormancy of denazification, a letter of inquiry was sent to many American officials of that era. Although most proclaimed they could not document such a theory, due to a

²⁷⁶Gehrig, p. 20.

Gehrig also makes reference to the fact that the statute of limitations on World War II war crimes runs out on December 31, 1979. That means that only those criminals who are under investigation at the time can be prosecuted. One wonders if that is one reason why the German authorities are going about their investigations of war criminals in a slow manner.

²⁷⁷Elkins, p. 294.

On September 12, 1952, Germany and Israel agreed to the Germans paying that Jewish nation \$800 million as reparation for the Nazi murdering of Jews. Most of that money came from the United States because the Americans cancelled \$2 billion of West Germany's debts due to the German willingness to make reparation payments. Bonn made a profit of about \$1 billion on the deal. (See pp. 294-95.)

variety of reasons, there were some notable replies.

General Lucius D. Clay asserted that:

... Denazification was a part of our Occupation policy to punish the war criminals, and a member of the Nazi Party was so regarded unless proven otherwise. Thus, all former Nazis were excluded from public office. Many of the more prominent were interned awaiting trial. It soon became evident that time would permit us to try a few major offenders and hence, we determined to make de-Nazification a German responsibility in the American Zone of Occupation. The several German Seats in our Zone accepted this responsibility and proceeded to carry it out. This charge was made early in the Occupation before anyone had thought of the term 'Cold War' and well before Korea. Hence, you could find no connection because there was none.²⁷⁸

Clay, however, did not explain why the United States permitted the West Germans to exercise their responsibility too leniently. Their punishment of Nazis was noneffective as a deterrent. He also failed to discuss whether the Cold War influenced American acts of leniency.

Telford Taylor, who served as prosecutor at the American Trials at Nuremberg, did not offer any information because the lapse of time had resulted in his memory becoming unclear.²⁷⁹ However, in his Final Report To The Secretary Of The Army On The Nuernberg War Crimes Trials Under Control Council Law No. 10, Taylor did view international events as

²⁷⁸Lucius D. Clay, personal letter, May 9, 1976.

²⁷⁹Telford Taylor, personal letter, June 3, 1976.

having a bearing on the trials by being the cause of leniency.²⁸⁰

The Under-Secretary of State from 1949-1950, Dean Rusk, commented:

So much has happened since 1945-1950 that I cannot recall ... details. I have no records, papers, files or any such material with which to refreshen my memory.

There was a strong sense among many of us that we should not condemn an entire people as criminal, that we should seek a peace of reconciliation with our former enemies, that they should be encouraged to become constructive members of the community of nations without undue delay, and that we should not repeat the vindictiveness toward Germany after World War I which played its part in the rise of Adolph Hitler.

What is called the Cold War may have strengthened the above considerations....

Motives are always mixed in such important matters, and I have always discouraged simplistic explanations of very complicated events.²⁸¹

Rusk did not discuss the possibility that the West Germans utilized world conditions in order to obtain concessions.

It appears that American officials do not want to elaborate on the role that the Cold War and Korea played in denazification. One is perplexed why the topic was avoided by someone such as Telford Taylor. He was involved in the proceedings and should have vast knowledge of what transpired. Although Clay and Rusk did offer some discussion of the early denazification program both failed to tell why

²⁸⁰Taylor, Final Report, pp. 92-94. Taylor submitted his report on August 15, 1949, which was prior to the Korean attack. Therefore, it fails to relate denazification to Korea.

²⁸¹Dean Rusk, personal letter, June 24, 1976.

the German held trials ended so quickly after Korea. General Clay did contend that the Cold War did not affect denazification. But, he seemed to forget that American leniency towards the Nazi criminals became prominent during the Cold War. If world events had no influence on the program why did the Americans commute so many sentences and permit the Nazis to regain their former positions? The crimes committed by many Nazis were of an atrocity nature and should not warrant acts of leniency. The explanations given leave too many unanswered questions.

After analyzing the circumstances involved in the discontinuation of denazification one might ponder what would have happened if the Cold War and Korean War had not occurred. Would German resistance have been strong enough to win an ending of denazification? Would secret organizations have been kept from developing in Germany? According to Wiesenthal, the SS formed, in 1947, a secret organization called ODESSA to help Nazis who were in hiding to escape throughout the world.²⁸² Would the United States have permitted Nazis to flee to America and live there without being brought to trial if the Cold War and Korea had not developed? Perhaps even the existence of many terrorist groups might have been discouraged if denazification was allowed to continue and serve as a lesson for others who

²⁸²Joseph Wechsberg, ed., The Murderers Among Us: The Simon Wiesenthal Memoirs (New York: McGraw Hill Book Company, 1967), p. 81.

view atrocities as a means to achieve revenge or serve their interests. However, adverse world conditions not only resulted in the Nazis' dark pasts being forgotten but the employment of many of them in government positions. According to Social Democratic politician, Karl-Heinz Hansen, their service is necessary in order to protect West Germany from falling under the influence of "radicals."²⁸³ Therefore, in a sense, radicals are protecting Germany from other radicals. But, who are the other radicals? Their identity goes unmentioned. Thus, are they a German fabrication which was made in order to serve the West German aim of ending denazification?

Recently, radical groups of neo-Nazis have emerged even in the United States. On December 16, 1977, in Chicago, eight associates of such a group were indicted on charges of attempted murder of a member of the Jewish Defense League.²⁸⁴ It seems that such an act of violence could have been discouraged if the Nazi criminals had been brought to justice as intended back in 1945. The trials were designed to educate the West German people of the Nazi horrors in order to prevent a repetition. Perhaps if the West Germans and the Western Allies had vigorously carried through with the war crime trials it might have deterred the emergence of neo-Nazi

²⁸³Lloyd Shearer, "Intelligence Report: Secret Files," Parade, 17 October 1976, p. 32.

²⁸⁴Cleveland Plain Dealer, 17 December 1977, sec. A, p. 11.

groups who practice racism. For the most part, the trials and its intended educational value seem to have been forgotten.

With the trial of Eichmann by Israel (in 1961) there was somewhat of an awakening of interest in regards to the Nazi war criminals. The result was that the West German war crime trials seemed to emerge from their dormant state. New trials against accused war criminals were undertaken, but at a very slow pace. For example, the Majdanek Trial, held in Duesseldorf, West Germany, began on November 26, 1975, and is still being prosecuted.²⁸⁵ That trial pertains to the 250,000 or more murders committed at the Majdanek concentration camp in Lublin, Poland, during World War II. Some of the camp survivors suffered such hardships that they refuse to return to Germany to testify. Therefore, the court traveled to their locale in order to hear their testimony.²⁸⁶ There are 14 defendants on trial including Hemine Braunsteiner Ryan who resided in New York City after the war. Her past caught up with her in 1971 when she was tracked down by Wiesenthal. Ryan was extradited to West Germany in 1973 after surrendering her American citizenship which she received through concealing her Nazi past.²⁸⁷ West German authorities

²⁸⁵David Minthorn, "Nazi War Crime Testimony Elicits Little Emotion from Defendants," Youngstown Vindicator, 8 December 1977, p. 56.

²⁸⁶Ibid.

²⁸⁷Ibid.

charged her and the other 13 accused criminals with thousands of murders, including "fatal whippings, gassings, hangings and deadly injections" of the camp inmates.²⁸⁸ One of the most frightening features of the trial is the lack of emotion displayed by the defendants even when witnesses described the atrocities committed, such as guards beating out inmates' eyes.²⁸⁹ The composure of the defendants causes one to believe that they have no remorse for their actions. Could the same be true of the former Nazis who now serve West Germany? Hopefully, that is not the case.

In conclusion, one might ponder if the West was really serving humanity by allowing the Cold War, as well as the Korean War, to end the educational values of denazification and place the proceedings in a dormant state. The devastating economical impact of a thorough denazification program was bound to prevent the prosecution of all Nazis. There also existed practical difficulties in certain areas. For example, one could not eliminate all teachers with Nazi

²⁸⁸Minthorn, p. 56.

At least 250,000 men, women and children--most of them Polish Jews--were killed by the Nazis at Majdanek between 1941-1944. Jewish children were killed so that they could not later revenge the deaths of their parents.

²⁸⁹Ibid.

The defense attorneys sometimes accused witnesses of sharing the blame for the death camp. A witness, who as a prisoner was forced to throw bodies into the cremation ovens, was told by a German lawyer that the action made him guilty too.

connections without destroying the entire instructional system.²⁹⁰ In addition, bureaucratic fatigue as well as the German desire to restore pride contributed to making it impossible to carry out the plan of punishing all former Nazis.²⁹¹ These were all factors in denazification becoming dormant by the early 1950s. However, it is still my contention that when all factors are weighed the chief reason why denazification was a failure -- and a failure it was when examined from the standpoint of numbers tried and numbers punished -- was the bipolarity of a postwar world. Both the Communists and Western powers needed the Germans for manpower, production and propaganda in the new ideological struggle. That led denazification to become doomed.

²⁹⁰Black and Helmreich, pp. 616-17, 660.
 An economical dilemma arose regarding the firing of all teachers in Germany because of their Nazi affiliation. Involved were the obstacles of vast unemployment and cost in training new teachers to replace the discharged Nazis. The Military Government judged such a mass dismissal was unfeasible. Germany had too many economical problems including unemployment and a need to rebuild. After the Korean attack occurred, the West decided that a West German defense contribution was needed. Hence, many industrialists, such as Krupp, were released. It was felt that they were experts who could help in the restoration of German industries. (See pp. 616-17, 661, 663-64, 670.)

²⁹¹Ibid., p. 660-61, 666-68.

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Telford Taylor, American General and Prosecutor at the Nuremberg Trials Under Control Council Law No. 10. Information in a letter to the author, June 3, 1976.