

**Historical Fact No. 2**

# **NUREMBERG and OTHER WAR CRIMES TRIALS**

*A NEW LOOK*

*by*

*RICHARD HARWOOD*



## CONTENTS

Introduction .....	1
Facts & Figures .....	1
The Scene is Set .....	3
The Occupation .....	5
De-Nazification .....	7
The Role of the OSS .....	9
Belsen .....	11
The International Military Tribunal .....	11
Jackson's Speech .....	18
Psychology of Defendants .....	19
The Defendants .....	19
The Witnesses .....	29
The Sentences .....	34
The Executions .....	34
The Imprisonments .....	34
The American Military Tribunal .....	35
AMT4 .....	36
AMT6 .....	37
AMT7 .....	39
AMT9 .....	40
AMT10 .....	41
The Prosecution .....	44
Trial of Manstein .....	45
Dachau Trials .....	48
Trial of Eichmann .....	51
Eichmann the Zionist .....	54
Recent German Trials .....	55
Italian Trials .....	56
Criticism of the Trials .....	57
The Charges .....	57
The Court .....	58
The Defendants .....	58
The Hidden Aspect .....	59
APPENDICES	
A The Katyn Massacre .....	59
B Bombing of Civilians .....	61
C The 'Repatriations' .....	64
D Palestine .....	66
Bibliography .....	69

*Cover photo shows the funeral pyre set up in a Dresden street of some of the 135,000 civilian victims of Allied bombing of that German city.*



## INTRODUCTION

The execution in 1976 of British and American mercenaries in Angola for 'war crimes' has brought back to public attention this peculiar and disturbing subject.

During the Angolan trial, the judges intervened at several points to restrain the defence counsel from putting its case too well. The court could not tolerate any evidence which might help the accused criminals, they said.

The British press whined hypocritically about this travesty of justice. Yet the simple-minded Angolans were only doing as their European mentors had taught them: the Angolan trial was virtually a carbon-copy of the International Military Tribunal at Nürnberg in 1946. All the ingredients were there: the pretence of justice, the restrictions on the defence, the presumption of guilt before the trial had even started, the supervision of an international tribunal, the hysterical accusations of prosecution witnesses etc., etc. It is easy for the press to complain about the standards of 'justice' in a backward and far-off land in darkest Africa. But it is not so easy for them to criticise a series of trials for which we were responsible, at least in part, and which have gone down in history and subsequent protocol agreements, as legal precedent.

We are subject to no such restrictions. In this short volume, we hope to examine as thoroughly and objectively as possible the vexed subject of the trials at Nürnberg, and in so doing make some contribution to a rational understanding of this aspect of recent history which has, along with other events, been grotesquely twisted by the enemies of truth. One such example is the allegation that six million Jews were gassed as part of an official extermination programme on the part of the German government of the Hitler era and which formed one of the major charges against the Nazi leaders at Nürnberg.

## FACTS & FIGURES

The peak period for Nazi war crimes trials was the three years immediately after the war, although trials are still going on to this day.

Various nations dealt first of all with their own citizens, in a series of treason trials. Anton Mussert was executed by the Dutch. Vidkun Quisling was executed by the Norwegian government. William Joyce ("Lord Haw-Haw") was tried for treason by the British government, who were able to 'prove' that Joyce was British, and therefore capable of committing treason, because he had at one stage forged a British passport. In fact, Joyce was born in America of Irish parents, and became a German citizen in 1939. He too was executed, but it was not until August 1976 that his remains were shipped back to Ireland for burial in the family grave at Galway — a rather belated recognition of the fact that Joyce was indeed an Irishman, after all. As a citizen of a neutral country there was no way Joyce could have committed treason against a foreign, belligerent country; Britain.

The Americans put on trial the famous poet, Ezra Pound, but a jury found him to be insane. The French executed thousands of 'traitors' during the anarchic days after the Liberation. Few of these received proper trials. We shall never know how many Russians were put to death by the Soviet Union, but a general outline of these atrocities is gradually coming to light today, thanks to the writings of Alexandr Solzhenitsyn and others.

Holland tried and executed Rauter. Czechoslovakia dealt

similarly with K. H. Frank, Ludin and Wisliceny. Poland executed Bühler, Greiser, Stroop and Höss. Yugoslavia officially executed Kasche and Löhr. But these 'show-trials' were only the tip of the iceberg. We shall never know how many were really put to death behind the Iron Curtain.

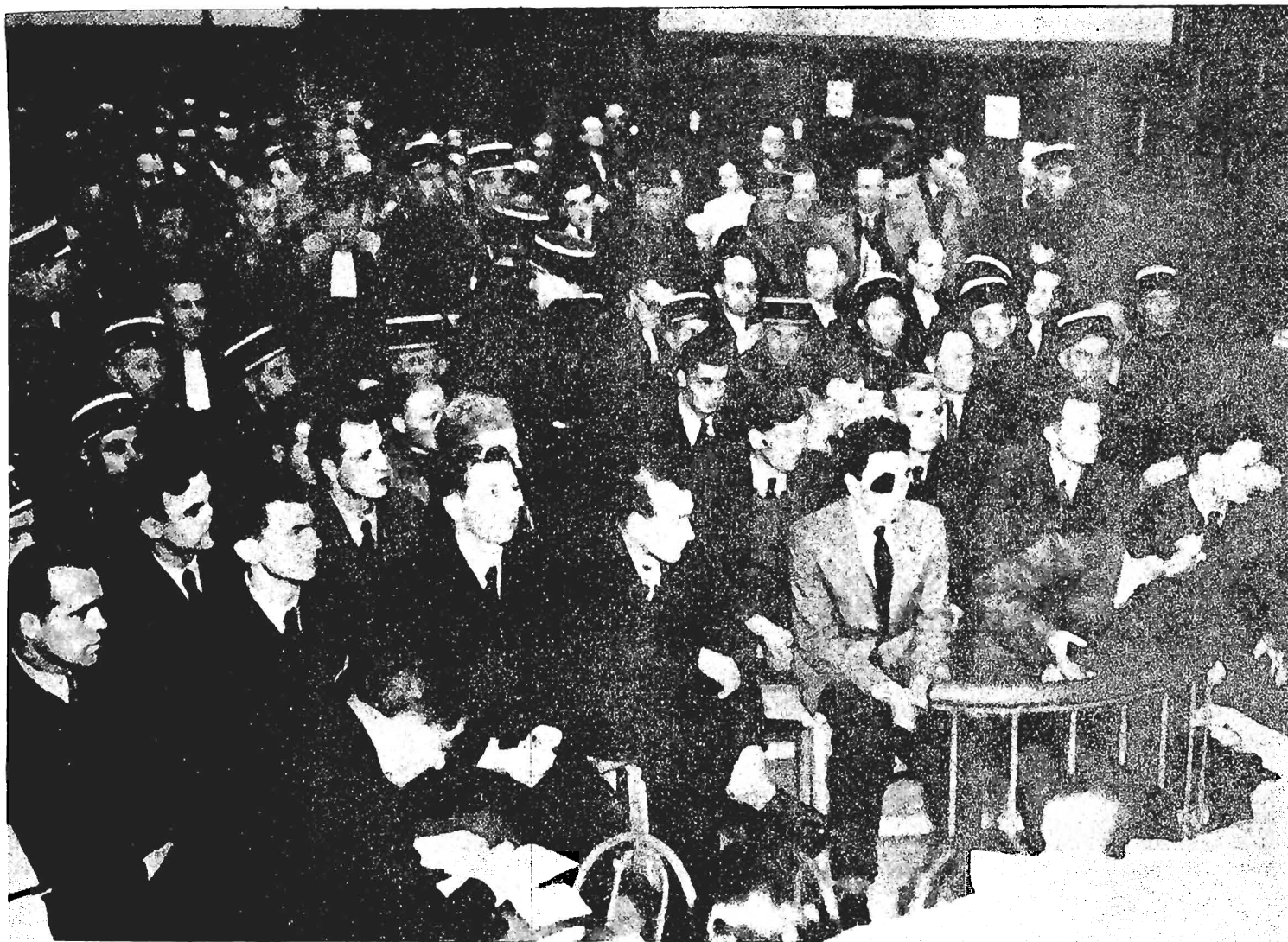
In Germany itself, 1000 cases had been tried, involving about 3500 German defendants, by March 1948.

21 of the leading Nazis were tried by an International Tribunal at Nürnberg. All the other trials were unilateral, i.e. they were run by one nation only, although on occasion there was representation by a second nation at the trial. At the *Peleus* trial, for example, there were Greek naval officers sitting on the British military tribunal because the *SS Peleus* had been a Greek ship.

The Americans managed to grab for themselves the prestige and satisfaction of trying the 199 'second string' Nazi leaders in twelve subsequent trials, also held at Nürnberg. 38 were acquitted (but later faced de-nazification tribunals), 36 were given death sentences (18 of which were carried out), 23 were sentenced to life imprisonment, and 102 were given shorter sentences. Summaries of the trials were published in 1949 as a 15 volume set, although there is also a more complete 117 volume edition which is just a bound collection of the duplicated court transcripts. The documentary evidence at the American Military Tribunal (AMT) is now lodged at the American Documentation Centre at Alexandria, Virginia, just outside Washington, DC. Most of it is on microfilm, and members of the public can order reproductions therefrom. One of the members of the War Documentation Project, whose task it was to index the mountain of captured Nazi war records at Alexandria, was Raul Hilberg, the famous 'holocaust expert'. Hilberg was himself a refugee from Nazi Germany who fled to America, subsequently becoming a political scientist at the University of Vermont. His famous book, *The Destruction of the European Jews* is supposed to be the definitive work on the holocaust, but it has subsequently been shown to be highly dubious, thanks mainly to the work of Paul Rassinier.

The Americans also ran trials at Dachau, where 420 death sentences were handed down. The Dachau trials represented an all-time low in Western concepts of justice. Brutality, torture and cruelty were the order of the day. On trial were some of the staff of Mauthausen, Dachau, Flossenbürg and Buchenwald concentration camps, as well as some German soldiers accused of murdering Americans captured at Malmédy during the Ardennes counter-offensive.

In the British zone of occupation, 356 war crime trials were held involving more than 1000 defendants. In charge of administering the trials was Sir Henry MacGeagh, who was head of the UK office of the United Nations War Crimes Commission. His legal advisor was Lord Russell of Liverpool, who died in 1975. The British military trials were held at Lüneberg, Hamburg and in Italy. At Lüneberg, Josef Kramer, Irma Greise and 43 others from the staffs of Belsen and Auschwitz were tried. Thirty of the accused were found guilty and eleven were sentenced to death by hanging. In the Zyklon B case, Bruno Tesch and two others were tried for supplying Zyklon B pesticide to the concentration camps administration. Tesch and one other were hanged. In the Natzweiler trial, Alphons Klein and five others were charged with killing four British women parachute commandos by injection. One of the accused was hanged and the rest received terms of imprisonment. In the *Peleus* trial at Hamburg, the captain and four



French War Crimes trials at Rastatt

members of the crew of German U-boat 852 were charged with murdering the survivors of the cargo ship *SS Peleus*, which they had just sunk. Three were sentenced to death by firing squad, and the other two were sentenced to prison. The British also tried several German generals in Italy; at Rimini and Venice. General von Falkenhorst was tried for the murder of British commandos in Norway. The British trials were published, with many useful appendices, in a series by Wm. Hodge & Co. in 1948/9, under the editorship of Sir David Maxwell Fyfe, the Deputy British Chief Prosecutor at the original IMT trial. Manstein's 1949 trial is described by his defence counsel, Reginald Paget in *Manstein* (Collins, 1951).

The French trials were held at Rastatt, and included that of Saar industrial magnate Hermann Röchling, whom the French had also tried *in absentia* after World War I. In 1953, they also attempted to try 21 SS men for the 1944 massacre at Oradour, when an entire village with its population were destroyed. When it turned out that 14 of the men were Frenchmen themselves, from Alsace, the trial became a political hot-potato. The Alsace government claimed that Alsatians were being victimised. In the middle of the trial, the law against 'collective guilt' was repealed, rendering the trial little more than an academic exercise. When the trial finished, two death sentences and various

terms of imprisonment were handed down, but within days the government had granted the men amnesty. In disgust, the council of Oradour handed back the medals which had been awarded to the town.

By 1963, the total of war crime sentences was as follows:

Court	Total Sentences	Death Sentences
IMT	21 (+1)*	11 (+1)*
USA	1814	450
UK	1085	240
France	2107	104
USSR	c.10000	?
West Germany	12846	?

\*Note: Bormann was tried and sentenced to death *in absentia*.

Most of the death sentences were carried out, although some were reduced to terms of imprisonment. The chronological list of trials in the West is as follows (few details are available for Communist trials behind the Iron Curtain):



Year	Court	Venue	Defendants
1945/6	IMT	Nürnberg	21 Nazi leaders
1946/9	USA	Nürnberg	12 subsequent trials (AMT)
1945/6	UK	Lüneberg	Belsen, Auschwitz staff
1946	UK	Hamburg	<i>Peleus</i> trial
1946	UK	Italy	German generals
1946	USA	Dachau	Mauthausen, Dachau, Flossenbürg, Buchenwald staffs & Malmédy SS von Manstein
1949	UK	Hamburg	
1950	W. Germany	Augsburg	
1951	W. Germany	Ravensburg	
1951	France	Paris	German generals
1953	France	Paris	Oradour soldiers
1956	W. Germany	Dortmund	
1957	W. Germany	Kempten	
1958	W. Germany	Cologne	
1958	W. Germany	Ansbach	
1959	W. Germany	Augsburg	
1959	W. Germany	Cobourg	
1959	W. Germany	Landshut	
1959	W. Germany	Kempten	
1959	W. Germany	Munich	
1959	W. Germany	Ansbach	
1960	W. Germany	Fulda	
1960	W. Germany	Kempten	
1960	W. Germany	Ansbach	
1960	W. Germany	Limburg	
1960	W. Germany	Stuttgart	
1960	W. Germany	Munich	
1961	Israel	Jerusalem	Eichmann
1961	W. Germany	Berlin	
1961	W. Germany	Hamburg	
1961	W. Germany	Duisburg	
1962	W. Germany	Baden-Baden	
1962	W. Germany	Wiesbaden	
1963	W. Germany	Frankfurt	Auschwitz staff
1967	W. Germany	Cologne	
1976	W. Germany	Hamburg	
1976	Holland	Roermond	SS camp guard
1976	W. Germany	Düsseldorf	Majdanek guards

The bodies of the eleven Germans sentenced to death by the IMT were cremated at Dachau and the ashes sifted into the River Isar. The hundreds of others executed by the subsequent military tribunals are buried in prison graves at various places. There are 247 graves at Hamelin, 758 at Landsberg, and 14 at Fort Leavenworth, Kansas. worth, Kansas.

## THE SCENE IS SET

In the United States, the chorus of demands for the trial of the Nazi leaders developed mostly out of the hate-mongering campaign operated by various official and semi-official propaganda agencies. At the beginning of the war, the American people regarded the ordinary Germans as quite pleasant people who had been railroaded into the war by that tyrant Hitler. Such a corporate view would not tolerate Washington's plans for a mass-murder of German civilians through day and night bombing raids. Nor would they accept the degradation and humiliation of the Germans after the Nazis' defeat.

Early on in the war, the main protagonist of frenzied, anti-German hatred was Sir (later Lord) Robert Vansittart, the British diplomatist. In a series of radio broadcasts of fantastic fury in 1941, Vansittart wove a paranoid picture of "German evil and viciousness" which stretched back two thousand years. He compared Germany to the shrike or butcher-bird, which preys on its weaker neighbours. President Roosevelt, whilst officially disassociating himself

from Vansittart's way-out hate-mongering, was sufficiently impressed with his approach that he sent tapes of Vansittart's British radio hate speeches to William B. Donovan, Co-ordinator of Information, and later chief of the OSS (the fore-runner of the CIA), to be used as American radio propaganda.

Vansittart's hymn of hate against Germany was soon taken up and echoed on the other side of the Atlantic too. A writer by the name of Theodore N. Kaufman, in *Germany Must Perish* (Argyle Press, Newark, 1941) insisted that the Nazis were "merely mirrors reflecting the centuries-old inbred lust of the German nation for conquest and mass murder." It was the "German people" who were "responsible" for the war and hence "must be made to pay." To rid the world of these "war-lusted souls" Kaufman advocated the "eugenic sterilisation" of 48 million Germans. By such a policy he estimated that "Germanism" could be extinguished in two generations. Meanwhile, German PoWs could, after sterilisation, be placed in "labour battalions" while the Reich itself could be partitioned among its deserving neighbours. Kaufmann even illustrated his tract with a hand-drawn map, showing France stretching as far as Erfurt, Holland trebling its size to reach almost to the gates of Berlin, and Poland and Czechia (?) dividing what is now East Germany equally between them. All this was the more remarkable in that Kaufmann's rant was written and published before the USA entered the war!

As the war progressed, the hate campaign was stepped up too, and the first official demands for bloody revenge started to be made. Early in 1943, the former US ambassador to Germany, James W. Gerard, urged that when the Allies conquered Germany they hang 10,000 Prussians as a starter. Joseph E. Davies, a confidant of Roosevelt's and a former ambassador to the USSR, said that the Germans should be treated like insane asylum inmates for two or three generations and, as if to justify his hate, confidently predicted that the Germans would begin using poison gas and bacteriological warfare very shortly. A New Jersey radio station ran a competition to select the best replacement word for 'kindergarten', because it was borrowed from the German language. A prominent judge and a newspaper publisher agreed to act as adjudicators.

But the greatest hate-generation source of all was the Writers' War Board, a quasi-governmental agency set up early in the war by Roosevelt's adviser Morgenthau. Morgenthau selected as WWB director Rex Stout, an author of third-rate detective stories and other pot-boilers. Stout in turn hand-picked other writers of sensationalist, popular fiction to contribute their talents to the Board. Members received no compensation for their efforts, but the government paid for overheads such as secretarial staff and office expenses. The Board worked closely with the Office of War Information, the propaganda off-shoot of the OSS.

Two weeks after the Allies' Casablanca conference, the Board swung into action with an article written by Stout in the *New York Times Sunday Magazine*, rather appropriately entitled "We Shall Hate or We Shall Fail". Stout asserted that four generations of German leaders had been guided by the "adoration of force as the only arbiter, and skulduggery as the supreme technique in human affairs." Hatred of the Germans, he wrote, was necessary "to establish the world on a basis of peace." Obviously the American public was not yet ready for such paranoia, for the editor of the *Times* was deluged with letters in opposition to Stout. Several church groups made official protests.

Stout's campaign was rabidly supported by Clifton

Fadiman, who at that time was the book review editor of the *New Yorker* weekly magazine. Fadiman, who was Stout's right-hand man on the WWB, used his magazine position to promote more anti-German hatred. Fadiman noted that there was "only one way to make a German understand and that's to kill them, and even then I think they don't understand." (original grammar).

The WWB also "advised" radio stations and even arranged programmes and wrote speeches. One of the Board's most prominent front-men, Quentin Reynolds the war correspondent and *Collier's* magazine columnist, announced on the popular radio programme "America's Town Meeting of the Air" that hatred was a "healthy" emotion, and that the mental disease of Germany could not be cured — "you must kill." On another edition of the same programme, on 30 September 1943, the British hate-monger Lord Vansittart was the principal guest, along with Richard M. Bruckner, the author of a book *Is Germany Incurable?* which the WWB was promoting. Bruckner, introduced as a "noted psychiatrist", proposed the incarceration in institutions and labour battalions of large numbers of "paranoid-tending" Germans. They would be treated as "typhoid carriers"; their children would be taken away from them and placed in foster homes. Later in the war, the programme presented Louis Nizer, the author of yet another book on *What to Do with Germany*, who proposed that death penalties should be demanded not only of about 5000 high Nazi officials, but also of 150,000 subordinates and civil servants. Every German officer above the rank of colonel, along with members of the Reichstag, and many others, would be tried. Hundreds of thousands of Germans would be given jail sentences ranging up to life, which they would serve in labour battalions. But this alone would not cure the German "lust for war", he asserted. All heavy industry must be removed from Germany in order to prevent any ideas about a new war. On the same radio programme, Samuel Grafton, a syndicated columnist, also urged the permanent exiling or imprisonment without trial of at least 10,000 "members of the leading Nazi circles".

Both "America's Town Meeting of the Air" and its sister programme "America's Forum of the Air" were heavily influenced by the WWB. Stout not only selected many of the speakers on programmes relating to Germany but was also able to influence the choice of subjects and titles. Some of this influence was wielded indirectly through a WWB offshoot, the Society for the Prevention of World War III, which preached even greater vindictiveness than its parent body. The Society was also controlled by Stout, and was financed privately by Robert Woods Bliss, a former US ambassador to the Argentine; funds being channelled through the leftist Brookings Institute in Washington. Oddly, the Society's main target in America was the Council for a Democratic Germany, a group of anti-Nazi German refugees who hoped to restore democracy and reconstruct Germany as soon as possible. Stout made sure that the Council got little publicity, and publicly condemned efforts to "salvage Germany".

But the most amazing example of the WWB's power was its ability to actually re-write history, in exactly the same way that Winston Smith used the "Memory Hole" at the Ministry of Truth in George Orwell's *1984*. In order to promote the idea of German war guilt, it was necessary to overturn the historical verdict on World War I. Most historians conducting research into the origins of the first war had by that time concluded that exclusive blame could not be allocated to Germany or any participant. Their

collective findings were reflected in the 1930 edition of the *Encyclopaedia Britannica*, where an 8000-word article on War Guilt elaborated on this view. First the WWB softened up public opinion for the project re-writing, with an article by Stout in the *NYT Book Review*. Stout complained, at some length, that those who "excused" the Germans of First World War guilt were "fatally deceiving their countrymen". That the *Times* should give such prominent space to the dismissal of the collective conclusions of most, serious, historians, by a writer of cheap detective novels, is an indication of the power the WWB wielded. But there was more to come. The revisionist view of history first voiced by Stout was echoed and re-echoed by innumerable government officials, newspaper editors and media men: Germany had again become solely guilty of starting World War I; after all, they had started five wars in 80 years, hadn't they? In its 1944 edition, the *Encyclopaedia Britannica* cut out the 8000-word article, and substituted a brief note saying there was not sufficient space for adequate treatment of the subject of War Guilt. History had been re-written.

Although the WWB was officially restrained from making political attacks, the Board was still able to "draw attention to" certain points in its mail-outs. The Board regularly monitored the radio comments of independent broadcasters, and attempted to silence anyone who was too soft on Germany by putting pressure on the programmes' sponsors. Commentators such as Fulton Lewis Jr. who were attacked in material mailed out by the Board, and who protested to the Office of War Information, were told that the Board was not a governmental agency and hence not under its control.

One of the best-known broadcasters who took the WWB's hate-Germany line was Walter Winchell (real name Isadore Lipschitz). Winchell's views on Germany were expressed to millions of listeners in terms of "a rattlesnake never deserves another chance".

July 1944 saw the appearance of an influential book *Time For Decision*, by the then recently-retired Under Secretary of State Sumner Welles. Welles wrote that even at this late stage in the war, the Germans were already making plans for a third world war. The book was awarded a prominent review in the *New York Times*, the reviewer commenting that the obvious solution to this danger would be for Germany to be deprived of all its heavy industry, since "no one need fear an agricultural, small-crafts economy". Naturally, the book also received heavy WWB promotion.

Films too were grist to the WWB mill. Hate films proliferated depicting shining American heroes pitted against brutal Nazis. When *The North Star* showed German army doctors bleeding children to death to top up their blood-banks, *Time* magazine hailed the picture as the "most successful attempt to show a sickening German atrocity in credible terms." Hollywood did not forget box office receipts either, and many of the hate films were heavily flavoured with sex, much of it of the sado-masochistic variety.

Academics and educators joined in the baying for German blood. Dr. Nicholas Murray Butler, president of the (Communist-infiltrated) Carnegie Endowment for "International Peace" and former president of Columbia University, said that when the war ended Germans could not be regarded as anything but convicted criminals. In a statement circulated by the WWB, he asserted that for a generation Germans could not be accepted as equal citizens of the post-war world. Several educationalists proposed



that all Axis schoolteachers who had willingly stayed at their posts throughout the war should be discharged and "forever barred from teaching again". But the most preposterous suggestion of all — from any source — came from an eminent anthropologist, Dr. Ernest A. Hooton of Harvard University. He proposed to dilute the German stock (and thereby "adulterate the Nazi strain") by a process of outbreeding, i.e. miscegenation. This would be accomplished by sending Czechs, Austrians and others into Germany, where they would settle and interbreed with the German people. Men of the German army would be kept out of their native land while the "outbreeding" was going on, probably by being put into forced labour in formerly occupied countries. (Astute readers will of course realise that this plan was eventually to involve ethnic groups much more exotic than the "Czechs" and "Austrians" and it was not only the Germans who would be made to suffer this dreadful fate, as the residents of towns and cities throughout Britain are only too aware.)

By January 1945, WWB material was being sent to 3500 writers, 1150 army information services, 2600 industrial newspapers and 270 comic strip editors. Syndicated editorials were sent to 1600 daily newspapers. Radio scripts went to 750 local radio stations.

The all-out effort to induce hate had worked. As the war ended, a packed meeting at Carnegie Hall (arranged by Stout's Society) welcomed the demand by *St. Louis Post-Despatch* editor Joseph Pulitzer that punishing the guilty would require the execution of approximately a million and a half Germans. The guilty, "with no differentiation as to their degree of guilt" should be shot.

## THE OCCUPATION

In the early days of the Allied occupation of Germany, brutality was the order of the day. German prisoners in one PoW camp were deliberately kept on a starvation diet by the commandant. At another camp, Americans "used Nazi torture devices" to make prisoners confess misdeeds, according to Robert Murphy's *Diplomat Among Warriors* (Doubleday, 1964).

Constantine FitzGibbon's book *Denazification* (Michael Joseph, 1969) reveals that

Being devoted to the free enterprise system, they looted individually. The kitbags of GIs who returned from occupation duty in Germany immediately after the war contained many curious items, and some American officers made small fortunes at this time. They also left a lot of half-American babies behind, for that is another form of loot. All this is quite normal post-war practice and perhaps taught the Germans one of the stern lessons that they had apparently failed to learn after the First World War, namely, that it is excessively foolish to fight a war and lose it.

A fairly senior Public Relations Officer attached to a very senior US headquarters informed me in mid-1946 that he had 'liberated' \$180,000-worth of 'Nazi' property. With this loot he proposed to buy himself a TV station in the US.

In Brittany in 1944 a GI was arrested for rape, court-martialled and duly sentenced. It was generally agreed among the officers of the court that such behaviour was best postponed until the GIs had crossed the German border.

At Le Havre, in March of 1946, I watched my luggage being loaded onto the Liberty Ship that was transporting myself and other American officers home. The temporary longshoremen (dockers *Ed.*) were SS prisoners. In order to humiliate these arrogant racists, American negro soldiers had been detailed to guard them.

Such stories could be, and indeed have been, endlessly multiplied.

(The hyper-race-consciousness of the Americans is rather curious in view of the fact that the war was supposedly fought against 'racism'. This quote lends even

more weight to Julius Streicher's allegation that he was beaten up by negro American soldiers whilst in jail at Nürnberg.)

Efforts were of course made to prevent fraternisation between the American troops and the German civilians. In June, the military police arrested a thousand offenders and reported them for court martial. This stemmed from a United States directive (JCS 1067) of April 1945, which forbade fraternisation. Most of the ideas in this directive, sent to General Eisenhower from Washington, came (yet again) from Morgenthau. A special study of the widespread infringement of the regulations was made by an officer of the Psychological Warfare Branch of the OSS, Saul K. Padover, an historian and psychologist. The study was later published as a book: *Psychologist in Germany* (Phoenix House, 1946), which FitzGibbon describes as "highly emotional, with the standard left-wing views of intellectuals in those days: violently pro-Russian and anti-German."

The ordinary GIs could not fathom the logic of the order — or its nomenclature. For as one culprit remarked: "I never wanted to treat her like she was my brother." On 12 June 1945, Field Marshal Montgomery partially rescinded the order as far as British troops were concerned, and three months later, when he raised the whole matter at the Allies' Control Council, it was agreed that the policy should be scrapped in all zones.

Although this aspect of Morgenthau's directive ended in failure, most of the instructions were successfully carried out. The directive, which was kept highly secret for months, ordered that numerous categories of industrial plant should be uprooted and moved to Allied countries. What could not be moved was to be destroyed. All courts, schools and universities were to be closed down and not re-opened until their staffs were purged of all Nazi personnel. Persons holding responsible positions in industry, commerce, agriculture, finance, and the media were likewise to be arrested and "assumed to be Nazis in the absence of any evidence to the contrary." The terms of the directive so shocked the advisers of General Lucius D. Clay, deputy commander in chief for military government, that one of them was despatched to Washington in an effort to get the directive modified. Unsuccessful, the aide finally resigned. When in October, the military government was permitted to make it known, General Clay, himself a hard-liner, flew to Washington to urge modification of its unworkable terms. This too ended in failure.

At the Potsdam conference in July, 1945, President Truman denied that the controversial Morgenthau Plan for the pastoralisation of Germany was being put into effect. Yet the results of Potsdam were there for all to see. All industry, finance and scientific bodies were to be controlled by the victors. All external assets were to be seized. In addition to the industrial plants in their zone, the Soviets were to receive a bonus of 25% pillaged from the other three zones. In return, they would hand over foodstuffs and commodities looted from their zone. A wave of German suicides followed the Potsdam agreements, more than 2500 persons taking their lives within four days.

When the occupation began, the daily food ration in the American zone was 900 to 1000 calories, although an extra 200 calorie allowance was made to "persecuted persons" (i.e. Jews). It was reported that more than half the babies born in Berlin in August died of starvation. In November, 1945, Washington decided that food would be sent to Germany to prevent starvation and disorder. The ration was raised to 1550 calories, but it fell to 1275 a few months later, but even that was greater than the ration in

the British zone: a basic ration of 1048 calories; just enough to keep an idle man alive. In the French zone, on 1 February 1946, the ration was, in theory, slightly higher at 1075. The internees at Auschwitz received a higher daily ration than this until very near the end of the war. Despite the higher rations given to Jews in post-war Germany, a US Senator pointed out that the Jews "do not desire to work, but expect to be cared for, and complain when things are not as well done as they think they should be. It is doubtful that any country would want these people as immigrants."

The winter of 1946-47 was one of the coldest in history. Schools were closed down as were three-quarters of the remaining industries in the British and American zones. No coal had been delivered to Germans for heating since



*Emotive photograph of Dachau despatchees on train. When 200 Germans similarly froze to death on a train in 1947 no such photographs were published.*

October, and Germans were reduced to following carts delivering coal in order to pick up any pieces that fell off. In Berlin two hundred people froze to death on a train. Hoover reported at the end of February 1947 that Germany had sunk to a level of existence not known in Europe in a hundred years. He proposed large shipments of potatoes and other foodstuffs in order to stave off famine. He also suggested that the dismantling of non-military factories should stop. The delusion that Germany could be reduced to a pastoral state had to be abandoned, despite Morgenthau. Europe could not recover without Germany. Hoover's plan was eventually translated into the Marshall Aid plan, but not without opposition from Stout's Society for the Prevention of World War III (still in existence in 1947) which laid on a national conference to attack the reconstruction plan. Mrs. Franklin D. Roosevelt, sponsor of many Communist-front organisations, lent her name to the project. Morgenthau himself participated in the conference, as did Albert Einstein and Sumner Welles.

Although the food programme got under way quite rapidly, it took a little longer for enthusiasm for the dismantling of German industry to wane. Even as Allied planes were flying bulldozers into Berlin during the Soviet blockade, German plants which could have made them were being destroyed. Britain and France sometimes openly aimed at eliminating competition. Soap factories were destroyed and Britain even blew up the Hamburg harbour installations, in order to hamper future German shipping rivalry. The French helped themselves to large parts of the Black Forest; the timber from this well-known tourist attraction being used for pit-props. The vandalism of Germany did not stop until 1950.

But for more than a decade, up to 3,000,000 German soldiers were held in captivity to work in the mines and forests of Russia. It is estimated that more than one million died. The conditions under which they laboured in France were so harsh as to bring about United States intervention, but nothing could be done about their condition in the Soviet Union. General Clay reported that German prisoners returned by the Soviets needed from three to six months to become fit for work. The public health branch of the military government pointed out that such prisoners averaged sixteen pounds below the minimum for health, and that half were suffering from disease. In 1947, Britain was still using the labour of 350,000 Germans. France still held 300,000 out of the 440,000 who had been turned over to them by the Americans. The Americans had freed all their prisoners by August 1947, and in March, France, yielding to American pressure, began sending prisoners home at the rate of 20,000 a month. Britain returned the last of its prisoners in July 1948. The Soviets claimed to have returned the last of their military prisoners in 1955. On 22 February 1949 the *New York Times* reported that of the 800,000 German civilians forcibly taken to the Soviet Union between 1944 and 1949, 400,000 had died and 180,000 were still in captivity.

Although the Allies are no longer pillaging Germany of war-loot, West Germany continues to this day to pay financial reparation to Jews and even the State of Israel itself, which did not come into existence until 1948 — three years after the war ended. These reparations are based on the theory that six million Jews were exterminated by the Nazis — a theory which has been effectively demolished by the French writer Paul Rassinier, Professor A. R. Butz of Northwestern University, Illinois, and many others. East Germany has never paid a penny.



## DE-NAZIFICATION

As stability and some sense of order returned to Germany in the months after the occupation, the Allies had to sooner or later sit down and formalise their attitude towards, and treatment of, Nazis. It would not do to just continue on the ad-hoc basis which had heretofore prevailed, resulting as it did in tremendous variations in persecution of, or leniency towards, suspects.

On 8 August 1945, the four major powers had signed the London Agreement, which set up the three categories of crimes, and criminals, who would be tried at Nürnberg. These categories were crimes against peace, war crimes, and crimes against humanity; each with their own wide-ranging 'definitions'.

But even these rather subjectively defined 'crimes' could not possibly be stretched to include the hundreds of thousands of ordinary German citizens whom the Allies wished to punish. New 'crimes' had to be thought up, and litigation procedures codified, in order to make sure that nobody slipped through the net.

In April 1945, days before the official end of the war, a directive (JCS 1067) had been issued to the American Army chiefs in Germany by the Joint Chiefs of Staff in Washington concerning the administration of the occupation. Although the directive was issued by the Washington military, its policies had been worked out by the politicians, with the main contribution coming from Henry Morgenthau.

Paragraph 6 of the directive concerned 'Denazification', and ordered that the Nazi Party should be dissolved, all Nazi laws repealed, all Nazis removed from public office and all Nazi property confiscated. At the Potsdam conference in July 1945, this US military directive was given three-power approval.

On 2 August 1945, the *Official Gazette* of the Control Council, the Allies' joint occupation government, had published an outline of the principles governing denazification. German education was to be taken over so as to eliminate all Nazi ideas. The judicial system was to be reorganised along 'democratic' lines, and the law would be re-written so as to eliminate all forms of discrimination along lines of race, nationality or religion. 'Freedom of speech' was to be restored, subject to the restrictions necessary for maintaining military security.

On 20 October 1945, Control Council Proclamation No. 3 announced that German courts were being set up, whilst Proclamation No. 4, ten days later, pointed out that these civil courts would not be allowed to try crimes committed against the Allies.

On 12 January 1946, the Control Council published a directive concerning the "Removal from Office and from Positions of Responsibility of Nazis and of Persons Hostile to Allied Purposes". And on 12 October 1946 the Council followed this up with an edict for "The Arrest and Punishment of War Criminals, Nazis and Militarists, and the Internment, Control and Surveillance of Potentially Dangerous Germans". It was these two particular proclamations which paved the way for the denazification tribunals which were to follow. The tribunals were basically an attempt to overcome the problem of de-nazifying a state where the Nazi Party was the state. To have purged every single Nazi Party member from public office would have meant that the entire state would grind to a standstill. It would also raise the problem of what to do with the millions upon millions of persons thus purged. There were over 3½ million ex-Nazis in the US Zone alone; they

could not all be interned or even deprived of their civil rights: this would create an extremely dangerous situation where the Allies would be one minute preaching self-righteously about 'equality before the law' and next minute creating a vast population of second-class citizens.

In the Soviet Zone, denazification played a subordinate role to that of economic destruction. They were too busy carting off tons and tons of German industrial equipment — they even stripped away hundreds of miles of railway track — to be much bothered with sorting out sheep from goats. Their denazification programme was much more elastic than the western Allies'. They were at liberty to punish or employ any man they chose, without regard to whether he was more than a 'nominal Nazi' or not. The official figure given for dismissals from office is something over half a million in the Soviet Zone, but like all Soviet figures, this statistic is virtually meaningless. Any Nazis who had been handed over to the Soviet authorities by the United States were, of course, doubly suspect, since they would be immediately suspected of being 'capitalist agents' as well as 'Hitlerite thugs'. According to figures issued in East Berlin, the Soviets' denazification programme was largely completed by the end of 1945. The official end to the programme was not announced until 1948, however, and it was not until 1950 that the Soviets ordered the dissolution of the forced labour camps where those purged under the scheme had been interned. Since that time, the two German governments have carried on a lengthy slanging match, each accusing the other of employing former Nazis in high places.

In the French Zone, there was more emphasis on educating the Germans away from Nazism, rather than chastising them. In certain French circles, the idea of balkanising Germany back into duchies and statelets held some support, since a dismembered Germany would present no threat to the rest of Europe. But all in all, the French were too concerned with their own internal problems in the post-war years to bother very much with sorting out Germany's. In any case, there was an underlying French attitude of hostility and resentment towards the British and Americans which led to the build-up of a kind of *cameraderie* between the French soldiers and the Germans. Both countries had suffered the humiliation of defeat and occupation, whilst the 'Anglo-Saxons' had been consistently victorious. All in all, the French were in no mood to entangle themselves with Germany any more than was necessary. This led to various accusations by the other Allies that France was being 'soft' on the Nazis, but the French attitude was due more to lack of concern rather than sympathy for Nazism.

In order to bring at least the three Western occupation administrations into line on this matter of denazification, on 12 October 1946 the Control Council issued its Directive No. 38, which laid down the categories to be used in the denazification system. The entire German nation was to be divided into five categories: major offenders, offenders, lesser offenders, followers and persons exonerated. Each classification was given a few paragraphs of definition, and it was then up to the local administration to decide who fell into which category.

In the British Zone only persons in positions of authority were screened, but in the US Zone an attempt was made to sift the entire adult population. An elaborate questionnaire — called a *Fragebogen* — was issued to every adult German in the American Zone. (In fact more questionnaires were issued than there were adults: thirteen million were issued to a population of about fourteen

million, of which many more than two million were children.)

The operation was a bureaucrat's dream. At its height the mere reading of the questionnaire required the full-time work of 22,000 Germans. 545 tribunals, or *Spruchkammern*, in the US Zone were dealing with as many as 50,000 cases a month. The members of these tribunals, normally three to each, were supposed to include a lawyer, but there were not enough 'denazified' lawyers to go round. The other members of these courts were supposed to be 'right-thinking', non-Nazi Germans, but there were hardly enough of these to go round either, nor was it possible for the Americans always to check these men's credentials since so many documents had been destroyed during the war. The tribunals were so short of 'reliable' Germans that they had to import German-speaking American Jews to help out. One such was Henry Kissinger, later to become the American Secretary of State. A detailed description of the conduct of the tribunals is published in *Forced to be Free* by John D. Montgomery (U. of Chicago Press, 1957):

There were no full public hearings; no rules of evidence governed the presentation of testimony. All proceedings were "ex parte", offering no opportunity for "prosecution" or "defence". Until a candidate was cleared by these tribunals, he could not occupy any position of importance, and so millions of capable and politically indifferent Germans had to remain idle or engage in ordinary labour for an indefinite period.

The findings of these tribunals were followed either by a pronouncement of innocence and discharge or by more or less automatic sentences for those found guilty. Major offenders received from two to ten years of forced labour, confiscation of property, permanent loss of civil rights and pensions plus restrictions on where they might live. Offenders in the second category were given a maximum of five years' forced labour. Minor offenders received shorter sentences. Followers were, in general, fined. A fairly reliable chart of Denazification statistics from the US Zone is reprinted in Hilberg, chapter II, Table 94.

There were few who failed to fill in the *Fragebogen*: it was necessary to complete one in order to obtain a ration card. Thus the alternative to submitting to the denazification system was starvation. The burden of proof was reversed in the tribunals, i.e. it was the duty of the defendant to prove that he should be in a lesser category. In consequence of this practice, the tribunals were flooded with semi-official character references issued by local clergymen. These soon became known as *Persilscheine* (Persil certificates) after the brand of soap flakes of the same name. Secret denunciations and false accusations were not uncommon, according to Professors Roth and Wolff of Ohio State University, who published a study of the tribunals in 1955. Thus a defendant could lose his job or be incarcerated in an internment camp without even knowing the origin and nature of the evidence which had condemned him.

In 1950 General Lucius D. Clay, the head of the US Military Government, transmitted to Washington a detailed report on *The Present State of Denazification*. He revealed that over 27% of the German population in his zone (3½ million people) fell into categories 1-4. In order to somehow reduce this vast number of people who had to be punished, an amnesty for persons under the age of 27 was announced. This was followed by another, known as the Christmas Amnesty, which let off the hook those who were disabled and those who were on low incomes. Clay concluded by recommending that the denazification process be phased out, due to increasing German resent-

ment towards these 'Star Chambers'.

Washington took the point, and by 1953 the tribunals were a thing of the past. Instead the West German government took over the fight against Nazism, via the less-obvious medium of propaganda. In 1953 it set up the Federal Centre for Service to the Homeland, as a result of two conferences attended by sociologists, historians, psychologists and philosophers. The purpose of the Centre was to combat anti-semitism, and to this end it sponsored a large number of articles, pamphlets and supplements. Most of these dealt with the history of the Jews, but some were simply smear attacks on the 'extreme right-wing' parties which were beginning to re-emerge in Germany. The Centre paid particular attention to the indoctrination of school-children, and sponsored a supplement on the Nazis' persecution of the Jews in the weekly magazine *Das Parlament*, which is distributed to schools throughout the country. 65,000 anti-Nazi wall posters were mailed out to schools every year, and 40,000 school classes took part in the Centre's annual Christmas competition on Jewish history. Films were also used to spread the message, with such titles as *Concentration Camp Henchmen* and *The People and Country of Israel*. But the Centre's major international achievement has been the financing of *The Final Solution*, an "authoritative" account of the "extermination programme" by Gerald R. Reitlinger. One would have thought that with so much 'evidence' of exterminations available, the Centre would have been able to find an historian to document this aspect of the war. Reitlinger is an art-dealer and amateur artist who now lives near Rye in Sussex.

Both the Federal and Länder (County) governments in West Germany continue to finance yet another agency for combating anti-semitism, the Institute of Contemporary History in Munich. This operates very much like the Wiener Library in London, providing a research centre for the study of Nazism and its "extermination programme". The Institute regularly publishes research documents, and in 1960 brought out the "diaries" of Rudolf Höss, the Commandant of Auschwitz. The "diaries" originated from behind the Iron Curtain; they had originally been published by the Communist Polish régime. The Institute also provides information and assistance to individual Jews claiming compensation from the Government, and to prosecution counsel conducting war crimes cases. And like the Federal Centre, the Institute provides teaching aids to schools and polytechnics. It also publishes a quarterly journal of research, the *Vierteljahrshefte für Zeitgeschichte* — somewhat similar to the Institute of Jewish Affairs' *Patterns of Prejudice*.

So concerned was the Federal Government over the apparent re-emergence of anti-semitism in West Germany during the late 1950s, that a full-scale investigation was laid on to discover why the indoctrination programmes operated by the Federal Centre and the Institute had not worked. The government even went to the great lengths of publishing a *White Book on Antisemitic and Nazistic Incidents* in 1960. One of the more enlightening aspects of this report was the revelation that two swastika-daubers were discovered to have been Communists acting as *agents-provocateurs*. The investigation revealed that they were wearing Communist badges behind their lapels and had recently been on a Young Communist camp in East Germany.

In 1958 the West German government also set up a Central Agency for the Investigation of Nazi Crimes, at Ludwigsburg. The prime mover behind this agency for



tracking down any stray Nazis who may have been overlooked at Nürnberg, Belsen, Dachau etc. was Eugen Kogon, author of several popular books on Nazi atrocities. The Agency was responsible for bringing about the 1963 "Auschwitz" Trial, and proved so efficient at "Nazi-hunting" that they even discovered that the first head of the Agency was himself an ex-Nazi.

## THE ROLE OF THE O.S.S. (CIA)

One participant in the promotion and administration of the Nürnberg Trials which is often overlooked is the Office of Strategic Services, later to become better known as the Central Intelligence Agency — the United States' secret service.

The origins of the OSS can be traced back to 1941, when President Roosevelt appointed Colonel William "Wild Bill" Donovan as director of a propaganda agency known as the Office of the Coordinator of Information. The main function of the agency was to steer American public opinion towards favouring joining in the war against Germany. The OCI was staffed by prominent journalists and authors, but policy was directed by James P. Warburg, one of Roosevelt's political advisers. It was housed in a government building in Washington on the corner of 25th and E. Streets, which had been up until then an experimental laboratory. The scientists and their menagerie of animals for experimentation were hurriedly evicted to make room for Donovan's organisation. This bizarre episode allowed Nazi propagandists the opportunity of deriding the OCI as consisting of "fifty professors, twenty monkeys, ten goats, twelve guinea pigs, and a staff of Jewish scribblers."

But by 1942, with the war in full swing, the situation called for a different kind of agency. A more elaborate outfit was needed which would not only direct public opinion at home, but would undermine enemy morale through black propaganda and rumour mongering. Donovan, despite his anti-British Irish Republican background, received vital advice and assistance from the British government, who had had decades of experience in foreign espionage work with the Secret Service. Lord Mountbatten met Donovan in London in June 1942, and showed him around all Britain's secret espionage establishments. Vital secret equipment such as miniature radios was handed over to the Americans.

The same month, the OCI was revamped. Domestic propaganda was to be handled by a new Office of War Information. Foreign espionage and black propaganda was to be controlled by the Office of Strategic Services under Donovan.

From the beginning, the OSS was able to obtain the services of the wealthy and the famous. Its staff seemed to be predominantly drawn from both the echelons of New York Jewish banking and academic families and the New England (Gentile) jet-set. The staff included:

Arthur Goldberg, head of the OSS Labour Desk, later a US Supreme Court judge and US Ambassador to the United Nations.

Junius Morgan, head of Morgan, Stanley & Co. merchant bankers, who was "of invaluable assistance in supervising the expenditure of OSS funds, particularly 'unvouchered' funds."

Dr. Henry A. Murray of Harvard, who organised the OSS Assessment School, for analysing new recruits.

John Ford, the famous film director, headed the OSS Field Photographic Unit.

Allen Dulles, diplomat and lawyer, later head of OSS in Switzerland, later head of CIA.

Richard Helms, head of OSS in occupied Germany, later head of the CIA.

James B. Donovan, OSS General Counsel. After the war this Donovan (no relation to "Wild Bill") was defence counsel for the Soviet master-spy Rudolf Abel.

Abraham Polonsky, on the staff of the Morale Operations Branch, a Hollywood film director, later cited as having Communist sympathies by a 1947 congressional committee.

Leonard Meeker, on the staff of the Research & Analysis Branch, exposed in 1953 by J. Edgar Hoover as being a Communist. Subsequently fled to Moscow, then Havana. Now teaches at a Canadian university.

Paul Sweezy, editor of the OSS London bulletin called *European Political Report*; Sweezy was an open Marxist.

Sidney Rubenstein, on the staff of the Counter-Intelligence Branch in the Far East. He was also an FBI agent and a Baltimore attorney.

Ralphe Bunche, an "African Affairs" specialist on the R&A Branch. Later this negro Leftist professor helped set up the United Nations.

Walt Rostow, later to become President Lyndon Johnson's 'adviser' and chairman of the National Security Council; planned USA's surrender in Viet-Nam.

Rabbi Nelson Glück, OSS intelligence agent in Palestine, using bogus archaeological explorations as a front. Glück was President of Cincinnati Hebrew College after the War.

Frank Wisner, OSS agent in Istanbul and Bucharest. A prominent Wall Street lawyer. Joined the staff of the London station of the CIA in the late '50s. Committed suicide in 1965.

Richard Weil, OSS liaison officer with Tito's forces in Yugoslavia. One of the Macy (department store) family.

John Zuckerman, operated OSS Black Propaganda radio station in Far East. John Birch, OSS officer in China, killed whilst helping Mao Tse Tung's Communist bandits. Inexplicably promoted as a martyr of "anti-Communism" by having an American supposedly right-wing society named after him.

Jane Foster-Zlatovski, OSS agent in Indonesia; indicted by a grand jury in 1947 for passing OSS secrets to the NKVD.

Herbert Marcuse, the Communist lecturer and psychologist.

Robert Kempner, the Nürnberg prosecutor.

Hans Hirschfeld, later to become Willy Brandt's press aide; named in a 1961 US espionage case as a Soviet agent.

Many rich corporations were only too glad to 'loan' their executives to the OSS. The Secret Intelligence Branch (which was a particular haven for Communists, liberals and Lincoln Brigaders) was headed by a vice-president of International Railways of Central America (the corporate twin of the United Fruit Company).

The Morale Operations Branch, which employed so many left-wing Hollywood Jewish script-writers, was directed by the vice-president of an Ohio steel corporation.

The Special Operations Branch, which maintained liaison with Communist partisans throughout the world, was successively commanded by two New York business lawyers and two Pennsylvania investment bankers.

The OSS Commander in Cairo was the vice-president of a Boston bank.

The J. Walter Thompson organisation supplied: the Chief of the OSS Planning Staff, the head of Morale Operations Branch in London, the executive officer of OSS in Cairo, and a black propaganda specialist in Casablanca.

Standard Oil provided officers to spy on Axis oil shipments in neutral countries. Paramount Pictures provided foreign currency for espionage purposes. The Goldman, Sachs banking firm handled the payment of two million francs to finance Algerian terrorist groups.

The OSS agents were on extremely friendly terms with Communist partisans throughout the world. The OSS gave decisive aid and assistance to Mao Tse Tung in China, Ho Chi Minh in Viet-Nam, Tito in Yugoslavia and sundry lesser-known bandits in Eastern Europe.

In fact, one OSS agent, Beverly Bowie, an assistant editor of *National Geographic*, was the first OSS man to reach Bucharest after the German withdrawal in 1944. Other American officers arrived to find Bowie already installed as an 'adviser' to the newly-formed Roumanian cabinet. Bowie explained, "Before they vote on anything, they ask me what I think. I go into a trance and figure out what Franklin D. Roosevelt would do, then give 'em the answer. They pass all my laws unanimously. I never thought running a country was so easy."

In lesser capacities the OSS staff roll read like an excerpt from the Social Register, with names like Ryan, DuPont, Vanderbilt, Roosevelt, Morgan, Mellon, Guest and Tolstoy. It was this aspect of the OSS which enabled the newspapers to have a field day with the organisation's initials, with headlines like "Oh, So Secret" and "Oh, So Social". Columnist Drew Pearson commented that the staff was mostly made up of "Wall Street bankers".

One of the prime functions of the OSS was that undertaken by the Morale Operations Branch. The mission of the MO was black propaganda; distributing bogus newspapers and military orders from within the ranks of the enemy, operating clandestine radio transmitters purporting to be enemy stations, and starting rumours in Axis-occupied territory.

A particularly relevant facet of the OSS operations was that they had enlisted the co-operation of the Jewish Agency in Palestine (which was really the unofficial Israeli government at that time). The Jewish Agency, on account of its extensive and elaborate contacts with Jews in Europe, including those in Nazi-occupied territory, was able to undertake many important missions for the OSS, particularly in the Balkans, Slovakia and Hungary.

Towards the end of the war, the staff of Eisenhower's Psychological Warfare Branch was drawn largely from the OSS, since there were so many Jewish psychologists on the payroll. The OSS also acted in close concert with the War Crimes Branch, in the collation of 'evidence'.

OSS staff members were also very prominent on the prosecution staff of the trials, especially in the early stages. In fact the Chief Prosecutor at the Dachau Trials, "Jack Taylor" was himself an OSS agent who had been captured and interned during the War, at Leising in Vienna. Donovan himself was appointed a deputy prosecutor under Jackson, but as the preparations for the trial went ahead Donovan began to have personal doubts about the wisdom of the entire concept of the trials.

Fabian von Schlabrendorff, a member of the German anti-Nazi resistance during the war, and a close friend of Donovan's, writes in *The Secret War Against Hitler* (Hodder & Stoughton, 1966):

Knowing that I was a jurist, and familiar with my role within the anti-Hitler resistance, he wanted to get my professional opinion and asked me to

come to Nuremberg to look at the draft of the indictment against the accused Nazi leaders. I accepted that invitation, and spent some time carefully studying the lengthy draft Donovan gave me. After going over the document word by word, I set down my professional opinion rejecting the entire indictment on four counts:

1) It used retroactive laws — precisely the kind of method we had come to consider one of Hitler's most repugnant and unlawful acts. No law against so-called "crimes against humanity" had been in existence at the time the defendants had committed the offences they stood accused of at Nuremberg. (The same argument I found out later, was advanced by the late Senator Robert Taft as one reason for his rejecting the Nuremberg trials.)

2) The indictment was based upon Anglo-Saxon trial law, with which the defendants were completely unfamiliar, and which had no validity in German legal custom.

3) The accusations dealt exclusively with offences against Allied citizens. Justice, however, demands that no such discrimination be made — all human beings, no matter of what nationality, who have been victims of the Nazis should have been included.

4) Contrary to every basic juristic rule, the accusers in this case were also the judges. An old proverb says: "Only God can help him whose accuser is also his judge."

After reading my memorandum on the draft Donovan was more than ever convinced that he had been right in questioning the wisdom of the trials. He began to search for ways of shortening and limiting the proceedings as much as possible. He finally hit upon the idea of having Göring assume all responsibility for what had happened in the Third Reich, so that Göring alone would be indicted, as the representative of Hitler. In this way, the trial would have been over in the shortest possible time, with the conviction, sentencing and execution of Göring by the Allies . . .

When Donovan asked me what I thought about the chances of persuading Göring to assume all responsibility for the policies of the Third Reich and plead guilty, I advised him to wear full uniform and all the medals he had ever received for that visit to Göring in prison. I also urged him to appeal to whatever was left of Göring's sense of officer's honour, making it plain at the same time that his life was forfeit in any case.

I was not mistaken in my appraisal of Göring. After returning from his visit in Göring's cell, Donovan informed me that the latter was willing to cooperate. The Allies, however, most certainly were not, as Donovan soon found out when he submitted his plan to Chief Prosecutor Jackson. The idea of seeing their carefully prepared, mammoth trial going down the drain did not appeal to the Allied officials, who were looking forward to months in the spotlight while the case against the accused Nazis was being presented to the world.

When I next saw Donovan, he was shaking with anger and frustration after what had evidently been a stormy session with Chief Prosecutor Jackson. He told me that he was resigning from his post as deputy prosecutor because he did not wish to be in any way connected with the coming trials; he had become thoroughly convinced that they were legally and politically unsound. He also suggested it would be wise for me to get out of Nuremberg at once — advice I lost no time in following. Years later in New York, Donovan told me that he was more than ever convinced that history would justify his decision to walk out of the Nuremberg trials.

We have included this excerpt in some length, because it appears to be the only real clue which goes some way towards explaining the rather rapid demise of both Donovan and the OSS in 1945. Donovan had shown himself to be politically unreliable, no matter what his abilities as an espionage expert might be. He had to go.

On 28 September 1945, the OSS was officially and rapidly wound up with a farewell staff dinner at the Riverside Skating Rink in Washington. For a time, Donovan returned to his New York law practice, but insisted on voicing his opinions on the threat of Communism rather too loudly. He was packed off into the political wilderness as US Ambassador to Thailand. The debilitating Asian climate was too much for Donovan. He suffered a series of strokes and died in 1958. The full story of the OSS, particularly its support for 'left-wing' bandits throughout the world, is told in great detail in OSS by R. Harris Smith (U. of Cal., 1972).

But Washington had by no means scrapped the idea of a national intelligence organisation; they had merely cleared the way for a bigger and better agency than the OSS, under less eccentric leadership than Donovan's. The new Central Intelligence Agency was set up officially in June 1947, this time under governmental, rather than military, control. But the CIA was staffed mostly by ex-OSS employees, particularly the East Coast Jewish academics and Leftists who had been so prominent in the earlier organisation.

One such remarkable operator was Jay Lovestone (real name Jacob Liebstein), who during the war had switched literally overnight from being leader of one of America's Trotskyist parties, to working secretly as an OSS agent in Europe. He had been instrumental in raising funds from America's huge trades unions (the AFL-CIO) to finance the setting up of unions in Europe. As the Allied armies advanced, Lovestone's men followed as political commissars, trying to make sure that the 'liberated' workers were provided with trade union and political leaders acceptable to Washington. Many of these leaders were themselves refugees from Nazi Germany, who had ended up in London. They even published a magazine, called *Socialist Commentary*, which has now become the semi-official mouthpiece of the 'right' wing of the Labour Party.

Lovestone also recruited his political commissars from New York, where another group of émigrés published a similar magazine to *Socialist Commentary*; the *New Leader*. Officially, *New Leader* was the political voice of the American Federation of Labor/Congress of Industrial Organisations (AFL-CIO for short; the American version of the TUC). Its guiding spirit, editor and business manager



#### BUDD SCHULBERG

*He was O.S.S. officer in charge of photographic and film "evidence" at Nürnberg and a well-known dramatist and sensationalist film-producer — rather an appropriate occupation, considering the origins of much of the Nürnberg "evidence". Schulberg had also written a novel — What Makes Sammy Run? — in 1941, about a "smart little Yid" crook by the name of Sammy Glick. Schulberg received a military award for his efforts at Nürnberg, according to the US Negro newspaper supplement, "Tuesday" magazine (August 1972).*

was one Sol Levitas, who had worked with Trotsky during the Bolshevik coup in 1917, but had had to flee from Stalin's purges in 1923.

Amongst Levitas's "boys", as he liked to call them, were Melvin J. Lasky; an ex-Trotskyist from New York City College, Daniel Bell; a professor at Columbia University, and Irving Brown; who became Lovestone's right-hand man in the European trade union operation.

The *New Leader* claimed to be independent, but in 1949 it carried a piece by Allen Dulles, advocating a commission of internal security to examine subversive influences in the US. It will be recalled that Dulles had been head of the key Berne OSS station during the war, which channelled so many "atrocious" stories out of Nazi-occupied territory to the West. It was he too who liaised with Wilhelm Höttl, the assistant of Eichmann's who was probably an Allied agent. Dulles later became head of the CIA. After the appearance of Dulles's articles (which was rather like one of the chiefs of MI5 writing for the *New Statesman* about MI5 policy!) the magazine suddenly started appearing in a much more expensive format.

Anthony Crosland and Dennis Healey (an ex-Communist), both prominent British politicians, wrote regular articles for the two magazines. Healey was in fact London correspondent for the *New Leader*.

During the 1950s, the Leftists at *New Leader* had a field day in Europe, with seemingly endless sources of funds. In 1948, Melvin Lasky was 'lent' by the *New Leader* to the US Military Government in Berlin to set up a parallel German magazine, *Der Monat*. In 1950 Lasky chaired an enormous meeting at the Titania Theatre in the US Zone of Berlin, where it was decided to launch the Congress for Cultural Freedom, a body whose purpose was to "defend freedom and democracy". The man chosen to head the permanent secretariat of the Congress was an official of the American Military Government, Michael Josselson. The Congress was lavishly financed, supposedly from Jay Lovestone's union funds. It soon began to organise political seminars and student exchanges. It was involved in the setting up of the International Student Conference at Leiden in the Netherlands. In 1953, the CCF launched yet another magazine, *Encounter*, under the editorship of Irving Kristol, another of Levitas's *New Leader* protégés, and an ex-Lovestonite. The international political seminars



were organised by Melvin Lasky, Michael Josselson and Daniel Bell. Anthony Crosland and Hugh Gaitskell, the leader of the Labour Party during the 1950s, both played an active role in these seminars. In 1967, Michael Josselson admitted that he had for 17 years been channelling CIA money into the CCF. Ninety per cent of the finance of the International Student Conference had come from the CIA. The *New Leader* had also been receiving regular CIA subsidies through a front organisation — the J. M. Kaplan Foundation. After these revelations, in *Ramparts* magazine, and in the *New York Times*, the CCF changed its name to the International Association for Cultural Freedom. Michael Josselson was switched from being head of the organisation to being 'consultant'. A new financial benefactor was located in the form of the Ford Foundation. And the new Director was none other than Shepard Stone.

Shepard Stone was yet another mysterious distributor of large funds who moved in high government circles. In Willy Brandt's biography, he is described as Brandt's "closest American friend". Brandt even left his cabinet meetings, when Premier, to greet Stone. In May 1948, as a political aide with the US Military Government in Berlin, Stone organised a huge conference at The Hague which launched the European Movement. 750 top people were flown in, lodged and entertained for a week at the expense of the organisers. Stone's link man in Holland was one Joseph Retinger, an elderly Polish diplomat who had finally come to rest at the court of Prince Bernhard. In 1949, a parallel organisation was set up in the US — the American Committee on United Europe. The leaders of this organisation were openly advertised in the *New York Times* as including General Donovan, the recently-retired head of the OSS, George Marshall, the US Secretary of State, General Lucius D. Clay, chief of the US Military Government in Germany, Allen Dulles, the rising star of the CIA, and Tom Braden, the head of the CIA's 'Department of Dirty Tricks'. Dulles became vice-chairman of the ACUE. Braden was 'employed' as its executive director. In 1954 the ACUE launched a youth campaign under Cord Meyer Jr., who is now CIA chief in London. The ACUE was merely a conduit for passing CIA funds to the nascent European Movement. Their subsidies comprised almost half the European Movement's total budget. Virtually all of the European Movement's Youth Campaign financing came from the CIA. Secretary of the Youth Campaign was Maurice Foley, later a Labour MP and Minister in Charge of the Secret Service. Foley's son is an ardent supporter of the IRA. The current (1976) director of the European Movement in Britain is Ernest Wistrich, whose wife is a prominent London councillor.

Stone and Retinger were also involved in the setting up in 1954 of the Bilderberg Group, an international cabal of business tycoons, bankers and politicians. The group meets every year at a secret venue and got its name from the De Bilderberg Hotel at Oosterbeek in Holland, where the very first meeting took place. Dennis Healey has been one of the most regular attenders from Britain, and it was at the 1957 meeting in Fiuggi, Italy, that he first met Shepard Stone, who was by that time a prominent department head of the Ford Foundation. Stone agreed that the Foundation would finance, to the tune of \$150,000, Healey's pet-scheme, the Institute of Strategic Studies. Nowadays, Stone describes himself as Berlin Director of the Aspen (Colorado) Institute for Humanistic Studies, which in 1976 acted as go-between in the takeover of the *Observer* newspaper by the Atlantic Richfield Oil Company. Allen Dulles has also attended Bilderberg meetings. However the subject of the Bilderberg Group is worth an entire book in itself, so we can no more than scratch the surface here.

## BELSEN

The very first trial of 'war criminals' after the Allied victory was not the IMT, but the trial of the staff of Belsen, by a British military court at Lüneberg. The principal defendant was SS Captain Josef Kramer (the "Beast of Belsen") whose trial was conducted during the autumn of 1945, and concluded in November 1945, just as the IMT was beginning. Kramer was hanged in December 1945.

We are fortunate in having access to Kramer's lengthy first statement, which he made under British interrogation. The importance of this statement lies in the fact that it was made during the brief period just after the German defeat, when the Germans had still not realised that the Allies were serious in pursuing the 'extermination' charge.

The Germans were still expecting that any time soon, the Allies would 'come clean' and admit that the whole extermination story had been just another example of war-time propaganda, similar to the World War I stories about the "Belgian baby with no hands" and the "factory which made soap from human flesh".

Kramer's first statement displayed little of the courtroom logic which was to become apparent in the behaviour of certain Nürnberg defendants, who were prepared to admit that "gas-chambers-existed-but-they-had-nothing-to-do-with-it" — just to placate the court and endeavour to extricate themselves from a very difficult situation. For to have denied the existence of gas-chambers would have been to challenge the very *raison d'être* of the court, and thereby risk a heavier sentence for such intolerable contempt of court.

Kramer's story was in complete accord with objective investigations undertaken after the dust had settled, such as Professor Butz's masterpiece of research *The Hoax of the Twentieth Century*. Kramer agreed that there were high death rates at many concentration camps, but this was due to overcrowding and the rapid spread of typhus. He agreed that there had been crematoria at all the camps, but these were to facilitate the hygienic disposal of diseased corpses. He denied that there had ever been 'extermination chambers' at Auschwitz-Birkenau where he had previously been camp Commander:

I have heard of the allegations of former prisoners in Auschwitz referring to a gas chamber there, the mass executions and whippings, the cruelty of the guards employed, and that all this took place either in my presence or with my knowledge. All I can say is that it is untrue from beginning to end.

However, after Kramer had been further interrogated, he changed his tune, and was now willing to agree that there had in fact been a gas chamber at Auschwitz, but that he had not been responsible for it. He 'explained' that he had told lies the first time because he had been sworn to secrecy. However, neither he nor his lawyers managed to explain why it should be necessary for him to remain secretive about something which was being spewed forth from every newspaper and radio station in the world.

For further details on this highly suspicious about-face, the reader is referred to the Butz book, where the two contradictory statements are reproduced in Appendix D.

An interesting description of the behaviour of the British soldiers at Belsen is given in Leonard Mosley's *Report from Germany* (1945):

The British soldiers . . . beat the SS guards and set them to collecting the bodies of the dead, keeping them always at the double . . . When one of them dropped to the ground with exhaustion, he was beaten with a rifle-butt. When another stopped for a break, he was kicked until he ran again, or prodded with a bayonet, to the accompaniment of lewd shouts and laughs. When one tried to escape, or disobeyed orders, he was shot.

## THE INTERNATIONAL MILITARY TRIBUNAL (IMT)

The propaganda work of the Writers' War Board, the Office of War Information and the Office of Strategic Services was throughout the war co-ordinated towards one definite objective. They hoped to so orchestrate the media into a hymn of hate against Germany that genuine public opinion would be swept along by the tide, and that by the time Germany was defeated, there would be no public qualms about the Allies taking bloody revenge. Unknown to either the British or the American public, steps were being taken quite early on in the war, to organise the



*The International Military Tribunal*

official lynchings of the German leaders.

Churchill himself was more in favour of doing without the formalities. He tended to favour simply taking the Nazi leaders out early one morning, putting them against a wall and despatching them. During the preliminary negotiations to set up the IMT, he wrote a long *aide-memoire* to Roosevelt's 'adviser' on this particular question, Judge Samuel I. Rosenman. Churchill wrote that a long trial would arouse public reaction, and would look too much like a put-up job. Churchill had some support at the White House, from Secretary of State Hull and Treasury Secretary Morgenthau. They too favoured the 'no-frills' treatment. Oddly, this view was also held once by Robert Jackson, who was to become the United States' Chief Prosecutor at Nuremberg. A profile of Jackson in *Life* magazine (28.5.45) revealed that he had once warned against "the use of the judicial process for non-judicial ends". No one knows why Jackson came to change his mind, but he was certainly a politically ambitious individual, and it may well be that Roosevelt (or one of his 'advisers') was able to dangle a political carrot in front of him. But it would appear that his efforts were not sufficiently rewarded, for in the August/September 1949 edition of the *Canadian Bar Review*, he was again expressing doubts about the trial, in an article entitled "Nuremberg in Retrospect".

Stalin too originally favoured the 'informal' approach to revenge-taking. According to President Roosevelt's son

Elliott, writing in his book *As He Saw It* (previously published in *Look*, 1.10.46), Stalin first mooted the idea at the Big Three's Teheran Conference in November 1943. During a banquet at Teheran, Stalin tottered to his feet (having consumed several bottles of 90% proof vodka) and much to everyone's surprise proposed a toast to the "swiftest possible justice for all Germany's war criminals — before a firing squad." He went on, "I drink to our unity in despatching them as fast as we capture them, all of them, and there must be at least 50,000 of them."

Churchill, apparently, was rather sceptical about the feasibility of this proposal. "The British people," he declared, "will never stand for such mass murder!" (Presumably it was only the Nazi leaders he wanted to put before a firing squad.)

The American President attempted to take the heat out of the exchange by intervening with what appears to be a macabre joke: "Perhaps we should say that instead of summarily executing 50,000 we should settle on a smaller number. Shall we say 49,500?"

Stalin refused to let the subject drop, and turned to Roosevelt Junior for his views. "Isn't the whole thing pretty academic?" replied Elliott Roosevelt. "The soldiers will settle the issue for most of those 50,000 in battle. And I hope that not only those 50,000 will be taken care of, but many hundreds of thousands of Nazis as well."

Up until this time there had only been vague pronounce-

ments made by the Allied powers and the governments-in-exile that punishments would be sought. On 13 January 1942, the Allies had issued the Declaration of St. James which spelt out their aims. And on 7 October 1942, they set up the United Nations War Crimes Commission in London. However it was not until after Teheran that the Commission actually commenced operations; gathering information regarding war crimes and suspects and carrying out extensive investigations into the theory of law. It was largely British-staffed. The first chairman was Sir Cecil Hurst, the second was Lord Wright.

Churchill wanted the Nazi leaders given summary executions. Stalin wanted a mass murder programme of horrific proportions. It was only the Americans who were really keen on the elaborate show-trial which was eventually to be brought about. In August 1944, the American Joint Chiefs of Staff considered their own programme for dealing with war crimes, naturally from a military point of view. Their proposals were approved by the Judge Advocate General of the US Army and on 1 October 1944 a War Crimes Branch of the military was set up in the Department of the Judge Advocate General. This original War Crimes Branch, headed by Brig. Gen. John M. Weir, with Col. Melvin Purvis as his assistant, was responsible for handling all war crimes matters for the State, War and Navy Departments.

However, the army proposal did not survive for very long, for its character had been rather traditional, in that it contemplated merely the prosecution of persons who had broken the accepted laws of war in the field, as laid down by the Hague Convention. Under this scheme, offences committed before the outbreak of war or acts by enemy authorities against their own nationals would not come within its scope. For example, all Nazi measures against the German Jews would be outside the jurisdiction of such a trial.

Roosevelt made it clear that such parameters would be much too restrictive. On 21 November 1944, he summoned the Secretary for War, Stimson, and ordered that the Army proposals should be scrapped. Two months later, in January 1945, Roosevelt designated his Special Adviser Judge Samuel I. Rosenman to be his personal representative in discussions on war crimes matters. (Rosenman remained 'Special Adviser' to the President even when Roosevelt died and was succeeded by Truman.)

Eventually, an agreement was reached which satisfied the political criteria rather more than the Army's scheme did. A meeting on 18 January 1945 between Stimson, Rosenman and Attorney General Francis Biddle and others resulted in general agreement on very much expanded conceptions of war crimes to be tried. Even at this early stage, the verdicts had already been decided. That same month, Biddle prepared a brief for Roosevelt's participation in the Yalta Conference, wherein he advised the President that: "the chief German leaders are well known and the proof of their guilt will not offer great difficulties." Astonishingly, Biddle himself, who was a prominent freemason and whose main adviser was a Jew by the name of Wechsler, was later to sit as a judge at the main Nürnberg trial.

Roosevelt's sudden death in 1945 prevented him from seeing the war trial plans come to fruition. Instead it was his successor Truman who approved the final arrangements. In May 1945 he appointed Robert H. Jackson, an Associate Justice of the Supreme Court, to act as the United States' chief negotiator with foreign governments in the setting up of the trials — and also to act as chief US Prosecutor in the

trials themselves! Although Jackson himself was a Gentile, he had the 'assistance' of several Jewish advisers, including Sheldon Glück, Harold Leventhal and Murray C. Bernays.

A key member of Jackson's London staff was Col. Murray C. Bernays, who was one of the first people to have grappled with the theoretical and practical problems involved in setting up war crimes trials. After graduating from Harvard in 1915, he established a law practice in New York City. He was given a commission in the Army in 1942, and in October 1943 he was made chief of the Special Projects Branch, Personnel Division, Army General Staff. His major responsibilities in this position were the preparation of plans for the trials, and the efficient handling of the international negotiations necessary for setting them up. Shortly after the appointment of Jackson, Bernays was awarded the Legion of Merit for his efforts. The citation read in part:

Early recognising the need for a sound basis in dealing with the problem of war criminals and war crimes, he formulated the basic concept of such a policy and initiated timely and appropriate action which assured its adoption as the foundation of national policy.

Bernays returned to the US in November 1945 and immediately resigned from the Army, his task having been completed. Free from Army restrictions, Bernays vented forth with his rather novel views on the standard of justice the Germans were going to experience. In an interview with some editors (who characterised him as "the man behind the gavel") he answered questions as to "how the small fry are going to be hooked":

"There are a good many Nazi criminals who will get off if the roundups aren't conducted efficiently. But if we establish that the SS, for example, was a criminal organisation, and that membership in it is evidence *per se* of criminality, the Allies are going to get hold of a great many more criminals in one swoop. You know, a lot of people here at home don't realise that we are now the government of Germany in our zone and that no judicial system can exist other than one we approve. We are the law. If we wanted to, for instance, we could try Germans for crimes twenty, thirty, forty years old. We'll be too busy with the current crop of war criminals, though, to have much time to look into ancient wrongdoings."

On 6 June 1945 Jackson made an interim report to the President wherein he spelt out how the actual machinery of the trial would operate. Curiously, much of the text of this report appeared to be 'lifted' from an earlier book on war crimes by the Soviet law professor Trainin, who was himself later to help draw up the international protocol agreement. George A. Finch, writing in the *American Journal of International Law* quotes from Trainin's book:

In meting out punishment to the Axis war criminals, Russia would not permit herself to be restricted by traditional legalisms. The reason that no international law exists is that the powers of the World want a united front against the Soviet Union. This is by no means accidental. Its roots can be traced to the general character of international relations during the period of imperialism.

(Just in passing, Finch also points out that much of the United States' submissions to the United Nations founding meeting at San Francisco in April 1945 was couched in the same kind of style. The frequent use of terms such as "Hitlerite organisations" and "Hitlerite leaders" in the American documents does seem exceedingly odd, since such idiosyncracies are usually only used by the Soviet Union and other Communists.)

After the President had approved his outline plans for Nürnberg, Jackson set off for London, where much of the preliminary IMT work was to be done. It was here that the plans for Nürnberg first became 'International' (if only in name) for up until now, the United States had done all the ground work.

Although the US Army's War Crimes Branch (which was set up in 1944 to plan the trials) was superseded by the 'more imaginative' Rosenman committee, it did not cease operations. In fact, the War Crimes Branch expanded, but in the direction of trials administration, rather than actual policy making. It functioned as an agency for the IMT, particularly the (most important) American part of the IMT, until the Tribunal was able to set up adequate machinery of its own. In the early months of the IMT trial (and perhaps also later) the ordinary prosecution staff, with the exception of Jackson himself, was on the payroll of the Judge Advocate General (the US Army's legal department which ran the War Crimes Branch).

The Judge Advocate General's Department (JAG Dept.) of the US Army played a very significant role in the administration of post-



war Germany, since a large part of the country was under American military control. The traditional role of the JAG Dept. had been the administration of military justice e.g. courts martial and related matters. However, during the war, the operations of the JAG Dept. had spread to cover many more aspects of military legal matters. It even got involved in litigations relating to war production contracts.

In May 1945, the Judge Advocate General, Major General Myron C. Cramer, made a speech in which he declared that the pursuit and arraignment of Nazis was to tax to the utmost the capacity of the War Crimes Branch and become a major activity of the entire JAG Department, whose resources he pledged to Jackson. This was no vacuous promise, since the organisation headed by Cramer had much more substance in 1945 than that headed by Jackson. The main contribution made by the War Crimes Branch to the work of the Jackson team was in the field of personnel; recruiting prosecution and defence lawyers, translators and administrative staff.

It was this same War Crimes Branch which itself administered the nightmarish "trials" at Dachau, where prisoners were beaten, kicked, starved and brutalised by Jewish-American jailers. The events which took place at Dachau are discussed in detail in a later chapter, but attention is drawn to those events here because it was the same War Crimes Branch involved in both the Dachau and IMT trials; in the former in a supervisory role, and in the latter in an administrative and supportive capacity. However, its administrative functions and responsibilities at Nürnberg did not prevent the War Crimes Branch from actually submitting evidence itself. For example, Document 2309-PS is a report drawn up by the War Crimes Branch on conditions in the liberated Flossenbürg camp. Document 2176-PS is a War Crimes report on Mauthausen.

Early in 1946, the War Crimes Branch had a new head — Colonel Mickey Marcus — who later was to go to Israel to fight for the Haganah and to die in very mysterious circumstances. A detailed profile of Marcus appears later in this book.

The 'London Agreement', as it came to be known, was negotiated by representatives of all the Allied powers. These were:

USSR	Gen. I. T. Nikitchenko
	Prof. A. N. Trainin
France	Robert Falco
	Prof. André Gros
UK	Sir David Maxwell-Fyfe
USA	Robert Jackson

There was some dispute over the detail of the Agreement, which Jackson had tried to set before the representatives as a *fait accompli*. Gros, one of the French representatives, was against including amongst the charges one of "waging aggressive war", as this might prove embarrassing if anyone mentioned the Soviet invasion of Poland, or the abortive Anglo-French invasion of Norway.

Trainin (the Soviet professor whose books had made such an impression on Jackson that he had had to plagiarise half of the content) was against the whole idea of a criminal trial: such a trial would *per se* be restricted by criminal law. Trainin felt it would be much less bothersome just to have a plain, straightforward political trial — after all they had been having those in his country for twenty-five years without any problems!

Eventually the Soviets were allowed to redraft the passage on aggressive war to read:

Aggression or domination over other nations carried out by the European Axis in violation of international laws and treaties.

There was also some mild dissension from the Soviets and the French over the charge of 'conspiracy', in relation to the 'criminal organisations'. Such a charge was foreign to both their legal systems. But Jackson pointed out the great use in America of laws against criminal organisations, such as the laws against the Ku Klux Klan. Fyfe backed him up, quoting the British precedent of laws to outlaw the Thug cult in imperial India.

Just in case any of the defendants or their defence counsel might start to get too clever and actually start arguing back against the prosecution, the Agreement contained a clause whereby no one could challenge the

constitutionality of the court. Another rule was included to the effect that:

The Tribunal shall not be bound by technical rules of evidence. It shall adopt and apply, to the greatest possible extent, expeditious and non-technical procedure, and shall submit any evidence which it deems to have probative value.

On 8 August 1945, the London Agreement was signed by:

France	Robert Falco
USSR	Gen. I. T. Nikitchenko
USA	Robert Jackson
UK	Sir William Jowett

Jackson announced that the Agreement was the "solemn judgement of 23 governments representing 900 million people." In fact the "Agreement" had been nothing more than the rubber-stamping of Jackson's plans by the rest of the Allies. And just to make sure that the plans would be properly carried out, the same people who drew up the arrangements for Nürnberg promptly had themselves appointed as prosecutors and judges. Nikitchenko and Falco became judges. Jackson was American Chief Prosecutor, Fyfe was Deputy-Chief British Prosecutor. Thus, virtually the same people were judges, prosecution and court.

Nikitchenko was the most candid of all. He admitted:

We are dealing here with the chief war criminals who have already been convicted and whose conviction has already been announced by both the Moscow and Crimea declarations and by the heads of governments.

The Tribunal, he thought, had only to carry out the just punishment immediately. Nor was there any necessity, he said,

to create the sort of fiction that the judge is a disinterested person who has no legal knowledge of what has happened before . . . that would only lead to unnecessary delays.

Up until now, no one had really bothered to actually draw up a list of those to be charged as war criminals. Early on in the war, the Soviet Foreign Minister Molotov had written that "the whole of mankind knows the names and the bloody crimes of the leaders of the criminal Hitlerite clique: Hitler, Göring, Hess, Göbbels, Ribbentrop and Rosenberg." At Potsdam, the Soviets presented Churchill and Truman with an expanded list of those they wanted charged. The list was accepted by both the British and Americans, although there were some British reservations about the inclusion of Gustav Krupp, the elderly — in fact senile — head of the German armaments firm. The Soviets indicated they were open to suggestions for a replacement! (Later, at the trial, the Americans suggested that if Krupp was too old, then his son Alfred could be charged instead!) Eventually it was this Soviet list of 26 names which was included in the indictment. Three of the 26 did not stand trial. Krupp was too ill to appear in court. Robert Ley committed suicide shortly before the trial was to commence. Martin Bormann was never found, but was tried *in absentia* anyway.

There were four main counts on the indictment:

1. Conspiracy to wage aggressive war (involving the crimes in 2, 3 and 4);
2. Crimes against peace (starting the war);
3. War Crimes (wanton destruction, ill-treatment of PoWs etc.);
4. Crimes against humanity (extermination, persecution etc.).

Whenever the actual indictment was circulated amongst the Chief Prosecutors in October 1945, it was discovered that somehow the Soviet-occupied Baltic nations of Estonia, Latvia and Lithuania were stated to be Soviet

territory. On October 6, Jackson had to write a formal letter to all the other Prosecutors, many of whom had expressed reservations about this clause:

This language is proposed by Russia and is accepted to avoid delay which would be occasioned by insistence on an alteration in the text.

Presumably the same also applied to that part of the indictment which accused the Germans of the Katyn massacre, which everybody knew had been committed by the Soviets.

The indictments were read out to the accused in Berlin on 18/19 October 1945, and a month later the trial opened officially at the Palace of Justice in Nürnberg.

There were two judges from each country, as follows:

UK	Lord Justice Lawrence (President) Sir William Norman Birkett
USA	Attorney General Francis Biddle Judge John J. Parker
France	Prof. Donnedieu de Vabres M. le Conseiller R. Falco
USSR	Maj. Gen. I. Nikitchenko Lt. Col. A. F. Volchkov

The American Prosecution team:

Chief Prosecutor	Robert H. Jackson
Executive Trial Counsel	Col. Robert G. Storey Thomas J. Dodd
Associate Trial Counsel	Sidney S. Alderman Brig. Gen. Telford Taylor Col. John H. Amen Ralph G. Albrecht

plus 16 Assistant Trial  
Counsel including Def./Pros.  
Liaison Officer

Dr. Robert Kempner.

The American documentary evidence was assembled by:

Capt. Seymour Krieger	)	
Lt. Brady Bryson	)	extermination
Lt. Frederick Felton	)	evidence
Sgt. Isaac Stone	)	
Hans Nathan	)	
Dr. Jacob Robinson	)	
Lt. Kenyon	)	Germanisation
Dr. Derenberg	)	evidence (U Series)
Dr. Jacoby	)	

The British prosecution team consisted of:

Chief Prosecutor	Attorney General Sir Hartley Shawcross
Deputy Chief Prosecutor	Sir David Maxwell-Fyfe
Leading Counsel	G. D. Roberts
Junior Counsel	Lt.Col. J. M. G. Griffith-Jones Col. H. J. Phillimore, Maj. F. Elwyn-Jones, Mr. Airey Neave, Maj. J. Harcourt-Barrington, Wing Comm. Peter Calvocoressi
Liaison Officer	Clement Freud.

Shawcross was made a Peer in 1959. He has been Chairman of the Press Council since 1974 and Chancellor of Sussex University at Brighton since 1965. He donated many of his private papers to the library at Sussex, including some relating to the Nürnberg Trials. Shawcross has held a host of positions on the board of directors of many prominent businesses, including London & Continental Bankers, Shell, EMI, Rank-Hovis-McDougall, Times Newspapers, Thames Television, Morgan Guaranty Trust Co., and Hawker Siddeley.

David Maxwell-Fyfe was from a part-Jewish Scottish

family and was educated, like so many other 'progressives' at Baliol College, Oxford. He was Conservative MP for Liverpool, West Derby from 1922 to 1954. From 1942 until 1945 he was Solicitor General, when he became Attorney General. From 1951 to 1954 he was Home Secretary in Churchill's second administration. He became Lord Kilmuir in 1962, and during the latter years of his life devoted much of his time to the Wolfson Foundation, of which he was a trustee. He died in 1967.

Clement Freud went on to make a name for himself in a variety of fields. He became a well-known TV personality, comedian, chef and writer during the 1960s. He is perhaps best-known for his rôle in dog-food advertisements. He is also a director and trustee of the London Playboy Club. In 1973 he became Liberal MP for Isle of Ely.

Griffith-Jones is currently a High Court judge. Elwyn-Jones was Labour MP for Newham South (previously known as West Ham South, and previous to that, Plaistow) from 1945 to 1974, when he was appointed Lord High Chancellor. He had previously served as Attorney General from 1964 to 1970. Although he himself is Welsh, his wife has the very un-Welsh name of Pearl Binder.

Peter Calvocoressi was educated at the ultra-liberal Baliol College, Oxford, and did his war service in RAF Intelligence. He stood as a Liberal candidate for Nuneaton in the General Election of 1945. After the Nürnberg Trials he wrote a rather woolly book, *Nuremberg: the Facts, the Law and the Consequences* (Chatto & Windus, 1947). He joined the staff of the notorious Royal Institute for International Affairs (Chatham House) in 1949 and was promoted to its governing Council in 1955. He became Reader in International Relations at Sussex University around the same time that Shawcross was appointed Chancellor. He has served on the councils of the Ford Foundation-financed Institute of Strategic Studies, the proto-Marxist Institute of Race Relations, the United Nations sub-committee on the Prevention of Discrimination and Protection of Minorities, Amnesty International, and the North London Conciliation Committee of the Race Relations Board. He is currently (1976) Chief Executive of Penguin Books.

The Chief of the French prosecution team was M. Francois de Menthon, and the Soviet Chief Prosecutor was General R. A. Rudenko.

The defence counsel were as follows:

Göring	Otto Stahmer
Hess	Gunther von Rohrscheidt
Ribbentrop	Fritz Sauter
Keitel	Otto Nelte
Kaltenbrunner	Kurt Kauffmann
Rosenberg	Alfred Thoma
Frank	Alfred Seidl
Frick	Otto Pannenbecker
Streicher	Hans Marx
Funk	Fritz Sauter
Schacht	Rudolf Dix
Dönitz	Otto Kranzböhler
Raeder	Walter Siemens
von Schirach	Fritz Sauter
Sauckel	Robert Servatius
Jodl	Franz Exner
Bormann	Friedrich Bergold
von Papen	Egon Kubuschok
Seyss-Inquart	Gustav Steinbauer
Speer	Hans Fläschner
von Neurath	Otto von Lüdinghausen
Fritzsche	Heinz Fritz

Reich Cabinet  
Leadership Corps  
SS & SD  
SA  
Gestapo  
General Staff

Egon Kubuschok  
Robert Servatius  
Ludwig Babel  
Georg Böhm  
Rudolf Merkel  
Franz Exner

Throughout the trials, the defence counsel were treated as inferiors. The entire defence staff had to work in one dimly-lit room, under the constant surveillance of American Military Police. Often they were harrassed by Military Police guarding the entrance to the court room. On one occasion the guards arrested one of the defence counsel and brought him before army superiors, charging him with having behaved with "inadequate respect to Allied authority". On another occasion Prof. Metzger, Neurath's counsel, was suddenly arrested in Nürnberg, and spent six weeks in the same jail as his client without learning the charges against him. Another member of the defence team was refused admission to the court after the lunch-break, and had to apologise profusely to the tribunal for keeping the court waiting. Although both the defence counsel and the defendants were given proper meals each day, far in excess of the ordinary German civilian ration, there was not enough crockery or cutlery in the dining room.

But the most disturbing shortage of all was the shortage of copies of prosecution evidence. At the start of the trial, the defence had been assured by Kempner, their Liaison Officer, that they would receive copies of these documents in advance of their presentation in court. Throughout the trial, the defence continually pointed out that they were failing to receive these vital documents. When they did manage to get hold of copies, they were delivered to the defence's room at 10.30, half an hour after the court had started, and there was inevitably only half a dozen copies to share amongst fifty-odd defence staff and defendants. The prosecution continually apologised for this oversight, and blamed it on lack of photo-copying facilities. However, this did not prevent them doling out 250 copies of one document to the gaggle of press men outside the court, while the defence staff had to make do with two!

The defence faced continual difficulties in collecting any evidence at all. The only publication they could freely obtain was the US Army propaganda newspaper *Stars & Stripes*. They could not even get hold of American domestic

newspapers such as the ones which carried General Marshall's final war report, saying that there had been no collusion or liaison between Germany and Japan over Pearl Harbour. (This was an essential piece of evidence on the "conspiracy to wage war" charge.)

Neither were the defence allowed to obtain a book which had recently been published by the Roumanian ambassador to the USSR, Gafencu, which dealt with the Molotov-Ribbentrop pact. This book was freely available in Switzerland, yet was unobtainable in Germany. In fact when Fritzche mentioned this pact during his verbal evidence, the Soviet prosecutor said he had never heard of it!

If the defence wanted to introduce any witnesses or documentary evidence, they had to explain the relevance of both before they could be admitted by the court. Of 19 witnesses called by Jodl's defence, only 4 were allowed. When one potential witness, a Col. Sottmann, telegraphed his willingness to give evidence about the British plans to invade Norway, he was promptly arrested.

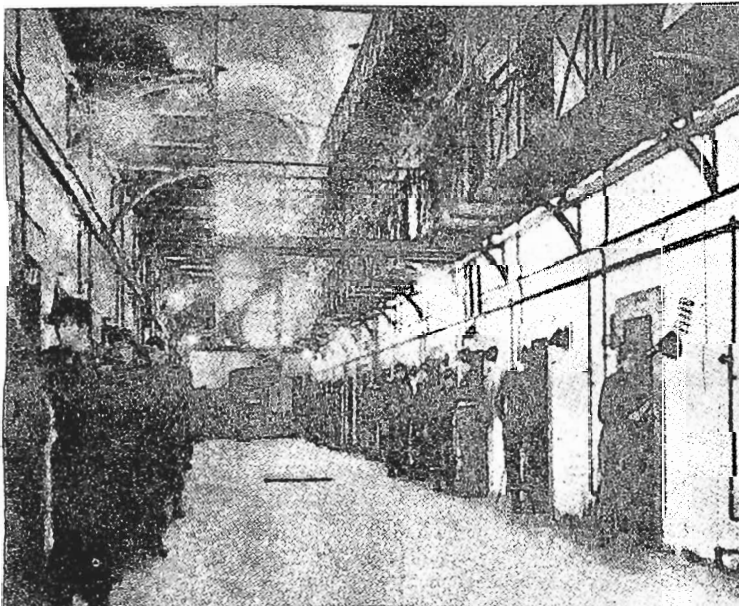
Certain defence submissions were refused outright. No challenges to the court's authority were allowed. The court refused to hear any defence argument based on the implications of the Versailles Treaty. No mention was permitted of the Soviet's treatment of German prisoners-of-war. A question was refused which asked why only 5000 out of 123,000 German soldiers captured at Stalingrad were ever returned. Although the prosecution could expound at great length about the bombardment of Warsaw and Rotterdam, the defence were forbidden any mention of the horrific Dresden bombings. No mention could be made of the uprootings and expulsions of German settlers from Eastern Europe, or of Soviet atrocities committed against German PoWs. The defence were not allowed to introduce a vital piece of evidence, the British Army manual of Irregular Warfare, which advocated categories of execution which the Germans had been charged with. Only once was the *Tu quoque* argument (thou also) allowed. This was in relation to submarine warfare, when Dönitz and Raeder were permitted to show that they had used identical rules of attack to the Royal Navy.

Despite a rule to the contrary in the IMT's Standing Orders, the defendants were not allowed to cross-examine; only their counsel could do this, and if they were not competent that was just too bad.

Throughout the trial, the defence were treated as naughty children who were continually getting in the way. The transcript is littered with admonitions from Lawrence to move along with the case, pay attention, stop talking about irrelevant matters (like Versailles and Allied war crimes). Whenever the defence complained about being treated differently from the prosecution, Lawrence told them that this was because of "technical difficulties" in the areas of transportation, translation and duplication.

The defence were allowed to send out questionnaires to German PoWs in Allied camps, but few of these were returned. None came back from French camps, and only two from Soviet ones. But these were full of stock phrases such as "Hitlerite aggressors", "Fascist criminals" and "the peaceloving USSR".

Some of the court's peculiar legal practices were outrageous in the extreme. When the Soviet lawyer Andrei Vyshinsky (who had run the 1920s Soviet purge trials) visited the court, he was permitted to sit on the prosecution benches. During the trial, an elaborate banquet was held in his honour, attended by all the judges and the prosecution staff.



Around-the-clock watches were kept on all prisoners at Nürnberg





*Hess with Colonel John Amen, interrogation chief at Nürnberg*

When the news came through to Nürnberg, the toast at the banquet, which all the judges joined in, was "To the German prisoners, may they all be hanged!" This is quoted in Judge Francis Biddle's essay on Nürnberg in *American Heritage*, Vol. XII, No. 5, August 1962. Biddle also candidly admits, on the preceding page 70, that the American judges knowingly permitted the Soviet prosecutor to admit false evidence against the defendants.

Stone Dead".)

The defendants themselves were kept under extremely tight security measures throughout the trials. They were housed in separate cells, with one guard to each cell day and night. They were stripped of their military insignia, and none of their ranks was officially recognised. Since the Hague convention prohibited solitary confinement for prisoners-of-war, the defendants were not regarded as soldiers! They were not allowed to talk to each other during exercise periods or in the showers; the only time they could exchange words (those who were on speaking terms, that is) was in the dock. The courtroom was on the second floor of the Palace of Justice in Nürnberg. The defendants were taken by lift from the cells and then had to pass through an elaborate series of check-points, with each guard calling ahead to the next.

There is no doubt that Nürnberg was deliberately selected as the venue for the trial because it was a special place in Nazi history. The Nürnberg synagogue was one of the first

to be attacked. The Gauleiter of Nürnberg was Julius Streicher, whose newspaper *Der Stürmer* was the most virulently anti-Semitic publication ever published. It was here that the Nürnberg laws against Jewish inter-marriage were first promulgated. And it was at Nürnberg that Hitler had held some of his most spectacular political rallies. The Soviets had wanted to hold the trial in the capital, Berlin, but the rest of the Allies had doubts about being allowed free movement around that city, as it was in Soviet hands. In any case, it was doubtful if there was a big enough building still standing in Berlin. In the end, the indictment hearing was held in Berlin, and the trial proper in Nürnberg.

The American documentary evidence at Nürnberg was gathered by the OSS and the War Crimes Branch, and forwarded to the prosecution staff for sifting. As each concentration camp was liberated, a team of investigators would be one of the first detachments to be sent in.

Some of the American documents arrived at Nürnberg via an extremely roundabout route. The series with L prefixes all came from the Yivo — the Jewish Scientific Institute — in New York. Apparently, the documents had been 'discovered' in the Rosenberg ministry in Berlin by a Sergeant Szajko Frydman of the US 82nd Airborne Division. Frydman was a staff member of Yivo (both before and after the war) so he promptly appropriated the documents for the Institute.

The British also had their own War Crimes Investigation

Unit, which worked with the Special Operations Executive (SOE), the British equivalent of the OSS.

Altogether over 100,000 documents were screened for possible use at Nürnberg. The documents on the SS alone filled six freight cars. To cope with this mammoth task of sifting the Americans employed a staff of 600; as many as the other three powers put together. About 10,000 documents were finally numbered, with a view to using in evidence, but in the event, only 4,000 were submitted to the IMT. After the trial, the original documents were deposited at the International Court at The Hague.

As the trial was conducted simultaneously in four languages, the transcript had to be quadruplicated. There were five million pages in the type-written record, which was later printed in 24-volumes, under the imprint of the IMT. There is also another English language edition of the transcript, published by Her Majesty's Stationery Office. Both editions devote additional volumes to a document index, but in each case this is rather arbitrarily drawn up. For example, it is impossible to find indexed any mention of allegations of Soviet war crimes, which were raised several times during the trial (although these suggestions were rapidly ruled out of order by the Tribunal).

The IMT held 403 open sessions, with 33 witnesses appearing for the prosecution, and 61 (in addition to the defendants themselves) for the defence.

The only really detailed book about Nürnberg to be published so far is Eugene Davidson's *Trial of the Germans* (Macmillan, New York 1966). This is an American book, and is not readily available in Europe.

A list of 400 or so prominent Nazi 'war criminals', together with their fates, appears in chapter 11 of Hilberg. There is also a hard-to-get *Black Book*, published by the Black Book Committee in New York, which gives a more detailed listing. The most up to date lists of Nazis and their present whereabouts are kept in Jewish Holocaust libraries and research centres in London, Vienna and Israel.

## JACKSON'S OPENING SPEECH

Legalistic sleight-of-hand was the order of the day at Nürnberg. During the opening speech of Chief Prosecutor Robert Jackson, mention was made of a letter said to have been written by Baron Werner von Fritsch, the pre-war Commander-in-Chief of the German Armed Forces.

According to Jackson, the letter revealed that Fritsch was wholeheartedly in favour of Hitler's aims:

It is very strange that so many people should regard the future with growing apprehension, in spite of the Führer's indisputable successes in the past . . . Soon after the War (World War I) I came to the conclusion that we should have to be victorious in three battles, if Germany was again to be powerful:

1. the battle against the working class; Hitler has won this one;
2. against the Catholic Church, perhaps better expressed Ultramontaniam; and
3. against the Jews.

We are in the midst of these battles, and the one against the Jews is the most difficult.

Jackson read out the statement as if he was actually quoting from the letter, but he was in fact reading from a "type-written copy"; no original letter was ever produced, either at Nürnberg or later. Lord Justice Lawrence refused to admit the item as evidence, saying that a document that could not be produced would be ignored. But the damage was already done, thanks to Jackson's deliberate trickery and fabrication. The "letter" had been read out in open court, and was fully minuted in the Tribunal record, and given a document number (1947-PS).



Robert H. Jackson

The letter in question was supposed to have been one of several written by Fritsch to the Baroness von Schutzbar-Milchlingen, and confiscated by the Allies after the war. Later, the Baroness testified that she had never even seen this particular letter before. In the National Archives in Washington there are photocopies of all the other Fritsch letters except for this one. And although the letter gets a mention on page 483 of the English edition of William Shirer's *Rise and Fall of the Third Reich*, nowhere is the letter discussed in the German edition. German readers would not be so easily taken in. They would probably know that the so-called Fritsch letter was a direct contradiction of everything Fritsch had ever said or done.

According to Fabian von Schlabrendorff's *Secret War Against Hitler*, Fritsch was the one military commander whom the anti-Nazis looked up to. Originally they had hoped that he would be able to stand up against Hitler, but they were wrong. In 1938 the Gestapo hatched a plot against the 'old-guard' in the Army. First of all they got rid of Field Marshal von Blomberg, at that time Minister of War, by revealing that his new wife was a prostitute. Next they produced documents and affidavits alleging that Fritsch had had a homosexual relationship with an ex-convict by the name of Schmidt, and was regularly paying Schmidt blackmail money. Fritsch was brow-beaten into resigning.

It was not until some time later that a police investigation revealed that the 'evidence' had been a complete Gestapo forgery right from the beginning. The case was brought before a Military High Court, and during the cross-examination Schmidt got entangled in his own contradictions and finally admitted that the story was false. The

## THE DEFENDANTS

court completely cleared Fritsch's name. Schmidt was disposed of soon afterwards by the Gestapo, without any formalities such as a trial. The complete transcript of the Military High Court investigation is published in the appendix of the Schlabrendorff book.

But Fritsch was a broken man. He lived for only another year and a half, killed in action during a battle in the Polish campaign. Little was Fritsch to know that he was to be persecuted and defamed even long after his death, by the "defenders of democracy".

### PSYCHOLOGY OF DEFENDANTS

Probably one of the most accurate accounts of the behaviour and attitudes of the Nürnberg defendants is provided by the Nürnberg prison psychologist Dr. G. M. Gilbert in his book *Nürnberg Diary*. Most of the material consists of summaries of conversations the defendants had in prison, either with each other or with Gilbert.

The IMT defendants were arrested shortly after the German capitulation in May 1945, imprisoned separately, and interrogated and subjected to propaganda for six months prior to the opening of the IMT trial in November, when they met each other for the first time since the surrender (and in some cases for the first time ever). There are four particularly important observations which can be drawn from an objective study of Gilbert's notes.

First, not surprisingly, all (except Kaltenbrunner) had developed essentially the same defence strategy: they would duck the issue of whether or not the gas chambers existed, but would disclaim any responsibility themselves — it was all the fault of Hitler and Himmler (both conveniently dead).

Secondly, it would appear that several of the defendants had themselves been taken in by the Allied propaganda to which they had been subjected. Few of them had had any connection with camps during the war, and consequently could offer no viable alternative explanation to the harrowing film scenes of 'extermination victims' being shovelled up by bulldozers.

Thirdly, it is apparent that several of the defendants had calculated that the Allies were not completely serious about carrying out executions and long-term prison sentences. The trial was certainly a novelty, and the defendants were well aware that there was considerable public hostility to the trials, on both sides of the Atlantic. Many must have calculated that their immediate objective should be to say or do whatever seemed necessary to survive the transient wave of post-war vengeance hysteria. There would always be a time in the future, when the dust had settled, when they could set the record straight, they figured.

Lastly, the extermination of the Jews was only one of many serious accusations involved at Nürnberg. Today, the 'extermination' charge may appear to have been the central theme, but in 1945, the principle accusations in the minds of almost everybody concerned responsibilities for "waging a war of aggression" — so-called "Crimes Against Peace".

With the preceding four observations in mind, we can see that the behaviour of the defendants during the trial was rather what one would expect from such an arbitrary collection of Nazis, technocrats, army officers and politicians. They displayed an abundance of mutual recrimination, buck-passing and back-biting — hardly surprising under the circumstances.

### Fritzsche

The "crimes" which Hans Fritzsche was alleged to have committed, were essentially no different from those of the Allies. He had been a prominent Nazi propagandist, and had successfully helped to keep up morale against overwhelming odds.

The Soviets claimed to have a transcript of one of his radio broadcasts, but every time Fritzsche's defence counsel asked them for a copy, they refused, even though they referred to it continuously throughout the trial. They also produced a "confession" which he had signed whilst being interrogated at the Lubjanka prison in Moscow. Fritzsche said that he had signed this so that he could be executed and have the interrogation and solitary confinement over and done with.

Fritzsche had been an able propagandist. During the war, when the British press ran a series of smear stories on German massacres of Czechs, Fritzsche had the sense to immediately organise a visit to the alleged site for a party of foreign (neutral) press correspondents. When the Germans were accused of stealing a Polish icon, again Fritzsche organised a trip for the foreign press to see it intact.

Fritzsche, the wily Public Relations man was able to pull it off at Nürnberg. He was acquitted. He was not to get off scot-free however. A year later he was arraigned before a Denazification Tribunal where he was sentenced to nine years' hard labour and loss of civil rights. He was pardoned in 1950 and died three years later of cancer.

### Sauckel

One of the most startling sentences handed down at Nürnberg was the death penalty given to Ernst Sauckel, the head of the German labour programme. His superior, Speer, was "let off" with a twenty-year sentence.

Sauckel had been found guilty of doing exactly what the Allies did after the war — using forced labour in factories. Under Allied Control Law No. 3 of 17 February 1946, all German males from 14 to 65 and women from 15 to 50 were subject to compulsory labour, the penalty being imprisonment and withdrawal of ration cards. This was exactly the "crime" which the IMT declared inhuman when it was carried out by the Germans. The USSR was the most draconian of the Allies in the use of forced labour. Literally millions of Germans were rounded up after the occupation and shipped off to Russia, where many remained until well into the 1950s. France was given hundreds of thousands of German PoWs captured by the Americans, and their physical condition became so bad that the US Army authorities had to intervene. Britain and the United States also made use of such prisoners, although their welfare was markedly better than their counterparts' in France and the USSR.

Perhaps this was the most blatant hypocrisy of all at Nürnberg, for the Allies were trying Sauckel and company for a practice which the Allies themselves were carrying out right outside the front door of the Palace of Justice, and throughout Germany.

### Seyss-Inquart

One of the principal pieces of Nürnberg evidence against Artur Seyss-Inquart was a telegram allegedly sent by him instructing the German army to take over Austria "to preserve order". Seyss-Inquart strenuously denied that he



had sent it, and in fact there was no real evidence that he did.

In fact as Davidson admits, "Nothing he did in Austria, where he served for fourteen months as Reich Governor of Vienna, or later in Poland, would have marked him as one of the chief war criminals."

Even when Seyss-Inquart was moved to Holland as *Reichkommisar*, he still played no part in decision-making; he simply carried out orders from Berlin. It was true that he passed on orders for the execution of hostages, but such executions were permitted by the rules of war.

Rather predictably, Seyss-Inquart was sentenced to death and executed along with his colleagues.

### Frank

Hans Frank was Governor General of what was left of dismembered Poland — a tract of territory some two-fifths its pre-war area.

Frank lived in grand style at his Governor's palace at Cracow, consuming vast quantities of food while the rest of Europe, including Germany, starved. He surrounded himself with priceless works of art, looted from all over the occupied territories. Himmler maintained a file on the Franks' "endless corruption", but little was ever done about it.

As most of the "extermination programmes" were alleged to have taken place in Poland, it was inevitable that Frank would carry the blame for them. He realised this himself. But even he was startled by the bizarreness of the allegations, as they were spelled out in the Nürnberg courtroom.

Frank joined his colleagues on the gallows.

### Jodl

Colonel General Alfred Jodl was one of the best-loved of German generals. His defence counsel, Prof. Franz Exner was a personal friend of his, who believed implicitly in Jodl's impeccable character. Precious packages of cigarettes would arrive at the Nürnberg jail, addressed to "Our Dear Jodl". American guards and officers would present arms and salute him. The families of concentration camp inmates, including Jews, would write to him, offering to testify on his behalf.

Altogether Jodl's counsel asked for nineteen witnesses to be called, but the court only permitted four. One of the witnesses was Field Marshal Paulus, who had been wheeled out by the Soviets especially for the trial. To courtroom observers, Paulus appeared to be under heavy psychological pressure, no doubt due to the fact that he knew he faced



Arthur von Seyss-Inquart



Alfred Jodl

almost certain death when returned to the Soviet Union.

There was little, if any, evidence that Jodl had infringed the laws of war. He had simply fought on the wrong side. But according to Davidson, "Shawcross was intent on hanging not only Keitel and Jodl, Dönitz and Raeder, but the German Army and Navy. . . . It seems unlikely that Jodl would have been sentenced to death by a later court. (Other generals) were all released in the space of a few years. Jodl had the misfortune to be tried too early."

In fact, in 1953 Jodl's widow applied to a Munich de-nazification tribunal to have Jodl posthumously rehabilitated. The tribunal heard that one of the Nürnberg judges, de Fabres, had said in 1949 that the verdict against Jodl had been a mistake. The de-nazification tribunal found him not guilty of all the main Nürnberg charges, and annulled the German penalties against his property.

### Dönitz

Admiral Karl Dönitz, the chief of the German Navy, was the only defendant who was allowed to use the *tu quoque* (thou also) argument as a defence. His counsel was allowed to point out that the Germans had used precisely the same tactics against enemy shipping as the Allies. In fact, as Davidson notes, the testimony that undoubtedly saved Dönitz's life at Nürnberg came from the US Admiral Nimitz and from the British Admiralty. Nimitz replied to a questionnaire sent to him by the lawyers representing Raeder and Dönitz, where he admitted that throughout the Pacific, American submarines had been ordered to attack without warning any enemy vessel, save hospital ships. The British Admiralty admitted that their ships had been ordered to sink at sight any German ship passing through the Skagerrak.

German witnesses testified that German naval regulations had not permitted such policies until well into the war. Also a former German naval judge, Fritz Jäckel, testified as to the German navy's strict military discipline: several sailors had been executed for rape and theft from Allied civilians.

But Dönitz had to be found guilty — he had, after all, become head of the Reich on Hitler's death. In an effort to scrape together some 'evidence' to back up the verdict, the tribunal actually blamed him for the fact that "his U-boats, few in number at the time, were fully prepared to wage war." This was indeed a most curious accusation to throw at any naval commander.

Dönitz was sentenced to ten years, and served ten years and twenty days in Spandau prison in Berlin.

### Raeder

Like most of the other servicemen on trial at Nürnberg, Erich Raeder, the original head of the German Navy, could not be directly connected with allegations of infringements of the Hague Convention. He had Jewish in-laws, and consequently was not in the least anti-Semitic. Jews even testified for him at Nürnberg, saying how he had helped to keep them out of internment camps. Raeder had also intervened on behalf of Pastor Niemöller the anti-Nazi leader interned at Buchenwald.

The charges against Raeder were very curious indeed. One of the accusations was that Raeder had encouraged Japan to join in the war. Attempting to, or succeeding in, the recruiting of allies was never defined as a war crime at Nürnberg, yet here was Raeder charged with it! Indeed, it was just as well that recruiting allies was not a crime, for both America and Britain had used all their powers to



Karl Dönitz



Joachim von Ribbentrop

persuade the USSR to breach its non-aggression pact with Japan. It would seem that such persuasion was only criminal if it was (a) successful (the Anglo-American overtures were abject failures) and (b) German.

Raeder was also charged with passing on an order of Hitler's that commandos should be shot. Strictly speaking, this was not an infringement of the Hague Convention, since there was no part of the Convention dealing with the subject. Those commandos who were shot were wearing civilian clothes under their uniforms, and some were found carrying orders to kill all prisoners. Some of the captured commandos were provided with an ingenious device: two guns under their armpits would fire when the commando's arms were raised in surrender. The method of trussing prisoners described in the commando handbook was also somewhat less than gentlemanly: a noose was passed over the head and around the neck of the prisoner so that every time he stretched his legs he strangled himself a little more. However, the commando handbook was not allowed as evidence. The President of the Court reminded the defence counsel that it was not the Allies who were on trial.

In all the cases of execution of commandos, Raeder did not give any specific orders himself, he simply passed on Hitler's standing instructions for such cases.

Although Raeder was over 70, he was sentenced to life imprisonment — a sentence he begged the court to change to shooting. His wife, who had committed no identifiable crime, was kept prisoner by the Soviets until September 1949. Raeder was suddenly released in 1955.

He survived long enough to write his memoirs and to attend a few ceremonies, including the dedication of the German naval war memorial at Wilhelmshaven in 1957. He died soon afterwards.

### Ribbentrop

Joachim Ribbentrop was one of the few Nazis to have been reasonably well known in Britain before the outbreak of war — he had been German Ambassador to Britain since 1936.

The man was a snob of the first degree; he had added a 'von' to his surname in 1925, and was almost universally disliked amongst his colleagues in the Nürnberg dock for his arrogance, conceit and incompetence. Although before the war, he had had a number of Jewish and partly-Jewish friends, through his liquor importing business, he had obligingly become an anti-Semite when Hitler promoted him to be head of his war-time Foreign Office. Of course, his pragmatic attitudes and phoney sophistication did not

fool anybody, especially the more wily Nazi leaders. Göring had had one memorable row with him in 1944, and had taken a swipe at him with his baton and derided his pretentious 'von' in front of his name. "You champagne peddler," Göring had shouted, "shut up!" Ribbentrop dodged the blow and shouted back, "I am still the Foreign Minister and my name is von Ribbentrop."

Ribbentrop's first reaction on being arrested as a war criminal was one of feeling flattered. When he was being interrogated at the Ashcan (or Dustbin, as it was known to British soldiers), the Allied collecting depot outside Nürnberg, he vehemently maintained that he had been a very important official in Hitler's government, and it was only after the actual trial had started that he realised the full implications of such vanity. He attempted to do an about-face, and claim that in fact he had been very unimportant, but it was too late. He was found guilty on all four charges and hanged.

### Frick

Besides the eccentric Hess, the only other defendant in the Nürnberg dock who declined to take the witness stand was Wilhelm Frick, the Nazi Minister of the Interior.

It had been Frick's duty to put into legal effect all the Führer's decrees, over a whole range of issues. What little specific evidence there was against Frick at Nürnberg revolved around his implementation of the various euthanasia and racial segregation laws. It was not he who carried out these policies, he was simply the clerk who drew up the wording of the laws, in accordance with Hitler's wishes.

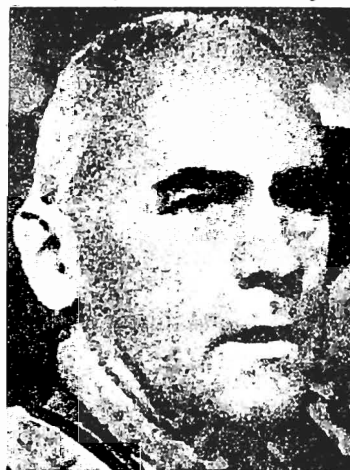
With the exception of his closing statement to the court, Frick chose to remain silent throughout the trial. He told his fellow defendant Fritzsche that it would be useless. He explained to the prison psychologist that the tribunal was on a totally different wavelength, and whatever he said or did, he would still be sentenced to death.

Frick was proved right. He was found guilty on all except one count and was sentenced to hang.

### Keitel

Field Marshal Wilhelm Keitel, the chief of the German High Command (OKW), held little respect amongst his military colleagues. During the war, he had managed to collect several rather disparaging nicknames, including *Nickesel* (a toy donkey that nods its head) and *La-keitel*, a pun on the word 'lackey'.

It was Keitel's servility which enabled him to last out the war, when so many able men were relieved of their



Wilhelm Frick



Wilhelm Keitel

commands, or even shot. But even though it was patently obvious at Nürnberg that he had been "only carrying out orders," Keitel was still held responsible for his own actions.

He had signed and issued many of Hitler's more fanatical orders, such as those authorising the execution of hostages, the murder of PoWs and the destruction of villages. General von Falkenhorst, the German commander in Norway, testified that he tried to save the lives of British commandos captured at Stavanger, but that Keitel had told him they had to be shot. The same thing happened, he said, when Norwegian seamen were captured trying to escape to England. According to another witness, Keitel had supported the suggestion that captured Allied bomber crews should be executed.

In defence, Keitel tried to introduce the *tu quoque* argument by exhibiting in evidence the *British Handbook of Instructions on How to Conduct Irregular Warfare*. In this book, British commandos were told to "use any weapons including broken bottles" in hand to hand fighting with the enemy. The tribunal refused to allow the handbook to be admitted. Keitel was sentenced to death, which he meekly accepted. All he wanted from the court was permission to be shot instead of hanged. This symbolic token of a soldier's death was denied him.

### Schirach

Baldur von Schirach was an unlikely defendant at Nürnberg. He was not even an ethnic German — he was three-quarters American. As head of the Hitler Youth, he could not really be described as a war criminal at all, since the Hitler Youth was not a military, or even paramilitary formation. It was just a politicised version of the Boy Scouts and Girl Guides, probably very similar in style to the present-day (Communist-run) Woodcraft Folk.

Attempts at Nürnberg to prove otherwise proved rather fruitless. It was alleged that Schirach desired to militarise the Hitler Youth when he had said, "We are the future soldiers." In fact this was a mis-translation; what he had really said was, "We are the militant shapers of the future."

The Soviet prosecution team produced an affidavit which claimed that teams of Hitler Youth members had shot-up a village in Russia and killed several Russian children. But this ludicrous, indeed bizarre, accusation did not get very far, even in the unreal Alice-in-Wonderland world of Nürnberg.

Nonetheless, the court found Schirach guilty of crimes against humanity, and sentenced him to twenty years' imprisonment. His main crime, the tribunal said, had been the "misleading of youth".

He served his sentence to its very minute before being released in 1966.

### Funk

Walter Emanuel Funk was rather a late starter in the Nazi movement, but was introduced to Hitler early on and consequently rose rapidly in the party ranks. In 1938 he succeeded Schacht as Minister of Economics, and in 1939 as President of the Reichsbank.

Funk, who by profession was a financial journalist, was very much a pragmatic minister in Hitler's government: he always agreed that the Führer was right. What economic policies of his own he did have were garbled and erratic. This may have had something to do with his personality; Funk was both a homosexual and an alcoholic.

The charges against Funk at Nürnberg alleged that as

head of the Reichsbank, he had received and assayed tons of valuables taken from gassed Jews. The prosecution stated that from 1942 onwards, the SS had deposited at the Reichsbank tons of gold teeth, spectacle frames, platinum and gold rings, diamonds, watches, earrings, cutlery, foreign currency and stocks and bonds. The valuables were allegedly used to finance the various industrial enterprises set up at concentration camps. An affidavit was produced from one Emil Puhl, Funk's second-in-command at the bank, who declared that he had told Funk all about the deposits and that Funk had even seen the valuables when he visited the vaults. However, when Puhl was produced as a witness, he formally retracted the affidavit, denying that either he or Funk had known the contents of the SS deposit boxes. In an effort to shore up their fast collapsing case, the prosecution then produced Oswald Pohl (no relation to Puhl) head of the SS industrial activities section. In his affidavit, 4045-PS, Pohl alleged that he had accompanied Funk and Puhl to the vaults of the bank to inspect the loot. At Pohl's own trial, AMT4, it transpired that Pohl's evidence had been wrought from him by torture, including having faeces smeared on his face.

The prosecution then presented a film of piles of gold teeth, jewellery and pearls that made the Reichsbank look more like a pawn shop than a national bank.

Funk, as degenerate and opportunistic as ever, threw himself on the court's mercy, and begged forgiveness. In mitigation he pleaded, "I placed the will of the State before my own conscience and my inner sense of duty." He was found guilty on charges 2, 3 and 4, but was let off on charge 1. However, the tribunal was duly impressed with Funk's humility and it was this which undoubtedly saved him from the gallows. He was sentenced to life imprisonment.

While he was in prison, his denazification case was put before a *Spruchkammer*, but he was not allowed to leave Spandau to appear in his own defence. Nor would the prison authorities allow his lawyer to visit him in prison, for the subject of trials was forbidden for visitors to discuss with prisoners. The denazification tribunal decided to confiscate his entire property.

But in 1957, Funk's lawyer applied to the court and had the *Spruchkammer* decision reversed. In the same year, Funk was released from Spandau because of ill health, and three years later he died.

### Schacht

Hjalmar Schacht was undoubtedly the brains behind the German economic recovery of the late 1930s. It was he



Baldur von Schirach



Hjalmar Schacht



who had brought about the stabilisation of the mark, the curtailment of unemployment, and the enormous achievements in industrial development. He was not a Nazi, but believed that National Socialist ideas contained a great deal of truth. He reckoned that Hitler was best suited to be Chancellor, despite his obvious shortcomings. It was Schacht's fundamental lack of faith in Nazi principles that led to his demise within the Hitler government even before the war. He resigned as Minister of Economics in 1938 and was dismissed as President of the Reichsbank in 1939. He alienated a large section of the party by being an outspoken critic of the wilder accusations of *Der Stürmer*, Streicher's freelance hate-sheet. In 1942, Schacht burned his boats by complaining about unfulfilled promises by the military that the war was being won. He drew attention to Göring's promise, "You can call me Meyer if a single bomb is dropped on German cities." Schacht also pointed out that the German people had repeatedly been promised that the war in Russia was won. But as it was the Führer himself who had made these promises, Schacht had committed the ultimate heresy. In 1943 Hitler dismissed him as Minister without Portfolio. At the same time, Göring sacked him from the Prussian State Council. Schacht was arrested on 21 July 1944, the day after the attempt on Hitler's life, and he was to spend the next four years in twenty-three prisons, German and Allied. Before the end of the war, he even spent some time in three Nazi concentration camps: Ravensbrück, Flossenbürg and Dachau. The Americans took him into custody in Pustertal in Austria.

At Nürnberg, Schacht was indicted on charges 1 and 2. In the dock, he complained that he and the other defendants were being treated as if they had already been found guilty. He objected to being subjected to the noise of GIs' radios in his cell, and to not being allowed to look out of his cell window. Once, when he was photographed without a collar and tie on while he was eating, he threw the contents of a pot of coffee over the cameraman (coming from a conservative family, he had rather strict ideas about propriety). The American guards loved the episode, and happily replaced the coffee (which he should not officially have had) and even provided him with as much as he could drink. However, the prison commandant called Schacht's action a defamation of the American uniform; almost everyone involved in the American occupation — reporters, cameramen, priests, secretaries etc. — wore military uniform, in order to distinguish them from the native population. This would otherwise have been a real problem for the American authorities, since so many of their interrogation and intelligence staff spoke English with marked mid-European accents. Once, when Schacht apologised to an American member of the prosecution staff for his bad English, the officer replied, "It's a lot better than most of my colleagues'." Indeed, the trial transcript itself reveals several points where the American prosecutors were themselves confused as to the correct meaning of English words.

Schacht was able to produce copious evidence that he had opposed the Nazis' attacks on the Jews. In fact, he himself had liaised with Jewish banking interests in Germany and overseas in order to provide the finance for Germany's recovery. He requested that a Mr. Jeidels be called from America as a defence witness. According to a war-time edition of *Time*, dated 3.7.42, Jeidels had been Schacht's link-man in New York, raising loans for Germany on Wall Street, including Goldman, Sachs & Co., a Jewish-owned bank. In 1934 Jeidels had even acted on behalf of Hitler's government in the famous Paltreu Standstill

Agreement. By 1942, Jeidels had become a partner in the Jewish Lazard Frères bank in Manhattan, but still "had access to choice Continental pipelines into Hitlerism."

Schacht also requested that the US Secretary of State, Sumner Welles, be called to give evidence on his behalf. Welles came to Germany in 1940 (after the outbreak of war in Europe, but before the US joined in) and had private talks with Schacht, when Schacht apparently made it clear that he had already broken with Hitler. Schacht felt that Welles could have demolished the charges against him at Nürnberg if he had testified on his behalf, but neither Welles nor anyone else from the State Department ever appeared.

During one of Schacht's many visits to the USA he had made friends with David Sarnoff, the Russian-Jewish head of the Radio Corporation of America. Sarnoff invited him to a dinner with mostly Jewish fellow-guests, and apparently Schacht made a big impression with them with his speech. It may be that it was Schacht's intimacy with the powers-that-be which led to his being found innocent on both the Nürnberg charges, although the Soviet judges were outraged. Jackson, the Chief Prosecutor, found his acquittal "regrettable".

But Schacht was not to get off the hook so easily. After his acquittal at Nürnberg, German courts were to be busy with him for the next five years. A denazification tribunal in Stuttgart sentenced him to prison as a 'major offender', but an appellate court annulled the prison sentence, whilst still depriving him of his property and civil rights; even including his driving licence. The US denazification officer for Stuttgart said that the decision was "incomprehensible". The Military Governor for Württemberg-Baden, Charles M. La Follette (later to be Deputy Chief Prosecutor in AMT 3) said that his comments on the acquittal would be unprintable. In fact, the court later reversed its decision, but by then Schacht had moved to the British Zone.

It was not long before Schacht's undisputed economic abilities were back in demand, and soon he was being consulted on economic problems by governments East and West. (Even at Nürnberg his advice on the economic plight of post-war Germany had been sought by the Allied occupation government.) In 1951 he visited Indonesia, and even stopped off at Lydda International Airport in Israel on the way.

There is a book which covers Schacht's five years of legal arraignments called *Verdict on Schacht* by Earl R. Beck (Tallahassee: Florida State University Press, 1955). Schacht also wrote his memoirs which were published in German under the title *76 Jahre meines Lebens* (Kindler & Schiemeyer, 1953).

## Göring

Unlike most of the other defendants, Göring assumed throughout the trial that he was to be sentenced to death. So, as he had nothing to lose, Göring's testimony appears to be the truth (as he saw it). Neither did he back down from challenging prosecution evidence, which the other defendants were wary of doing too vigorously, in case it offended the sensibilities of the court.

Although he never conceded the existence of an extermination programme (he declared that the first time he had ever heard of it was "right here in Nürnberg"), he was not in a position to offer any alternative explanation for the chaotic scenes which the Allies found when they liberated the concentration camps. He assumed that Himmler had indeed engaged in unauthorised mass murder

in these cases. However, he disputed that the total could ever have reached six million.

Göring had no difficulty in defending himself against the American Prosecutor Jackson. At one point, Jackson had to appeal to the President of the Court for help, when Göring defended Germany's secret mobilisation by comparing it to America's. Jackson turned to Lawrence, the President, and denounced what he called the witness's "arrogant and contemptuous attitude towards the Tribunal which is giving him the trial which he never gave a living soul, nor dead ones either!" Lawrence refused to support this childish outburst, although he did not attempt to reprimand Jackson for pre-judging Göring's guilt. (Nor did he ask Jackson to endeavour to explain how Göring could have "given a trial to dead souls"!!)

Göring's counsel also attempted to raise the politically embarrassing subject of Katyn. He had contacted General Anders, the Commander of the Polish Army in the USSR, for material in his possession which the Poles had collected. Anders had responded that he was ready to comply, so as to bring the Katyn issue out into the open for once, but



Göring in the witness box

pointed out that as an Allied officer, he would need the permission of Allied Command before being able to come along and give evidence. When Göring's counsel asked why Anders had not been allowed to come along as a defence witness, Jackson replied that he had never heard of Anders' offer.

Jackson had met his match with Göring. He asked Göring if he and his colleagues had deliberately set out to bring down the Weimar government. Much to Jackson's frustration, Göring answered "Yes, of course; that was at all times our intention" — just like any modern-day revolutionary hero, full of pride and arrogance. Finally, Jackson was reduced to cranking out all the war propaganda clichés which he knew perfectly well were untrue. At one point he demanded of Göring:

You have testified on interrogation that it was Hitler's information that the US would never go to war, even if attacked?

Göring: Such nonsense I never could have uttered, because if any country is attacked it defends itself!

Göring also gave short shrift to Jackson's bizarre description of the Mauthausen "Bullet Decree" which was supposed to be a fiendish Nazi method of execution, where the prisoner was duped into thinking he was having his height measured, but in fact was being lined up for a bullet through the neck from a hidden SS man with a

specially designed rifle. Neither Göring nor anyone else except Jackson, it seemed, had ever heard of this ludicrous "Bullet Decree": if the Nazis were so brutal, why would they go to all the trouble of building such a Heath-Robinson contraption? The only evidence Jackson could produce to back up this suggestion was a telegram from Berlin to all State Police Directorates, instructing them that escaped prisoners-of-war who had been recaptured should be transported to Mauthausen under the auspices of the "Kugel" programme. As *kugel* can mean "bullet", the War Crimes Branch were able to deduce from this one word, that what was really intended was a height-measuring-device-which-was-really-an-execution-machine. But because this imaginative exercise in etymology was awarded the prestige of an official mention in the Nuremberg evidence, the Mauthausen "Bullet Decree" has now gone down as part of the official history of concentration camps. It features prominently in Mrs. Evelyn Le Chêne's *Mauthausen: The History of a Death Camp* (Methuen, 1971), although she does express some puzzlement as to why the Nazis continually felt obliged to disguise their death programmes with innocuous-sounding euphemisms (p.78). She remarks that some sick inmates from Mauthausen were sent to be gassed at Hartheim Castle, and their transfer was disguised by the fiendish use of the term "convalescent home" next to their name in the camp register. Why "convalescent home" should mean "gassing" and not "convalescent home" Mrs. Le Chêne does not explain, which is especially disturbing in view of the fact that Hartheim Castle was originally built as a hospital. But we shall have to depend on the authoress's good graces for such an explanation, for Hartheim was "the only prison in use during the Second World War from which there were no survivors." And as the castle has now been converted into flats, nor will there be any trace of the gas chamber(s).

Just in passing, it may be worthwhile to deviate here to examine another Nuremberg myth: that Göring was a pathetic drug addict — "a simpering slob" according to the prison commander. Another Nuremberg psychiatrist, Douglas Kelley, has attempted to set the record straight in this respect. During the abortive Nazi putsch of 1923, Göring had suffered a serious wound in his right thigh. The wound developed an infection which caused him to be hospitalised for a long time, during which time he was injected with large doses of morphine. He developed a mild addiction, but cured it shortly after his release from hospital in 1924. Much later, in 1937, he developed a condition of aching teeth, and began taking tablets made from paracodeine, a mild morphine derivative in common use at that time. He continued taking the tablets throughout the war, but the habit was terminated by Dr. Kelley who simply reduced his daily dosage in gradual stages.

Ironically, Dr. Kelley became an ardent admirer of Göring's will-power; even after his death:

He stoically endured his long imprisonment that he might force down the Allied Tribunal and browbeat the prosecuting lawyers on their own terms. His suicide was a skilful, even brilliant, finishing touch, completing the edifice for Germans to admire in time to come. History may well show that Göring won out at the end, even though condemned by the high court of the Allied Powers.

A decade later Dr. Kelley emphasised his bizarre admiration for the Nazi Air Minister when he too committed suicide by taking one of several potassium cyanide capsules which he possessed, said to be "souvenirs" taken off Göring's body. When Göring first arrived at the prison, he was discovered to have a phial of cyanide taped to his belly, but this was quickly confiscated. To this day, no one

knows how Göring got hold of more, hours before the time set for his execution. (It has been alleged that Dr. Kelley slipped him the drug.) Not to be daunted, the Allied authorities simply added Göring's body to those of his hanged colleagues, so that the world's press could take gory group photos.



Hermann Göring



Rudolf Hess

## Hess

Rudolf Hess had been Hitler's right-hand man in the early days. Both had been in the Landsberg prison together, where Hess had helped Hitler to write *Mein Kampf*. By the time war broke out, Hess was Deputy Führer. Very much an Anglophile, Hess was aghast when Britain joined in on Poland's side. By 1941 he had realised that the war against Britain was pointless, and he determined to make a personal attempt to bring about peace. On 10 May 1941, Hess borrowed a plane from Augsburg airfield, and saying he was flying to Stavanger in Norway, flew direct to Britain. He baled out over Scotland, hoping to make peace proposals through his pre-war friend, the Duke of Hamilton. Hess was arrested and interned for the duration of the war. On 10 October 1945, he was flown from Abergavenny to Furth, near Nürnberg, where he would stand trial as a war criminal.

By this time, Hess was beginning to act very strangely indeed. He claimed to be suffering from amnesia, together with severe stomach cramps and insomnia. On 27 November, a special session of the court was held in order to decide whether Hess was fit or not to stand trial. A minute before the start of the session, Hess told his counsel that he felt fit to stand trial, but his counsel simply ignored him and made a long speech about why he was not fit to stand. Hess endeavoured to get a chance to speak himself, but when one of the judges pointed this out to Jackson, the American prosecutor Jackson replied that he did not believe this wish to be genuine. After two hours of argument, Hess was finally allowed to speak. The court rocked with astonishment as Hess stated that his 'amnesia' had been faked from beginning to end.

After further rows with his counsel, Hess asked to be allowed to defend himself. This was refused by the tribunal, which gave Hess's case to Dr. Stahmer, who was already overloaded with Göring's defence.

When the defendants were finally allowed to address the court, in a closing statement only, Hess was cut short by the President, who said that defendants could not be allowed to make lengthy statements at that stage in the proceedings.

Hess was found Not Guilty on Counts 3 and 4, but Guilty on 1 and 2. He was sentenced to life imprisonment. Hess and the six others who were sentenced to terms of imprisonment were sent to Spandau jail in Berlin. Although the others have since been released, Hess remains as the sole prisoner in a jail designed for 600. Now in his 70s, it is likely that Hess will die in Spandau. Ironically, although he was the only one of the defendants to have made such an effort to stop the war, he is the one to stay in prison the longest.

Several books have been written about Hess's inhuman incarceration, but undoubtedly the most accurate is *The Loneliest Man In the World* (Secker & Warburg, 1974) by Eugene Bird, the American Governor of Spandau Prison.

## Julius Streicher

Julius Streicher had originally made an abortive attempt to escape Allied-occupied Germany by growing a beard to disguise himself. However, he was quickly recognised and arrested by an American-Jewish lieutenant. During the Nürnberg Trial he was to claim that he had been beaten up by American negro soldiers, and made to kiss their feet and drink their saliva. He said he was kept in a cell for four days without clothes. His mouth was forced open with a piece of wood and he was spat upon. When he asked for a drink of water he was taken to a latrine and told to drink out of that. Jackson protested at the minuting of this accusation, and successfully put a motion that it be stricken from the court record. If the testimony had been admitted, he said, then the court would have had to conduct an investigation.

On the third day of the trial, an official announcement was made that Streicher had been classified as sane, although he had the lowest IQ of all the defendants — 102. Throughout the trial, Streicher continually fought with his own defence counsel — a Hans Marx. Lawrence threatened to have Streicher sent back to his cell. Jackson wanted him cited for contempt of court.

Streicher had had a stormy career in the Nazi party. He had always been a freelance hate-monger, as publisher of his private magazine *Der Stürmer*, which pulled no punches in attacking all and sundry: Jew and Gentile alike. In fact Streicher had been in and out of jail on many occasions for libelling prominent public figures. In 1928 he had been sacked from a teaching job for indoctrinating the school-children, and since then he had been involved in a wide variety of property rackets, pornography and perverted sex. Hitler appointed him (honorary) Gauleiter of Nürnberg in 1925, and it was in this role that he set in motion the crane which demolished Nürnberg synagogue. But it was not long before Streicher became an embarrassment to the Nazi party. He was deprived of his Gau in 1940, and shortly later a Nazi party court decided that he should be expelled from the party. However, Hitler never gave his official approval for this decision, and so he remained a Nazi until the end.

Streicher was the only one of the Germans on trial to have come anywhere near advocating "exterminating Jews". On 3 April 1925, he had told a Nürnberg audience that, "For thousands of years the Jews have been destroying peoples: make a beginning today so that we can destroy Jewry!" Whether Streicher meant physically exterminating Jewry, or whether he meant simply destroying the power of organised Jewry, is of course open to debate.

Streicher was found not guilty on the charge of conspiring to wage aggressive war, since he was not privy to





Julius Streicher



Ernst Kaltenbrunner

Hitler's plans. But he was found guilty on the "crimes against humanity" charge and sentenced to hang. He was the only one of those executed to fight physically to the scaffold. He is alleged to have shouted at the American GIs that "these Jewish Bolsheviks will hang you next". Just before the trap door opened, he is supposed to have given the Nazi salute and shouted "this is Purim 1946!"

### Kaltenbrunner

Kaltenbrunner was undoubtedly sitting as an IMT defendant as a substitute for Himmler. Since Himmler was dead, the Allies had to have someone on trial to carry the can for the SS. However, Kaltenbrunner was ill when the trial opened, and did not join the other defendants until the trial was a few weeks old. When he did appear, the other defendants shunned him, and said very little to him during the course of the next ten months.

Kaltenbrunner's position seems to us today to have been somewhat hopeless, but he nevertheless had to present some sort of defence. It rested on two main points.

The first point he made was that he was head of the RSHA, which was in charge of security, and not the head of the WVHA, which administered the concentration camps. The only known instance of Kaltenbrunner's involvement with the internal operations of the camps was in his order of March 1945, concerning permission for the Red Cross to establish itself in the camps. (How he assumed authority for giving this order we do not know — it is likely that in the closing stages of the war, the usual chain of command had largely broken down, and officers were attempting to make do as best they could.) He made a great deal of play with this matter in his defence and, rather than setting the record straight in regard to the catastrophic conditions in the camps at the end of the war, instead he inflated his action in connection with the Red Cross to make it appear to be an act against concentration camps themselves, "which, of course, he had always deplored anyway," he said.

Kaltenbrunner's second point was that it was his predecessor Heydrich, and not he, who had organised the details of the Jewish policy, whatever that policy was. He took over the RSHA in 1943 with a directive from Himmler to build up the intelligence service of the SD. He claimed that he had been given specific instructions not to interfere with the security functions of the RSHA, in particular, the Gestapo, which was responsible for sending Jews to the camps. He said that Himmler was very wary of giving anybody all these areas to look after, in case they grew in

power and stature the way Heydrich had. Thus, according to Kaltenbrunner, there was no respect in which he himself could be held responsible for the extermination of the Jews.

However, he did agree that extermination had taken place, but it had started earlier, in 1940, he said, but it was not until the summer of 1943 that he learned of the extermination programme which Eichmann and his department were conducting. He claimed he had learned from the foreign press and radio. He got Himmler to admit it early in 1944 and then protested, first to Hitler, then to Himmler. "The extermination programme was stopped in October 1944," he said, "chiefly due to (his) intervention."

Kaltenbrunner did manage to hold firm on one particular point. In cross-examination, Col. John Amen, for the prosecution, tried to get Kaltenbrunner to admit that the term "*Sonderbehandlung*" ("special treatment") actually meant execution. In an attempt to implicate Kaltenbrunner personally with "special treatment", Amen triumphantly produced a document where he had ordered *Sonderbehandlung* for certain people. Amen wanted Kaltenbrunner to comment on the document without even reading it, and there was an angry exchange in this connection, but Kaltenbrunner was finally allowed to read the document. The reason for Amen's reticence soon became clear. In the context of the document, it turned out that Kaltenbrunner was ordering *Sonderbehandlung* for those people at "Winzerstube" and at "Walzertraum" — two fashionable hotels which quartered interned notables — and that *Sonderbehandlung* in their cases meant such things as permission to correspond freely and to receive parcels, a bottle of champagne per day, etc.

On another occasion, Kaltenbrunner ran into a similar problem over documentary 'evidence'. An affidavit (PS-3319) by a mysterious Ludwig Kohlhammar reported that an anti-Jewish congress had been held on 3/4 April 1944, under the auspices of the Reich Foreign Ministry. One of Ribbentrop's defence witnesses, von Steengracht, gave evidence that Ribbentrop had prevented the congress ever taking place. Completely ignoring this fact, the French prosecutor Fauré went on a few days later to grill Ribbentrop over whether or not he agreed with the anti-semitic sentiments expressed at the 'congress'. Ribbentrop replied, "What was this congress? I have never even heard that such a congress took place. Will you please put the document at my disposal so that I may answer?" Fauré answered, "I have no intention of showing you this document." Nevertheless, PS-3319 was admitted in evidence, although attempts were made to give the item a 'low profile' by omitting Kohlhammar's name from the affidavit index.

### Alfred Rosenberg

Alfred Rosenberg, the Nazi Party's self-acclaimed chief theorist on racial questions, was naturally enough a prime target for the Nürnberg assize although it appears that both Rosenberg and the Tribunal overestimated his importance in the Third Reich. Despite his Jewish-sounding name, he was a German through and through, although born and brought up in (German settled) Estonia.

In the early 1920s he had written several books on the Jewish question, including his most famous *Myth of the Twentieth Century*. In 1941 he became Minister for the Occupied Eastern Territories. In this position he adopted the typically reactionary posture of the German *volksdeutsch* petty bourgeoisie — he aspired to aping the patronising grandeur of the Tsars (themselves largely of German blood). He spoke up against the brutalities of the

SS against the peasantry, but at the same time he opposed the raising of a Free Russian army under General Vlasov. He complained bitterly about German soldiers destroying Soviet works of art; so that he could pillage them himself. Rosenberg was so pompous that at the end of the War he wrote a letter to Field Marshal Montgomery, from Dönitz's HQ at Flensburg, placing his services at Montgomery's disposal. He was rather taken aback when two British officers arrived soon afterwards to arrest him.

At Nürnberg, Rosenberg attempted to defend his confiscation of Jewish and Masonic property by pointing out that the Allies were at that very moment seizing German assets even including libraries. He insisted that he himself had never received anything of value out of the Nazi confiscations. When the prosecution reminded him that three Dutch paintings had been discovered in his house, he replied that these had been "gifts".

One of the documents which was produced by the prosecution was 212-PS, which was supposed to be an instruction from Rosenberg that any Jews who flouted the Nazis' labour laws should be killed. Rosenberg's defence pointed out that the document did not bear his, or any, signature. And Rosenberg himself testified that he had never seen the document before.

The prosecution also alleged that Rosenberg had advocated in a speech the "extermination of the Jews" (*"die Ausrottung des Judentums"*). But Rosenberg was able to show that *"Ausrottung"* had been mis-translated; in fact it meant "uprooting". Likewise, *"Judentum"* did not mean "Jews" as individuals (this would have been *Juden*) but should be translated as "Jewry" or "Jewish power".

One of the documents which was produced (135-R) which appeared to be a genuine one recovered from the files of the SS, was a letter from one of Rosenberg's assistants, Heinrich Lohse, to Rosenberg, dated 18 June 1943, which mentioned the term *"sonderbehandlung"* ("special treatment") for the Jews. The prosecution alleged that this referred to extermination. But as Rosenberg's counsel quite logically pointed out, the term could relate to a whole variety of things. (Indeed, when the same trick was tried with Kaltenbrunner, he was able to show that in the particular document presented in his case, *"sonderbehandlung"* meant special privileges for prisoners, such as receiving a bottle of champagne every day!)

Many of the documents presented in Rosenberg's trial had arrived at Nürnberg by a very roundabout route. About 70 of the documents which were finally presented in evidence had been 'discovered' at the Rosenberg Ministry in Berlin by a Sergeant Szajko Frydman, of the US 82nd Airborne Division. Frydman was a staff member of the Yivo (the New York Yiddish Scientific Institute) both before and after his war service, and his 'finds' were first handed over to the Yivo for 'screening' before they finally put in an appearance at Nürnberg.

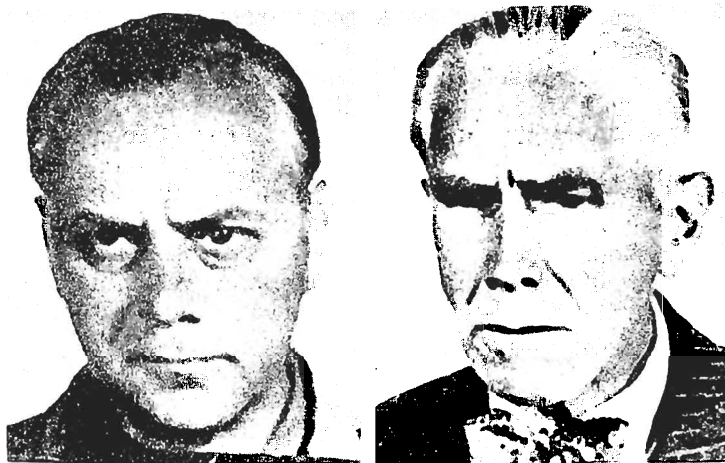
Many of the Yivo documents were supposed to be letters to or from Heinrich Lohse, the assistant of Rosenberg's whose other letters were discovered in the SS files. Oddly, Lohse was never called as a witness at Nürnberg; he maintained a very low profile. As for the documents attributed to him, Reitlinger the Jewish Holocaust 'expert' remarks that they "saved him from the Allied Military Courts and perhaps the gallows"; for although the documents mention atrocities and exterminations, they are so worded as to put Lohse himself as being in opposition to the crimes. Lohse was not to get away scot-free however; in 1948 he stood trial before a German court and was sentenced to 10 years'

imprisonment. He was released in 1951 on grounds of ill-health, but at least his Nürnberg letters had saved his skin. But for Rosenberg, they spelt conviction.

Rosenberg's over-inflated ego was rather confused by the trial. He still thought that National Socialism was the solution to Europe's ills, but felt that Hitler had made one or two drastic errors of judgement. The main one, it seemed, had been the Führer's promotion of men like Göbbels and Bormann, instead of himself. If only Hitler had recognised Rosenberg's towering abilities, the outcome of the War might well have been different, he indicated.

The Tribunal obviously went some way towards agreeing with Rosenberg's high opinion of his own importance. They reckoned that he was responsible and guilty in all four areas of war crimes — a finding usually only reserved for the really top rank Nazi leaders.

Rosenberg at last achieved the sense of importance and self esteem which had so eluded him during his life-time when he joined his high-ranking colleagues on the gallows in the Nürnberg jail gymnasium the following October.



Alfred Rosenberg

Franz von Papen

## Papen

One of the most unlikely defendants at the IMT was Franz von Papen, Hitler's penultimate predecessor as Chancellor. He was born into an aristocratic Westphalian family in 1879, and was a leading member of the conservative/Catholic Zentrum Party.

His period as Chancellor lasted only a few months, for he was rapidly deposed and replaced by General Schleicher. Two months later, Schleicher too was replaced by Hitler. For eighteen months Papen attempted to work with Hitler in the cabinet, but gradually found out that any kind of compromise was impossible. In 1934 he made a long speech at Marburg, attacking the excesses of the Nazi regime. Papen was quickly removed from the government and despatched to political exile as German ambassador to Austria. In 1939, his star waned even further as he was packed off to obscurity as ambassador in Turkey.

When Papen returned to Germany at the end of the war, he was astounded to be placed under arrest by the Americans, and rapidly hauled up before the Nürnberg court as a 'war criminal'. Although the trial itself began on 6 September 1946, Papen himself did not get a chance to speak until 14 June 1947. Since he had never fired a shot during the whole war, never made a policy decision and never done anything very much except vegetate, Papen was charged with the most vague of charges on the list: crimes against peace.

The essence of the accusation was put by the British prosecutor, the Jew Sir David Maxwell Fyfe (later Lord Kilmuir):

What I am putting to you is that the only reason that could have kept you in the service of the Nazi government, when you knew all these crimes, was that you sympathised and wanted to carry on with the Nazis' work. That is what I am putting to you — that you had this express knowledge; you had seen your own friends, your own servants, murdered around you. You had the detailed knowledge of it, and the only reason which could have dominated you, and made you take one job after another from the Nazis was, that you sympathised with their work. That is what I am putting against you, Herr von Papen.

Fyfe's admission that all they could pin on Papen was his "Nazi sympathies" held little sway with the court. In his summing up, Chief (later Lord) Justice Lawrence pointed out that the court had already had to lay down a date line, to determine when the Nazis had begun planning "aggressive war". The date had been fixed at 5 November 1937 (the date of a conference between Hitler and his military leaders). Papen had not been at this meeting, in fact he was dismissed from his Vienna job some three months later. Papen was found not guilty, and as far as the Allies were concerned could walk from the court a free man, much to the Soviets' chagrin.

But he was not set free. The Bavarian puppet-government had become so enamoured with its novel role of denazification that they immediately applied for Papen's arrest and re-trial before a Bavarian court. Papen remained in prison for some time, whilst he unsuccessfully applied for permission to move from the American to the French and British zone, where he anticipated greater leniency. When he eventually was released from prison he was immediately placed under house arrest by the Bavarian authorities, first in the house of a friend, later in hospital.

The Denazification Court was presided over by a Jew; President Camille Sachs of the District Court. The members of the court included a doctor, a civil engineer, a departmental manager, a police superintendent and a commercial agent. There were three reserve members: a plumber, a decorator and a trade unionist. Prosecuting counsel was Dr. Werner Fiebig, a High Court Judge. Defending Counsel was the lawyer Dr. Kubuschok, who had defended Papen before the IMT.

The proceedings went on for a month. Many well-known witnesses were called, including President Hindenburg's son Oskar. In many cases, the Court decided that the oath should not be administered, since they had doubts about the witnesses' credibility! On 3 February 1947, the Court found Papen guilty and sentenced him to eight years' hard

labour, plus the deprivation of his civil rights for good.

The Prosecution appealed against the eight years — they wanted ten. Papen too appealed, his case being heard on 18 January 1949. In the meanwhile, he was kept in custody in an internment camp outside Nürnberg. The Appeal Court found in Papen's favour and cancelled the term of imprisonment; they regarded his past incarceration as having been sufficient punishment. However they approved of the loss of his civil rights, and also ordered that he pay a fine of DM30,000 plus costs estimated around DM90,000.

For some obscure reason, the transcript of Papen's denazification trials is lodged in the library of St. Anthony's College, Oxford. A précis of the case appears in Constantine FitzGibbon's *Denazification* (Michael Joseph, London, 1969).

### Bormann

It was never properly explained at the IMT why it was that Bormann could be tried *in absentia*. Since the court had concluded that the elder Krupp could not be tried in his absence, one would have thought that the same would apply to Bormann. But in the typical manner of the Nürnberg Trials, the court acted completely erratically, ignoring both established legal procedure and even its own decision in another case.

In its own world of judicial make-believe, the Tribunal even appointed legal counsel for the absent Bormann, in the form of Friedrich Bergold. Bergold faced insuperable odds in presenting any form of defence for his client, since his client was not there to instruct him. So, instead of struggling with a rickety skeleton of a defence, Bergold confined his argument to a submission that Bormann was dead and therefore no sentence could be passed on him. Even in the bizarre world of the Nürnberg Palace of Justice, a dead man could not be hanged, therefore neither could he be tried.

Although Bergold himself was fully convinced of Bormann's absence from the land of the living, the Tribunal found his evidence somewhat lacking. As there was no evidence to show that Bormann's body had been found, it followed, they conjectured, that Bormann must still be making use of it. Bormann was found guilty on charges 3 and 4, and was sentenced to death. However, the errant Bormann failed to pay due respect to the esteemed International Military Tribunal, and neglected to turn up at the appointed time for his execution.

Naturally, this has caused considerable anguish amongst dedicated Tribunalophiles and Naziphobes. The absence of Martin Bormann at his own execution has stimulated large numbers of Nazi-hunters to scour the four corners of the earth for this man, anxious that he should not miss all the fun which his erstwhile colleagues enjoyed. Although irregular sightings have occurred in sundry, obscure, South American banana republics, none of these has resulted in a positive 'find'.

Just supposing for one moment that Bormann was still extant, and was run to earth, it is rather interesting to speculate as to what fate he would meet. It is doubtful if the Allies would have the tenacity to carry out a thirty-year old sentence, particularly as all the Western Allies have now abolished the death penalty. Probably the way out of it would be for Bormann to 'accidentally' fall into the hands of the Mossad, the Israeli secret intelligence service, who would 'persuade' Bormann to accompany them to Israel 'voluntarily', where he could 'make a clean breast of things so that future generations would beware



Constantin von Neurath



Albert Speer



of the ancient, indeed Mediaeval, mental disorder known as anti-Semitism'. As fate would have it, Israel too has abolished capital punishment, but with the exception of crimes related to the 'Holocaust'. Thus Martin Bormann would finally meet his 'just deserts', handed down at Nürnberg over a quarter of a century ago.

### Von Neurath

The conservative diplomat Neurath was appointed *Reichsprotector* of Czechoslovakia by Hitler in 1939. It was a role which was to win him no friends, since the Czechs detested him as a symbol of Nazi imperialism and the Nazis derided him for being too lenient.

Indeed, Neurath was able to demonstrate at his trial that under his rule Czech theatres, concert halls, cinemas, and synagogues remained open. His policy was to Germanise the Czechs and welcome them as *cives Germanii*. It was his moderation which led to his downfall. In 1941, Hitler sent Heydrich to Prague to toughen up the German administration. This eventually led to Neurath's resignation in October 1943.

One of the main witnesses against Neurath at Nürnberg was an erratic American diplomat by the name of George S. Messersmith, a former US Consul in Berlin and in Austria. Messersmith claimed that Neurath and Papen had told him in advance of the Nazi *Anschluss* plans. Naturally enough, Messersmith stood out (in his own testimony) as a beacon of humanitarianism standing up against the wicked tyrannical plans of the Nazis. But as Eugene Davidson comments in *The Trial Of the Germans*:

Messersmith's affidavit palpably exaggerated in important places, and his testimony . . . was unlikely on the fact of it. The trials at Nürnberg, and later Eichmann's trial in Jerusalem, were to elicit such testimony on the part of witnesses who not only wanted to inflate their own roles, but were determined to take part in bringing the accused to justice. The court does not seem to have given much weight to testimony which was obviously part of a fantasy in which the witnesses played momentous roles against tyranny.

Despite the flights of fantasy engaged in by US Government witnesses, Neurath was found guilty on all four counts. He was sentenced to fifteen years' imprisonment, of which he served eight, at Spandau prison in Berlin. He was released on account of ill-health in 1954 and died two years later at the age of 83.

### Speer

Speer's trial strategy was simple, and also relatively successful, since he did not hang. Conceding the existence of the extermination programme, he denied all knowledge of it during the war. Even today he still maintains this absurd position.

In fact, Speer and his assistants were deeply involved in the deportation of (employable) Hungarian Jews for work in the underground aircraft factories at Buchenwald. Therefore any rail transport priority given to Hungarian Jews to be exterminated (as alleged at the IMT) would have become known to Speer if such had actually been the case. If Speer had testified truthfully, he would have declared that he had been so situated that if an extermination programme of this kind existed, he would have known about it, and that to his knowledge, none did. But it seems rather obvious that such a statement would have ranked as heresy to the IMT, and Speer would have joined his colleagues on the gallows.

In Speer's book, the only reference to "gas-chambers" appears in the Introduction, which was written by Eugene Davidson and added to Speer's original manuscript on the insistence of the publishers.

Speer was sentenced to 20 years' imprisonment, which he served, to the very minute, in Spandau Prison in Berlin. He was released in 1966 and is still alive today, although he maintains a rather low profile.

## THE WITNESSES

### The SS

One of the star witnesses against the SS, which was charged with being a "guilty organisation", was General Erich von dem Bach-Zelewski. He was prepared to be "co-operative" with the court, as he himself was under threat of arrest, trial and execution on account of his role in the suppression of the Warsaw uprising.

The evidence of Bach-Zelewski is contained in volume IV of the IMT report. In March 1941, he claimed, Himmler (the head of the SS) invited his SS chiefs (including Bach-Zelewski) to his castle at Wewelsburg for a conference. Himmler spoke in grandiose terms about the liquidation of the peoples of Eastern Europe, he said.

Göring, in the dock, denounced Bach-Zelewski to his face for the falsity of his testimony. One especially outrageous allegation concerned a supposed declaration by Himmler that one of the aims of the Russian campaign was to "decimate the Slav population by thirty millions". What Himmler really said is given by his Chief of Staff, Wolff: that war in Russia was certain to result in millions of dead (*cf.* Manvell & Frankl, *The Incomparable Crime*, p.117).

Another brazen falsehood was Bach-Zelewski's accusation that on 31 August 1942, Himmler personally witnessed the execution of one hundred Jews by an Action Group at Minsk, causing him nearly to faint. It is known, however, that on this particular date Himmler was in conference at his field headquarters at Zhitomir in the Ukraine (*cf.* K. Vowinkel, *Die Wehrmacht im Kampf*, vol.4, p.275).

Much is made, even today, of Bach-Zelewski's evidence. Books such as Willi Frischauer's *Himmler: Evil Genius of the Third Reich* draw heavily on it. However, in April 1959, Bach-Zelewski publicly repudiated his Nürnberg testimony before a West German court. He admitted that his earlier statements had not the slightest foundation in fact, and that he had made them for the sake of expediency and his own survival. The German court, after careful deliberation, accepted his retraction.

Ironically, the truth concerning Himmler and the SS was provided long after the Nürnberg Trials by an anti-Nazi — Felix Kersten, Himmler's physician and masseur. In his *Memoirs 1940—1945* he reveals that from his close personal knowledge of Himmler he is convinced that Himmler did not advocate liquidating the Jews, but favoured their emigration overseas.

However, Himmler was not around to be able to stand trial. He had committed "suicide" whilst in British captivity. If he had lived to give evidence, it is likely that he would have been the only one of the defendants who was able to give a true interpretation of the harrowing scenes found in the camps at the end of the war, since he was most closely responsible. In fact, in an interview with a representative of the World Jewish Congress, just a few weeks before the end of the war, he indicated what that evidence would have been:

In order to put a stop to the epidemics, we were forced to burn the bodies of incalculable numbers of people who had been destroyed by disease. We were therefore forced to build crematoria, and on this account they are knotting a noose for us.

To have presented such an interpretation at the IMT would have meant challenging the whole *sine qua non* of the trial. It was acceptable for the other defendants to admit exterminations whilst disclaiming personal responsibility, or even to dispute the extermination whilst failing to provide an alternative explanation for the crematoria. But to actually put forward a logically feasible alternative explanation was heresy that could not be allowed. Himmler's death is even today shrouded in mystery.

## Höss

The commandant at Auschwitz from May 1940 to late 1943 was SS Colonel Rudolf Höss. During the IMT trial he had signed several affidavits for the prosecution, the most noted being signed on 5 April 1946.

In order not to make things too obviously rigged, it was arranged that he would be called by the defence, during the Kaltenbrunner trial on 15 April 1946. The major part of his testimony was merely assenting to his 5 April affidavit.

Höss was to become the star prosecution witness of the entire Nürnberg trial, and his evidence has gone down in history, unchallenged, as the Authentic Auschwitz Story. Perhaps it is about time that the Höss testimony was effectively questioned. The full text appears in Prof. Butz's book, *The Hoax of the Twentieth Century*.

Not even Höss clung to the figure of 2,500,000 victims gassed, cited in paragraph two. At the time of his own trial in Poland in 1947 he used a figure of 1,135,000. (Various other 'authorities' use figures ranging from 750,000 through 4,000,000 to 7,000,000.) The special mention accorded to the Hungarian Jews arouses some suspicion, as it has since transpired that large numbers of Jews who disappeared from Hungary were secretly spirited away to Palestine and the U.S.A. via neutral countries under a covert agreement between Eichmann and Jewish community leaders Biss, Brand and Kastner. (see André Biss, *A Million Jews to Save*.)

In paragraph 4, Höss claims that even after he was promoted to the Inspectorate of Concentration Camps in Berlin, he still knew that the gassings were continuing. Yet in his verbal testimony at Nürnberg, Höss said that while he was Commander of Auschwitz his inspector was allowed to know nothing about the exterminations. Also during his own trial in 1947, Höss said that gassings began in the summer of 1942, not 1941.

According to Höss in paragraph seven, Jews not fit to work were gassed immediately upon arrival, but an account directly in conflict with this claim appears in a War Refugee Board report compiled, allegedly, from the testimony of Auschwitz survivors. The survivors stated that new arrivals were kept in quarantine for six months, in case they brought in disease.

Höss claims that Jews were separated into extermination- and work-groups simply as they walked past a doctor. Yet according to Dr. E. A. Cohen, a Dutch Jew who claims he was a doctor at Auschwitz, Jews were only selected for special treatment after a proper medical examination at the camp hospital.

It seems very strange indeed that Höss would write such an important statement in a foreign language. There is no documentary evidence extant to show that Höss knew any English at all. But even if he did speak English, it would be logical to assume that, being a European, he would have learned English as it is spoken in England. At several points in the affidavit the idiom used is of the American variety. Consider for example the word "Fall" in the first sentence

of paragraph 4. "Fall" is the American word; the English say "Autumn". Consider also the use of the terms "one-half year" (paragraph 6, sentence 6) and "one-half hour" (paragraph 6, penultimate sentence). These are distinctly American terms; the English would say "half-a-year" and "half-an-hour".

There is no doubt that Höss hoped to buy his life by co-operating with the IMT prosecution. There is also evidence that he was subject to torture and brain-washing; his testimony at Nürnberg was delivered in a mindless monotone as he stared blankly into space. Even Jewish 'holocaust experts' such as Reitlinger reject his testimony as hopelessly untrustworthy. However, Höss' reward for his services was to be packed off to Poland about a month after his IMT testimony.

The Communists admit that they "ordered him to write the story of his life" which was published as *Wspomnienia* in the Polish language in 1951. A hand-written original supposedly exists, but no one in the West has ever seen it. German and English translations followed in 1960 under the title *Commandant of Auschwitz*. One of the most illuminating keys to this whole bizarre hoax is contained in these Höss memoirs, where he is supposed to have said that the Jehovah's Witnesses at Auschwitz approved of murdering the Jews because the Jews were the enemies of Christ. Now, it is well known that in the USSR today and in all Iron Curtain countries, the Communists conduct a bitter campaign of suppression against the Jehovah's Witnesses, whom they regard as being anti-Communist. That this sect is deliberately and grossly defamed in the Höss memoirs proves the document's Communist origins beyond any doubt.

However Höss did not live even to see his 'memoirs' in print. He was 'tried' by the Polish government in March 1947, and the following month he was executed, ironically, at Auschwitz.

## Höttl

Another star witness at the trials was a Dr. Wilhelm Höttl, an assistant of Adolf Eichmann's at the office of Jewish Emigration in Budapest, Hungary.

Höttl was born in Vienna in 1915 and grew up with Kaltenbrunner, one of the IMT defendants. Höttl entered the SD in 1938 and soon acquired a reputation for mixing official business with personal deals. In 1942 the SS investigated a land deal he had conducted in Poland, in liaison with a Polish countess friend of his. The SS report characterised Höttl as "dishonest, scheming, fawning . . . a real hoaxer" and concluded that he was not even suitable for membership of the SS, let alone such a sensitive branch as the SD. He was, accordingly, reduced to the ranks.

However when his boyhood friend Kaltenbrunner was appointed to head the RSHA, after Heydrich's assassination by British commandos, Höttl's fortunes started to look up again, and he rose to the rank of Lieutenant Colonel with special responsibility in foreign intelligence work. Towards the end of the war he worked with Eichmann in Budapest.

With the war over, Höttl very obligingly co-operated fully with the Allies and signed several affidavits for the IMT prosecution. In his affidavit 2793-PS, signed on 26 November 1945, Höttl stated that Eichmann had visited his office in a depressed mood because he was convinced that the war was lost. Eichmann thought that the Allies would punish him as a major war criminal. He then declared, with no other witnesses present, that four million Jews had been killed in extermination camps and that two million had met their deaths in various other

ways, mainly through executions carried out by Action Groups.

This was the only evidence produced throughout the Nürnberg trials to back up the six million figure — the written affidavit of a highly dubious character that a minor civil servant (then missing) had told him, with no other witnesses present, that six million Jews had been killed.

There is considerable evidence that Höttl was an Allied agent, at least during the latter part of the war. Some authorities suggest that he may have been more of a 'Walter Mitty' character, revelling in the intrigue of 'espionage' purely for reasons of personal inadequacy. But whatever his motivations, Höttl certainly played a highly suspect role.

For towards the end of the war, Höttl was in contact with Allen Dulles, of the Office of Strategic Services (now the CIA) in Switzerland. This may have been in order to receive instructions, but on the other hand it may have simply meant that Höttl was endeavouring to negotiate a German surrender. When the war officially ended however, Höttl was given the sensitive job of interrogating his ex-SS comrades on behalf of the US Army Counter-Intelligence Corps — hardly the kind of position the Americans would give to a Nazi or to an erratic Walter Mitty.

During the Nürnberg trials, Höttl met up with two American-Jewish members of the Nürnberg staff — Verber and Ponger, who later turned out to be Soviet agents. Verber and Ponger worked as translators at the trials (they were both recently-naturalised Americans who had emigrated from Russia). Kurt Ponger also acted as a prosecution lawyer in the later AMT trial 4. Ponger and Verber stayed on in Europe after the trials and were arrested and charged with espionage for the Soviets in Vienna in 1953. Höttl was also arrested by the US authorities in March 1953, suspected of complicity in the case, but due to lack of evidence he was released a few weeks later.

In the mid-fifties, under the pseudonym of Walter Hagen, Höttl published two books about his war-time experiences — *The Secret Front* and *Hitler's Paper Weapon*.

In 1961, the popular British magazine *Weekend* published a feature article on Höttl, claiming that during the war he had been a British agent. (*Weekend*, 25/29.1.61.)

This article coincided with Höttl's re-emergence as a 'war-crimes expert', this time at the trial in Israel of his former boss, Adolf Eichmann. Höttl again submitted an affidavit, largely similar to his Nürnberg testimony. Not unexpectedly, Eichmann disputed that the interview had ever taken place. And again not unexpectedly, the court preferred to believe Höttl. Eichmann was hanged on 31 May 1962.

### Gerstein

Yet another Nürnberg "star witness" who turned out to be highly unreliable was one Kurt Gerstein, an SS First Lieutenant whose lugubrious title was Chief Disinfection Officer in the Office of the Hygienic Chief of the Waffen-SS. In this role it was Gerstein's responsibility to supervise the deliveries of disinfection supplies to all the camps administered by the SS.

Two versions of what happened to him at the end of the war are offered to us by different authorities. In one version, he encountered American interrogators by chance on 26 April 1945 in a hotel in Rottweil, in the Black Forest. Apparently, he had told them that he had obtained a responsible post in the Nazi Party while operating as a secret agent on behalf of the anti-Nazi co-ordinator Rev.

Niemöller. He went on to reveal that he had been involved in the operating of gas-chambers, and said that he was quite willing to give evidence to this effect in court. He then handed them a seven page document, typed in French, together with a note in English and some Zyklon invoices, and then vanished.

In the second version, he somehow found himself in the Cherche-Midi military prison in Paris, where he composed a document in French, in his own hand, added the Zyklon invoices, and then hanged himself in July 1945. In either case, neither he nor his body has ever been produced.

The Gerstein Statement together with the Zyklon invoices was introduced as document 1553-PS at Nürnberg. However, the Statement is possibly the most ludicrous and obviously fake piece of evidence introduced during the whole series of trials.

The full text is included in Appendix A of Butz's *Hoax of the Twentieth Century*, and is well worth examination in order to get some idea of just how bizarre the entire Nürnberg episode was. Suffice it to say here that the Statement is riddled with inaccuracies and fantasy. It is simply not true that Hitler ever visited Lublin camp (paragraph 4). It is physically impossible to pack 700–800 people into a gas-chamber of 25 square metres (paragraph 7). Nor can August be described as being "in winter" (paragraph 7). Neither could there have been 25 million people gassed (paragraph 7), which even the AMT had to tacitly admit, since they edited this figure out of the particular version of the Statement submitted as document 1553-PS.

One of the more reliable aspects of the Gerstein Statement is undoubtedly the admission in paragraph 3 that there is a streak of insanity running in his family. However, this did not hinder the West German government in 1955 issuing an edition of the Gerstein Statement for distribution in German schools.

A drastically edited version of the Gerstein Statement was also introduced at the Jerusalem trial of Adolf Eichmann in 1961.

### SS Colonel Kurt Becher and Reszö Kastner

One of the less well remembered prosecution witnesses at Nürnberg was SS Colonel Kurt Becher, who was Adolf Eichmann's superior officer in Budapest. Becher's overall responsibility was for securing horses, supplies and equipment for the SS troops, after the occupation of Hungary in 1944.

What is not generally acknowledged is that Becher, like his colleague Eichmann, was actively pro-Zionist, and carried out many helpful tasks for the Jewish community in Budapest. Now a remarkable book has been written about this period by one of the Budapest Jewish leaders, André Biss, *A Million Jews To Save* (New English Library, 1973; previously published in German as *Der Stopp der Endlösung*, 1966).

Biss describes how Becher first became popular with the Jewish community in Budapest when he negotiated with the prominent Weiss family the purchase from them of a major share-holding in the biggest industrial and banking conglomerate in Hungary. Later, he also arranged for them to be granted exit visas, so that they could sit out the rest of the war in peaceful Switzerland or Portugal. Becher became extremely friendly with the Weiss family during the negotiations; he even lodged at the same block of flats where some members of the family housed their collections of art, antiques and tapestries (p.73). He also found that in order to buy any kind of supplies for the German forces,



he nearly always had to buy from a Jewish dealer, since, according to Biss "commerce, industry and banking came to be almost exclusively in their hands . . . even agricultural business, such as horse trading, had been up until then mainly conducted by Jews" (p.74). Later on in the war, Becher had the full support of the Weiss family in the removal westwards of all their factories, so as to prevent their seizure by the invading Soviets (p.169).

On 26 June 1944, Becher met with a prominent member of the Budapest Zionist Committee for Mutual Assistance (the Waada), a Dr. Rezső Kastner, who proposed that larger numbers of Hungarian Jews — up to a million — should be allowed to emigrate, in return for Kastner supplying substantial supplies of money for the Germans to use as they sought fit, presumably in the purchase of war materials: trucks were suggested. Biss tells us that Becher readily agreed to the scheme, and personally arranged for a representative of the Budapest Jews to be flown to neutral Turkey, where he could negotiate the gathering together of the necessary finance with Jewish interests in Allied countries. The man chosen to go was Jöel Brand, Biss's cousin, whom Biss variously describes as an ex-Communist (p.33), a drunk (p.34), a Zionist (p.35), a garment-manufacturer (p.36), a black-marketeer (p.36), a smuggler (p.37), a philanderer who was living with the mistress of one of Canaris's men (p.24) and a shirker who had avoided compulsory labour service by claiming to be diabetic (p.38). It was hardly surprising, therefore, that once Brand had left Hungary, he was not inclined to return, with or without the necessary funds. According to Biss, Brand deliberately had himself arrested by the British authorities in Syria, so that he would have an adequate excuse for not returning to Budapest. (On the whole, Brand would appear to have been a rather different character from the heroic one portrayed in *The Jöel Brand Story*, shown on German TV in November 1964.)

But Becher was still determined to get the scheme under way. He agreed to the despatch of a first train-load of Jews to Switzerland, although the journey was a roundabout one, involving several weeks' wait at the transit camp of Bergen-Belsen. The emigrants consisted of prominent rabbis and Zionist leaders, about fifty friends and relations of Kastner's from his home town of Kluj, and the most numerous group — the Zionist Youth pioneers, who had already trained at Nazi-sponsored agricultural camps for colonising work in Palestine.

With Brand's failure to return from Turkey, Becher and Kastner were obliged to do their own negotiating for the trucks-for-Jews deal with Jewish interests outside the Reich. On 21 August 1944, the Nazi Becher and the Jew Kastner both travelled to the Austro-Swiss border at Sankt-Margrethen, where they conversed, rather dramatically across the actual frontier demarcation line, with Saly Meyer, an elderly Jewish banker who was the Swiss representative of the American Joint Distribution Committee, the New York based Jewish charity. Meyer explained that the Allied governments were not at all keen on allowing US currency to go to the Nazis, even if it was for a 'good cause', i.e. "rescuing Jews from extermination". However, Biss explains that the Jews' tactics were to string the Nazis along, always promising that money would be coming soon, in order to ensure the well-being of all the potential émigrés.

Kastner's Waada was in constant contact with the leaders of the Jewish community in Slovakia, Dr. Oskar Neumann and Rabbi Michael Weissmandel, and they in turn were in touch with Polish Jewry, particularly with Alexander

Weissberg in Cracow, who kept an eye on nearby Auschwitz. Biss admits that it was the Budapest Waada which first fed the reports of "Auschwitz exterminations" to the outside world, having collected information via these contacts (p.65). Becher's office was even involved in this network. In September 1944, after a minor Jewish uprising in Slovakia, Becher's aide-de-camp SS Captain Gruson accompanied Kastner and Biss to Bratislava in Slovakia, to see what could be done to aid the Jewish community, which was suffering from the Nazis' vigorous methods of restoring order.

Becher was also involved in the Waada's links with the War Refugee Board, the American government's committee for the welfare of (chiefly Jewish) refugees, which was run by Henry Morgenthau Jr., the leftist Jew who had the ear of President Roosevelt. On 5 November 1944 Becher was allowed into Switzerland for talks with Roswell D. McClelland, a prominent American Quaker, who ran the key Berne office of the War Refugee Board. McClelland worked extremely closely with both the Jewish community organisations and the OSS — the Office of Strategic Services which was later to become the CIA. (In fact, the then head of the OSS in Switzerland, Allen Dulles, has now become overall head of the CIA.) It was McClelland who was able to fix up a Swiss visa for Becher, through the US Embassy.

It was McClelland who several months previously had been responsible for forwarding to Washington the dossier on Auschwitz which was later to become the *WRB Report*, and submitted as an important item of evidence at Nürnberg. The report, allegedly a compilation of interviews with five anonymous Auschwitz escapees, was passed to McClelland by Rabbi Weissmandel, the Slovakian Jewish leader who worked closely with Kastner and Biss. Kastner and Biss, in turn, liaised with another WRB agent in Budapest, Raoul Wallenberg, a Jewish member of the Swedish diplomatic staff. Relations were so cosy, it seems, that Biss's chauffeur (!) was allowed to park Biss's new American car (!) in the Swedish Embassy yard in Budapest. (On page 184 of his book, Biss complains bitterly that after the Soviet occupation, the car was appropriated.) Wallenberg's disappearance at the end of the war remains a mystery: he was last seen heading for the Soviet Army HQ in Budapest to complain about the exactions of the Red Army.

Becher met McClelland at the Hotel Savoy-Baur-en-ville, near Zurich, after visiting Berlin for last minute instructions from Himmler. The minutes of the McClelland-Becher interview remain to this day one of the tightest-kept secrets of the entire war, although the actual meeting itself is quite well known to historians. According to Biss (whose book incidentally is not just badly translated into fractured English but also extremely chaotically written) Becher agreed with the American that the "exterminations would be immediately stopped", in return for Washington giving permission for the transfer of cash from the Joint Distribution Committee to a Nazi bank account in Switzerland.

During the Nürnberg evidence, Becher claimed that when he reported back to Himmler, the Reichsführer suddenly flew into a rage, and yelled that "the Americans wanted to stop things that had never existed". Then, "yielding to Becher's prudent advice" Himmler issued a written order to Pohl and Kaltenbrunner stating, "With immediate effect I forbid all extermination of Jews and I order, on the contrary, that care be taken of those weak or sick. I hold you personally responsible even in cases where

this order may not be strictly carried out by subaltern authorities." However, no example of this damning document was produced at Nürnberg; Becher's text was drawn purely from his own memory. Indeed, in *La Terre Retrouvée* of 15 December 1960, Dr. Kubovy the director of the World Centre of Contemporary Jewish Documentation in Tel-Aviv admitted that there is in existence not one single mention or order for exterminations from either Hitler, Himmler, Heydrich or Göring.

Kastner too sent evidence to the IMT at Nürnberg, in the form of affidavit 2605-PS, written in London and submitted on 13 September 1945. Although Kastner himself had never seen a gas-chamber or an extermination camp, he regarded himself as an 'authority' on the extermination programme by virtue of his intelligence-gathering operations in the Waada and his intimate contacts with Becher and Wisliceny. But Kastner was also at pains to portray Becher as a "good Nazi" — a point of view for which he was later to pay the ultimate penalty.

After the Nürnberg Trials, all the characters in this bizarre tale went their separate ways.

Kastner went to live in Switzerland, and in 1946 hurriedly threw together a dossier, the *Rapport du Comité juif d'Assistance de Budapest*, which he presented to the following year's Zionist Congress held in Israel. The report was later published in book form, with "certain modifications", as *Rapport Kastner*, edited by Ernest Landau at Munich in 1961. In 1947, Kastner went to Nürnberg in person, to become "Gen. Taylor's adviser on matters relating to the extermination of the Jews", at the AMT. Later on, Kastner emigrated to Israel, where he continued to publish his Hungarian language newspaper *Uj Kelet*. He joined Ben Gurion's Mapai party, eventually becoming the Prime Minister's press officer. But during the parliamentary election campaign of 1954, his political adversaries taunted him about his former contacts with the Nazis, particularly his close relationship with Becher, claiming that there had been financial irregularities and that Kastner had used the deal to allow his family and friends to escape. Kastner sued for libel and won a farthing damages. He was about to appeal, with the support of the Israeli government, when he was gunned down in a Jerusalem street by "a young zealot" (in fact a Mossad agent). Nine days later, on 12 March 1957, he died in hospital.

André Biss was privileged enough to be allowed out of Soviet-occupied Hungary at the end of the War. He went to Switzerland and then Austria, where he gathered funds with the intention of returning to Budapest to finance the welfare of destitute Jews. However he was arrested by the French government of occupation, and spent two months in prison on a charge of fraudulent currency dealings. Biss settled down in Switzerland, although he made an excursion to Israel in 1961 with the intention of giving evidence against Adolf Eichmann. However, when Biss refused to omit from his evidence any mention of the Kastner-Becher negotiations (since the subject was still a hot potato for the Mapai party) Prosecutor Hausner decided to do without Biss's evidence. Biss commented, "What had started by being just and objective became an act of collective accusation against the whole German people" (p.191). Biss explained this strange Israeli aversion to publicising a "Jewish victory over Eichmann" (the successful convoys) by saying that such a victory "had no place in the official version of the Jewish martyrology, that is to say, the total extermination of Jews in central Europe" (p.194, original emphasis).

Jöel Brand, Biss's wayward cousin who had managed to

get himself locked up in the security of a British jail for the duration of the war, also turned up at the Eichmann Trial. He declared to the court that in the month of May 1944, when the German troops entered Budapest, he was under "preventive arrest", when in fact he had abandoned his family and was co-habiting with a dancing-girl. Brand tried to compensate for his erratic behaviour on the Istanbul mission by deriding the entire scheme and heaping abuse on both Kastner (even though dead) and Becher. Although Brand had only met Becher once before he left for Turkey, he was still able to describe Becher as "a war criminal of the worst sort". However, Brand's low regard for Becher had not prevented him from going to see Becher immediately after the war and asking him for a certificate to use in his claim for compensation being heard in the German courts at that time. Biss reckoned that there were no less than seven false statements in Brand's evidence, and applied to both the Minister of Justice and the Prime Minister himself to have Brand arrested for perjury; but to no avail. Biss also assessed that out of the 102 witnesses called by the prosecution, at least 90 of them had not only never met Eichmann, but until the end of the war had never even heard his name.

Dr. Alexander Weissberg, the Cracow Jew who kept an eye on nearby Auschwitz, ended up doing scientific research in the USSR after the war. He was deported during the Stalin purges, and in 1956 published his version of the Trucks-for-Jews deal under the title *Die Geschichte von Jöel Brand* (Cologne, 1956). It was this eulogy of Brand which formed the basis for a German TV film in 1964.

Rabbi Weissmandel, the leader of the Slovakian Jews, who was responsible for the collating, and probably writing, of the Auschwitz dossier published by the War Refugee Board, emigrated to the United States after the war and set up an orthodox Talmudic seminary in New York State. He died in November 1957. However his war memoirs, which dealt in depth with his contacts with Kastner, Becher and McClelland, were published posthumously in Hebrew in 1960.

Dr. J. Oskar Neumann, Weissmandel's colleague in Bratislava, also put his memoirs into print, as *Im Schatten des Todes*, published in Tel-Aviv in 1956.

Even though Becher had taken the "correct" line at Nürnberg, he himself was held in prison while the authorities decided what to do with him. In 1947 he faced a de-Nazification tribunal, and was released, chiefly thanks to a supporting affidavit from his old friend Rezsö Kastner. It was this affidavit which eventually caused Kastner to be accused of being a "Nazi-lover" in Israel.



The International Military Tribunal: from Left to Right: Falco and de Vabres (France), Parker and Biddle (USA), Lawrence and Birkett (Britain), Nikitschenko and Volchkow (USSR).

## THE SENTENCES

COUNT	1	2	3	4	SENTENCE
Göring	G	G	G	G	Death
Hess	G	G	I	I	Life imprisonment
Ribbentrop	G	G	G	G	Death
Keitel	G	G	G	G	Death
Kaltenbrunner	I		G	G	Death
Rosenberg	G	G	G	G	Death
Frank	I		G	G	Death
Frick	I	G	G	G	Death
Streicher	I			G	Death
Funk	I	G	G	G	Life imprisonment
Schacht	I	I			Acquitted
Dönitz	I	G	G		10 years
Raeder	G	G	G		Life imprisonment
Schirach	I			G	20 years
Sauckel	I	I	G	G	Death
Jodl	G	G	G	G	Death
Bormann	I		G	G	Death
von Papen	I	I			Acquitted
Seyss-Inquart	I	G	G	G	Death
Speer	I	I	G	G	20 years
Neurath	G	G	G	G	15 years
Fritzche	I		I	I	Acquitted
Reich Cabinet	Not criminal				
General Staff & High Command	Not criminal				
Leadership Corps	Partly criminal				
Gestapo	Party criminal				
SD	Partly criminal				

G = Guilty

I = Innocent

A blank space indicates that no charge was made on that count.

## THE EXECUTIONS

Göring escaped the hangman's noose by committing suicide shortly before the scheduled time for execution. The other ten were hanged on 15 October 1946, which just happened to coincide with the Jewish feast-day of Hoshana Raba.

The executions took place in virtual secrecy, for they were deliberately bungled. The prisoners were given a short drop so that their necks would not be instantaneously broken and they would strangle slowly. The official timing between the springing of the trap and the extinction of life in the ten victims were Minutes 18, 24, 13, 10, 10½, 12, 14, 14, 16 and 11. The man in charge of the executions was

one John C. Woods, a sergeant in the US Army, who in 1952 was himself mysteriously electrocuted on the remote island of Eniwetok. An article in *Stag* magazine (Vol. 3, No. 1) by the official US Army undertaker, who was present at the executions, states that "The Jewish-American boy in charge of the execution" (of Julius Streicher) "let him strangle horribly for a long, long minute". Several of those executed also suffered face and head injuries, as they struck the edges of the trap door opening, on the way down.

Streicher was the only one of the ten to have fought physically with his executioners. When he was finally subdued he gave a Heil Hitler salute before he died.

Kempner had authoritatively predicted in the *New York Times* that the Nazi war criminals would be buried in unmarked graves to "avoid fanatical pilgrimages by still ardent Nazis". In actual fact, the ultimate procedure was even more hysterical and paranoid. The ten bodies, plus Göring's, were displayed to waiting newsmen (and gory photographs splashed over the next day's sensationalist press, except in Britain where they were considered too disturbing).

The bodies were then disguised in US Army uniforms, taken secretly to Dachau and cremated there; their ashes being sifted into the nearby River Isar.

## THE IMPRISONMENTS

Seven of the Nürnberg defendants received terms of imprisonment. On 18 July 1947, the seven were transferred in a Dakota aircraft to Berlin-Gatow, and each prisoner, handcuffed to a US soldier, was loaded into an RAF bus with barred windows, and taken to Spandau prison. The seven were:

Name	Age (in 1947)	Sentence	Prison No.
Baldur von Schirach	40	20 years	1
Karl Dönitz	56	10 years	2
Konstantin von Neurath	74	15 years	3
Erich Raeder	71	life	4
Albert Speer	42	20 years	5
Walter Funk	57	life	6
Rudolf Hess	53	life	7

Spandau, an ugly red-brick civilian prison, built in 1876, was to be run in rotation by each of the Great Powers. Britain's months would be January, May and September; France was in charge in February, June and October; the USSR in March, July and November, and the USA in April, August and December. When the Soviets' turn came round, they would be allowed to march their guard into West Berlin from the Eastern sector — a privilege which they have closely guarded to this day.

When the prisoners arrived, they were stripped stark naked and paraded into a medical office where all their orifices were examined to make sure they were not concealing capsules of poison. Initially, the prisoners were not allowed to speak to either the guards or their colleagues. Their diet was kept to the bare minimum necessary for survival, until their condition began to deteriorate. The Americans decided to put up the ration, but the Soviets returned them to minimum when they took over guard duty. The prisoners were not allowed to receive newspapers, with the exception of a weekly church paper. Prisoners were not allowed to either sit or lie on their beds during the day.



Six concrete watch-towers were built around the prison perimeter, and a 4000-volt electric fence ran the whole way round. It was decided that the prison's guillotine could be dismantled, and the execution chamber was instead turned into an operating theatre, so that the prisoners would not have to go out of the prison for hospitalisation.

The prisoners were all obliged to do prison work, although it was debatable whether this was part of their sentence. The Soviets continually insisted that the sentence had implied compulsory hard labour with solitary confinement. Each prisoner was in fact allowed one visitor for 15 minutes every two months, although Hess always refused to allow his family to see him in such a miserable state. Von Schirach's wife divorced him quite early on during his confinement.

As the years passed, it was inevitable that some of the warders took pity on their charges. When a bottle of wine was smuggled to the prisoners, and they got a little merry, the Soviets immediately suspected the communion wine in the prison chapel, which was promptly banned. When a bar of chocolate was found in Neurath's cell, questions were asked in the House of Commons about this unforgiveable misdemeanour by Arthur Lewis (still the) Labour MP for West Ham North.

But as the older prisoners' health deteriorated rapidly, the prospect of some of them dying in prison had to be taken into account. Coffins were made for each of them, from measurements used for their prison clothes. But before such a contingency should arise, out of the blue the Soviets agreed that the chronically ill Neurath should be released. On 6 November 1954, he was released into the care of his relatives, with whom he lived for two years before dying of asthma.

The next name on the list of likely deaths was Raeder's. But as the rumours began to spread of his impending release, a chorus of reaction was encountered from certain elements. In the *Sunday Despatch* of 11.9.55, Lord Russell, one of the British legal advisers at Nürnberg, contributed an article headed "Would You Set These Villains Free?" Beneath a picture of Admiral Raeder was the caption "Sink-at-Sight Admiral". However, as Veale points out in a most cynical commentary on page 231 of *Crimes Discreetly Veiled*, not a line of the article relates to any of the 'war criminals' pictured at the top of the page. Veale relates that he wrote to the *Sunday Despatch* editor to ask him to correct some of the wilder inaccuracies in Russell's article, such as the untrue allegations that the Spandau prisoners' sentences were subject to continual review by a Review Board, but the letter was never published. Despite the sensationalist outpourings of the Sunday tabloids, Admiral Raeder was released fifteen days later on 26 November 1955, on account of his rapidly deteriorating health. He died shortly afterwards.

A year later it was Dönitz's turn, but not because of any 'clemency' on the part of the Allies. Dönitz had served his 10 year sentence to the minute, at the Soviets' insistence. Funk was released in 1957 after a period of severe illness. Speer and Schirach both served their entire 20 year sentences and were released on 30 September 1966.

Rudolf Hess still remains in Spandau today, the sole prisoner in a jail built for 600. He is looked after by a prison force of 38 soldiers, 22 cooks and sundry cleaners and waitresses. The cost, now borne by the German government, is in the region of a million Deutschmarks a year. There is no doubt that the Western powers would have liked to have released him long ago, but the Soviets

insist on keeping him incarcerated so that they can have continued military access to West Berlin.

## THE AMERICAN MILITARY TRIBUNAL (AMT)

After the International Military Tribunal had reached its foregone conclusions, each of the participant nations decided to go their own way and hold unilateral trials in their own zones of occupation.

As Nürnberg was in the American zone, they were able to continue with their trials at the same Palace of Justice where the Nazi leaders had just been tried. This undoubtedly gave their trials, rather than those of the other Allies, that extra seal of 'authority'. Indeed, with the passing of time, many people, including historians, have started to confuse the two totally separate trials, and one can sometimes read about the American trials at Nürnberg being described as "International". This is incorrect. There was only one international trial: that of the 21 Nazi leaders.

The Americans held twelve subsequent trials at Nürnberg, involving 199 defendants including Alfried Krupp, whom the Americans had wanted to try during the IMT in place of his hospitalised father, Gustav. The American Prosecutor Jackson had claimed that this was a "trial for posterity". But Sir Norman Birkett strongly opposed this suggestion, which he called "shocking" and pointed out that this was not a game of football in which a reserve could be fielded. The younger Krupp had to wait until the AMT for his share of Nürnberg 'justice', therefore. He was sentenced to 12 years' imprisonment, but was released after 7, and had his confiscated property returned to him.

There is not room here to go into each of the twelve cases in great detail, but we will examine in some depth those cases which represent the greatest examples of intrigue.

By August 1946 the AMT staff had drawn up a list of close to 5000 names of Nazis whom they wished to arraign. The list proved to be too ambitious, and had to be cut down because of lack of "time, staff and money". Although an attempt was made to retain some kind of "balance" with respect to the types of offence and occupation of the defendants, sometimes the rationale used in deleting names was rather arbitrary, to say the least. A cut-off point was drawn across a list of names according to "the size of the defendants' dock in the particular courtroom which was to be used."

The trials were referred to variously according to the case number, the name of the major defendant or a descriptive title, as follows:

Case No.	US vs.	Description	AMT vols.
1	Brandt	Medical case	1, 2
2	Milch	Milch case	2
3	Alstötter	Justice case	3
4	Pohl	Concentration camps case	5, 6
5	Flick	Businessmen case	6
6	Krauch	I.G. Farben case	7, 8
7	List	Hostages case	9
8	Greifelt	RuSHA case	4, 5
9	Ohlendorf	Einsatzgruppen case	4
10	Krupp	Krupp case	9
11	Weizsäcker	Wilhelmstrasse or Ministries case	12 - 14
12	von Loeb	High Command case	10, 11

The official title of the trial summaries is: *Trials of War Criminals Before the Nuremberg Military Tribunals Under Control Council Law No. 10 October 1946 - April 1949*, and the volumes are published under the imprint of the US

Government, Washington, at various dates between 1946 and 1949.

The AMT administration functioned through two separate organisations. One was the collection of Tribunal members — the judges, who functioned through a Secretariat headed by a Secretary General. The judges were recruited in the US by the Department of the Army. There were three or more judges at any one trial.

The second organisation was the Office, Chief of Counsel for War Crimes (Telford Taylor) which had come into existence on 24 October 1946; the same day the IMT executions were carried out. It filed its first indictment against the second-rank Nazis the next day.

Taylor, who had been an associate trial counsel at the IMT, really took over where Jackson left off, as the AMT trials were held in the same Nürnberg courthouse.

Taylor was responsible for almost everything except the appointment of the judges. His Office was also charged with determining who should or should not be tried, what the charges should be and how prisoners should be disposed of if they were not to be charged. The Office also took over the functions of the Nürnberg staff, and was formally responsible for interrogations, field work, examination of documents, court reporting, and translating and interpreting.

However, as with the earlier IMT hearings, there is a considerable amount of evidence to show that it was in fact the War Crimes Branch which made the running, not the Chief of Counsel.

The new head of the War Crimes Branch was Col. David "Mickey" Marcus, a fanatical Zionist whose career is even now shrouded in mystery. We do know that Marcus was a West Point graduate who before the War was Commissioner of Corrections in New York. As an army officer during the War he helped draft the German and Italian surrender terms, and he also acted as a legal aide at the Potsdam conference in the summer of 1945. He appears to have had a real importance quite incommensurate with his relatively common rank of Colonel, since we are told that during the War he had made a "favourable impression on F.D.R. . . . he was one of the anonymous handful who charted American policy behind the scenes."

Marcus' precise position was that of Chief of the Planning Branch of the Army's Civil Affairs Division, which had been set up under General Hilldring in 1943 to prepare for military government in (occupied) Germany.

In fact it was because of his responsibilities and experience at the CAD that Marcus later became "number three man in making American policy" in the American zone.

Early in 1946 Hilldring pulled him out of his military government position and assigned him to take over from Brig. Gen. John M. Weir as head of the War Crimes Branch, which had been transferred from the JAG (legal) Dept. to the CAD (government) Dept. on 4 March 1946.

According to Josiah du Bois, who headed the AMT trial number 6 against I.G. Farben, and later described the case in *The Devil's Chemists*, Marcus had been specifically appointed in order "to take over the mammoth task of selecting hundreds of judges, prosecutors and lawyers" for the AMT and Tokyo trials.

His appointment was effective as of 18 February 1946, but he spent a few months sizing up the situation in Japan before moving back to the Washington head office of the War Crimes Branch in June.

#### AMT 4

The main defendant in AMT 4, Oswald Pohl, had been chief disbursing officer of the German Navy until 1934, when Himmler requested his transfer to the SS. For eleven years he was the principal administrative chief of the entire SS in his position as head of the SS Economy and Administrative Office. After 1941 he and his office were concerned with the industrial productivity of the concentration camps.

Pohl was an extremely sensitive and intellectual individual who was reduced to a broken man in the course of his trial. As Senator McCarthy pointed out on 20 May 1949, Pohl had signed some incriminating statements only after being subjected to torture, including having his face smeared with faeces. His torturers managed to extract from him the bogus admission that he had seen a gas chamber at Auschwitz in 1944. The prosecution strenuously pressed this point, but Pohl successfully repudiated it. The aim of the prosecution was to depict this dejected man as a fiend in human form, an impression which was totally at variance with the testimony of those who knew him.

One such character witness was Heinrich Höpker, an anti-Nazi friend of Pohl's wife who had been in frequent contact with him during the latter part of the war. Höpker noted that Pohl was essentially a serene and mild-mannered person. During a visit to Pohl in the spring of 1944, Höpker was brought into contact with some concentration camp inmates who were working on a local project outside their camp. He noted that the prisoners worked in a leisurely manner and relaxed atmosphere without any pressure from their guards. Höpker declared that Pohl did not hold an emotional attitude towards the Jews, and did not mind his wife entertaining her Jewish friend Annemarie Jacques at their home. By the beginning of 1945, Höpker was fully convinced that the administrator of the concentration camps was a humane, conscientious and dedicated servant to his work, and he was astonished when he heard later in 1945 of the accusations being made against Pohl and his colleagues.

Frau Pohl noted that her husband retained his serenity in the face of adversity until March 1945, when he visited the camp at Bergen-Belsen at the time of the typhus epidemic there. Hitherto the camp had been a model of cleanliness and order, but the chaotic conditions at the close of the war had reduced it to a state of extreme hardship. Pohl, who was unable to alleviate conditions there because of the desperate stage which the war had reached by that time, was deeply affected by the experience, and according to his wife, never regained his former state of composure.

Dr. Alfred Seidl, the highly respected lawyer, who acted as principal defence counsel at the IMT, went to work passionately to secure the acquittal of Pohl. Seidl had been a personal friend of the accused for many years, and was thoroughly convinced of his innocence. The American judgement which condemned Pohl did not prompt Seidl to change his opinion in the slightest. He declared that the prosecution had failed to produce a single piece of valid evidence against him.

One of the most eloquent defences of Oswald Pohl was made by SS Lieutenant Colonel Kurt Schmidt-Klevenow, a legal officer in Pohl's office. However, for some odd reason, the affidavit which Schmidt-Klevenow made on 8 August 1947 has been omitted from the records of the AMT. The affidavit stated that Pohl had given his fullest support to Judge Konrad Morgen of the Reich Criminal Police Office, whose job it was to investigate irregularities in the concen-

tration camps. Pohl had been so disturbed by brutalities at Buchenwald camp that he pressed for the death penalty against the camp commandant Koch, who was arraigned before a public SS court on a charge of misconduct. Schmidt-Klevenow also explained that Pohl was instrumental in arranging for local police chiefs to share in the jurisdiction of concentration camps, and took personal initiative in securing strict discipline on the part of camp personnel.

The defence were also able to show that the prosecution's main item of evidence was falsified. The prosecution had presented an affidavit, which had already been used in the Kaltenbrunner trial, written by one Alois Höllriegel, a member of the staff at Mauthausen concentration camp in Austria. The affidavit claimed that a mass gassing operation had taken place at the camp. The defence were not only able to show that Höllriegel had signed the affidavit under torture but also that all deaths at the camp were systematically checked by the local police authorities. The deaths were also entered on a camp register, which was produced in evidence. The defence also obtained numerous affidavits from former inmates at Mauthausen (a prison camp chiefly for criminals) testifying as to the humane and orderly conditions which prevailed there.

Yet another unreliable witness in Case 4 was one SS Major Wolfgang Grosch. Grosch was supposed to confirm that the shower-baths at Auschwitz were in reality gas-chambers. This he did in his affidavit of 20 February and 5 March 1947 (NO-2154). However the day before he was due to testify in person at the trial, he retracted all these statements, and denied any knowledge of gas-chambers. (This is mentioned in his interrogator's affidavit NO-4406). But when it came to the crunch, he again changed his mind, and agreed that there had been gas-chambers after all. This testimony should appear in the AMT transcript, pages 3565 — 3592 for 27 and 28 June 1947, but for some odd reason these pages are missing from some editions.

Pohl was hanged in 1951, after he had extended his life by several years by giving prosecution evidence at various other war crimes trials.

#### AMT 6 I.G. Farben

The Nürnberg case against the staff of I.G. Farben was chiefly based on the giant chemical combine's installation near Oswiecim (Auschwitz) in Poland.

It was claimed that I.G. Farben had been party to the maltreatment of internees, the use of slave labour, and the extermination of Jews.

Contrary to popular opinion, Auschwitz was not primarily a concentration camp. It was a giant industrial complex, set up by the Germans to exploit the massive resources of coal in this part of Polish Upper Silesia. Auschwitz, or to use its Polish name, Oswiecim, was well situated on the main Vienna—Cracow railway line. Three rivers met there, which could be harnessed to provide power for the plants, and a fourth river could be used to dispose of waste. Until 1941, the only camp of any description there was an old Polish army barracks near the town, which the Germans used to house Russian prisoners-of-war. The camp became the nucleus for a rapid programme of expansion. The Russian PoWs were used to build the main industrial installation a mile and a half to the North-West, at a place referred to both as Birkenau and Auschwitz II. The Russians then went on to build a third complex, to the East of Auschwitz at a place called Monowitz, and it was here that the I.G. Farben plant was set up. Monowitz was also known as Auschwitz III. The

Hague Convention allowed for the use of prisoners-of-war in non-military tasks. Indeed, there were a significant number of British PoWs at Monowitz, who never complained about having to work (and incidentally, never saw any evidence of "gas-chambers"). There were also a dozen or more satellite installations, scattered throughout the region, such as a farm at Harmensee and a botanical laboratory at Raisko. One of the botanists on the staff of Raisko, Thies Christopherson, has written an authoritative description of Auschwitz, *The Auschwitz Lie*, which denies the existence of gas-chambers or any other kind of extermination programme. So too does Dr. Wilhelm Stäglich, who is now a Hamburg judge, but during the war was stationed at an anti-aircraft battery at Osiek, six miles south of Auschwitz.

Once the industrial complex started operations, extra labour had to be brought in to work in the various processes. Besides the small numbers of British and Russian PoWs, there were 20,000 workers at Auschwitz I, 35,000 at Birkenau and 15,000 at Monowitz. More than half of these workers were free foreign workers who had enlisted voluntarily for labour, just as guest workers travel to Northern Europe from the Mediterranean today. Less than thirty per cent of the workers at the Farben plant were in the prisoner category, and the remaining twenty per cent or so were ordinary German soldiers and civilians like Christopherson.

The working hours at Auschwitz were those standard for the German concentration camps; eleven hours a day, six days a week. As a large 'company town', Auschwitz was able to supply a wide range of recreational activities: concerts; cabaret, films and athletics. There was even a brothel for the male prisoners.

The overall responsibility for the three camps lay with the SS, whose main administrative office was located at Auschwitz I, although there were other SS-run facilities, such as a large hospital, at Birkenau. The SS rented out the internees to I.G. Farben and the other factories in the area, in an early form of 'lump-labour'. When the Farben plant grew big enough to lay on their own ancillary facilities for prisoners, naturally the fees paid to the SS were reduced. This caused some friction between the two organisations, especially as Farben tried to exploit the situation even more by off-loading all their sick workers onto the SS hospital at Birkenau.

However, the three camps were beset by difficulties right from the start. The ground was extremely flat without drainage; it was dotted with stagnant ponds which were a breeding ground for malaria, even in peace time. Also the original Russian prisoners had brought in typhus, which was never properly eradicated, and at one point flared up so much that all work at the camp had to be halted.

At Nürnberg, several witnesses claimed that they knew of the extermination programme because they could not escape the stench of burning flesh which pervaded Auschwitz. However, both Christopherson and Stäglich were unaware of any such smell, apart from the occasional unpleasant waft of scorched hooves and molten iron from a nearby farrier's. Of course, this is not conclusive counter-evidence in itself, since both men were stationed at installations five or six miles away from the main complex.

What the AMT overlooked was the rather obvious fact that I.G. Farben was a chemicals industry, and chemicals do tend to give off rather an unpleasant odour, particularly in times when pollution and emission controls were unheard of. The I.G. Farben factory at Monowitz produced artificial oil and the chemical process involved did give off



a strong stench. There were also five blast furnaces and five collieries in the vicinity, as is confirmed by Reitlinger. It is obvious that the witnesses at Nürnberg confused (either deliberately or otherwise) the stench of industry with the smell of "burning bodies".

Of course, this is not to deny the existence of crematoria. There was a crematorium attached to each of the three camps to facilitate the disposal of the bodies of workers who had died of typhus — this was and is the most sanitary means of disposal. After all, there were up to 200,000 inhabitants of the complex, and any city of that size would have its own crematorium. Naturally people died there; but not only prisoners. In fact the wife of Christopherson's commander died there and was cremated. After the war, Christopherson was astounded to hear allegations from Nürnberg and elsewhere that there had been an enormous central crematorium with five chimneys which processed 24,000 corpses a day. Christopherson was not the only one who missed this amazing building. According to Reitlinger, the building was demolished "in full view of the camp" but only one witness, a certain Dr. Bendel, has ever testified to this occurrence. Despite the publication of pot-boilers such as Olga Lengyel's ludicrous *Five Chimneys*, there is no proof whatsoever that this building ever existed.

It is also true that there were 'gas-chambers' of a sort at Auschwitz. These fell into two categories. Firstly, there were underground gas-generation chambers, which produced gas vapour from coke or coal, to be burnt upstairs in the crematoria. The second was a disinfection chamber, where prisoners' clothes were deloused by fumigating them with pesticide, in this particular case Zyklon B. The US Army had similar chambers, but they preferred to use the less-dangerous DDT. Lice were, of course, the source of typhus.

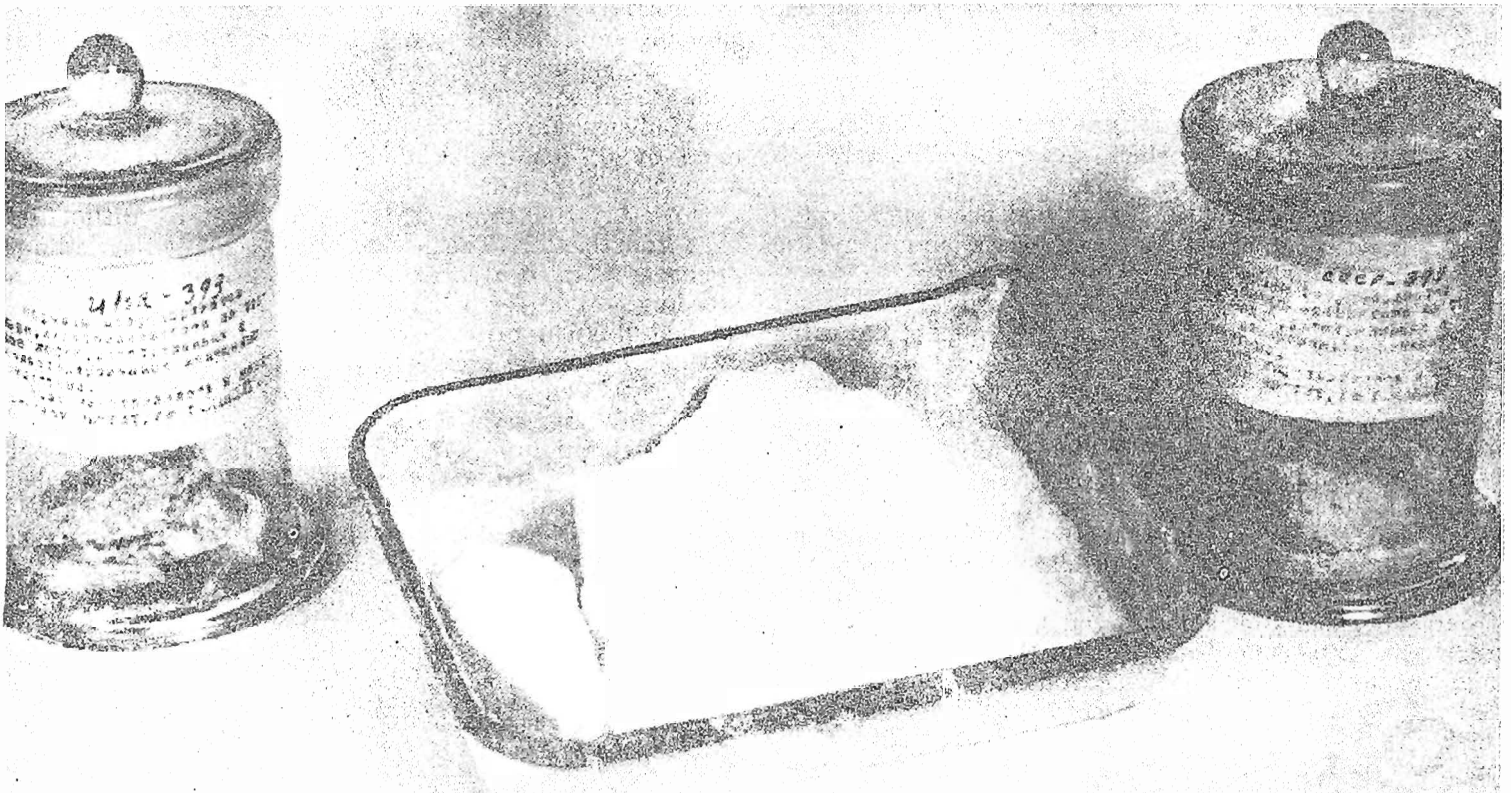
All of these points are more fully documented in Butz's *Hoax of the Twentieth Century*.

The largest single item of evidence against I.G. Farben which was submitted at Nürnberg was Document Book 89, which had previously put in a brief appearance at the IMT as document 022-L. The document was an anonymous report, supposedly based on the evidence of five Auschwitz escapees, which had ended up with the War Refugee Board in Washington. A US Army Major Walsh had signed an affidavit on 14 December 1945, confirming its authenticity. However, the Farben defence counsel objected to the introduction of anonymous material, and this objection was sustained by the court. But after some more legal argument, the court decided to take a rather ambiguous "judicial note" of the document.

The anonymous escapees had apparently absconded from Auschwitz where they had been on the hospital staff. Their report first turned up in Geneva, claiming that the Germans were conducting an extermination programme, and using Jewish corpses to make fertiliser. Their report was forwarded to Washington, where strenuous efforts were made to authenticate the report, via the Vatican. A month later, in October 1942, the Vatican replied that they could uncover no evidence to back up the allegations. The report lay in the pending tray, until bit by bit, more allegations in the same style started to drift out of Nazi-occupied Europe.

Then in November 1944, over two years after the arrival of the report, it was suddenly decided to publish it in booklet form: *German Extermination Camps: Auschwitz and Birkenau*. Although the imprint was the Executive Office of the President, the actual impetus for publishing came from the newly-formed War Refugee Board. The WRB was run largely by Henry Morgenthau Jr., the Secretary of the Treasury, later to publish the infamous Morgenthau Plan for the pastoralisation of Germany. He was assisted by Henry Dexter White (Weiss), later to be exposed as a Soviet agent.

The general counsel of the War Refugee Board was one



Russian 'soap' evidence from Auschwitz. Such allegations bare an uncanny resemblance to World War I horror stories of Belgian babies turned into soap by the Huns.

Josiah Du Bois, who was later to become chief prosecution counsel at the Nürnberg trial of I.G. Farben. Du Bois' career had been closely intertwined with that of the Soviet agent White, as well as that of another Communist agent William L. Ullmann. Du Bois was held in such high regard by White that White made him a witness of his will.

Even after the report came out, the State Department remained sceptical about the validity of the extermination rumours: "Stuff like this has been coming from Bern ever since 1942 . . . Don't forget, this is a Jew telling about the Jews . . . This is just a campaign by that Jew Morgenthau and his Jewish assistants." But by the time the WRB report was submitted as Nürnberg document 022-L, so much supplementary 'evidence' of exterminations had been 'uncovered' that the authenticity of the report was 'beyond doubt'.

When it was first published in Washington, the WRB report consisted of two anonymous reports, one written by "two young Slovakian Jews" and the other by "a Polish major", all of whom had been inmates at Auschwitz from 1942 until they escaped separately in 1944. There is also a supplement said to have been written by two more young Jews who escaped later in 1944.

Amongst the lurid fantasies given vent in the report is a description of an 'inauguration ceremony' for the first Auschwitz crematorium in March 1943. The 'programme' consisted of the gassing and burning of 8000 Cracow Jews. The audience, consisting of prominent guests from Berlin, were "extremely satisfied with the results." It seems rather odd that for such a gathering of prominent dignitaries, no names are forthcoming.

The report tells of German interrogation of the block-mates of the two earlier escapees; in direct contradiction of the foreword, which states that the Germans were completely unaware of the identity of the escapees; hence the 'necessity' for anonymity.

At several other points, the various accounts in the report are contradictory. The two Slovakian Jews say that the Auschwitz crematoria started operation in February 1943, whereas the Polish major maintains that they commenced operation in autumn 1942.

Although the 'necessity' for anonymity passed with the defeat of the Nazis, the 'authors' of the report were not exactly rapid in their endeavours to claim responsibility for this very interesting document. It was not until the trial of Adolf Eichmann in 1961 that the two young Slovakian Jews finally acquired identities — 16 years after the Nazi threat had passed! The prosecution stated that they were actually Alfred Wetzler, by then a civil servant in (Communist) Czechoslovakia, and Rudolf Vrba (alias Rosenberg, alias Rosenthal), a hospital biochemist in Cardiff. Surprisingly, the WRB report was rejected by the Jerusalem court, on the grounds that there were too many contradictions in the statistics (this did not seem to prevent the admission of reams of other contradictory documents). Late in the trial, the prosecution produced a hastily written affidavit from Vrba in Britain, explaining that the figures were rather confused because they were not his own. However, this too was rejected by the court, on the grounds that Vrba should have been at the trial in person.

Vrba did manage to put in an appearance at the Auschwitz trial in Frankfurt in 1964, as did Wetzler. According to their evidence, they escaped from Auschwitz to Czechoslovakia, where they gave their report to Jewish elders, including a Rabbi Weissmandel who distributed it to various agencies throughout Europe, including the

American Embassy in Switzerland. The two went into hiding for the rest of the war. This 1964 version differs considerably from the 1945 evidence presented at Nürnberg. According to the affidavits of the investigation staff, the two escapees had given their story to a Protestant pastor, who had in turn passed it on to an activist in the Hungarian resistance, who smuggled it to Italy.

The 1964 evidence also differs from the 1945 version, in that the Nürnberg evidence gives Wetzler as the source of the various tables of statistics, whereas at the Frankfurt trial (and at the 1961 Eichmann trial in Jerusalem) we are told that it was Vrba who compiled the figures.

Latching on to his emergence as an 'Auschwitz Expert', Vrba published a book *I Cannot Forgive* in 1964; at the same time as his Frankfurt appearance. However, this book compounds the various contradictions even more. Also Vrba provides no explanation for the 16 year delay in coming forward with his much-sought authentication for the WRB report.

To date, the other three escapees — the Polish major and the other two Slovakian Jews — have not been identified.

Needless to say, the 12 Auschwitz I.G. Farben defendants were found guilty. Two of them, Dürrfeld and Ambros, got eight years. Ter Meer got seven, and Krauch and Bütelfisch six. They were released in 1951.

One of the judges in the case threw some interesting light on the trial when he said that there were "too many Jews on the prosecution", although he was undoubtedly taken to task by his superiors for daring to be so candid. In actual fact, not only were the prosecution mostly Jewish, but they were all good friends. Minskoff, one of the prosecuting attorneys, had worked under chief prosecuting attorney Du Bois before, when they were both at the US Treasury. (Du Bois had also been legal counsel for the War Refugee Board.) In 1952, Du Bois wrote a book about the trial, *The Devil's Chemists*, which makes interesting reading.

After Nürnberg, I.G. Farben was broken up into several smaller industries, all of which have since done remarkably well, including Bayer Chemicals, BASF electronics and Hoechst. Recently declassified U.S. State Department documents shed much light on a previously unexplored area of Farben's activities. The documents, now in the U.S. National Archives, reveal that the American conglomerate Du Pont/General Motors together with Standard Oil (later Esso, now Exxon) maintained extensive contacts with Farben during the War. A fascinating article about these contacts, including actual trade with Nazi Germany, appeared in the "men's magazine" *Penthouse*, 1976, Vol. II, No. 3. But the authority on the matter is Joseph Borkin's *Crime and Punishment of I.G. Farben* (N.Y. 1978).

AMT 7

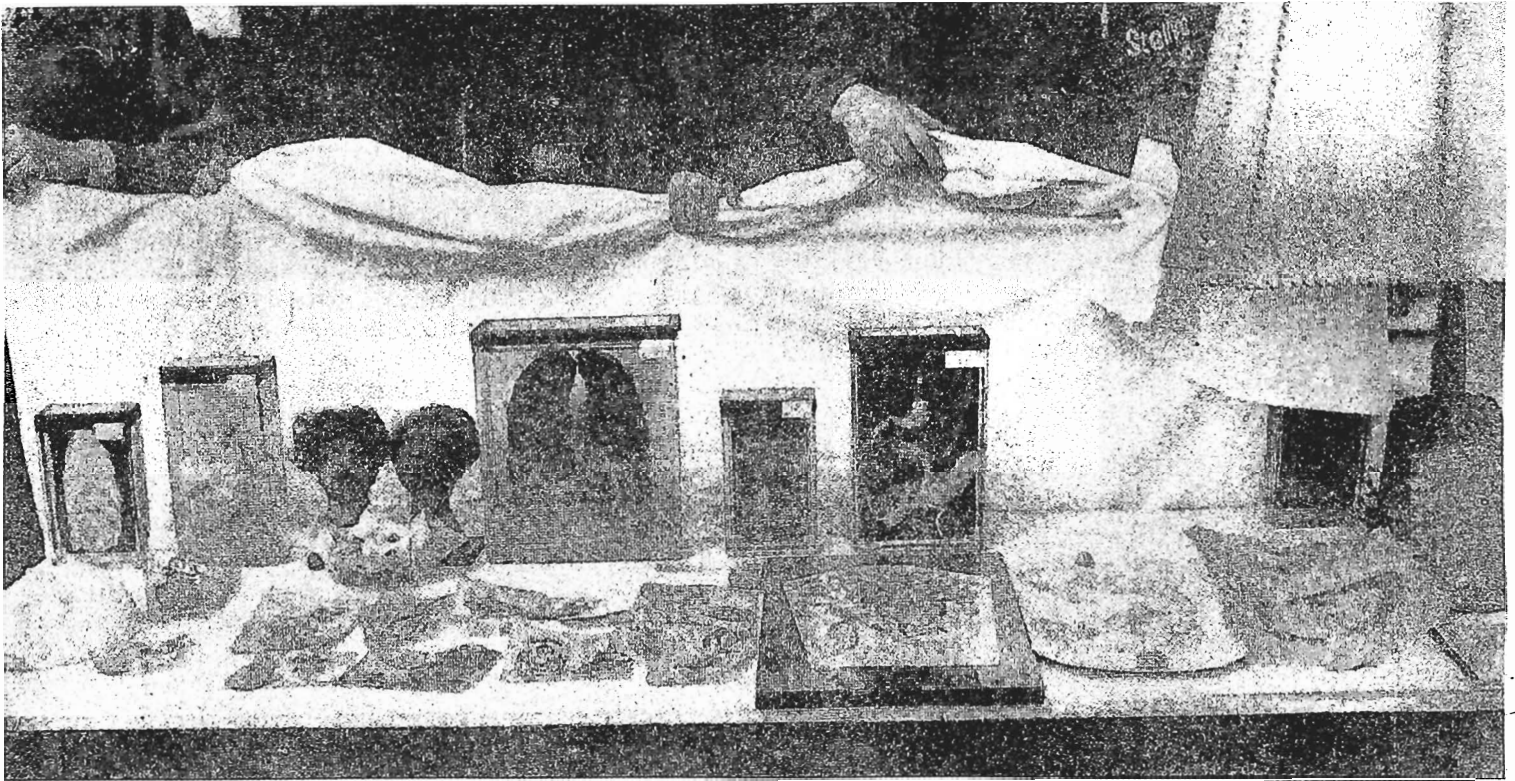
Immediately after the sentences had been announced in Case 7, the presiding judge, Charles F. Wennerstrum, gave an outspoken statement to a *Chicago Tribune* reporter, attacking the trials:

If I had known seven months ago what I know today, I would never have come here.

Obviously, the victor in any war is not the best judge of the war crime guilt . . . The prosecution has failed to maintain objectivity aloof from vindictiveness, aloof from personal ambitions for convictions . . .

The whole atmosphere here is unwholesome. Linguists were needed . . . Lawyers, clerks, interpreters and researchers were employed who became Americans only in recent years, whose backgrounds were imbedded in Europe's hatreds and prejudices . . .

Most of the evidence in the trials was documentary, selected from the large tonnage of captured records. The selection was made by the prosecution. The defence had access only to those documents which the prosecution considered material to the case.



Artefacts made from human skin were produced by Russians at Nürnberg, but even Jewish holocaust experts expressed doubts as to their authenticity.

Our tribunal introduced a rule of procedure that when the prosecution introduced an excerpt from a document, the entire document should be made available to the defence for presentation as evidence. The prosecution protested vigorously. Gen. Taylor tried out of court to call a meeting of the presiding judges to rescind this order. It was not the attitude of any conscientious officer of the court seeking full justice.

Also abhorrent to the American sense of justice is the prosecution's reliance upon self-incriminating statements made by the defendants while prisoners for more than 2½ years and repeated interrogations without presence of counsel.

The lack of appeal leaves me with a feeling that justice has been denied . . .

The *Chicago Tribune* reporter, Hal Foust, sent the Wennerstrum story to Berlin for transmission to Chicago on a wireless channel which was supposedly free from prying. However within a few hours, the prosecution managed to obtain a copy of the message. Ernest C. Deane, Taylor's press officer, immediately telephoned Foust in order "to talk him out of sending the story". But the story had already been sent, and Foust replied that "Taylor could not properly have knowledge of the article until its publication." Taylor thereupon prepared a reply to Wennerstrum's remarks, and the reply was actually made public before the *Tribune* published the Foust story containing Wennerstrum's attack. Taylor accused the judge, among other things, of making remarks "subversive to the interests and policies of the United States." Wennerstrum, on arrival in the US shortly after the publication of both the *Tribune* article and Taylor's reply, stood firm on his remarks, and yet again criticised Taylor.

This incident was one of the notable "government spying" incidents of the year 1948. The Army issued an order against such spying, and there was much speculation that Taylor himself might be court martialled. When reporters asked Taylor for his opinion on the legality of his action, the following exchange occurred:

"I don't know whether it was legal or not," he replied.

"Weren't you General Counsel of the Federal Communications Commission for two years before being commissioned in the Army?"

"Yes, but what does that have to do with it?"

Foust later revealed that this was the second instance of Army interference with the filing of his stories. He had earlier been picked up by Army agents for interrogation after a previous story had been sent.

#### AMT 9: Ohlendorf — Einsatzgruppen

One case during the Nürnberg Trials which receives little attention today is that of the *Einsatzgruppen* — the Action Groups which were set up by Hitler in 1941 to suppress guerilla activity in German-occupied Russia. It was alleged by the Soviets at Nürnberg that the Action Groups operated as roving exterminators, à la Zardoz, murdering a million Jews and gypsies either by shooting or in special gas-vans, poisoned by exhaust fumes. Yet any objective examination of the evidence will show that there is even less reason for believing this allegation than there is for the entire "extermination camp" myth.

Four groups of about 700 SD men were set up. Ohlendorf commanded Group D in southern Russia. Rasch of Group C operated immediately to the north of D. Groups A and B operated around the Baltic states, commanded by Stahlecker and Nebe respectively.

Although masses of documentary 'evidence' was produced at Nürnberg to 'prove' the case against the Action Groups, most of these documents are highly suspect. Most of them came from the Soviets, who claimed to have captured them when they pushed back the Germans in 1943.

The only points where signatures appear on the documents are on irrelevant pages. Not a single page was produced which mentioned "extermination" and bore the signature of any Nazi commander. Document NO-1128, said to be a report from Himmler to Hitler about the execution of 363,211 Jews in Russia, bears only initials (said to be Himmler's) on the essentially irrelevant first page. Documents 180-L, 2273-PS, 119-USSR, NO-3159



and many others too numerous to list, all mention extermination, but the signatures are either type-written or on irrelevant pages. In passing, it is worthwhile mentioning that in referring to the IMT and AMT volumes one should note that a reference to a "signed" document always means a type-written signature, unless it is specifically noted as a hand-written one.

A large number of the documents produced in this trial came via the Yivo — the Yiddish Scientific Institute in New York. Document 3663-PS was one of 70 documents supposedly found at the Rosenberg Ministry in September 1945 by a Sergeant Szajko Frydman of the US 82nd Airborne Division. Frydman was a staff member of the Yivo both before and after his military service. Like the Soviet documents, none of the Yivo papers bears a signature on a page which directly refers to extermination.

Many of the reports cited in evidence were obvious forgeries. Even the Jewish holocaust historian Reitlinger expresses unease at some of these "rather amateurish essays".

As in the other trials, testimonial evidence was admitted willy-nilly. One such statement was that of SS Capt. Dieter Wisliceny, an assistant in Adolf Eichmann's office and later Gestapo Chief in Slovakia. Wisliceny fell into the hands of the Czech Communists and was interrogated (by both Soviets and Americans) at the Soviet-controlled Bratislava Prison in November 1946. Subjected to torture, Wisliceny was reduced to a nervous wreck and became addicted to uncontrollable fits of sobbing for hours on end prior to his execution. Although his written confession is peppered with obvious factual inaccuracies, it was still admitted as 'proof' of the Action Groups' misdeeds. Again, Wisliceny displayed a remarkable linguistic ability, for his affidavit was submitted in the English language.

The major defendant at the Action Groups trial was also subjected to torture — SS General Otto Ohlendorf, the chief of the SD who commanded Action Group D in the Ukraine, attached to Field Marshal von Manstein's Eleventh Army. During the last phase of the war he was employed as a foreign trade expert at the Ministry of Economics.

Service on the Eastern front was by no means popular with the German soldiers (the degenerate Commandant Koch of Buchenwald was initially given the choice of either serving on the Eastern Front or being executed) and there is a certain amount of evidence to show that Ohlendorf was only sent there because he had crossed Himmler.

After his torture, Ohlendorf appeared as a prosecution witness at the IMT and agreed that exterminations had taken place. But Ohlendorf was in for a surprise when he found that he too was going to stand in the dock, regardless of his co-operation in the trial of his bosses.

At the AMT Case 9, Ohlendorf attempted to refute his previous testimony. He retracted the affidavit he had made on 5 November 1945 when he admitted that 90,000 Jews had been killed under his command alone. He now claimed it was only 40,000. In a main speech before the Tribunal, Ohlendorf took the opportunity to denounce Philip Auerbach, the (Jewish) Attorney-General of the Bavarian State Office for Restitution, who at that time was claiming compensation for "11 million Jews" who had suffered in Nazi concentration camps. Ohlendorf dismissed this ridiculous claim, stating that "not the minutest part" of the people for whom Auerbach was demanding compensation had even seen a concentration camp. (Ohlendorf lived long enough to see Auerbach convicted for embezzlement and fraud; forging documents purporting to show

huge payments of compensation to non-existent people.)

Ohlendorf explained that his units often had to prevent massacres of Jews by anti-Semitic Ukrainians. He insisted that the partisans, which his units were sent in to suppress, had taken a far higher toll of lives from the regular German army — an assertion confirmed by the Soviet Government, which boasted of half a million German troops killed by guerillas. In fact, Franz Stahlecker, commander of Group A, was himself killed by partisans in 1942.

Another defendant, SS Lieutenant Col. Hänsch, who was in charge of a commando group in Group C for about seven weeks, disputed that any orders had ever been given which even mentioned Jews. He estimated that whilst he was in charge, only about sixty partisans had been killed, and all of these had been armed. The distinguished English jurist, A. J. P. Veale, in dealing with the Action Groups, explains that in fighting on and behind the Russian front no distinction could be properly drawn between partisans and the civilian population, because any Russian civilian who maintained his civilian status instead of acting as a terrorist was liable to be executed by his countrymen as a traitor. Veale says, "There is no question that the Action Groups' orders were to combat terror with terror" and he finds it strange that atrocities committed by the partisans were regarded as blameless simply because they turned out to be on the winning side. Ohlendorf took the same view, and in a bitter appeal written before his execution, he accused the Allies of hypocrisy in holding the Germans to account by conventional laws of warfare while fighting a savage Soviet enemy who did not respect those laws.

The prosecutors were anxious to utilise Ohlendorf to the full. Consequently, even while he was under sentence of death, he was again presented as a prosecution witness at the High Command Trial (AMT No. 12) when his commanders stood in the dock. However, they did not dare produce him in the case of the regular army chief on the Eastern Front, Field Marshal Manstein, since they knew that Manstein's brilliant defence counsel Reginald (now Lord) Paget would be able to demolish him. Instead they submitted Ohlendorf's written affidavit, which could not be challenged.

Ohlendorf and Hänsch were both sentenced to hang. Ohlendorf's sentence was carried out in 1951, when there was no further use for him. Hänsch's sentence was commuted to fifteen years.

Ironically, it is thanks to a Russian that the bogusness of the "gas-van" legend is finally being exposed. Aleksandr Solzhenitsyn, in *The Gulag Archipelago*, mentions the case of a Bavarian, Jupp Aschenbrenner, whom the Soviets persuaded to sign a declaration that he had worked on wartime gas-vans. Aschenbrenner was later able to prove that, at the time he had supposedly been working on the vans, he was actually in Munich studying to become a welder.

#### AMT 10: Krupp

Thanks to Jackson's bungling in the IMT, the prosecution had failed to 'field' the right Krupp. They had been determined to have at least one armaments baron on the list of defendants, but it was unfortunate, from their point of view, that they had selected the wrong one; the senile Gustav who was in a perpetual coma on his death bed. Even the International Tribunal did not have the gall to try someone who was incapacitated (although they did feel able to try Bormann of whose state of health nobody had the slightest idea). Jackson applied to the court to have

the aged Gustav tried *in absentia*, but was turned down. A few days later he applied for Gustav's son Alfried to be tried in his father's place. "No greater disservice to the future peace of the world could be done than to excuse the entire Krupp family from this trial," he said. But Lawrence wanted no part of it. "This is not a football game where another player can be substituted for one who is injured," he said sharply, and enquired whether such a motion would be acceptable in an American courtroom. In fact Gustav was to cling on to the thread of life for another few years; he did not die until 1950.

There is no doubt that if Jackson had done his homework properly, he would have 'fielded' Alfried at the IMT in the first place, rather than the old man. As William Manchester (an arch-liberal) says in *The Arms of Krupp* (Michael Joseph, 1969), if the facts about Gustav's illness and the full scope of Alfried's involvement with the family firm had been fully known to Jackson before the trial, "it is highly improbable that (Alfried) Krupp would have left Nürnberg alive."

And interestingly:

It is generally conceded by scholars of the trial, however, that several of the eleven who were hanged in the Palace of Justice on the morning of October 16, 1946, were victims of the time. Alfred Jodl, for example . . . died for a fraction of the crimes of which Alfried was later found guilty, and for which he could have been convicted before the first court. Chance favoured Krupp.

Because of the mass of documents relative to the case which had to be sifted, the Krupp trial did not finally come to court until near the end of the AMT series. It became trial number ten out of the twelve. But as the trial date approached, rumblings of discontent about the trial of a fellow industrial baron increased amongst the international financial community. But General Taylor, in charge of the AMT series, held firm, for he had the support of the American Zone military governor, General Clay. As Taylor later recalled in an interview with William Manchester for his book on Krupp, "General Clay supported me unfailingly. He's from Marietta, Georgia, a really small town, and he had the rural Southerner's distrust of 'wicked bankers'."

Taylor's aides ran into a tricky problem during 1947, as they were still preparing the prosecution brief for the Krupp case. American Chief Justice Fred Vinson issued a decree that federal judges would no longer be granted leaves of absence to serve on the AMT tribunals. Undeterred, Clay obliged by combing the state supreme courts, and recruited their judges instead. He finally obtained the services of Justice H. C. Anderson of the Tennessee Court of Appeals, Justice Edward J. Daly of the Connecticut Superior Court, and Justice William J. Wilkins of the Superior Court of Washington. Taylor recruited a prosecution team nominally led by an ambitious young Kentuckian by the name of Rawlings Ragland, but whose actual driving force was the arrogant, fanatical Benjamin B. Ferencz. According to Berthold Krupp, Alfried's brother, "The fire in the prosecution staff came from German Jews who had become naturalised Americans and then lawyers. In the courtroom they were acting from hate. They made the trial political."

Because of the Krupp family's vast wealth, they were able to secure for Alfried the very best in defence counsel. Chief of the defence team was Otto Kranzbühler, who had earlier demonstrated his rhetorical abilities in his defence of Dönitz at the IMT, and of Odilo Burkhardt in AMT 5, and of Saarland industrialist Hermann Röchling before a French military court. Kranzbühler knew that if he got Krupp off with only a light sentence he would be hand-

somely rewarded, so he really went to town employing researchers and junior counsel — three researchers for every one the Americans were employing. There was even an expensive American attorney in his retinue — former US Col. Joseph S. Robinson. The defence team was able to gather 1309 affidavits (to the Americans' 380) and two defence witnesses for every prosecution witness.

Alfried Krupp was tried along with eleven of the firm's managers — Houdremont, Eberhardt, Lehmann, Janssen, 'Kanonen-Müller', Max Ihn, Hans Kupke, Karl Pfirsch, Heinrich Korschan, Ewald Löser and Fritz von Bülow. They were indicted on 15 August 1947, and the trial proper opened three weeks later. Although the first and last days of the trial were held in the splendour of the mahogany and marble hall of the Palace of Justice where the IMT defendants had met their fate, for the ten months in between, the trial was held in a freezing cold, dingy fourth-floor chamber. The ornate appointments were left for the I.G. Farben Tribunal (AMT 6) which proceeded contemporaneously. The Krupp defendants were guarded by two negro G.I.'s, much to the indignation of Krupp and Bülow.

The charges were identical to those at the IMT. All the defendants pleaded not guilty. Despite the glamour of the chief defendant, the press paid little attention to the trial. Throughout the whole ten months, the *New York Times* printed a sum total of two columns on the case.

It was while the Krupp trial was under way that the winds of change started to blow through Germany, and this was to prove Krupp's eventual salvation.

Early in September 1947, the new US Secretary of State James Byrnes boarded the German state train with his 'adviser' Benjamin V. Cohen (Byrnes sleeping in Hitler's bed and Cohen in Göring's), and set off for Stuttgart for a meeting with Germany's nascent leaders. Byrnes/Cohen laid out the USA's re-vamped European strategy. Now that Germany had been cleansed of the evil of anti-semitism, she was fit to take her proper place in Europe — as America's chief trans-Atlantic staging post. Western Germany was to become "a bulwark against Soviet expansionism", "a corner-stone of European union"; in other words, an American satellite. The German 'leaders' gave the plan their full approval; to be fair, they had little alternative.

Early in 1948, the first moves were made to hand over government to the Germans, by now installed in their new, but singularly pedestrian and unimpressive, 'capital' of Bonn. A new Deutschmark was introduced, and a block was put on further consignments of 'reparations' (looted machinery) being shipped to the Soviet Zone.

Then, as the Krupp proceedings reached midpoint, on 1 April 1948, as one of Kranzbühler's star turns was venting forth, a military policeman passed a crumpled note to the bench and an immediate recess was called. The Red Army had blockaded Berlin. Tension mounted rapidly in the succeeding days. A British plane was shot down over Berlin by a Soviet fighter. Clay dissolved the Allied Council, and the United States closed its zonal border to all Soviets. Partial mobilisation had begun. Fresh troops were arriving from America, and a massive aerial convoy of C47s was daily ferrying 13,000 tons of supplies to Berlin.

It was against this background of acute 'East-West' tension that Kranzbühler unfolded his elaborate defence portfolio. As Manchester points out:

Another wind was blowing through the post-war Reich (*sic*), warming the defeated nation. Otto Kranzbühler was sensitive to it, set his sails to catch it, and conducted a defence wholly unlike any

other at Nürnberg. The prosecution lived in the immediate past; the world of *Die Fahne Hoch*. Alfred's chief counsel saw that regardless of the outcome here, politics would be far more important to his client's future than justice, for the new wind, now approaching gale force, was political.

It was this aspect of Kranzbühler's strategy that saved Krupp from the gallows more than any other. He realised that America would need a strong Germany as its European staging-post. A strong Germany meant an industrialised, not pastoralised, Germany. And an industrialised Germany meant a *Kruppsche* Germany. In any case, previous experience in other trials had shown that the validity or otherwise of past evidence bore no relation to the end result of the trial, so Kranzbühler reckoned that it would be a better risk to spin out the trial long enough and appeal to the tribunal's continually growing awareness of the potential usefulness of Krupp and his industries to the Bundesrepublik puppet government and its Washington string-pullers.

His brilliant stratagem had several other, lesser, aspects worthy of note. For example, the defence declined to put Krupp himself in the witness box, because they knew that the prosecution would have a field day throwing all kinds of ludicrous accusations at him, most of which he would be unable to answer (since they were either prosecution inventions or totally removed from Krupp's sphere of influence). It was only because Kranzbühler had done his homework that he was able to come up with this tactic. Any other German barrister would have assumed that a defendant's silence would weigh against him, as it does in a German court. The wily Kranzbühler knew that the AMT went by American court procedure, where a defendant had a Constitutional right to remain silent, without prejudicing the verdict. Here, he was one step ahead of the prosecution, who were left in dismay holding sheaves of 'damning' atrocity affidavits.

Kranzbühler won an unexpected propaganda coup even when he was absent from the Nürnberg proceedings. Whilst he was in the Saarland defending Krupp's counterpart Röchling, a row developed between several of the other Krupp defenders and the bench, over whether all witnesses had to appear in person, or might give depositions elsewhere in the building. The Krupp defence team promptly walked out; an acceptable form of courtroom protest on the Continent. In America and Britain such an action is illegal. The judges believed that they had been deliberately slighted, and ordered the court marshal to round up all the Krupp defenders he could find and lock them up. This proved to be a god-send to Kranzbühler when he hurried back. He was able to demonstrate to the German people that "Krupp was being deprived of defence counsel by the court."

In a more deliberate piece of staging, Kranzbühler was able to show that Krupp was being deprived of a vital American lawyer by the name of Earl J. Carroll. Carroll, a genial Irish-American with a law practice in California and a flair for publicity, had himself been expelled from Germany in 1946 for highlighting "grave abuses in the army and the American Military Government." After resigning from the army, he sailed back to Germany and tried to set up his own law practice. General Clay personally accused him of "abusing his German entry permit" by getting involved with merchandising alcohol and similar nefarious activities. But Carroll was allowed to stay, so long as his legal practice was restricted to defending American servicemen and civilians. So, when Kranzbühler asked for permission for Carroll to join his defence team,

hoping to draw on the Irishman's inside knowledge of the Military Government, the court refused. Kranzbühler attempted to resign his post in protest, but the court would not accept his resignation. Here again, Kranzbühler was able to martyr Krupp in the eyes of the German people, since "the court refused Krupp the lawyers he wanted."

On 31 July 1948, the judgement was read out. Its wording was harsh, and its sentences surprisingly severe, after all the effort Kranzbühler had put into the case. Not only was Krupp to go to jail for twelve years, but his entire personal and industrial wealth was to be confiscated. An appeal to a review panel that autumn was turned down.

However, what the tribunal had failed to take into account was the implementation of the confiscations. Nearly all the Krupp factories were in the British zone. Those in the Soviet zone had been seized long ago anyway. General Clay notified the British authorities of the confiscation decree and waited for a response. There was none. The Krupp factories awaited the return of their Krupp owner, and they did not have long to wait.

With the Cold War threatening to become a hot one, the new High Commissioner in the American Zone, John J. McCloy, a New York banker, realised only too well that the US would have to pander a little to the Germans in order to gain their whole-hearted co-operation in defending the 'free' West. The only stumbling block was the continued imprisonment of prominent Germans as 'war criminals'. Therefore, on 20 March 1950, McCloy set up a Clemency Board to re-examine the sentences of the Nürnberg internees, under the chairmanship of David W. Peck, Presiding Justice of the New York Supreme Court. McCloy gave the three-man committee five months to review the sentences involved in the whole 12-case AMT series — a mammoth task. After initial meetings in Washington, the Peck Panel, as it came to be known, moved to Munich, where it heard submissions from fifty lawyers speaking on behalf of 90 of the prisoners interned at the Landsberg. Krupp's appeal was presented by Carroll, the Irish-American lawyer, who was still at large in Germany. Visits were also made to the Landsberg to interview some of the prisoners. Although the Panel did not hear submissions from the prosecution, most of whom had scattered to the four corners of the earth, some of the more fanatical prosecutors from 1948 insisted on writing to the members of the Panel. One such was Benjamin Ferencz, the brains behind the Krupp prosecution, who wrote offering his services. Ferencz was one of the members of the prosecution team who was still in circulation in Germany; he was working to secure financial compensation for Jews who alleged that they were due reparations of some kind because of the war. When Ferencz received but a short note of acknowledgement to his offer, he made it his business to keep an eye on the deliberations of the Peck Panel. Manchester reports:

Out of curiosity he dropped into the High Commissioner's office from time to time during the Peck deliberations. On his first visit, at the very beginning of the new enquiry, he found the records of the Krupp trial. They were packed in crates six feet long and shaped curiously like coffins. Knowing the evidence that lay inside, he kept wondering when the lids would be removed. They never were.

Despite the interference of Ferencz, and a broadside from Mrs. Eleanor Roosevelt, the Peck Panel recommended clemency; 101 prisoners would be freed from Landsberg. At the stroke of 9 a.m., on the bitterly-cold morning of Saturday, 3 February 1951, Krupp led the first batch of 28 other freed prisoners through the heavy gates of the fortress to freedom.



But as a sop to the Roosevelt-led revenge lobby, McCloy also turned down final appeals for clemency from five AMT defendants — Pohl, Blobel, Braune, Naumann and Ohlendorf — and they were hanged a few months later on 7 June 1951. It has since been suggested that Pohl and Ohlendorf in particular had outlived their usefulness as star prosecution witnesses, and had to be got rid of before they started to retract any of their testimony.

## AMT PROSECUTORS

### Kempner

One of the chief advisers in Taylor's office, and the chief prosecutor at AMT Trial 11, was Robert M. W. Kempner.

Kempner, a Jew, was born in Germany in 1899, studied law, and joined the Prussian Ministry of the Interior during the 1920s. Between 1928 and 1933 he was a senior counsel for the Prussian State Police (under the Ministry of the Interior) and specialised in investigating the rising Nazi Party. He became a vehement anti-Nazi, and energetically but unsuccessfully attempted, in his official capacity, to have the party outlawed. When the Nazis took over the German Government in 1933 he was dismissed from his government position. Although Jewish, he was able to continue his legal practice, specialising in international law, Jewish migration problems and laws affecting taxi drivers. In 1935 he moved first to Florence in Italy, then to Nice, France and finally to the USA in 1939.

He managed to obtain a job as "research associate" at the University of Pennsylvania, where his mother was already employed. He immediately resumed his anti-Nazi crusade, and in 1943 published a book based on his past experiences, with extensive use of some Prussian government papers he had managed to smuggle out of Germany. He gained something of a reputation as an anti-Nazi expert, and he contributed many of his smuggled records to the University library. As the war was drawing to a close, he floated the idea that the Nazi leaders should be tried in the USA before ordinary American courts. In the meantime, he had acquired US citizenship.

During the war he worked for both the US Department of Justice and the Office of Strategic Services (later to become the CIA). In the latter agency he was charged with drawing up lists of "German" anti-Nazis who could be trusted with posts in the coming occupation government of Germany. Kempner was one of a large group of German Jews in the OSS at that time. One of his colleagues was Herbert Marcuse, now a Marxist university lecturer.

At the end of the war, Kempner switched to the War Department and accompanied the US Army during the invasion of Germany. At this time he was "on the payroll of the Judge Advocate General."

Prior to the opening of the IMT trial, he served in the fairly significant role of prosecution/defence liaison officer. Later he was in charge of the division which prepared US trial briefs against individual defendants. During the trial, he was apparently an ordinary member of the prosecution staff, but with special responsibility in the prosecution of the Nazi Minister of the Interior, Frick.

Certainly the establishment press regarded Kempner as an important personality in the trials. The *New York Times* described him as "Jackson's expert on German matters" (6.10.46) and "chief of investigation and research for Jackson" (7.10.46).

Immediately after the trial he contributed a magazine article to the *NY Times* on the great work the trial had done in educating the Germans. He predicted that when the Nazi leaders were finally dealt with, their bodies would be buried in unmarked graves, to "avoid fanatical pilgrimages by still ardent Nazis." (In fact their bodies were taken secretly to Dachau and cremated there; the ashes being sifted into a nearby stream.)

When German civilian government was restored in 1949, Kempner warned of the inherent dangers of allowing the Germans to govern themselves. Two years later he was in negotiation with the self-same Bonn government, as Israel's representative in 'reparations' claims. The following month he was back on his anti-Nazi crusade, attacking the reprieves and sentence reductions which had been granted to several small-fry "war criminals".

After putting in an appearance at the US House of Representatives' 1952 investigation of the Katyn massacre, Kempner was left with little to do, except 'maintain vigilance'. Then in 1960 Adolf Eichmann was kidnapped by the Israelis and Kempner was back in action assembling 'evidence' for the trial. He contributed an article to the *Yad Vashem Studies* on methods of examining Nazis on trial, and he published a book in German which churned out most of the old Nazi propaganda myths in re-hashed form. In 1971 he expressed

approval of the conviction of Lt. Calley after the Mi Lai incident and in December 1972 he endorsed the 'evidence' which Ladislav Farago had gathered in connection with the supposed discovery of Martin Bormann in Argentina. Evidently in a fit of nostalgia, Kempner declared that the "United States and its Allies should re-open the Bormann case within the framework of the International Military Tribunal." (In actual fact Bormann had been tried and sentenced to death *in absentia*; obviously Kempner had no regard for the legal principle of not being tried twice for the same offence.) Kempner now has a legal practice in Frankfurt-am-Main.

### Hilldring

A man whose career was remarkably intertwined with that of Marcus was General John H. Hilldring, who headed the Army's Civil Affairs Division which Marcus was assigned to in 1943. The CAD had been created in 1943 within the Army General Staff in anticipation of US military rule in Germany. It had been thought that Fiorello La Guardia (later to become Mayor of New York) was to head the CAD, but instead the job went to Hilldring.

Marcus became a member, and later chief, of the Planning Branch of the CAD. When the War Crimes Branch was transferred to Hilldring from the JAG Dept., he immediately put Marcus in charge of it.

Then Hilldring moved over to the State Department as an Assistant Secretary of State in charge of occupied area problems; in this capacity he headed a secretariat which co-ordinated Army, Navy and State Department policies in the American zone. And it was while he was working at the Pentagon early in 1947 that he gave official permission for Col. Marcus to go off and fight for the Haganah in Palestine.

In September 1947 Hilldring left the State Department and became an Adviser to the US delegation at the newly-formed United Nations, where the diplomatic battle between the Zionists and the Arabs was hotting up.

When the time came in November 1947 for the United Nations to vote on whether or not to establish a Jewish state in Palestine, the result of the vote rested on a very fine balance, where the votes of small and insignificant countries could make all the difference.

A frantic drive was launched to bully the Third World countries into voting for Israel. The campaign operated through the American UN Delegation, particularly Eleanor Roosevelt and General Hilldring who "had been persuaded by his investigation of Nazi atrocities and the plight of Jewish survivors that a Jewish State was necessary."

The Liberian vote was assured by pressure brought to bear through Harvey Firestone, president of the Firestone rubber company, which had extensive interests in Liberia.

The Haitian vote was taken care of with a promise of a \$5 million loan from the United States.

The Philippines Ambassador in Washington was paid a visit by Felix Frankfurter, the left-wing Supreme Court judge, who impressed on him the importance of seven aid programmes currently pending in the Congress. That took care of the Philippines' vote.

In conjunction with other Watergate-style tactics, such as planting a bug in the British delegation's limousine (rented from a Jewish car-hire firm), putting another listening device in the Syrian delegation's room at the Hotel McAlpin (which had a Jewish house-detective) and reporting the sexual activities of a female delegate to her government, the Zionists were able to swing the necessary two-thirds vote to bring about the partition of Palestine.

According to the Zionists themselves, "Hilldring was a tower of strength from the outset . . . as an information link with the Jewish representatives he frequently conversed with Zionist strategists."

After the diplomatic crisis had passed, Hilldring went back to the State Department, this time as Assistant Secretary of State for Palestine.

Zionist sources have subsequently boasted that both Hilldring's appointments (at the UN and at the Palestine desk) were direct results of Zionist lobbying.

### Marcus

Marcus remained chief of the Branch until April 1947, when he remained chief of the Planning Branch until April 1947, when he went into private law practice, although according to the *Daily Telegraph* (24.6.48) "He was at the time of his death a full colonel . . . Although not subject to military discipline he had agreed to remain subject to recall."

It is likely that this rather unusual, if not far-fetched, description was merely a cover for Marcus' real activities.

For, according to Dan Kurzman in *Genesis 1948*, Marcus was working at the Pentagon in a "planning job", when he was approached by a Zionist recruiting agent. "Marcus was glad to take



COL. 'MICKEY' MARCUS

*He later went to fight for Israel and his career was mythologised in the film "Cast a Giant Shadow"*

the assignment," reports Kurzman, "and his superior, General Hildring, who later joined the American United Nations mission, was happy to grant him leave." But just in case of controversy "The Israelis called Marcus "Stone" in order to avoid embarrassing the American government."

One of Marcus' last jobs with the US Army was organising the sale of tons of gold teeth, which had allegedly been taken from the "millions of Jews who had died in Hitler's gas chambers," but had come into the possession of the US Army as war loot. The gold was sold at an extremely reasonable \$1 million to the Israeli terrorist group Haganah to buy arms.

In January 1948 Marcus arrived in Palestine and took charge of the Negev Brigade, a special mobile force of armoured jeeps. In April he returned to the US for three weeks and was actually awarded a medal at the British Embassy in Washington — despite the fact that the Zionists had been murdering British soldiers in Palestine during the past two years. (It has been suggested that the Marcus visit was actually a cover for negotiations to bring about a British withdrawal: British forces pulled out on May 15 — almost immediately after his visit.)

Marcus returned to Palestine and on May 28 he was appointed Supreme Commander on the Jerusalem front, on the personal intervention of David Ben-Gurion himself, with whom Marcus was "extremely close."

Marcus then became "the first soldier since Biblical times to hold the rank of General in the Army of Israel."

On the night of June 11, Marcus was shot dead by one of his own sentries. He had been staggering drunkenly around the monastery which the Zionists had requisitioned as a billet, and had failed to

respond to the sentry's challenge (in Hebrew). In the pitch blackness, the sentry had not recognised his commander, and had felled him with a single shot from his 7.92-calibre Czech rifle. There were suggestions that the killing might not have been all that 'accidental', since the guard was a soldier of the Palmach ("striking force") the autonomous and elite spearhead of the Haganah, which had previously displayed resentment at the appointment of an "American" over the "home-grown" Jerusalem army.

## MANSTEIN

One of Germany's most brilliant and most honourable generals of the Second World War was Erich von Lewinski, who had been adopted at an early age into the von Manstein family, and had taken their name. Both the Lewinski and Manstein families were Prussian militarists through and through, with a very strict code of honour and behaviour. Therefore, it was all the more ridiculous that such a man should be arraigned before a 'war-crimes' tribunal, accused of war atrocities.

Reginald Paget, an English barrister and Labour MP, thought so too, and disobeyed the instructions of the English bar association that English barristers should not defend war crimes defendants. He was so disturbed that Manstein should have to face a British military tribunal without the benefit of experienced British counsel, that he volunteered his services free of charge. Expenses were covered by a special defence fund set up by Lord de L'Isle and Lord Bridgeman; one of the first subscribers being Winston Churchill. A separate German fund paid for the services of additional German defence counsel, which included Dr. Latenser, who had already defended the General Staff at the IMT, von Leeb at AMT 12 and Kesselring at a British Military court in Italy. Paget was also assisted, rather inexplicably, by Sam Silkin, a Jewish barrister who later became a Labour MP like Paget, and since 1974 has been Attorney General. Silkin had a great deal of experience in war crimes trials — he had been President of the Court in the Far Eastern trials of 1946. One can only but speculate as to Silkin's real function at the Manstein trial. It may be that he was there to keep an eye on the phlegmatic Paget, who was liable to put the defence case rather too forcefully and bluntly. It may be that the revenge lobby realised that the trial of a respected general four years after the end of the War would outrage public opinion too much, so they sent Silkin along to smooth things out a little. Whatever the real reason for his presence at the trial may have been, Paget provides no clues in his book, and has nothing but praise for him. If Silkin was being sincere in his defence of Manstein it was totally out of character with his subsequent attitudes. Sam Silkin is a fervent Zionist and speaks on platforms promoted by the (Zionist) Board of Deputies of British Jews, the Zionist Federation and AJEX (the anti-British Nationalist gangster organisation).

Manstein was charged on 1 January 1949 and the trial eventually opened in the Curio House, Hamburg, on 23 August 1949, before a British military tribunal. The prosecution was in the hands of Sir Arthur Comyns Carr (who had previously served at the Tokyo War Crimes trial) and Mr. Elwyn Jones (previously on the IMT prosecution team).

On the first day of the trial, Paget at once submitted that the court had no jurisdiction to try Manstein, and the Royal Warrant under which he was held was illegal. He submitted that as Britain was still (officially) at war with Germany, then Manstein was a prisoner of war, and if it

could be proved that he had broken any of the rules of war, then he should be tried by a court martial, not a military tribunal dressed up as a civilian court. The prosecution replied that Manstein was no longer a POW; he had been transformed into a common criminal prisoner on the discretion of his captors. They went on to state that as a war crime was so serious it could be proved by evidence that would be inadequate in the case of a lesser crime. From this startling argument, says Paget, it would seem to follow that evidence that would justify a conviction for murder might be insufficient to support a conviction for riding a bicycle without a lamp!

While the tribunal retired to consider this submission, the newspaper reporters at the trial were thrown into a tizzy wondering what 'angle' they should take when they wrote the story up. Several concluded that they would have to ring their employers to get advice on what angle to take. Paget writes that he overheard a journalist from one famous daily newspaper observing, "I sometimes wish I was on *The Times* and only had to report what had happened."

Needless to say, the tribunal rejected Paget's submission and the trial proper began next day. As in the other war crimes trials, the charges were nebulous accusations rather than allegations of infringing specific acts of legislation. There were 17 charges: 15 brought at the instigation of the Soviet government and two brought on behalf of the Communist Polish regime. A Polish government representative in the court was moved to complain vehemently that Paget was defending his client too vigorously, and that the court should not allow it. He felt that this was a negation of the promises made by the British authorities, who had refused Manstein's extradition to Poland on the grounds that he would be dealt with in the British Zone.

The basis of the charges against Manstein was that he had committed acts in breach of the Hague Convention on Land Warfare of 1907. But as Paget pointed out, the Hague Convention was only applicable if all the belligerent countries agreed to it. Several did not. And even those which did, did not adhere to it. By a curious coincidence, another trial was proceeding in Hamburg simultaneously with Manstein's, concerning a shipyard owner who had dared to try to smuggle machine tools out of his own shipyard to prevent them being expropriated as 'reparations' by the British authorities. The defence submitted that the Hague Convention protected individuals' property in times of war and occupation. The British prosecution said that in modern conditions the Hague Convention was inapplicable. In both trials, therefore, the diametrically opposite contentions of the two British prosecution teams were upheld!

The allegations against Manstein revolved around atrocities committed against Russian POWs and civilians, mass shootings of Jews and Gypsies, and seizure and destruction of property. The case was presented over a period of twenty days, by the reading of some 800 documents to the court, and the examination of one solitary human witness, an Austrian corporal named Gaffa. Some of the documents were hearsay affidavits of condemned prisoners who were still alive, such as Ohlendorf, the *Einsatzgruppe* commander. Paget demanded the appearance of such witnesses so that they could be cross-examined. He questioned the methods of obtaining 'affidavits' from such men, and cited the Simpson Report, which had investigated 139 cases of the torturing of German prisoners by Jewish-American jailers, for the specific purpose of extracting such affidavits. Of course, Paget was not suggesting that these witnesses had had their



*Field Marshal von Manstein*

testicles kicked to destruction like the Dachau prisoners; on the contrary Paget reckoned that it was

highly probable that their testicles were in perfect order. As Gestapo men they would, of course, appreciate the desirability of saying exactly what the American investigators wanted. The importance of the Simpson Report was that it showed the alternative to saying just what the prosecution wanted.

Although Paget's demand for the appearance of the affidavit authors was turned down, he was still able to demolish their claims that Manstein had known about the mass-shootings of Jews when he discovered an earlier affidavit by one of the SD men which contradicted his later one. With the production of this original affidavit, the evidence of the SD men disappeared from the trial.

Paget's discovery of the vital affidavit was the result of relentless and painstaking sifting of the documentary evidence. The previous year a British War Crimes Investigation team had been sent to Washington to inspect the tons of documentary evidence stored at Alexandria, Virginia (just outside the capital). The British team was allowed to borrow hundreds of thousands of documents relating to the war on the Eastern Front; those relating specifically to Manstein were sent first of all to London, and the remainder were sent direct to Hamburg. The documents sent to London were analysed there by a team of German Jews, and 800 items were selected for introduction as evidence at the trial. Unlike previous trials, this time the defence was allowed to have copies of all prosecution documentary evidence. The enormous balance of paperwork sent direct to Germany was stored in rows of filing cabinets, six feet high, all along one wall of the concert hall in Hamburg, which had been requisitioned as a document centre. Although Paget's small team of four or five was allowed access to this store-house, they had no hope of having enough time to sift the entire collection. Even if they did, the collection had been so filtered already — first by an American war crimes team, then by a British one — that there was unlikely to be any evidence left in the collection which might have been of any assistance to a determined defence counsel.

Therefore Paget was left to rely on legal argument and dialectics if he was to provide his client with an adequate defence. First, he pointed out that the charges were not based on any known or defined laws, enacted by any legislature. The indictment was just a list of confused and unconnected accusations.

Secondly, there were no rules of evidence in use. Hearsay affidavits were introduced willy-nilly, leaving the defence with no way of verifying the truth of the content,



or indeed, the identity of the author, under cross-examination. Neither had the defence (or any previous war crimes defence) been allowed to sift the captured German war records stored in Washington. The only documents available to them were those which had already been vetted by the prosecution.

Paget also pointed out that potential defence witnesses were reluctant to come forward, in case they too were arrested, or in case their relations in the Soviet Zone suffered reprisals.

He went on to describe the retrospective nature of the war crimes charges, and their one-sidedness. He disputed the prosecution's suggestion that 'superior orders' was no defence. He quoted Field Marshal Montgomery's speech at Glasgow in 1946, when he said that, "Men must learn to obey orders, when all their instincts cry out for them not to be obeyed." He cited Admiral Somerville's reluctant sinking of the French fleet at Oran — with a loss of 1500 French lives — which was ordered by the War Office regardless of Somerville's protests.

Paget then turned to the 'evidence' itself. The charges of German atrocities during the invasion of Poland were supported by depositions from witnesses. Most of these were so contradictory or full of holes that he was able to dispose of them quite easily. In his book, he mentions one such affidavit which told

a story of a Jewish member of a working party who had accidentally happened to drop a bottle on the pavement, and for this 'crime' the Germans shot 12 men out of the group who were working with him.

Those allegations which did stand up to rigorous analysis were so general that they in no way implicated Manstein. Such misdeeds which did occur were the work of Himmler's SS, over which Manstein had no control. Paget concludes that

The Polish charges were so flagrantly bogus that one was left wondering why they had been presented at all . . . The Polish charges had had to be included for political reasons.

The Russian charges were based on allegations that partisans, communists and Jews had been exterminated in mass-shootings by Manstein's soldiers. First of all, Paget endeavoured to put anti-guerilla actions into their proper context. He quoted a Soviet book *Behind the Front Line*, by General Pomarenko, which praised the operation of the guerillas' "extermination battalions". According to the Soviet book, these roving bands killed 18,910 soldiers, blew up 64 troop trains, destroyed 1,621 lorries, exterminated more than 300 'traitors' and captured tons of equipment. In response, the Germans had imposed tough martial law on the civilian population, and some civilians were executed for carrying arms, using forged passes, ignoring the curfew and refusing to work. Paget pointed out that the Allies adopted exactly the same stringent regulations — Ordinance No. 1 of the Military Government — when Eisenhower's forces reached the Rhineland.

Next, Paget examined the charge that Manstein had ordered the execution of civilian hostages. It was admitted that fifty hostages had been shot in the town of Simferopol, after a bomb had gone off and Germans killed. Paget produced a proclamation in precisely similar terms to Manstein's warning at Simferopol; issued by the Allies in Berlin. Amazingly, the court refused to receive this in evidence! When Paget further applied to call a British general to confirm that British soldiers would do likewise, this too was refused! All he was allowed to do was submit an excerpt from the British *Manual of Military Law*, where Article 453 stated that "Reprisals are . . . indispensable as a last resource." Shortly after the trial ended, indeed,

American soldiers in Korea were acting under anti-guerilla orders identical to those issued by Manstein.

Paget then turned to the vexed question of the murder of Jews. He pointed out:

The Germans believed that the Jews were the ruling sect of Bolshevism. So far as the Ukraine was concerned there was a substratum of truth in this. The only ethnic group in the Ukraine that was solidly behind the communist government was the Jews. They had every reason to be. The communist government was the first government of Russia that had effectively protected them from pogroms.

He then proceeded to destroy, piece by piece, the affidavit of Ohlendorf, the *Einsatzgruppe* commander who 'confessed' to all kinds of murderous deeds whilst operating in Manstein's area. According to Ohlendorf, single companies of about 100 soldiers, with about 8 lorries, were reporting the killing of up to 10,000 or 12,000 Jews every couple of days. Paget worked out they could not have loaded more than 20 or 30 Jews, with their luggage, into each lorry. It would take at least two hours to make each round trip to the killing place, 10 km away. Therefore, with the short Russian winter day restricting operations to eight or nine hours each day, it would have taken such a company at least three weeks to kill 10,000 Jews.

In one instance, the defence team were able to check the alleged figures. One of the SD affidavits claimed that they had killed 10,000 in Simferopol during November, and that by the following month, the town was clear of Jews. By a series of cross-checks, Paget showed that the SD company were only in Simferopol for one day during November — the 16th. And as the place of execution was supposed to be 15 km outside the town, no more than 300 people could have been killed. This allegation received a good deal of publicity, since it was supported by the prosecution's only live witness, an Austrian corporal by the name of Gaffa, who claimed that he knew the killings were going on because he had heard rumours of the killings being bandied about in the mess hall. As a result of this publicity, Paget received a large number of letters from people who had been in Simferopol at the time of the alleged killings. As a result, the defence was able to call several new witnesses who had been billeted with very much alive Jewish families, and who spoke of the normal functioning of a synagogue, and of a Jewish market where they bought icons and similar bric-a-brac, during the entire period of the German occupation.

As Paget incisively commented:

Ohlendorf had reported that not only Simferopol but the whole Crimea was cleared of Jews. He was clearly a man who was prepared to say anything that would please his employers. The Americans had found him the perfect witness . . . I do not myself believe that the Jews murdered in the Crimea number more than 2000 to 3000.

The court gave its decision on 19 December 1951. The Polish charges were thrown out altogether. Only two charges of the original 17 were sustained intact: that Manstein had used Russian PoWs in clearing minefields, and that Russian civilians had been deported to work in Germany. Of course, this judgement completely overlooked the fact that all the Allies used PoWs in mine-clearing operations. Eight of the charges, including the most serious one of being involved in the killing of Jews, were thrown out.

But the remaining seven charges were curiously altered by the court during its deliberations, i.e. after the defence had completed its submission on the original charges. Several had the vital words "deliberately and recklessly" deleted from them. The charges concerning taking reprisals against hostages were largely upheld — the Judge Advocate

in his summing-up advised the court that the execution of hostages was at all times illegal; a direct contradiction of the British Military Manual. This was yet another example of one law for the British and another law for the Germans.

Manstein was sentenced to 18 years' imprisonment; a virtual life sentence for a man of his age. An appeal reduced the sentence to 12 years. However he was released in one of the general amnesties of 1952.

Paget's description of the trial was published as *Manstein His Campaigns and His Trial* (Collins, 1951). This book was one of the earliest attempts to criticise the war crimes trials, and remains one of the best ever published. For more details of the book, the reader is referred to the chapter on 'Criticisms of the Trials'.

## DACHAU TRIALS

Whilst the IMT and AMT trials were taking place, identical proceedings were being heard at nearby Dachau; the concentration camp was used to house the defendants. The Dachau trials were under the direct supervision of the War Crimes Branch, and represented an all-time low in third-degree tactics on the part of the Americans.

On trial were the staffs of three concentration camps — Dachau itself, Buchenwald and Flossenbürg. Also arraigned were some German soldiers accused of killing 83 American prisoners at Malmédy during the Battle of the Bulge. Later, in 1946, the staff of Mauthausen were tried at Dachau too.

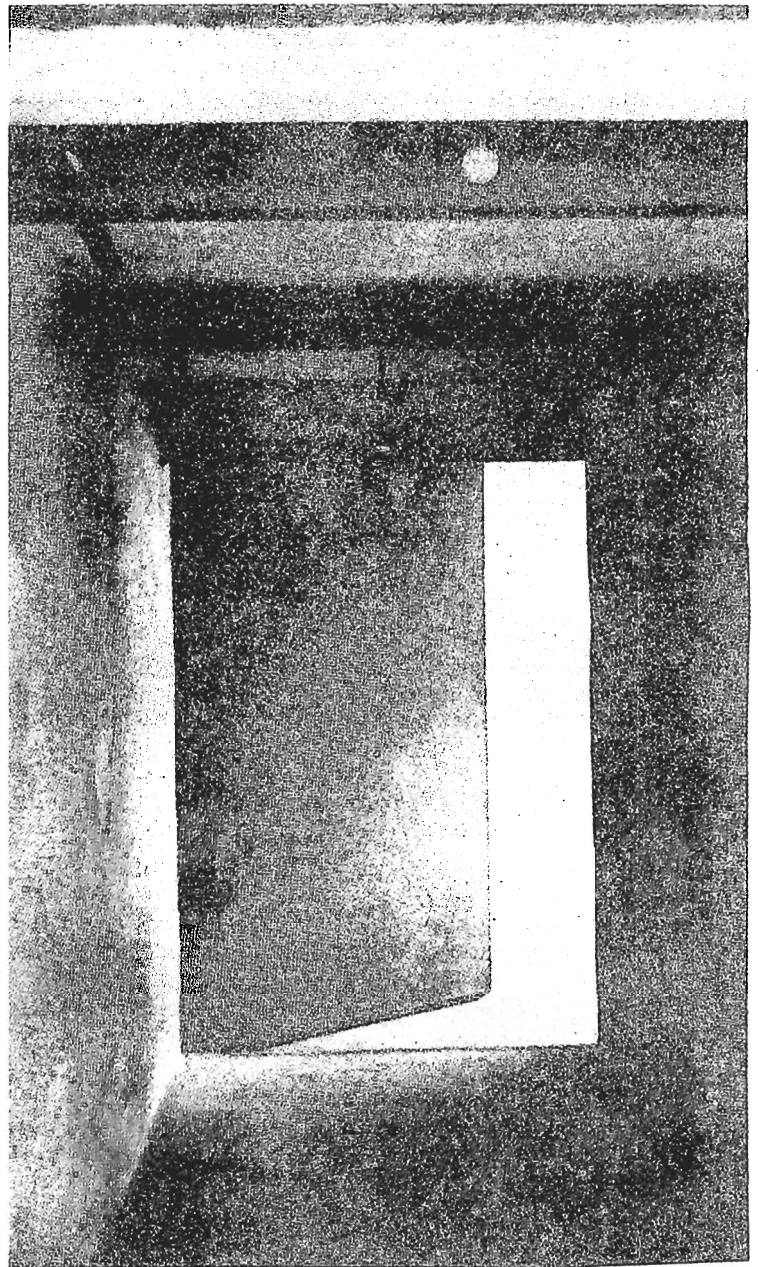
Confessions were extracted from prisoners by the use of torture and brutality. Interrogators posed as priests in order to extract confessions. Eventually news of the brutality and convictions on dubious evidence began to filter through to the American public. A special Simpson Army Commission was set up to investigate the standards of 'justice' meted out. The American Judge Edward L. van Roden, one of the three members of the Commission, revealed what had been going on at the Dachau trials in the *Washington Daily News* of 9.1.49. (This account was later reprinted in the *British Sunday Pictorial* on 23.1.49.)

He described the methods used to extract confessions as follows:

"Posturing as priests to hear confessions and give absolution; torture with burning matches driven under the prisoners' fingernails; knocking out of teeth and breaking jaws; solitary confinement and near-starvation rations. The statements which were admitted as evidence were obtained from men who had first been kept in solitary confinement for three, four and five months . . . The investigators would put a black hood over the accused's head and then punch him in the face with brass knuckles, kick him and beat him with rubber hoses . . . All but two of the Germans, in the 139 cases we investigated, had been kicked in the testicles beyond repair. This was standard operating procedure with our American investigators."

During interrogation, low rank prisoners were assured that convictions were being sought only against higher ranking officers, and that they had absolutely nothing to lose by co-operating and making the desired statements. Such "evidence" was then used against them when they joined their superiors in the dock. The latter, on the other hand, had been told that by "confessing", they would take all responsibility onto their own shoulders, thus shielding their men from trial.

A favourite stratagem, when a prisoner refused to co-operate, was to arrange a mock trial. The prisoner was led into a room in which civilian investigators, dressed in US Army uniforms, were seated around a black table with a crucifix in the centre, with two candles providing the only light. This "court" then proceeded to hold a sham trial, at the conclusion of which a sham death sentence was passed.



*Interior of so-called Dachau Gas Chamber: it was in fact a de-lousing and disinfection chamber. The hooks are obviously to hang clothes from. There is no way that thousands of people could have perished in so small a room.*

Photo: Arthur Butz

The "condemned" prisoner was later promised that, if he co-operated with the prosecutors in giving evidence, he would be reprieved. Sometimes interrogators threatened to turn prisoners over to the Russians. In many cases the prisoner's family was threatened with loss of ration cards or other hardships if co-operation was not obtained.

The "American" investigators responsible for this brutality, and who later functioned as the prosecution in the trials, were predominantly Jewish — Lt.Col. Burton F. Ellis, Capt. Raphael Shumacker, Lt. Robert E. Byrne, Lt. William R. Perl, Mr. Morris Ellowitz, Mr. Harry Thon and Mr. Kirschbaum. The prosecution lacked any legal training at all, as did the "court" (which consisted of ten US Army officers) and the "defence counsel". In fact, many of the defence counsel were Americans who could speak not a word of German. Competent interpreters were not provided by the court. There was only one person present with any legal training, the head of the Administration of the Dachau Trials, Col. A. H. Rosenfeld, whose rulings on

the admissability of evidence were final.

When he resigned from this post in 1948, he was asked by newspapermen if there was any truth in the stories about mock trials, at which sham death sentences had been passed. He replied, "Yes, of course. We couldn't have made those birds talk otherwise . . . It was a trick, and it worked like a charm."

The conduct of the trials was a mockery. The indictment itself made only general reference to very broad categories of crimes allegedly committed between the years 1942 and 1945, and then proceeded to present a long list of defendants accused of being criminal in the extremely general sense stated. Specific crimes by specific people on specific dates were not part of the indictments (e.g. document 3590-PS).

While the prosecution could hunt all over Europe for witnesses and, if necessary, torture prisoners in order to get "evidence", the accused, cut off from the outside world and without funds, were rarely able to summon anybody to their defence. In addition, the "Association of Persons Persecuted by the Nazis", by a propaganda campaign, forbade and bullied former internees from testifying on the side of the defence.

The American lawyer George A. McDonough later wrote to the *NY Times* to state:

"Hearsay evidence was admitted indiscriminately and sworn statements of witnesses were admissible regardless of whether anybody knew the person who made the statement or the individual who took the statement. If a prosecutor considered a statement of a witness to be more damaging than the witness' oral testimony in court, he would advise the witness to go back to his home, submit the statement as evidence, and any objection by defence counsel would be promptly over-ruled."

McDonough was no "right-wing crank": he himself had served in other trials as both a prosecutor and defence counsel, and later on was a member of a review board arbitrating on clemency petitions.

One notable incident occurred when investigator Joseph Kirschbaum brought a certain Einstein into court to testify that the accused Menzel had murdered Einstein's brother. When the accused was able to point out that the brother was alive and well and, in fact, sitting in court, Kirschbaum was deeply embarrassed and scolded Einstein: "How can we bring this pig to the gallows if you are so stupid as to bring your brother into court?"

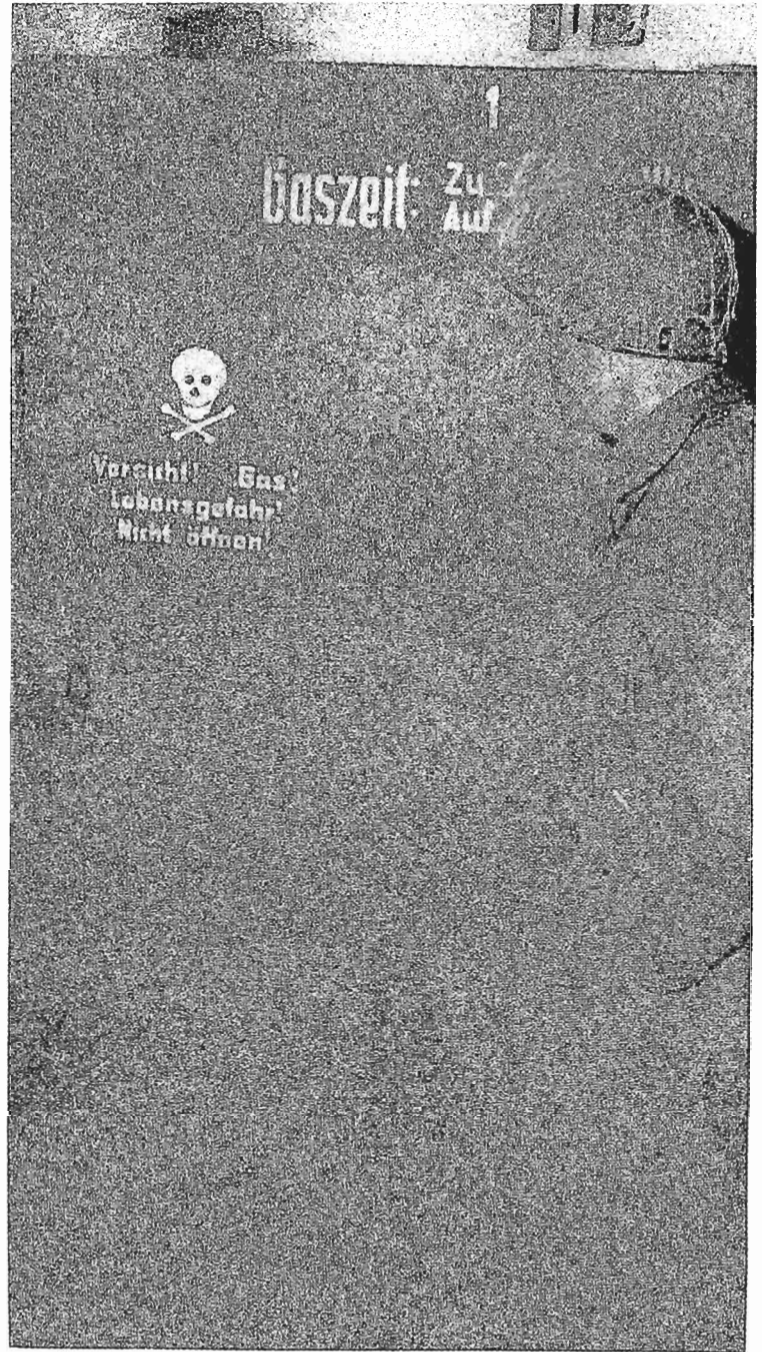
The 'American' Chief Prosecutor at the trial of the Mauthausen staff went under the name of "Jack Taylor". He had himself been interned by the Nazis in Austria, for being an OSS agent.

The Malmédy defendants had a competent defence counsel in Lt.Col. Willis M. Everett, Jr., and it was thanks to his efforts that the behind-the-scenes brutalities came to light. After his repeated appeals to the US Supreme Court, plus a chorus of protests from German clergymen, the American military governor General Lucius D. Clay finally instigated an investigation into the Dachau trials. On 29 July 1948, the Secretary of the Army appointed a commission consisting of two American judges, Gordon Simpson of Texas and Edward van Roden of Pennsylvania, both JAG Department reserve colonels. They were assisted by JAG Department Lt.Col. Charles Lawrence, Jr. The Commission submitted its report to the Secretary of the Army in October 1948, and selected portions were made public in January 1949 — as referred to earlier.

Further public remarks by van Roden and Simpson stimulated a further investigation by an independent review board appointed by Clay. The total weight of evidence was so damning that in the end the proponents of

the trials could only haggle about the numbers of German prisoners subjected to brutalities.

There was so much public concern about the trials, after these two reports, that a special US Senate sub-committee was set up, under Senator Baldwin, to investigate the claims of torture. One witness, formerly a court reporter at the Dachau trials, testified before the committee that he was so repelled by what had gone on there that he quit his job. He said that the most brutal had been Lt. Perl, Frank Steiner and Harry W. Thon. He explained that both Perl and his wife had been in Nazi concentration camps, and that the Nazis had killed Steiner's mother. Judge Simpson conceded that this was probably a "poor team", but proffered the rather lame excuse that because of the



*The door of a disinfection chamber at Dachau. The inscriptions on the door specify that the chamber is used from 7.30 to 10 in the morning. The warning reads "Caution! Gas! Life Danger! Do not open!" The U.S. Army caption for this photograph declares that "Gas chambers, conveniently located to the crematory, are examined by a soldier of the U.S. Seventh Army. These chambers were used by Nazi guards for killing prisoners of the infamous Dachau concentration camp."*

Photo: U.S. Army



shortage of German-speaking American lawyers and interpreters, the Army had been forced to "draw on some of the German refugees". Steiner, Kirschbaum and Thon (later chief of the Evaluation Section of the Civil Administration Division of the US military government) appeared later and denied all. But they appeared rather shaken-up when their fellow investigator Bruno Jacob admitted a few things. Rosenfeld too denied almost all.

Out of 1672 persons tried at Dachau, 1416 were convicted. 420 of these were given death sentences.

In an ironic twist of fate, Dachau was the scene of the 'final solution' for the Nazi leaders. After their botched-up hanging at Nürnberg, the bodies of the Nazi leaders were photographed (in order to be gloated over, shortly later, in the press and newsreels). Their bodies, disguised in US Army uniforms, were taken to Dachau, where they were cremated in the single Dachau gas-oven, and their ashes sifted into the nearby River Isar. The authorities were determined that there would be no remains, not even a grave, which could provide a shrine for the 're-emergence' of Nazism in years to come.

Neither had Dachau seen the last of its use as a concentration camp. Since its liberation, Dachau had also been used by the Allies as a concentration camp for 300 Russian prisoners-of-war. These were men who had, either willingly or unwillingly, served with the German forces. Early in January 1946, the American authorities allowed Soviet officers to visit the men to tell them that they should come home, "All is forgiven." The Russians remained unconvinced of the Soviets' sincerity, and refused to budge. They barricaded themselves into their huts, singing hymns and chanting prayers. When the American troops finally burst in, the scene that met them was appalling. The Russians were hysterically trying to commit suicide. Two prisoners tried to disembowel themselves with bits of broken glass. Others stood side by side, slashing with pieces of glass at each other's throats. Another struck his head straight through a pane of glass, then shook it from side to side, pressing his neck down against the jagged edges. The room was simply awash with blood. The wounded men fought like demons to stop the Americans patching up their bleeding necks. The guards resorted to beating the Russians unconscious with truncheons in order to quieten them. One of the injured men died later of his wounds in an American hospital near Munich. The *New York Times* acknowledged his death with a small paragraph headlined "Russian Traitor Dies of Wounds." The American and British newspapers had received instructions not to publicise the affair, since this might cause offence to our wonderful Soviet allies. In fact, the whole operation was laid on simply to pander to the Soviets. It was feared that to fail to send back these men, would mean that the Soviets would fail in their promise to hold free elections in Eastern Europe. As it turned out, of course, no such elections ever took place anyway. The full story of this disgraceful episode is fully documented in Lord Bethell's book *The Last Secret*.

#### Buchenwald

One of the defendants at Dachau was Frau Ilse Koch, the widow of the Buchenwald commandant who was executed by the SS for corruption in 1943. It was alleged at the trial and at the IMT, in the disjointed affidavit of one Pfaffenberger, who had since disappeared, that she had made lamp-shades out of tattooed human skin, taken from the bodies of murdered Jews. A whole array of macabre items was solemnly produced, including shrunken heads and jars of soap. One is immediately struck by the similarity of the "human soap" allegation to the famous "Corpse Factory" myth which was

circulated deliberately by the British in World War 1! All of these bizarre pieces of "evidence" originated from the War Crimes Branch itself (3421-PS). Even Jewish authors acknowledge that the lampshade evidence "later appeared to be dubious." (Manvell & Frankl, *The Incomparable Crime*, p.84)

Indeed, after the storm of public controversy over the conduct of the Dachau trials, General Clay was obliged to review Frau Koch's case. He determined that there was, after all, no way in which Frau Koch could be related to the lampshades and other items which were supposedly "discovered" at Buchenwald. For one thing, she had not lived there since her and her husband's arrest and replacement in 1943. Also her "family journal", said to be bound in human skin, and which was one of the major accusations against her, was never located (and obviously never existed). Clay thus commuted her life sentence to four years' imprisonment.

However, Clay had reckoned without the influence of organised Jewry, and he quickly found himself at the centre of a fierce controversy over the commutation, orchestrated mainly by Rabbi Wise. Yet another Senate investigation into the matter neatly sidestepped the issue. Clay stood firm on his decision and explained that:

"Examination of the record, based upon reports which I received from the lawyers, indicated that the most serious charges were based on hearsay and not on factual evidence. For that reason the sentence was commuted."

Despite this emphatic stand by the American military governor, the powers-that-be found a way out by passing Frau Koch over to the German authorities to be tried all over again — regardless of any technicalities regarding 'double jeopardy'. She was again faced with the (by now familiar) lampshade charges. Although the defence was able to show that the testimonies of two of the prosecution witnesses contradicted their own previous statements, Ilse Koch was found guilty and sentenced to life imprisonment. She hanged herself in her cell in 1967.

By way of a bizarre footnote to the Buchenwald story, an article in the *Catholic Herald* of 29 October 1948 describes the showing of a film in Germany which was supposed to depict all the horrors of Buchenwald camp. When the film was shown in Kassel, where every adult was compelled to watch, a doctor from Göttingen was extremely surprised to see himself on the screen, apparently looking after the victims. After a period of bewilderment he realised that what he was seeing was part of a film taken after the terrible Allied air raid on Dresden on the night of 13 February 1945. After the raid, which killed a record 135,000 civilians, the bodies of the victims were piled up and burned in heaps of 400 or 500 during a period of several weeks. These were the scenes, purporting to be from Buchenwald, which the doctor had recognised at the Kassel film-show.

#### Dachau

Ironically, we must turn to one of the officials at the Dachau War Trials for evidence regarding the existence of "gas-chambers" at Dachau camp.

Stephen F. Pinter served as a lawyer for the US War Department with the occupation forces in Germany and Austria for six years after the war. In the widely-read Catholic magazine *Our Sunday Visitor* (14.6.59) he wrote:

I was in Dachau for 17 months after the war, as a US War Department Attorney, and can state that there was no gas chamber at Dachau. What was shown to visitors and sightseers and erroneously described as a gas chamber was a crematory. Nor was there a gas-chamber in any of the other concentration camps in Germany. We were told that there was a gas chamber at Auschwitz, but since that was in the Russian zone of occupation, we were not permitted to investigate since the Russians would not allow it. From what I was able to determine during the six postwar years in Germany and Austria, there were a number of Jews killed, but the figure of a million was certainly never reached. I interviewed thousands of Jews, former inmates of concentration camps in Germany and Austria, and consider myself as well qualified as any man on this subject.

Pinter is, of course, very astute on the question of the crematorium being represented as a gas chamber. Often the deliberately misleading term "gas oven" is used, to further confuse the two. Of course, a crematorium would be a requisite facility at any community of such a size, particularly for the cremation of the victims of infectious diseases like typhus.

This fact was conclusively proved by the German archbishop Cardinal Faulhaber of Munich. He informed the Americans that during the Allied air raids on Munich in September 1944, 30,000 people were killed. The archbishop requested the authorities at the time to cremate the bodies of the victims in the crematorium at Dachau, in order to curb the spread of disease. But he was told that, unfortunately, this plan could not be carried out; the crematorium having only one furnace, would not be able to cope. Clearly, therefore, it could not have coped with the 238,000 Jewish bodies which were allegedly cremated there. In order to do so, the

crematorium would have to be kept going for 326 years without stopping and 530 tons of ashes would have to be disposed of.

The figure of 238,000 Jewish victims at Dachau was immortalised in a plaque unveiled in 1946 at the camp by Philip Auerbach, the State Secretary of Bavaria, who was later convicted for embezzling money which he claimed as compensation for non-existent Jews. Since that time, there has been a steady revision downwards, with the present official figure standing at only 20,600.

Even the extreme left-wing Institut für Zeitgeschichte in Munich ("the paragon of hostility and resistance to Nazism") declared in 1960 that:

"The gas chamber at Dachau was never completed and put into operation."

The German Communist leader Ernst Ruff testified in his Nürnberg affidavit of 18 April 1947 that the treatment of prisoners on the work details at Dachau was humane. The Polish underground leader Jan Piechowiak, who was interned at Dachau from 22 May 1940 until 29 April 1945, also testified on 21 March 1946 that prisoners there received good treatment, and that the SS personnel at the camp were well disciplined. Berta Schirotschin, who worked in the food service at Dachau throughout the war, testified that the working inmates continued to receive their customary second breakfast at 10 a.m. every morning until well into 1945 — despite increasing privation in Germany.

Of course, none of this is to deny that deaths did occur at Dachau. Since the beginning of 1945, there had been an estimated 15,000 prisoner deaths from typhus, mostly in the camp's last two months. When the Americans captured the camp on 29 April 1945, they also found 500 dead bodies huddled in open trucks on a train standing in the railway yard next to the camp. However, these people had not been 'exterminated' either: they had died of exposure. Finding dead people on trains in Germany in the closing stages of the war was by no means unusual. In January 1945 800 Germans, frozen to death, had been found on a train which had arrived in Berlin. It must be borne in mind that the German railway system was in utter chaos in 1945. Most of the passenger carriages had either been destroyed or were scattered to every corner of the Reich. Many of the lines had been cut by Allied bombing. It was literally impossible to get food through to the camps; consequently there was severe malnutrition. Many of the camp administrators had abandoned their posts; with the resultant breakdown in order and sanitation. The truth about the Dachau deaths is to be found in a 1948 publication of the American Association for the Advancement of Science:

"There were great accumulations of cases (of typhus) in the concentration camps and prison camps . . . The number of patients with typhus fever at the time the (Dachau) camp was first occupied will never be known. Days passed before a census of patients could be accomplished."

But this did not prevent American propagandists from claiming that an "extermination gas chamber" existed at Dachau, and that the deaths were the result of a systematic murder programme.

Two types of room were claimed as "gas chambers" by the propagandists. One was indeed a gas chamber, but it was a chamber for delousing prisoners' clothes through the use of Zyklon B pesticide gas, i.e. an extermination chamber for exterminating lice.

The second type was an ordinary shower room, which, it was claimed, was actually a gas chamber disguised as a shower. The 'proof' for this is supposed to be that the shower-room was next to the crematorium. Doubtless the architects of every city crematorium in the world will be interested to know that every time they site a shower for the staff close to the incinerators they are risking being accused of planning an extermination programme.

Usually the propagandists present the shower-room as the "extermination chamber", rather than the disinfection chamber, which was only ten feet square, and therefore would patently not have the capacity required to 'verify' the myth.

Today, there is no longer any pretence that a gas chamber was used at Dachau. Visitors are shown the shower-room, and told that "This gas chamber, camouflaged as a shower-room, was not used. The prisoners selected for gassing were transported from Dachau to the Hartheim Castle, near Linz (Austria) or to other camps." Why on earth the Germans should have gone to all this trouble, when they had a real, working "gas-chamber" right there on site is not explained.

## EICHMANN

Nothing conjours up ghastlier images in the minds of people today than the name of Adolf Eichmann. Before his abduction by Israeli agents in 1960, not many had

heard of the man. After his trial and execution, the world was flooded with sensationalistic novels, all purporting to be based on Eichmann's activities. One example is Comer Clarke's *Eichmann: The Savage Truth*. According to Clarke, "The orgies went on until six in the morning, a few hours before consigning the next batch of victims to death."

In fact, Eichmann was merely an unimportant administrator, the head of Office A4b in Department IV (the Gestapo) of the Reich Security Head Office. His office was responsible for the internment of enemy aliens, in the case of Office A4b — the Jews.

Eichmann's capture, trial and execution were all hall-marked with the same 'high' standards of justice which the earlier trials had displayed.

On 23 May 1960, David Ben Gurion announced to the Knesset that the Israeli Security Forces had captured "one of the greatest Nazi criminals, Adolf Eichmann, who together with the Nazi leaders was responsible for . . . the destruction of 6 million European Jews." Ben Gurion was obviously unworried by any annoying rules of *sub judice*. Nor was Professor Theodor Heuss, the former German President, who happened to be visiting Israel at the time. Heuss commented, "Eichmann is one of the chief war criminals. He did enormous evil and caused untold suffering all over Europe." He added that he was sure Israel would handle the Eichmann case correctly and justly (i.e. by making sure he was found guilty).

The Israeli government was determined to make as much political capital as possible out of the trial. As Ben Gurion himself wrote in *Davar* on 27 May 1960:

The importance of Eichmann's capture and trial in Israel lies . . . in the fact that the entire episode of the Holocaust can now be laid bare in an Israeli court so that the youth of this country . . . will know and remember. I have no doubt that in the service of the dictators of the neighbouring countries there are scores and hundreds of Nazis; German and Arab, who took part in the slaughter of the Jews then and are now plotting the same thing for the nation of Israel in its own country. Public opinion in the world must be reminded whose disciples are those now planning Israel's destruction."

By chance, the President of the World Zionist Organisation, Dr. Nahum Goldmann, happened to be visiting Israel at the time of Eichmann's capture. He publicly expressed reservations about the idea of Eichmann being tried before an all-Israeli court. Goldmann felt that a better show could be made by resurrecting an international tribunal, Nürnberg-style. Ben-Gurion quickly put Goldmann in his place, and pointed out:

It is not the penalty to be inflicted on the criminal that is the main thing — no penalty can match the magnitude of the offence — but the full exposure of the Nazi regime's infamous crimes against our people. Eichmann's acts alone are not the main point in this trial.

The Soviet government agreed. At a news conference at the United Nations the Soviet Foreign Minister Andrei Gromyko expressed his approval of the trial. Also, the Soviet Ambassador in Washington declared that although the USSR had serious differences with Israel over the matter of Israel's imperialism, his government felt that Israel was entitled and indeed, obliged, to try Eichmann. Should Israel relinquish this right, he went on, the Soviet Union would demand Eichmann's extradition to the USSR for the crimes he had committed against Soviet citizens, including numerous Jews.

But one country which was not so keen on the proceedings was Argentina, from where Eichmann had been abducted. Argentinian nationalists were annoyed that their sovereignty had been violated by Israel. The Israeli Ambassador to Argentina was summoned by the Argentinian Foreign Minister and asked for an official

explanation about the Israeli commando raid.

The Israeli Foreign Ministry replied:

The Government of Israel had no knowledge whatsoever that Eichmann came to Israel from Argentina, as the Israel Security Services did not inform it of this . . .

Ever since the end of the Second World War, Jewish volunteers (among them some Israelis) had begun to look for Eichmann, the person principally responsible for the extermination of the Jews of Europe . . .

The searches were renewed more vigorously and the address of Eichmann, where he was living under a false name, was discovered. The group of volunteer searchers made contact with Eichmann and asked him if he was prepared to come for trial to Israel. When Eichmann realised that he had been recognised, he admitted his true identity and stated that he was living in Argentina with false papers and under an assumed name; as to the question whether he was prepared to stand trial in Israel, he requested a delay of twenty-four hours before giving his agreement to come to Israel of his own free will to be tried. He also handed the group a letter to the Argentine government written in his own handwriting (a photostatic copy of which has been forwarded to the government of Argentina). The following is the text of Eichmann's letter (as translated from its German original):

"I, the undersigned, Adolf Eichmann, state herewith of my own free will: Since my true identity has now been revealed, I realise that there is no point in my continuing to try to avoid justice. I declare myself willing to proceed to Israel and to stand trial there before a competent court.

"It is understood that I will receive legal counsel and I shall try to recount, without any embroidery, the facts relating to my last years of service in Germany, so that a true picture of the events may be transmitted to future generations. I am submitting this declaration of my own free will, I have not been promised anything and I have not been threatened. I want at last to achieve inner peace.

"As I am unable to remember all the details and may also mix things up, I request that I be helped by the putting at my disposal of documents and testimony to assist me in my endeavour to establish the truth.

(signed) Adolf Eichmann, Buenos Aires, May 1960."

On May 23, 1960, the group of volunteers informed the Government of Israel that Eichmann was in their custody . . .

The Government of Israel requests that the extraordinary significance of bringing to trial a person who bears the responsibility for the murder of millions of our people be taken into consideration . . .

The 'Big Lie' technique of the Israeli Government did not work with the canny Argentinians. In June 1960, they referred the matter to the Security Council of the United Nations, despite much behind-the-scenes effort to induce them to stand down. The Soviet Ambassador made a strong attack on Argentina. The USA, Italy and France all took a strongly pro-Israel stance. In the end, the Security Council voted that Israel should have to apologise for infringing Argentina's sovereignty, and that would be the end of the matter. In order to preserve face with their nationalist supporters, the Argentine Government stated that an apology would be insufficient. On 25 July 1960 they broke off diplomatic relations with Israel. But a week later, when the fuss had died down, relations were quietly resumed again.

The Israeli statement was a pack of lies from beginning to end. Eichmann was not "approached by Jewish volunteers". He was bundled into a car in the street by Israeli Secret Service agents (David Ben-Gurion, *Israel: A Personal History*). He did not go to Israel of his own free will — his family spent the whole night searching for him after his abrupt disappearance. As for his so-called 'letter to the Argentinian Government', it just defeats description.

The "letter" bears all the hallmarks of a bogus confession: numerous assurances about writing the letter of his own free will, willingness to go to Israel, confidence in the "competence" of the court, requests for legal counsel and documentary "aide-memoires", and above all, the tone of humility, guilt and "wanting to make a clean breast of things." The line about "a true picture of the events" being transmitted "to future generations" bears a startling resemblance to Ben-Gurion's original *Davar* statement about "the entire episode" being "laid bare so that the youth in this country will know and remember".

Indeed, Eichmann's 'confession' could not have been better written if the Israelis had written it themselves — as seems most likely.

Eichmann was charged with crimes against the Jewish people under Section A(1), and crimes against humanity under Section A(2) of the Nazi Collaborators (Punishment) Law, 1950 — the only law in Israel to carry the death penalty. On 5 June 1960 Deputy Commander Ephraim Hofstater-Elrom (who in an ironic sequel eleven years later was himself kidnapped and murdered in Istanbul) requested that an order be issued forbidding publication of Eichmann's place of incarceration, the security precautions, or anything else which might indicate his whereabouts. In the *Jewish Chronicle* of 2 September 1960, an account is given of all the third-degree methods which were used to render Eichmann 'more co-operative'.

A special police squad, Bureau O6, was set up to co-ordinate investigation into Eichmann's career. The Bureau consisted of thirty men in five squads. One squad conducted Eichmann's official interrogation for 'four or five hours a day'. Another squad unearthed and examined documents. A third took affidavits from witnesses. The fourth examined thousands of documents in various Jewish archives and government data-banks around the world. And the fifth prepared the evidence and investigation material for the trial. The head of O6 was Commander Avraham Selinger, and almost all his men were German-Jews.

The trial began on 11 April 1961 in the Beit HaAm Hall in Jerusalem, which had been rushed to completion for the purpose. A bullet-proof glass cage was installed around the dock. The three judges were Moshe Landau (chairman), Dr. Benjamin Halevi and Dr. Yitzhak Raveh. The Prosecutor was Attorney General Gideon Hausner. The defence attorney was Dr. Robert Servatius, assisted by Dieter Wechtenbruch, both Germans.

As soon as the indictment had been read out, Servatius intervened to challenge the validity of the court. He suggested that (a) the judges were not objective, because of their preconceived opinions, and (b) the court was not qualified to try Eichmann because (i) he had been illegally abducted from Argentina and (ii) the crimes he had been charged with had been enacted *post factum*. Servatius further pointed out that the acts attributed to the accused were committed before the creation of the State of Israel, against persons who were not citizens of Israel. He said that Eichmann's written declaration that he had come to Israel of his own free will had been extracted by force: it was highly unlikely that a man who had been in hiding for fifteen years to avoid trial would suddenly wish to appear in court. He said Eichmann was merely a functionary; just a cog in a machine, and therefore did not deserve to stand trial like the Nazi leaders had. But even if he should be tried, it should be before an international tribunal. It would be well-nigh impossible to convince defence witnesses that it would be safe for them to come to Israel.

The Attorney General, Gideon Hausner, answered the objections. First he dealt with the claim that Jewish judges could not be objective. No decent person in the world could be objective in such a trial, he maintained. (However, he did not explain why decent neutral people from non-combatant countries like Sweden or Switzerland should not be asked to judge the evidence.)

Regarding Servatius' objection that Eichmann had been illegally abducted, Hausner argued that this was irrelevant. In any case, he said, the negotiations over the affair between Israel and Argentina had ended successfully. (But he did not endeavour to explain how the breaking off of diplomatic



relations between the two countries could be described as successful; someone must have pulled him up on this point during the lunch-break, for in the afternoon session Hausner was at pains to point out that of course the Israeli Government did not admit to abducting him, anyway.)

Servatius had argued that it would be impossible to get any defence witnesses to come to Israel for the trial. Hausner replied that he would be generous and allow the introduction of written affidavits. He would even go one step further and agree to the submission of evidence from witnesses who had testified in German courts.

Hausner had to admit that the Israeli law was *ex post facto*, but he argued that this was by no means unprecedented: he cited the Yalta Agreement, the London Agreement and the subsequent Nürnberg Trials. Without retroactive law, he suggested rather candidly, the Nazis would have been immune from punishment. (Undoubtedly the same rule would not apply to Israeli war-crimes, such as the massacre at Deir Yassin.)

Hausner rejected a further claim by Servatius that Germany had already atoned for the crimes of the Nazis by paying financial reparations to Israel. The Reparations Agreement could never serve as an atonement or make us forget, he maintained. He further rejected the claim that Eichmann was just a small cog in a large machine — Hausner intended to prove that it was Eichmann who had initiated, planned, organised and implemented the attempt to exterminate the Jewish people of Europe. (If Eichmann was totally responsible for all this, one wonders why hundreds of Nazis were executed at Nürnberg for the same crime. How could hundreds of people all have “initiated” the plan?)

To the claim that Eichmann could not be tried for crimes committed before the State of Israel was created, Hausner countered that despite the fact that Israel did not exist *de jure* at the time, the Great Powers had recognised the ‘Nation of Israel’ as a party to the war against Germany. He submitted a document, dated 1950, in which the governments of the USA, Britain and France invited Israel, rather belatedly, to join them in putting an end to the state of war with Germany. (So if the Nation of Israel was “at war with Germany”, then the Germans were quite entitled to put the Jews in concentration camps — as interned enemy aliens, just like the Americans did with the Japanese in California, and the British did with stray Germans on the Isle of Man.)

Needless to say, the judges were not impressed by Servatius’ last-ditch efforts. They ruled that the indictment was valid. Judge Landau reiterated that justice would be guaranteed, as every man was presumed innocent until proved guilty. (Neatly ignoring the public utterances of almost the entire Israeli establishment, including the Prime Minister himself.)

Eichmann pleaded Not Guilty.

Hausner opened his case with what appeared to be a ten-hour long précis of some cheap Holocaust pot-boiler. He distorted and misrepresented almost every single point of evidence he referred to. He attempted to portray Eichmann as a vehement anti-Zionist, when in fact he was quite the reverse, as the Kimche brothers relate at some length in *The Secret Roads*. He referred to the Nürnberg affidavit of Dieter Wisliceny, Eichmann’s assistant, as if it was genuine, when in fact Wisliceny was tortured by the Soviets into signing the affidavit, which was written in English. He referred to the affidavit of Rudolf Höss, the Commandant at Auschwitz, saying that Eichmann and Höss had jointly chosen the site for the Auschwitz exter-

mination plant. Here again, the affidavit was a blatant forgery (which is rejected even by Jewish ‘Holocaust experts’ such as Reitlinger), again written in English, and again written by a man who was himself executed by the Communists shortly after his ‘confession’.

Hausner went on to try to explain away the ‘Jews for trucks’ deal which the Nazis had conducted with Jewish representatives in Budapest. He claimed that Eichmann had done all in his power to stop Jews being allowed to emigrate, in exchange for material or financial ransom. In fact, Eichmann was the main German supporter of the scheme, as explained in *A Million Jews to Save*, by André Biss, one of the Hungarian Jews involved. (It has since been suggested that there may have been Israeli party political factors involved in Hausner’s pejorative dealing with the scheme. One of Biss’s colleagues involved in the deal was Rezsö (Rudolf) Kastner, who gave an affidavit at Nürnberg (2605-PS), emigrated to Israel and became a leading member of Ben Gurion’s Mapai party. A scandal erupted in 1957 when another Hungarian Jew accused Kastner of having worked too closely with the Nazis. Kastner sued him for libel, and soon afterwards was mysteriously assassinated.)

Hausner tried to pin on Eichmann responsibility for the alleged Action Group executions in occupied Russia. He claimed that a Nürnberg document (003-L) by SS Gruppenführer Katzmann told how 434,329 Jews had been destroyed. In actual fact, the Katzmann letter described this number of Jews as having been resettled (*ausgesiedelt*), and receiving “special treatment” (*sonderbehandelt*). Neither of these terms indicate extermination.

The first prosecution witnesses, on 18 April 1961, were police officials from the data-collation section of Bureau O6, run by Naftali Bar-Shalom. Most of the documents he presented had been gleaned from Jewish documentation centres throughout the world, in particular a source in London which had had access to the entire German Foreign Ministry records from 1870 to 1945. The records had been captured almost in their entirety and shipped to England at the end of the war.

On 20 April, Chief Inspector Avner Less, in charge of the O6 Interrogation squad, submitted the tapes of Eichmann’s interrogation, together with the 3564-page transcription. However, Eichmann’s attitude during the interrogation sessions was remarkably different from that he displayed otherwise. A Protestant minister, Rev. William Hull, who had access to Eichmann during his incarceration, admitted that the contrast was puzzling. On tape Eichmann had said, “I am prepared to be punished for the black events and I know that the death sentence awaits me. I do not request mercy for I do not deserve it.” Hull reported that when he had asked Eichmann to make a confession before God, Eichmann had replied, “I have done nothing wrong.” Even Servatius had to acknowledge that Eichmann “did not anticipate the death sentence.”

The trial was interrupted for a few days for Israel’s Independence Day celebrations. In a special broadcast to the nation, Ben Gurion did not miss the chance to make political capital out of Eichmann’s demise; again paying his usual regard to *sub judice* rules:

This is not an ordinary trial nor only a trial. Here, for the first time in Jewish history, historical justice is being done by the sovereign Jewish people . . . It is not an individual that is in the dock at this historic trial and not the Nazi regime alone but anti-Semitism throughout history. The judges whose business is the law and who may be trusted to adhere to it will judge Eichmann the man for his horrible crimes, but responsible public opinion in the world will be judging anti-Semitism.

After the celebrations, the court got back to work again, going through Eichmann's interrogation records. It transpired that Eichmann had sown the seeds of his own downfall in 1957, when he had bumped into an ex-SS man by the name of Sassen in Buenos Aires. Sassen had suggested that the two should make a bit of money by writing a book about the war, based on Eichmann's experiences. Eichmann agreed, and submitted to hours of question-and-answer sessions with Sassen, which were all put down on tape. But after the sessions got under way, Sassen began to get a little bit frustrated, partly because Eichmann's memory was so hazy, and partly because what he could recall was chronically boring. Eichmann agreed that Sassen should use some poetic licence to liven up the story. Sassen transcribed the tapes, and then Eichmann added comments and corrections in the margins. He also wrote out by hand a further 83 pages of comments.

Sassen found that it was more difficult than he had imagined, trying to sell the story, and ironically it was not until Eichmann was arrested three years later that Sassen was able to find a market. The story was featured in *Life* magazine for the week 28 November/5 December 1960, thus indicating that the work was no historical archive; it was popularised semi-fiction. The feature was full of factual errors; for example it was stated that Himmler was already in command of the Reserve Army by April 1944, when in fact he did not become head until after the July 1944 plot against Hitler's life.

The prosecution had obtained some of the interview material direct from Sassen. The tapes themselves had 'disappeared'. Instead, they produced photo-copies of the 83 pages of Eichmann's hand-written notes, which were admitted, and a 300-page transcription (again photo-copied) of 62 out of 67 tape sessions, which the defence challenged. The court agreed to admit only those pages which bore Eichmann's handwritten margin-notes.

On 25 April, Hausner went to town with the Wisliceny affidavit. The affidavit claimed that Eichmann had "told" Wisliceny that Himmler had ordered the Jews to be exterminated in April 1942. At the end of 1944, "Hitler had ordered that all executions of Jews were to cease, but Eichmann refused to obey unless he received a written directive signed by Himmler." The affidavit also noted Eichmann's ties with the Mufti of Jerusalem, and made it clear that the Mufti was "most impressed" with the Nazis' solution to the Jewish question, and they with him. According to Wisliceny, the Mufti had asked for one of Eichmann's assistants to be loaned to him in Palestine after a German/Arab victory. He went on to say that the only reason the "trucks for Jews" plan had failed was because the Mufti had intervened with Himmler, anxious lest the ransomed Jews should decide to go to Palestine.

From beginning to end, the Wisliceny "affidavit" stinks. The un-natural emphasis on the Mufti of Jerusalem, the attempts to smear him as a Nazi and the ludicrous portraying of him as a lever on German policy in Hungary — these are just the kind of propaganda points which Zionists would think of, not minor Gestapo functionaries in Slovakia. As previously pointed out, Wisliceny signed the affidavit, which was written in English, after being tortured by Soviet jailers and interrogated by 'American' investigators at Bratislava Prison in Czechoslovakia. He was executed immediately afterwards, before he could change his mind. Factual errors abound in the affidavit; for example it is claimed that the German invasion of Poland added 3 million Jews to the Reich — in fact there were only around one million.

Sundry human witnesses were then called to testify to the vigour, dynamism and heroism of the Jewish people. Out of 102 witnesses for the prosecution, at least ninety had not only never met Eichmann, but until the end of the war had never even heard his name. A Professor Salo Baron asserted that in 1939, the world Jewish population was 16½ million (an accurate figure) but that after the war only 10½ million remained. This figure is rather doubtful, to say the least. The *New York Times* on 22.2.48 estimated the post-war world Jewish population at between 15½ million and 18¼ million. The official American Jewish Committee estimate published in the 1945 *World Almanac* was 15 million. The 1946 figure was 15¾ million, which was retained for the 1947, 1948 and 1949 editions. Baron also alleged that the Nazis had 9.8 million Jews under their rule. This again is wildly inaccurate. According to *Chambers Encyclopaedia*, there were only 6½ million Jews in the whole of pre-war Europe; 3 million of these escaped to Allied countries, and ½ million were living in Britain or neutral European countries anyway. So there were only around 3 million Jews remaining within the Reich.

Eichmann's defence strategy was essentially an acknowledgement of reality. Like the Nürnberg defendants before him, to have challenged the extermination legend would have been to have challenged the whole basis of the court's political being. His only possible line of defence was to admit that exterminations had happened, but deny any personal involvement. His fundamental attitude was that he had been only a cog in a machine, merely organising transportation, in obedience to orders which could not be disobeyed. In fact at no point throughout the trial was any evidence produced to the contrary. There was no way that Eichmann could have been responsible for what went on in the camps — his task was administering transportation, not formulating policy. A secondary feature of his testimony was that, however lowly he was, he had done his best to sabotage the extermination programme as soon as he had learnt of its existence.

Eichmann's attempts to explain away, rather than explain, his role, cut little ice with the court. The trial lasted four months. Four more months passed before the judges handed down their verdict — guilty on all fifteen counts of the indictment. In his summing up, Justice Landau spoke of the many questions to which the trial had drawn attention:

What are the psychological and social causes of the group hatred known as anti-Semitism? Can this ancient disease be cured, and if so, how?

The court passed sentence of death on 15 December 1961, having noted that Israeli law precludes the death penalty, except in Holocaust cases. On 31 May 1962, after appealing in vain as far as the highest functionary in the land, President Ben-Zvi, Eichmann mounted the scaffold. The Rev. Hull again offered his assistance, but Eichmann told him that he would go to his death calmly, believing in Nature rather than God. He gave his blessing to Germany, Austria and Argentina and was hanged on the stroke of midnight. His body was cremated in a gas-oven, and next day his ashes were carried three miles out to sea by a police launch and unceremoniously dumped into the Mediterranean.

## EICHMANN THE ZIONIST

The irony of Eichmann's trial by the Israelis is that he himself was a staunch Zionist and gave much assistance to the Zionist cause, both before and during the war.

He first became converted to Zionism in 1935, after reading, as part of his SS training, the Zionist classic *The Jewish State*, written by the inventor of Zionism, the journalist Theodor Herzl. (The original title of the book was *An Address to the Rothschilds*.) Eichmann described himself as being promptly and permanently converted to Zionism. Henceforth, he thought of nothing but a "political solution" for the Jewish question and how to "get some firm ground under the feet of the Jews."

He was reported as having protested against the desecration of Herzl's grave in Vienna in 1939 and was seen in civilian clothes at the commemoration ceremony on the thirty-fifth anniversary of Herzl's death. In 1937, Eichmann and a functionary from his office made a visit to Palestine at the formal invitation of a Zionist official. But only after climbing Mount Haifa, he was arrested by the British authorities and deported to Egypt. In Cairo, he was visited by a representative from the Zionist para-military organisation Haganah. Nowadays, the Zionists try to shift responsibility for Eichmann's visit to the Mufti, but there is no doubt that Eichmann empathised more with the Zionists, as their political philosophy directly coincided with that of the Nazis, i.e. the dissimulation of the Jews from Europe and their despatch to a land of their own (usually thought of as Palestine — but Madagascar, Uganda and Kazakhstan have all been considered).

The liaison did not end with the internment of Jewish dissidents. In *The Secret Roads*, two prominent British Zionists Jon and David Kimche describe how Eichmann co-operated in the recruitment of Jewish pioneers to be illegally and secretly settled in Palestine. The Kimches describe how two young Jewish settlers made their way back to Berlin and Vienna in 1938 in order to put the scheme to the Gestapo. Eichmann readily agreed to the plan, and even expelled a group of nuns from a convent to provide a training farm for the young Jewish émigrés. By the end of 1938, about a thousand Jews were being provided with training in these establishments. The two emissaries were allowed to visit internment camps and select the most able Jewish youngsters for training and subsequent passage to Palestine.

The Kimche brothers paid eloquent tribute to Eichmann's efforts on behalf of the Jews in *The Secret Roads*: "Eichmann may go down in history as one of the arch murderers of the Jewish people, but he entered the lists as an active worker in the rescue of the Jews from Europe." They go on to point out that the Zionist agents in Europe regarded the British as "the chief enemy" — not Germany.

Even during the war itself, Eichmann still liaised with his Zionist friends. In 1944, when he was stationed in Budapest, he negotiated a deal with Dr. Reszö Kastner, a leader of the Hungarian Jewish community, whereby Jews would be allowed to emigrate to neutral countries in exchange for the Germans being supplied with trucks, tractors, food supplies and foreign exchange. However, the deal hardly got off the ground — only a couple of thousand Jews got to Switzerland — when the Allied governments squashed the scheme.

## RECENT TRIALS

The Eichmann Trial in Israel had one major side effect in that it sparked off yet another wave of "war-guilt hysteria" in West Germany. In order to assuage their public consciences, the German authorities swooped on a number of unsuspecting citizens and promptly put them on show-trial. One of the first victims was Richard Baer, successor to Höss and last commandant of Auschwitz, who was arrested on 20 December 1960 near Hamburg, where he was working as a lumberjack. He was imprisoned and interrogated, but steadfastly denied that the Auschwitz "gas-chambers" had ever existed. Unfortunately he did not live long enough to take this position in court, for he died in prison on 17 June 1963, at the age of 51, apparently from a circulatory ailment, although his wife considered his death rather mysterious.

When the trial finally opened in Frankfurt in December 1963, the principal defendant was one Robert K. L. Mulka, an ex-SS Captain who had served briefly as adjutant to Höss at Auschwitz. Mulka had been tried and sentenced,

by a German court, immediately after the war, in connection with his role at Auschwitz, and quite a few of the other 21 defendants at this Auschwitz Trial were standing trial for the second time on basically the same charges. The Bonn Government refused to allow as an observer at the trial the writer Paul Rassinier, who had himself been interned at Buchenwald and had written several books denying the existence of gas-chambers.

The court did not, of course, ignore legal matters entirely, and it took the trouble to explain that the Bonn Government considered itself the legal successor to the Third Reich, and was thus competent to try persons for infringing laws which were in force in Germany during the war period. Killing Jews had been illegal in Nazi Germany, and thus the majority of the defendants were charged in that respect.

Being a normal court of law, rather than an ad-hoc Military Tribunal, a rather higher standard of evidence was demanded at Frankfurt than at Nürnberg. However, such high-standard evidence was not forthcoming. The court was forced to acknowledge that the only documentary proof was "a few not very valuable documents." The evidence was "almost exclusively witness testimonies." Unlike a normal trial, they said, in this case there was no corpse to examine, no *post-mortem*, no murder weapon, no finger-prints, no forensic evidence and no proof linking the defendants with any victim. They pointed out that previous convictions on such weak evidence had proved unjust: "Only a few weeks ago we read in the newspapers that a member of the Buchenwald concentration camp staff had been convicted of murdering an inmate who, it is clear today, is alive and was certainly not murdered."

The court was careful to skate around the thorny problem of the witnesses' objectivity. Almost all the witnesses were from Iron Curtain countries. They had all been circulated with portfolios of notes, to "refresh their memories", by self-appointed organisations such as the "Comité International d'Auschwitz" and the "Comité des Camps". Even the mayor of Frankfurt had made improper suggestions regarding what kind of evidence the witnesses should give.

In the end, the only charges which stuck were of a nature completely isolated from the extermination charge. Mulka was found guilty of having signed an order form for a batch of Zyklon B pesticide, of having been in charge of the motor pool, which transported internees to and fro, and of having been involved in the construction of the crematoria for the victims of typhus. He was sentenced to 14 years' hard labour, but was released after only four months on health grounds. Defendant Franz Hofmann, ex-SS Captain who had been in charge of Auschwitz I, received a life sentence for having thrown a bottle at a prisoner who later died from the head injury received. But Hofmann too was released shortly afterwards, on the grounds that he had previously served a sentence.

In June 1976, the trial finally ended in Hamburg of six former Nazis charged with involvement in the murder of "more than a million" Jews in wartime ghettos and concentration camps. The trial, interrupted by frequent illness among the six, had lasted 3½ years — the longest in Hamburg's history. All were acquitted due to lack of evidence.

Karl Streibel, 72, former SS officer and commandant of Trawniki Labour Camp was the chief accused. The others were Michael Janczak (72), Kurt Reinberger (65), Erwin Mittrach (67), Theodor Pentzick (68) and Joseph Napietralla (68).



## THE ITALIAN TRIALS

Probably the first achievement of the backlash of opinion against the war trials was the commutation in 1947 of death sentences passed on several German generals tried in Italy.

The best known of these was Field Marshal Kesselring, chief of the German forces in Italy. In 1945 this aged German soldier was interned in the so-called Ash Can at Mondorf Camp near Luxembourg, along with many others from the German military top brass. From there he went to Nürnberg, where he was kept in solitary confinement for five months, with no reason being given for this punishment. His solitude was only interrupted by several sessions as a defence witness for Göring during his trial as a war criminal. Kesselring notes only two episodes from the trial in his memoirs.

He recalls that he had gone to great lengths to explain to the court that the German air attacks on Poland in 1939 had been scrupulously planned in accordance with the Hague Convention. But in a deliberate act of obtuseness, the British prosecutor Sir David Maxwell-Fyfe fired a parting shot with the rhetorical question, "So you allowed Polish towns to be attacked in violation of international law?"

Kesselring's reply sounds haughty today, but at that time was the perfectly sincere response of a principled German officer: "I have given my evidence as a German officer with over forty years' service, as a Field Marshal and on oath! If my statements are so little respected I shall make no further depositions."

Later, one of the defence counsel Dr. Laternser, wanted to know about the activities of the Communist partisans in Italy. Immediately the Soviet prosecutor, General Rudenko, sprang to his feet to object. "The witness," he declared, "seems to me the least fitted on this subject." After lengthy deliberations, most of the discussion out of court, the tribunal ruled that that was the end of the subject.

Kesselring next found himself at Dachau, the war-time concentration camp which the Allies were using as a clearing house for PoWs and war criminals. The Field Marshal was squashed into a tiny cell with Field Marshals von Brauchitsch and Milch, Secretary of State Bohle, Ambassador von Bergen plus an ordinary soldier.

From there it was back to Nürnberg again, to be grilled by the American Army's 1984-ish Historical Division. The Historical Division had been set up to write, or rather re-write, the history of the war, and needed to interrogate Kesselring in order to make allowance for any unfortunate contingencies, such as facts, or eye-witness accounts, which might otherwise throw the Division's authoritative description into some disarray at some stage in the future.

In the autumn of 1946, the Field Marshal was moved to London, where he spent a month in the well-known Kensington Cage, where he was again de-briefed about his war experiences. Kesselring's memoirs note that during one of his sessions with a Jewish interrogation officer, he warned the Jew that if they insisted on pursuing their stated policy of revenge against the German nation, they would only be sowing the seeds of anti-semitism, not just in Germany, but throughout the western world.

Around this time, the trial opened in Rome of Generals von Mackensen and Mälzer, who were accused of the shooting of 335 Italians in the Ardeatine catacombs near Rome on 24 March 1944. Kesselring was able to give evidence on behalf of his comrades, but his six days on the

witness stand were in vain. The two were sentenced to death.

But Kesselring himself was very quickly to find himself on the receiving end of British military "justice". His trial at Venice lasted three months from February to May 1947. On the first day of the case, Kesselring's defence counsel had been unavoidably delayed, but the prosecution demanded to be able to proceed without him being represented at all. Fortunately a British officer intervened and told the prosecutor: "This trial must not be allowed to become a farce from the very start."

The military tribunal contained only one person with any legal training whatsoever — the same judge who had presided over the Rome trial three months earlier. There were two charges. One was the same charge of murdering the Italians, which had resulted in death sentences on Kesselring's colleagues. The second was a charge of incitement to murder, which alleged that Kesselring had issued two orders to his troops to murder civilians. The only prosecution evidence which was presented was a portfolio of affidavits. There were no human witnesses on the prosecution side. The affidavits had not been taken down by any person authorised to administer an oath, but had somehow been 'compiled' on the basis of third-hand information, passed on years after the incidents took place. When such affidavits were presented to Italian courts, most of them were proved to be either untrue or wildly exaggerated. It turned out that many of the misdeeds which had actually taken place were not the work of German soldiers, but of Italian Fascists, such as the Brigata Nera, or partisans wearing stolen German uniforms.

Kesselring was able to obtain the assistance of four extremely able defence counsel: Dr. Laternser, Dr. Frohwein, Dr. Schütze and Prof. Schwinge. They pointed out to the court that all responsibility for reprisals against guerilla operations had been transferred from the army to the SD, so Kesselring could not have borne any guilt for what excessive reprisals did occur. In fact, according to Kesselring, the army attempted to circumvent many of the SD's reprisal plans, but their hand was forced by continuous assassinations and ambushes, not just of Germans, but of Italian businessmen and police, by communist partisans. Kesselring was obliged to issue his own authorisation for local army commanders to take whatever anti-guerilla actions necessary. He emphasises that this was not an order to take such action, simply an authorisation that such could be taken. The authorisation was a direct reply to the broadcasts of Field Marshals Alexander and Badoglio, who were exhorting the Italians to murder as many Germans as possible and step up the guerilla war. Kesselring points out that the official US Army handbook *Rules of Land Warfare* also authorises such tactics, even including the execution of hostages (article 358d).

Although an Italian court returned a not guilty verdict against one Kappeler, a member of the SD who was facing similar charges to the Field Marshal, the British military tribunal found Kesselring guilty on all counts. On 6 May 1947, he was sentenced to death by firing squad.

There was considerable public unrest about the verdict. A Col. Scotland, who had befriended Kesselring whilst he was interned in the Kensington Cage, published a booklet on the trial, *The Kesselring Case*, which focused public attention on the affair even more. The Italian Archbishop of Chieti declared that Kesselring had at all times behaved in an exemplary fashion during the German occupation. "The attitude and behaviour of Field Marshal Kesselring deserve all public praise," he wrote, "The name of the

Field Marshal will always be blessed here” (in Chieti).

Eventually the death sentences on Kesselring and his comrades were commuted to life imprisonment. He spent five years in forced labour at internment camps in Austria before being released, due to ill health, in 1952. In 1950 and 1951, the Bavarian denazification courts had looked yet again at the Italian anti-guerilla operations (regardless of any technical principles of double jeopardy) and had found those involved to be not culpable.

Field Marshal Kesselring died at the age of 75 in 1960.

## CRITICISM OF THE TRIALS

To a certain extent, Churchill had been proved right over Nürnberg; the long, drawn-out trial did tend to create public sympathy for the defendants, rather than achieve its objective of “exposing the Nazi war crimes in all their horror.” It was not long before books began to be published which questioned the whole validity of the trials. July 1948 saw the publication of the first such title *Advance to Barbarism*, by “A. Jurist”, published by Thomson & Smith Ltd. An American edition, revised and enlarged, appeared in May 1953, published by the Nelson Publishing Co. of Appleton, Wisconsin. This American edition was translated into Spanish and published by Editorial Ahr of Barcelona in March 1954 under the title *El Crimen de Nuremberg*. The book finally got into German in October 1954 under the title *Der Barbarei Entgegen*, published by Nolke Verlag of Hamburg. A revised German edition was also published by Priester Verlag of Wiesbaden in April 1962. The American edition was serialised in the Dublin *Sunday Press* in six instalments, during January and February 1955. “A. Jurist” finally acquired an identity during this time; he turned out to be F. J. P. Veale. The book received surprising support from various prominent people. Lord Hankey mentions it in the preface to his own book *Politics: Trials & Errors*, and expresses his indebtedness for the inspiration. In fact, Hankey even supplied the preface for Veale’s follow-up book *Crimes Discreetly Veiled*, published by Cooper Book Company in 1958, which deals with Allied war-crimes.

Another early work to challenge the principles of Nürnberg was Montgomery Belgium’s *Epitaph on Nuremberg*, also published in 1948. Although this too went into an American edition, as *Victor’s Justice*, its rather eccentric style did not attract a wide circulation.

1951 saw the publication of Viscount Maugham’s weighty book *UNO and War Crimes*, which put forward polite criticism, and R. T. Paget’s more forthright *Manstein – Campaigns and Trial*. Mr. Paget (now Lord Paget) was the chief defence counsel for General Manstein in the British Military Tribunal at Hamburg in 1951. Paget was Labour MP for Northampton from 1945 to 1974, and was probably one of the most unusual Labour MPs ever to sit in the House of Commons. For a time he was Honorary Secretary of the CIA-financed European Movement. In 1958 he published a book, together with fellow Labourite Sidney Silverman MP attacking capital punishment. For many years Paget was Master of the Pytelly Foxhounds, much to the embarrassment of his fellow MPs. And even more worrying to them, a few years before he retired he suggested that for every British soldier murdered in Northern Ireland, IRA internees should be shot. It has since been suggested that Paget was ‘booted upstairs’ to the House of Lords to keep him out of the way.

In recent years there has not been any attempt to look at the war crimes trials from a clinical point of view. The odd feature on Nürnberg in part-work history serials is usually so fatuous as to be ridiculous. A photo caption in *World War II* No. 110 reads “Even the defendants, their counsel, and contemporary opinion in Germany admitted that it had been a fair trial.”

In the United States too, there were rumblings of discontent about Nürnberg. Rather ironically, Chief Justice Stone, on whose death the Nürnberg proceedings were interrupted for a few minutes for the participants to express their respect, was opposed to the trials. Just before he died, he had written that:

It would not disturb me greatly if the power (of the victors) were openly and frankly used to punish the German leaders for being a bad lot, but it disturbs me some to have it dressed up in the habiliments of the common law and the constitutional safeguards to those charged with crime.

(quoted by Alpheus Mason in *Harvard Law Review*, Dec. 1953)

Stone was not alone in voicing this disquiet. Senator Taft spoke out openly against the hypocrisy of Nürnberg (see *New York Times*, 6.10.46), as did Pitman B. Potter, the secretary of the American Association of International Law (see *NYT*, 2.6.46) and Federal Judge Charles E. Wyzanski Jr.

A vigorous debate ensued, with outraged newspaper columnists leaping vocally to the defence of the trials. Walter Lippman writing in the *New York Times* (8.6.46) compared Nürnberg with Magna Carta, *habeas corpus* and the American Bill of Rights. (It is rather ironic that Lippman should have compared Nürnberg as a development from *habeas corpus*, since that legal right had largely been negated, as far as the Nazis were concerned. Even the Nazis’ wives were locked up for months on end without charge.) He described it as:

A development in human justice which our descendants may well consider the event of modern times.

Certainly the holding of the war crimes trials was a milestone in world history, but whether Nürnberg can be properly compared with the Magna Carta, or whether it might not have rather more in common with the Star Chamber, is rather open to debate. Let us now look at the trials critically, but clinically.

THE CHARGES could have been drawn up by some poet or philosopher, for no specific item of legislation, passed by any specified legislature, was alleged to have been broken. For someone to be charged with a crime necessitates their breaking a law. No country had, or has, a law against waging war. Neither does any country have a law against waging ‘aggressive’ war. Who defines the aggression? When Britain and France invaded Egypt in 1956, their leaders and generals were not arrested and charged with waging aggressive war.

Every single one of the charges could have been equally well laid at the Allies’ door. Consider:

1. Conspiracy to wage war
  - the Anglo-French planned invasion of Norway
  - Stalin’s planned invasion of Poland
  - Roosevelt’s plans to enmesh the USA in the war
2. Crimes against peace
  - Stalin’s invasion of Poland and Finland
  - Britain’s invasion of Iraq
  - Britain’s sinking of the French fleet at Oran
  - American invasion of Iceland and Greenland
3. War crimes
  - the wanton destruction of German cities

the Soviets' murder and ill-treatment of German PoWs  
the use of Germans as slave labourers after the war, in all  
the Allied European countries

#### 4. Crimes against humanity

the Soviet massacre of Poles at Katyn, the Anglo-American bombing of civilian targets, the Soviet atrocities against their own people, before and during the War; the American concentration camps for American-Japanese.

There were some truly brazen examples of double-standards in the indictment. In order for the Soviets to avoid looking like hypocrites on the aggressive war charge, they demanded the insertion of a clause in the indictment which specified that only "Aggression carried out by the European Axis" was to be the basis of the charges! They tried a different tactic with Charge 4. In order to avoid any counter-charges over Katyn, they insisted that the Germans be charged with this crime! When it became clear during the trial that the subject was going to be an embarrassing one for all concerned, it was quietly dropped, and no mention of it was included in the final verdict.

The fourth charge on the indictment, "crimes against humanity", specifically included atrocities committed against the Jews etc. before the outbreak of war, *viz.* :

murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilians before or during war; and the persecution on religious, racial or political grounds in execution of or in connection with any crime within the jurisdiction of the tribunal, whether or not in violation of the domestic law of the country where perpetrated. (our emphasis)

This wide-ranging definition would appear to attribute to nations, or groups of nations, the right to interfere in others if they assess that 'crimes against humanity' are being perpetrated. Secondly, how could this charge be included in a war crimes trial, if the act complained about took place before the war?

In fact there were already laws in Germany which specifically forbade murder and atrocities, including those against Jews. Surely if the case against the Nazi leaders was so open-and-shut, then why could they not have been tried under ordinary German domestic law?

The truth is that the 'crimes' were invented to fit the occasion. An historic event needed spectacular-sounding terminology. Several writers have complained that the charges at Nürnberg involved *ex post facto* (i.e. retrospective) legislation, but even this criticism is inadequate, for no legislature passed any legislation. The 'crimes' were just picked out of thin air.

THE COURT was composed entirely of the victors. Several of the judges — Nikitchenko and Falco — had actually been party to the London Agreement which set up the court in the first place, as had two of the prosecutors — Jackson and Fyfe. Nikitchenko was the most candid of all, when he announced before the trial that "we are dealing here with the chief war criminals who have already been convicted." The others were more guarded in their *sub judice* comments.

Part of the IMT's terms of reference specified that no challenges to the court's authority would be permitted. In any court, either side can claim that they are in the wrong type of court, e.g. criminal instead of civil, magistrates' instead of county. No such arguments were tolerated at Nürnberg. Neither was there any appeal. In Britain, one can appeal to the High Court, then the Court of Appeal and then the House of Lords. The Germans were afforded no such formalities.

The defence counsel were allocated to the defendants by the court, and if they were not found to be adequate

by the defendant, that was just too bad. Ribbentrop's counsel told him that the defendants ought to be clear in their minds that the defence counsel were not their clients' 'lackeys'. Rosenberg had the impression that the defence counsel literally hated their clients. Hess's counsel once worked for the Berlin taxi-drivers' union. The defendants were not allowed to examine witnesses themselves, only their counsel could do this, despite a rule in the court's Standing Orders which stated otherwise.

Formal rules of evidence were disregarded, and the tribunal was allowed to "take judicial note" of hearsay evidence, unsigned affidavits, in fact anything which the prosecution thought might be of "probative value". The defence were not allowed access to much vital evidence, and when they did locate any they had to explain its relevance before its introduction could even be considered. Despite promises to the contrary, the defence counsel hardly ever received copies of prosecution evidence, or knew which prosecution witnesses were to be called. Throughout the proceedings they were treated like naughty children by tribunal and court staff alike.

Only one *tu quoque* (thou also) argument was allowed during the defence case, in relation to the less contentious issue of submarine warfare. The defence were not allowed to raise any arguments based on the Versailles Treaty, Soviet atrocities, Allied bombing, the expulsion of German settlers or maltreatment of German PoWs.

In case the defence tried to mitigate their clients' role, by claiming they were acting under orders, the Allies had taken the precaution in 1944 of altering both the American and British army manuals to delete the clauses which said that soldiers must obey orders whether they are illegal or not. Thus any defence argument would fall flat on its face, since the Allies could not possibly accept that orders were to be obeyed regardless of the law!

Accepted legal rules were ignored when a visiting Soviet commissar was allowed to sit in on the trial — on the prosecution bench. Likewise, to interrupt a trial in order to make a speech of appreciation for a dead judge was totally preposterous.

One cannot help wondering why, if the Nazis were as evil and criminal as the indictment said they were, the defence were so ham-strung. Why were not neutral judges invited from Switzerland, Spain, Sweden or Ireland? Surely the whole idea was for justice to be done? Or was the idea more to find the Nazis guilty with the greatest possible theatre, so that future generations would forever be wary of 'racialism'? For did not Nürnberg 'prove' that racialism leads to gas-chambers? Was not the 'evidence' there for all to see? Were not the racialists condemned out of their own mouths? These are the kind of ideas which Nürnberg was set up to instill in the minds of the public.

THE DEFENDANTS had been arbitrarily selected according to a list thrown together by the Soviets at Potsdam. Because Himmler was dead, Kaltenbrunner was drafted in in his place. When Krupp was taken ill, the Americans wanted to "field" his son instead.

Several of the defendants' wives were also taken into custody. Frau von Schirach, Frau Funk, Frau Göring and the Görings' daughter were all arrested and kept in prison without charge for several months. Much of their family property was confiscated.

We must conclude that it did not really matter who was in the dock at Nürnberg, it was really the whole Nazi philosophy which was on trial. Although this was not stated in so many words at the IMT, at the Eichmann Trial in Jerusalem this attitude was spelt out in precise detail.



THE HIDDEN ASPECT of Nürnberg *et al.* which no one has properly examined to date, is the all-important factor of Jewish representation among the prosecutors. Although there were four different charges facing the Nürnberg defendants, it is the last — the extermination charge — which has taken on more prominence than the others.

To discover the reason for this, it will prove useful to examine the number of Jews who were on the staff of the war crimes administrations.

Two of the judges were Jews: Volchkov and Falco. The Gentile Biddle had a Jewish adviser by the name of Wechsler. The British Prosecutor Maxwell-Fyfe was part-Jewish. The British Liaison Officer Clement Freud is a Jew, according to the *Jewish Year Book* (although he wrote to the *Jewish Chronicle* to ask them to omit him from their list of Jewish MPs). Elwyn-Jones married a Jewess. Calvocoressi is probably a Jew.

The American Chief Prosecutor Jackson was not a Jew, but he had several Jews on his staff of advisers: Glück, Leventhal, Bernays and Kempner. The American documentary evidence was collated by a team of Jews: Krieger, Bryson, Felton, Stone, Nathan, Robinson, Kenyon, Schulberg, Derenberg and Jacoby. The War Crimes Branch, which did the groundwork of evidence collation, and later administered at Nürnberg and Dachau, was headed by another Jew, Mickey Marcus, who later went to Israel to fight for the Haganah — “the first Israeli general since Biblical times”. The War Crimes Branch team at Dachau which tortured prisoners into making bogus confessions was also composed of Jews: Ellis, Shumacker, Byrne, Perl, Ellowitz, Thon and Kirschbaum. The head of administration at the Dachau trials was a Col. Rosenfeld.

The administration staff at Nürnberg were also largely Jewish. In charge of translations were A. Jacobovitch and W. Frank. The documentary films were prepared by Karl Jacobi. Col. B. C. Andrus was in charge of the prisoners before the trial, and another Jew, S. N. Binder took charge between sentence and execution. One of the prison psychiatrists was L. N. Goldensohn. Many of the staff were drawn from the predominantly-Jewish OSS. The executions were carried out on the Jewish Feast Day Hashana Raba by a Jewish-American sergeant John C. Woods.

Several of the judges, especially Wennerstrum in AMT7, were very well aware of this phenomenon, and said so after the trial, although in the case of the AMT6 judge, his remarks were not meant for publication.

Since Jews represented only a tiny proportion of the population, it would seem very peculiar indeed that so many of them were involved with Nürnberg. Such a realisation immediately raises the question of who the real instigators of the trials were. Churchill wanted the Nazi leaders put up against a wall. Stalin wanted 50,000 put up against a wall. The French were in no position to want anything, they just had to go along with what the other powers decided. It was only the Americans who were pushing for the trials. They conceptualised them. They planned them. They arranged them. And the American Presidential Adviser (to both Roosevelt and Truman) was none other than Samuel Rosenman, yet another Jew.

Indeed, if we examine the more recent Eichmann trial in Jerusalem, which was run by the official Jewish state, and compare it to the Nürnberg proceedings, which were supposedly run by an ‘International Tribunal’, we can detect an almost uncanny similarity. In both cases, ‘crimes’ were picked out of thin air. In both cases, witnesses were introduced who had never even known the defendant. In

both cases, formal rules of evidence were dropped especially for the trial. In both cases, the defence counsel was hamstrung by restrictions. In both cases, public pronouncements were made about the guilt of the defendants before the trial had even started. In both cases, it mattered little who the individual was in the dock; it was ‘anti-Semitism’ which was on trial. And in both cases, the end result was inevitable. The only difference is that at the official Jewish trial in Jerusalem, as opposed to the unofficial Jewish trial at Nürnberg, those officiating at the trial ritual felt a little more at liberty to be candid; at Nürnberg there were all those stupid Goys who had to be pandered to.

At this point it may be useful to reflect on the most recent ‘war-crimes’ trial of all, in Angola, where as we said, the Angolans endeavoured to follow the example of Nürnberg, Dachau, Jerusalem *et al.* Just in case the simple-minded Angolans should begin to snarl things up, who should be on hand but one Stephen Sedley, a London Jewish barrister with a long record of ‘combatting anti-semitism and racialism’. In 1974, Sedley was one of a gaggle of Jewish barristers who represented various Marxist organisations at the Scarman Inquiry into the Red Lion Square riots of June 1974, when a left-wing student died. Sedley was one of the most vehement of the counsel, when it came to pillorying the National Front, the right-wing organisation whose demonstration had been subjected to attack by the Marxists in Red Lion Square.

In order to confirm all this speculation, we must turn, not to some ‘right-wing crank’, but to the Jewish community themselves. In the *Jewish Chronicle* of 16.12.49, there is a report of a meeting in Glasgow addressed by a Mr. M. Perlzweig, of the World Jewish Congress. Mr. Perlzweig told the meeting that it was the WJC which “had secured the holding of the Nürnberg trials at which it had provided expert advice and much valuable evidence” (our emphasis).

Perhaps this quote from the ‘inside’ will help to settle the question of whether the Nürnberg trials were really “a development in human justice” comparable to Magna Carta and *habeas corpus*, or whether they were a cynical, hypocritical demonstration of revenge; revenge against the one movement which had ever dared to challenge the power of International Jewry. In short, were the Nürnberg and subsequent trials an exercise which could more properly be termed: Trial By Jewry?

---

## ALLIED & ISRAELI WAR CRIMES LEFT UNPUNISHED

### APPENDIX A

#### THE KATYN MASSACRE

In early 1940, after the simultaneous assault upon Poland by the Soviets and the Nazis, all but a handful of the 15,000 Polish officers taken prisoner by the USSR disappeared. When, two years later, the Smolensk region was overrun by invading German troops, the bodies of some 4,300 of these Polish officers were found buried in Katyn wood. Each man had been shot in the back of the head. All these officers (most of whose corpses were identified) came from one of the three camps in the USSR in which the Polish officer PoWs had been confined. The precise fate of the other 10,000 has never been definitely established. They were never found.

In *Katyn — A Crime Without Parallel* (Tom Stacey, 1971) Louis

FitzGibbon details the hideous atrocity. As soon as the Germans discovered the mass graves in April 1943, their announcement to the world was treated as a propaganda plot. But the Germans frustrated this by inviting the International Committee of the Red Cross to investigate the find, and this request was backed up by the Polish government-in-exile in London. The Soviets' reaction was erratic. First of all they said that the Germans had found an historic burial ground. Then they furiously attacked the Poles for "collaborating" with the Germans and cut off relations with them. They also refused their (necessary) consent for the independent Red Cross investigation.

Deprived of the impartiality of the Red Cross, the Germans mustered an impressive team of forensic experts, which they called the International Medical Commission, and which included one scientist from each of the Nazi occupied countries plus one Swiss (a well-known anti-Nazi). They also brought several American prisoners-of-war to Katyn to see for themselves that the investigation was fair.

After examining over 900 of the 4,250 corpses, the Commission unanimously came to the conclusion that the crime was committed not later than April or May 1940, at a time when the Soviets controlled the area. Documents in the pockets of the victims, trees growing on the graves, the stage of decomposition — all provided clues.

But the tide of the war was turning, and by that Autumn the Soviets were advancing westwards, taking Katyn in September 1943. The Communists were only too alive to the Allied suspicion which the Germans had directed towards them. So they too set about organising an 'investigation'. Once again the bodies were dug up, filmed and photographed and probed by scientists. But the Soviet team was composed entirely of Soviets! The scientists did not even do their own first-hand investigation of the site; their judgements were based on 'evidence' produced for them by an un-named group working on the graves. The Soviets managed to produce newspapers and other documents dating from 1941, which they said they found on the bodies. An old peasant who lived nearby, whom the International Commission had interviewed, had suddenly become deaf. When Allied journalists in Moscow asked why the bodies were clad in winter greatcoats, when the Soviets were alleging they had been killed by the Germans in late summer, the Soviets gave the absurd response that it must have been a cold summer in 1941!

In fact, everything pointed to Soviet guilt. Winston Churchill wrote long afterwards that he had believed from the beginning that the Soviets were guilty. But while the USSR was an ally of Britain and America, both countries stooped to the lowest levels to cover up the embarrassing truth.

In fact, the Americans had known of the Katyn massacre long before the Germans had exposed it. The US Embassy in Moscow had compiled a dossier on the subject from its extensive intelligence and surveillance studies of the KGB. The Embassy had sent the report to Washington early in 1942 — a year before the Germans took Katyn. The report had been suppressed.

When the Germans approached the International Red Cross to lay on an independent investigation, Churchill promised Stalin that he would "vigorously oppose it." Roosevelt sent a secret message to Stalin expressing confidence that Churchill would find a way of prevailing upon the Polish government in London "to act with more common sense." Churchill found a way. Pressure was put on General Sikorski, the Prime Minister of the Polish government-in-exile and the Poles agreed to withdraw their request for a Red Cross inquiry.

As far as can be ascertained, only one newspaper, the *New York Times*, mentioned the finding of the corpses. They gave this momentous discovery exactly two sentences near the bottom of the fourth page, under a tiny heading which merely said "Nazis Accuse Russians." The story ran:

London, April 15 — The latest German attempt to sow discord between Allies is a story of the alleged finding of graves of 10,000 Polish officers in a forest near Smolensk. In broadcast accounts the Germans suggested these officers, taken prisoner during the invasion of Poland in the winter of 1939-40, had been shot in the spring of 1940.

During the controversy over the Red Cross inquiry, most of the papers were obliged to make some mention of the affair, although none went into details and most were at pains to portray the massacre allegation as a propaganda trick of Goebbels'. Only the *Chicago Tribune* spoke plainly about the Bolsheviks' capacity to commit such a crime:

As the Bolsheviks have murdered millions of their own people, including many hundreds of revolutionary comrades, there is no inherent reason to believe that the man who ordered all these executions would hesitate on humanitarian grounds to kill a relatively small number of Polish leaders.

Syndicated columnists turned intellectual somersaults in an effort to explain away the affair. Dorothy Thompson claimed it was a German fabrication. Identification of the corpses after three years would be impossible, she said. Trees would not grow in such clay soil, she asserted; they must have been transplanted. As to a Red

Cross inquiry, no "valid investigation" could be conducted.

William L. Shirer said it was suspicious that the Germans had "waited" nearly two years before discovering the mass grave, and said that "to fall for German propaganda" seemed "a good way of trying to lose the war." Walter Lippmann ignored the story entirely. In his April 29 column, he achieved the feat of discussing the Soviets' break with Poland in detail without ever mentioning the gruesome story which the Soviets had used as an excuse.

Stronger methods were used to keep the story off the commercial air-waves. American radio stations operated under licences granted by the Federal Communications Commission, and the FCC used its power to influence the stations' news broadcasts, particularly the Polish language stations in Buffalo and Detroit. Since 1942, FCC pressure had been applied to any station daring to broadcast the mildest criticism of the USSR. Now they went to town, arraigning station representatives before the FCC and the Office of War Information. By indirect pressure, the OWI and the FCC "accomplished their purpose, namely keeping the full facts of the Katyn massacre story from the American people," according to a 1952 House of Representatives inquiry.

One American official attempted to break the embargo on facts. In May 1944, George Earle, the President's special emissary in Turkey and the Balkans, brought evidence of Soviet guilt directly to Roosevelt, but got nowhere. Earle produced photographs and affidavits from officials of the Bulgarian and Rumanian Red Cross who had visited Katyn, and who had testified that there was no doubt that the Soviets were responsible. The President's response was that it was "entirely German propaganda and a German plot." Earle threatened to make public his findings, but was rapidly posted to the remote island of Samoa in the South Pacific.

The two US Army officers who had been taken to Katyn by the Germans were both convinced of Soviet guilt. The senior of these officers, Col. John H. van Vliet, was released from a German PoW camp in April 1945. In Washington on 22 May, he handed a written report to Major General Clayton Bissell, Assistant Chief-of-Staff in charge of Army Intelligence. It was suppressed and kept secret, and van Vliet was given a written order not to discuss it. After the war, as official attitudes towards the USSR changed, rumours of the suppressed report started to gain currency. Finally the Army searched, but it had "disappeared". In 1950, van Vliet prepared a second report from memory.

Questioned at length by the 1952 investigation committee, General Bissell said he thought the original report had been sent to an official of the Department of State, but that official denied receiving it. No transmittal receipt could be produced. (An independent investigation by the Army's inspector general in 1950 concluded that the report had never left Army Intelligence.) The conclusion of the House of Representatives committee was unequivocal: the van Vliet report "was either removed or purposely destroyed by Army Intelligence." According to the testimony of officers who were stationed in Army Intelligence during the war, they had had to contend with a clique of pro-Soviet civilian and military personnel who exerted great efforts to suppress anti-Soviet reports. Top ranking officers who were too critical of their Soviet allies were passed over when it came to promotion.

But in 1946, with the war barely over, the Katyn cover-up operation had become so much part and parcel of (manufactured) 'public opinion' that the Allies were unable to come clean as quickly as they would have liked. And to make matters worse, the Soviets insisted on having the Katyn massacre pinned on the Germans as part of the Nürnberg Trials indictment. The Soviets having taken the position they had on Katyn, it was politically inescapable that they would have to do so.

So it was that the Soviet prosecutor, Col. L. N. Smirnov, called as a witness Dr. M. D. Markov, the Bulgarian member of the Germans' International Commission. Dr. Markov had already been on trial himself, in Bulgaria, after that country was invaded and seized by the Soviets in 1944. After Markov had confessed on Bulgarian Radio that he had been forced to take part in the Katyn inquiry and that all the results were false, he was acquitted by the 'People's Court'.

When he gave evidence at Nürnberg, he again repeated that he had been pressurised into taking part in the Katyn Commission. Col. Smirnov extracted most of Markov's testimony by putting leading questions; to such an extent that Lord Justice Lawrence had to intervene: "I don't think it is proper for you to put leading questions to him."

The Soviets also produced a certain Boris Basilevsky, who was deputy mayor of Smolensk during the German occupation. In evidence, he stated, rather mechanically, as if reading the answers, that the Katyn Wood was not the fenced-off KGB execution area

which the Germans had maintained it to be. He claimed that there had been a Young Communist camp there before the war. This may well have been true, but Katyn was a whole series of woods and covered quite an extensive area. It was quite feasible that someone at one end would not know what was secretly going on at the other. Two other witnesses were called who claimed to have seen Polish prisoners working on the roads in the general area during September 1941, after the Germans had occupied the region.

The German officer, Col. Ahrens, named in the Soviet report as having been in charge of the massacre, volunteered to testify. For a week he stood up to a barrage of Soviet questions and abuse. When it was proved beyond doubt that he was not present at the alleged time of the alleged German massacre, and was not even commander of the unit alleged to have been involved, the Soviets suddenly decided that it was his predecessor, Col. Bedenk, who was responsible. When Bedenk was produced by the German defence, the Soviets dropped the case.

Later, Dr. Hans Laternser, counsel for the German General Staff and High Command, asked: "Who is to be made responsible for the Katyn case?" To which Lawrence retorted in typically judicial manner: "I do not propose to answer questions of that sort."

Katyn never appeared in the final verdicts at Nürnberg. It was just quietly forgotten.

As for Dr. Markov, nothing more has been heard of him. However, he was referred to in passing during a Swiss governmental investigation into the participation of the Swiss forensic expert, Prof. Naville, in the German International Commission. The investigation was demanded by a Communist member of the Swiss legislature. Prof. Naville co-operated fully with the Swiss authorities and made a lengthy statement wherein he stated that all the participants, including Dr. Markov and himself, had had the widest possible freedom to conduct their scientific investigation at Katyn. Although Prof. Naville was an ardent anti-Nazi, he had received the fullest co-operation from the Germans. Nor was the Katyn investigation conducted to provide German propaganda, said Naville, it was conducted to serve the interests of Truth and the massacred Poles.

Prof. Naville was completely exonerated by the Swiss government.

A memorial to the Polish officers murdered at Katyn was finally unveiled in Hounslow, London, in September 1976. The Church of England refused to allow the memorial to be put up in a church cemetery in Chelsea. The British Government refused to allow a military guard to appear at the ceremony.

There is also a small Katyn memorial in Stockholm.

An enormous Soviet 'memorial' at Khatyn (hundreds of miles from the original Katyn) is completely bogus. President Nixon paid homage to it in a 1974 visit, but it is a monument simply to 'war atrocities', without further elaboration.

## APPENDIX B

### BOMBING OF CIVILIANS

One of the most widespread myths about the bombing campaigns of the Second World War is that the Germans started the bombing of cities. In fact it was the Royal Air Force which deliberately started this form of aerial warfare, and the Luftwaffe's blitzkrieg was only their reply to it.

In discussing the bombing of cities, one must leave aside the bombardment of cities, which is totally different. A city is bombarded, either from the air or by artillery, in support of approaching troops, whereas a place is bombed for no other reason than to destroy as many buildings and kill as many people as possible. The Nazis were put on trial for allegedly deliberately killing Jewish civilians. Yet the British were not put on trial for deliberately murdering German civilians during aerial bombing raids on civilian targets, such as Dresden.

During the war approximately 537,000 German civilians were killed by Allied bombing. In Britain, an estimated 60,000 civilians were killed by German bombing. Sixty-one German cities, with a total population of 25 million, were totally destroyed. In Britain, large-scale devastation was limited to the central parts of London, Coventry and Plymouth.



*Victims of Allied Bombing: Allied propaganda used such scenes as fake concentration camp photos.*





*Five pyres were burning simultaneously as these photographs were taken. Scattered across the square can be seen the heaps of ashes waiting to be transported to mass graves.*

The British decision to provoke these tit-for-tat murders, described by military expert and historian Capt. B. H. Liddell Hart as "the most uncivilised method of warfare the world has known since the Mongol invasions" was taken in secret. Mr. J. M. Spaight, a former Principal Secretary at the Air Ministry writes:

Because we were doubtful about the psychological effect of propagandist distortion of the truth that it was we who started the strategic bombing offensive, we have shrunk from giving our great decision of May 11th, 1940 the publicity it deserved. That, surely, was a mistake. It was a splendid decision.

That night, eighteen Whitley bombers attacked railway stations in western Germany. On the 15th, 99 planes were despatched to bomb the Ruhr. More raids were made against Hamburg, Bremen, the Ruhr area again and Frankfurt. In June, Bomber Command was preparing to use a special incendiary pellet to burn German crops and forests. Throughout June, the Germans refrained from responding in like manner. Finally, they reacted to stop the raids, by bombing British airfields, to prevent the RAF taking off. But to Churchill, the moving force behind the new policy, this was not enough. The Germans must be provoked into bombing cities, so that the British people would really hate the enemy who, up until then, had appeared rather remote. On 25 August, 81 bombers were despatched in the first of a series of night raids on Berlin. It was not until 7 September, three months after the first British attack, that the Luftwaffe replied in kind, with an attack on London. A few weeks later, the Germans took the initiative and proposed a bombing truce, although the Luftwaffe still had an enormous advantage in bombing strength. But the British wanted no such truce. Heavier bombers for the RAF were already under production, and the blitz against Germany was stepped up. The German raids against Britain dwindled in the spring of 1941, and all but ceased as the Luftwaffe was shifted towards the Eastern front; the Germans, it seemed were more interested in

fighting and destroying Communism than massacring British civilians. The Germans did conduct reprisal raids on British historic cities, Coventry and Plymouth, as retaliation for the RAF incendiary attacks on Rostock, Lübeck and Cologne in the spring of 1942. But apart from these isolated attacks, there was little strategic bombing of Britain until the arrival of the first robot bombs and rocket bombs — the infamous doodlebugs — in 1944.

Although the British had originally envisaged destroying the enemy's industrial power through attacks on specific targets, it was soon found that these were difficult, or impossible, to hit at night. It was an easy progression to move from accidental bombing of civilian targets to deliberate civilian bombing.

In September 1943 bomber captains were told to attack any target in a built-up area if they could not find the target specified. When Mannheim was attacked in December 1943, the orders were to concentrate "on the centre of the town." Prime Minister Winston Churchill was a strong proponent of bombing people as people. In July 1941, according to the RAF official historians, he was an "enthusiast . . . for the mass bombardment of German towns" and in August "repeatedly" urged it. In January 1941, when oil installations were named as the principal target, he "regretted that oil plants were for the most part removed from the centres of population."

By the summer of 1941, British bombing was, in effect, indiscriminate. Only one-third of all aircraft were recorded as having dropped their bombs within five miles of their target. This was illustrated on 1 October 1941, when with the specified objectives being Karlsruhe and Stuttgart, planes of Bomber Command were reported over 27 other German cities.

In July, bombers were ordered to make "heavy, concentrated and continuous area attacks on large working class and industrial

areas." Sir Archibald Sinclair, the Minister for Air, expressed himself as being in "complete agreement" with another MP who had urged "the bombing of working-class areas . . . slaying in the name of the Lord." Foreign Secretary Anthony Eden suggested attacking mainly lightly-defended towns under 150,000 population in order to produce greater psychological effects.

Bomber Command rose to its new vocation, mass extermination from the sky, with a series of giant attacks using new incendiary techniques. The ancient and historic city of Lübeck was chosen; although it was "a relatively unimportant place, it was one of the most inflammable parts of Germany" wrote the official RAF historians. A large area of the city was burnt to the ground on the night of 28 March, including the cathedral and numerous other historic buildings. The place went up like a tinder-box, on account of the old, narrow streets and the heavy timbering.

Lübeck's twin-town of Rostock met the same fate a few weeks later. Like Lübeck, according to the official historians, Rostock "was inflammable because it contained many mediaeval buildings and again, like Lübeck, it was only lightly defended." In a series of four night attacks, 60 per cent of the city was destroyed by fire. There was so little defence of the towns that bombers flew as low as 2000 feet.

On 30 May, the first thousand-bomber raid was despatched against Cologne. Again, a giant fire-storm was created which could be seen for 150 miles. A whole square mile of the city centre was burnt to the ground.

Throughout 1943, the destruction campaign was stepped up. Attacks were aimed at the cities of the Ruhr river area: Düsseldorf, Essen, Duisburg and also Cologne again. With the exception of the Krupp works at Essen, these attacks were aimed directly at the centre of the town because it would burn more easily. The destruction of factories, according to Air Marshal Harris, "could be regarded as a bonus."

In the month of July, Hamburg was bombed solidly for four days; the Americans by day and the British by night. Techniques had so progressed that 400 planes in 15 minutes could drop as many bombs as 1000 planes had dropped on Cologne in an hour. To make things worse, Hamburg was in the grip of an extraordinary heat wave which raised even night temperatures above 90 degrees. As a result, the incendiary bombs raised a giant fire typhoon which destroyed ten square miles of the most densely-populated section of the city. More than 48,000 inhabitants were killed; three-fifths being female.

Berlin received the same treatment from November 1943 into 1944. In the spring of 1944 the attacks waned, as the bombers were put to use supporting the Allied invasion of Normandy. However, here too their accuracy left something to be desired. Allied bombers reduced the centre of Caen to rubble, with heavy civilian casualties, leaving the few German soldiers in the citadel unharmed. Later Le Havre was destroyed, long after the Germans had withdrawn. After the RAF announced the bombing of a petrol tank in a Dutch village, it was discovered that the petrol tank had actually been a water tower and the German soldiers, Dutch orphans. Later in the war, the US Air Force was to bomb Basle, Zurich and Schaffhausen (twice) — all in neutral Switzerland.

But the most destructive example of this "terror bombing", as the RAF historians described it, was yet to come. In February 1944 it was decided to bomb Dresden, in eastern Germany, a beautiful baroque city whose normal population of half a million had been swollen by hundreds of thousands of refugees fleeing from the Soviet advance, now only 70 miles to the east. The city was undefended. Sir Robert Saundby, deputy commander of Bomber Command, could not believe the order to bomb when it came through. He was so disturbed by it that he queried it with the Air Ministry. His message was forwarded to Churchill in Yalta. Anxious to impress the Soviets, Churchill replied that Dresden should be bombed at the first opportunity.

The RAF struck on the night of 13 February, with a carefully prepared plan which envisaged the raising of a gigantic fire-storm such as the one which engulfed Hamburg by chance. The target area, which was the centre of the city, was first marked out by indicator bombs. The first indicator was dropped on the largest hospital complex in Saxony — from a height of less than 800 feet. This was followed by a bombing attack which carpeted the area and left the city in flames. The second attack, chiefly with thermite incendiary bombs, was set for three hours later, so that the fire-fighters who would arrive from other cities to fight the blaze, would themselves become victims. There was no opposition at all; no German fighter planes and no anti-aircraft guns. The city was a 'sitting duck'. The fire-storm could be seen from 200 miles away.

Next day 1350 USAAF Flying Fortresses attacked the city in daylight, even though the flames were still burning. Accompanying fighter planes had instructions to drop to roof-top level and strafe

"targets of opportunity". They opened fire on the masses of people jamming the roads out of Dresden and almost anything else in sight. The river bank, already piled with corpses, to which survivors had also fled from the flames, was a special target. A group of children from the famous Kreuzkirche choir were strafed in Tiergartenstrasse. British PoWs, who had been released from their burning camps, were also machine-gunned. One plane flew so low in its efforts to strafe the survivors that it collided with a wagon and exploded.

Despite the daylight conditions, one Bombardment Group lost its way and delivered quite a heavy attack on Prague by mistake. This was a particular blow for the navigator of one plane, who had been born and bred in the city and had fled to America to escape the Nazi invasion.

A simultaneous attack on nearby Chemnitz was even less successful. Most of the bombs were dropped on Hof and Sonnenberg by mistake. Several planes attacked Cheb, in Czechoslovakia, and Plauen and Magdeburg.

That night, the British air-crews, who had only had six hours' sleep after the Dresden attack, were given instructions for another Chemnitz raid. Thus No. 1 Group crews were informed:

Tonight your target will be Chemnitz. We are going there to attack the refugees who are gathering there, especially after last night's attack on Dresden.

No. 3 Group crews were briefed:

You are going there tonight to finish off any refugees who may have escaped from Dresden.

730,000 incendiary bombs were dropped on Chemnitz that night, but with only minor damage compared to the Dresden holocaust. On their way back, the RAF flyers could see the flames of Dresden still ablaze. In fact, the city burned for seven days and eight nights, according to the diary of a British prisoner of war there.

For days after the Dresden attack, the city was obscured by a pall of smoke and soot. A steady shower of wet and sooty ash descended on the surrounding countryside. British PoWs at Stalag IVB, twenty-five miles away, were showered with particles of smouldering clothing and charred paper for three days.

Relief convoys of supplies were immediately despatched to the city from the entire province. Incredible scenes of carnage awaited them.

Two trains full of evacuee children had received direct hits. Their bodies were piled up in heaps in the station forecourt. Six hundred refugees sheltering in the vaulted basement of the station had been killed: one hundred burnt to death by incendiary bombs and the rest suffocated by fumes.

Out of Dresden's nineteen major hospitals, sixteen had been damaged and three totally destroyed. At the Vitzthum High School, which was being used as an emergency hospital, only 200 of the 500 patients had been evacuated in time. The rest had perished in their beds. At the Johannstadt maternity hospital, 200 people had also been killed, but they were so horribly mutilated that only 138 could be identified.

For several days after the attack, the streets remained strewn with corpses. The first priority was to dig out the cellars where people had taken shelter. Some of these people were still alive. But when one cellar was opened up, the Roumanian soldiers doing the digging refused to go in. Eventually an official marched down the steps and found the bottom steps very slippery. The cellar floor was covered with an eleven or twelve inch deep liquid mixture of blood, flesh and bone. A small high-explosive bomb had penetrated four floors of the building and exploded in the basement. The official ordered that the basement should be covered in chlorinated lime, and left to dry out. An estimated 200 people had died there.

Rescue workers also found dozens of people dead in emergency water tanks that had been constructed in the main city squares. People had climbed into the water to extinguish burning clothes, but in the panic could not climb out again. All had drowned.

Lindenau Platz was scattered with corpses. Hundreds of naked corpses, their clothes torn off, were sprawled around a tram shelter. At Seidnitzer Platz, 200 people were sitting around, just as they had been doing on the night of the raid. But this time they were all quite dead.

Animals had escaped from the city's zoo and indoor circus. Llamas, lions and horses roamed the streets. Vultures were feeding off the bodies of dead circus horses on the river bank.

Many of the victims were so shrivelled and charred that they had to be literally prised off the asphalt, and then levered apart. Many of the corpses had shrivelled to less than half their normal size. These kind of remains had to be shovelled into paper sacks, gathered from a nearby cement works.

The task of identifying, counting and burying victims of a holocaust of this scale remained a daunting one. A special bureau was set up to try to keep track. But eventually only estimates of the number of dead could be made, for identification was slowing down



burial, with the consequent danger of disease. Bodies were stacked up in piles in the city streets and on the railway lines to be taken away in horse-drawn carts and buried in mass graves outside the city. But the task was so great that police lorries had to be called in from as far away as Berlin to cope. Weeks passed, and still the task was unfinished. The stench of rotting flesh pervaded the town. Unusually large rats were seen scurrying about amongst the ruins, their coats streaked with quick-lime.

Eventually, the authorities had to start cremating bodies in the streets. The area around the Atmarkt was cordoned off and vast funeral pyres were made, using girders and bricks from wrecked buildings as a hearth. 9000 bodies were disposed of in this way.

Seven or eight large buckets of wedding rings, mostly gold, had been taken from the bodies, to assist in identification. The rings, worth nearly a million pounds, were taken by the Red Army as war loot when they invaded Dresden on 8 May. The 300 clerks who worked in the identification bureau were evicted from their offices as the Soviets took over. During an interview with the bureau director, the Soviet commander insisted that the Allied air forces could not possibly be so effective a weapon of war, refused to accept the director's estimate of 135,000 dead, and calmly struck off the first digit.

The raid on Dresden has gone down in our history books as the deadliest ever bombing raid. (According to official statistics, the fire-bombing of Tokyo killed 84,000 and the atomic bomb dropped on Hiro-Shima, 71,000.)

Possibly it was the sheer magnitude of the massacre which inhibited the Allies from prosecuting the Nazis for organising the blitz on London: the double-standard involved would have been just too obvious. But not it seems to the Soviets, who demanded at Nürnberg that Göring be charged with such a crime. They argued: "The German attacks had been the work of Nazi war criminals, who had rained death on innocent workers and their wives and children. The Allied attacks, on the other hand, had been carried out by the avenging forces of democracy in order to seek out the Fascist beasts in their lairs and stamp out imperialism and Nazism."

In an ironic sequel to this bloody tale, some years ago it was reported that a member of the Zionist 62 Group, Gerry Gable, had broken into the home of the author of a book about Dresden, David Irving, in order to determine whether or not he was a "secret Nazi". (Many of the above references are taken from this detailed book *The Destruction of Dresden*, published by William Kimber in 1963 in London.) Gerry Gable now works as a "researcher" on London Weekend Television's *London Programme*.

## APPENDIX C

### THE 'REPATRIATIONS'

At the end of the Second World War the Allies suddenly discovered that many of their 'German' prisoners of war were in fact nothing of the sort. Many of them were Cossacks, Ukrainians, Lithuanians, Latvians, Estonians and Russians. After the Nazi invasion of the Soviet Union, many of these men had willingly donned German uniforms with the objective of once and for all ridding their country of the Communist dictators. Many too had been drafted by the German occupation forces, first of all into labour battalions, then into para-military platoons and finally into fully-fledged Wehrmacht units.

The Allies also found that many of the displaced persons who had fallen under their control were also originally from the Soviet Empire. Some of these were refugees from the Red Army advance and others were the wives and children of Cossacks serving with the German forces. It was the custom of the Cossacks to have their families tagging along wherever they were posted.

At a meeting in Moscow in October 1944, Churchill and Eden readily agreed to Stalin's demand that the Soviet expatriates should be sent back. They were afraid that if they did otherwise, then the Soviets might be reluctant to hand back British PoWs whom they had liberated from internment camps in eastern Germany.

Sure enough, on 31 October, 10,000 prisoners left British ports for Murmansk in northern Russia. This first batch consisted of men who had no violent objection to returning. Only twelve men showed any resistance and it was a simple matter to put them on the ships by force. When they reached Murmansk, an American diplomat reported, they were marched off under a heavily armed escort. Sir Geoffrey Wilson, who looked after Foreign Office relations with the USSR, pointed out that the lack of any welcome for the men was quite usual in Russia. "Nor is the armed guard in the least surprising," he added. Wilson presumably did not know that in actual fact the men were being marched to a nearby camp where they would be



*Cossacks shown standing on their horses with the German army near Kislovodsk in the Caucasus.*

'processed' and sentenced to years of hard labour in Siberian concentration camps, regardless of whether they had fought for or been taken prisoner by the Germans. But Sir Geoffrey Wilson's sense of awareness of and sympathy for any sense of patriotism and nationalism can be gauged by the fact that since 1971 he has been Chairman of the traitorous Race Relations Board, which was set up with the prime objective of destroying these fine sentiments.

The Americans too held non-German prisoners-of-war at Fort Dix (New Jersey), Winchester (Virginia) and Rupert (Idaho). In November 1944, 10,000 men from the Idaho camp were moved to San Francisco and put on board the SS *Ural*, which sailed for Vladivostock. Out of the 10,000, 70 showed an unwillingness to go, and three attempted suicide. In the end, the three were also put on the *Ural* after receiving medical treatment.

In February 1945, Churchill and Roosevelt met Stalin at Yalta. An agreement was reached amongst the three that liberated Soviet citizens would be repatriated, although this was kept secret for the next two years. In fact it was only in 1972 that the official records became declassified. In return for the Anglo-American promise, Stalin pledged to hold free elections in 'liberated' Poland as soon as possible. And it was on this basis that future repatriations were carried out: if they were not then Poland would have no democracy. Hindsight tells us, of course, that Stalin no more intended free elections in Poland than did Hitler, but Churchill and Roosevelt were impressed with his sincerity. Both were by this time becoming rather senile.

On 15 February, three British ships — *Duchess of Richmond*, *Moreton Bay* and *Highland Princess* — left Liverpool for Odessa with a total of 7000 Soviet prisoners. Throughout the journey, the prisoners were jumping into the sea any time they came near land; at Gibraltar and at the Dardanelles.

By now it was obvious that there was going to be serious trouble in the internment camps if many of the prisoners refused to go. An Anglo-Soviet commission was set up to decide on which of the



prisoners were in fact Soviet citizens, and which were not. Those who were judged Soviets were sent to a transit camp centred on a small hotel at Newlands Corner, near Guildford, Surrey. By coincidence, next door to the hotel lived the Strachey family, whose son John Strachey was to become Minister of War in 1950. John Strachey, both a former communist and a former fascist, held no sympathy for the men. He declared that they were quislings who deserved everything that was coming to them.

The Russians had confidence in the British authorities, who (with the exception of Mr. Strachey) had always appeared sympathetic, because these prisoners too were despatched from Hull in early 1945. All, that is, except one unfortunate man who hanged himself in a quayside warehouse; such was his desperation. The same thing happened when another 6000 Russians were repatriated via Liverpool. One man hanged himself at Scarsbrook Camp in Yorkshire before they set off for Liverpool, and another cut his throat at the port. At the inquests, the press were 'advised' not to report the circumstances. When the ship, the *Almanzora*, reached Odessa, there were salvos of machine-gun fire as soon as the men had been disembarked. One of the British interpreters reported that one of the Soviet guards had told him that two men had immediately been executed because they "had sold out to the capitalists."

In May, trouble again broke out on the quayside at Liverpool when 3000 Russians were embarking on the *Empire Pride*. 40 prisoners had to be frog-marched on board by military policemen. One of them smashed his china tea-mug and proceeded to slash his own throat with the jagged edges. The Soviet liaison officers insisted that he be put on board, despite his injuries. A doctor was called to stitch him up, there and then on the quayside. Again, on the journey, men leaped overboard, although one or two were picked up by Turkish police launches and returned to the *Empire Pride*. One of them then tried to slash his wrists with a razor blade. When he was unloaded at Odessa, a single pistol shot was heard from behind a warehouse. 31 other prisoners were dragged off the ship by the Soviets and fifteen minutes later machine-gun fire was heard from inside the warehouse on the quay. Twenty minutes later a covered lorry drew up. A Canadian interpreter who later examined the warehouse reported fresh chips knocked out of the walls and stains and blotches everywhere.

After the collapse of the Nazi regime in April 1945, the British and American authorities now found it easier to repatriate the Russians direct across the occupation zone boundaries. On 2 June 1945, the *Daily Herald* reported that 10,000 Russians, mostly women, were passing through the lines every day. A pontoon bridge across the Elbe had to be built to carry them. Many others were just shoved onto east-bound trains without too many formalities.

Many of the liberated Russian PoWs were undoubtedly a nuisance for the British and Americans. When they were released they rampaged through villages breaking into houses, looting, raping and drinking as much alcohol as they could lay their hands on. On one occasion 400 of them died after drinking gallons of methyl alcohol looted from a hijacked train near Nürnberg. The American military health authorities reported that alcohol poisoning was second only to typhus as a health problem among DPs. At the end of May, so many refugees were pouring into the Anglo-American zones that bridges had to be blown up to stem the flow. Within only two months, more than half the two million Soviet citizens in western Germany had been repatriated.

In May 1945, 200,000 Croat soldiers plus 500,000 civilians, also Croatian, were handed over to Tito's army on the Austro-Hungarian frontier. There is no doubt that tens of thousands of these were executed, either by rudimentary murder or after a communist-run show-trial.

But the biggest betrayal was yet to come. In May 18,000 Cossacks under the German General von Pannwitz were tricked into being delivered into Soviet hands. For weeks and weeks they had been assured that they were not going to be handed over, and so they had gullibly agreed to being "transferred to another camp." Inexplicably, 500 German soldiers were handed over with the Cossacks. Pannwitz's execution was announced in *Pravda* on 17 January 1947. The ordinary soldiers were sent to Siberia, for a minimum of ten years' hard labour. Only one or two of the Germans have ever come back.

A different technique was used for the transference of 25,000 more Cossacks under General Domanov. First of all the officers were separated and transported to another camp nearer the border, under the ruse of "attending a conference." It was here that they were told of their fate. There were many suicides. And when the time came to load up the lorries to take them to the frontier, there were wild scenes. The officers had to be practically beaten senseless by the guards before they could be put on board. The British soldiers beat them with rifle butts, pick-axe handles and even bayonets. Even after the convoy moved off, Cossacks were still trying to commit



**HURT:** Russian repatriate Constantine Gustonov grimaces with pain after he slashed himself on the chest some 17 times in a suicide attempt to avoid being returned to Russia. He is held by Capt. Kenoy Gardner of the 60th Inf. Regt. Gustonov's was the first case of attempted suicide among the deportees from Plattling to Russia as PoWs.

A rare photograph, taken from the US Army newspaper Stars and Stripes, of March 6, 1946, showing a Russian who attempted suicide during operations at Plattling.

suicide: one jumped out and over a precipice. At the actual hand-over, another five slashed their throats with razors.

Meanwhile back at Lienz, there was increasing commotion amongst the families and ordinary soldiers. They had been expecting the officers to return that night. When no one returned, they finally realised the truth; that they had been handed over to the communists and that they too were destined for the same fate. When the day came, the Cossacks held a massive and continuous open-air religious service. Again they had to be physically man-handled onto the lorries, the reluctant ones being encouraged with blows from truncheons and starting-handles. The crowd contained 4000 women and 2500 children, but they too were thrust onto the transport.

Dozens were seriously injured during the loading, and six Cossacks were suffocated to death in the panic. On the way to the trains that would take them into the hands of the Bolsheviks, many committed suicide. Several, including mothers with babies, threw themselves into the turbulent waters of the River Drau. Eventually the Cossacks were loaded into goods wagons with only a bucket of water to drink and another bucket to use as a lavatory. Thirty people were put into each van and the doors locked. After a nine-hour journey, many of the Cossacks were found dead on arrival, either through suffocation or through suicide. But even those still alive did not last very long. Machine-gun fire echoed from behind a station building as soon as they were unloaded. The rest were sent to labour camps for 're-education'. Survivors of these camps report that more than 7000 Cossacks died of malnutrition and disease in these camps, during the first year alone. It has only been with the publication of *The Gulag Archipelago* that the true facts about these camps are beginning to come out.

On 17 January 1947, *Pravda* announced that P. N. Krasnov, A. G. Shkuro, Sultan Klych Girey, S. N. Krasnov, T. I. Domanov and Helmut von Pannwitz had pleaded guilty to "forming White Guard detachments" and to "carrying out espionage, diversionary and terrorist activities against the Soviet Union." They had been condemned to death and the sentences carried out. Of the six men whose execution was publicly announced only one, Domanov, was liable to repatriation under the Yalta Agreement. Von Pannwitz was a German through and through. The other four had not lived in the Soviet Union at any time since its creation, and could not therefore be described as "Soviet citizens".

As mentioned previously, the Americans too had problems in implementing their repatriation programme. When they attempted to move 154 Russians from the Fort Dix Camp, to board a ship on New York's North River, serious rioting broke out. Two American officers were slightly injured and seven Russians suffered gunshot wounds. Three others hanged themselves. Eventually seven were adjudged non-Soviets and allowed to stay in the USA. The rest were drugged up to the eyeballs and bundled on board a USSR-bound ship.

The Americans also held 20,000 more probable Soviet citizens in Europe. In August 1945 they began to repatriate those held at a camp at Kempten near Munich. Here again, the guards were obliged to wade into a church service, wielding truncheons, rifle butts and bayonets.

By this time, some of the facts about the brutality were beginning to come to light. Eventually, the American government was forced to moderate its policy, so that only prisoners who had actually fought for the Nazis would have to be sent back. But of course, this was exactly the category of prisoner which had the most to fear from being repatriated. Early in 1946, the Americans repatriated their penultimate batch of internees from Dachau — ironically the site of a war-time concentration camp. The gruesome events that took place during the operation are more fully detailed in the chapter dealing with Dachau. Despite the intervention of the Pope, the last batch of 1500 Russians was despatched into Soviet hands from Plattling, near Dachau. Elaborate precautions did not prevent many attempts at suicide, six of them successful.

But it was the British who carried out the final operations in this bloody programme. In June 1946 the British cabinet agreed to copy the Americans in modifying the scope of the forcible repatriations. This left them with about 170 men in the repatriation category, at that time interned in Italy. Elaborate plans were drawn up to make sure the handover went smoothly. The transfer from Pisa to the transit camp at Rimini was labelled 'Operation Keelhaul'. The handover of the Soviet citizens was called 'Operation Eastwind' and the delivery of the few Croats to Tito's government 'Operation Highjump'. (In later years the descriptive term 'Operation Keelhaul' was mistakenly applied to the entire two years of forcible repatriations.) Even in this final operation, no sympathy was spared for the unfortunate prisoners, many of them being sent to their deaths. When it was discovered that nine of the men had families in the camp, they were given 24 hours to make up their minds whether or not they wanted their wives and children to be sent back with them — an agonising choice. A specially stripped train had to be laid on for the journey, but even so many of the men attempted suicide.

One of the British officers who witnessed the round-ups later wrote a detailed, but anonymous report on the brutalities involved. The report was widely circulated by his superiors, many of whom were disturbed by being ordered to carry out this dirty job. Eventually it was put into print, by the American journalist Julius Epstein, in *The Sunday Oklahoman* of 21 January 1973. After the publication of a fully documented book on the repatriations, *The Last Secret*, by Lord Bethell, the author of the anonymous report turned out to be none other than Dennis Hills, the university lecturer who was sentenced to death in Uganda in 1975 for daring to criticise General Amin.

But what neither Bethell nor Epstein examined in their writings was the hypocrisy of the repatriations in comparison to the Nürnberg war trials. If the Germans could be put on trial and executed for keeping people in camps and then sending them to their deaths, why was it that the British government actually ordered the internment of tens of thousands of people and their sending to their deaths? No one, least of all the British government, was under the impression that the repatriates would come to no harm in the Soviet Union.

The only Member of Parliament to try to get to the bottom of the affair at the time was Richard Stokes. He did not get very far, due to the fact that every time he asked a question, he was answered with a lie. On 7 June 1945, he asked Churchill in the House of Commons if there had been any secret parts to the Yalta Agreement. Churchill told him, incorrectly, that there were none. On 21 May 1947, Stokes asked how many attempted suicides there had been

during Operation Eastwind. Christopher Mayhew, then a junior minister in the Foreign Office (but who has recently left the Labour Party and joined the Liberals) replied that there had been none. These two blatant lies indicate just how much the government held its own policy to be honourable. It was because they recognised the criminality of the repatriations that the British government tried to cover its own tracks by deceit. Otherwise there might well have been some awkward questions asked at the contemporaneous Nürnberg trials. Strangely Sir Geoffrey Wilson who collaborated in the compulsory repatriation of Russian POW's now strongly objects to the repatriation of non-Europeans who settled in Britain since the war.

## APPENDIX D

### JEWISH WAR ATROCITIES IN PALESTINE

Needless to say, the countless war atrocities committed by Jews have gone completely unpunished. In one case, the USA has even paid Israel for massacring American sailors.

It was during early 1944 that the Jews in Palestine turned against the British mandatory government, stabbing her in the back even while Britain was still struggling to conquer Nazi Germany in order to rescue European Jewry.

In February 1944, one of the Jewish terrorist organisations, the Stern Gang, killed a British police inspector and a constable. In March, the Jews killed a further eight British policemen, including the Assistant Superintendent in Jerusalem.

On 8 August 1944, the Stern Gang tried, and almost succeeded, in assassinating the British High Commissioner in Palestine, Sir Harold MacMichael, and killed ten British police constables in the process. On 1 November, two Jews from Palestine murdered Lord Moyne, British Resident Minister of State in the Middle East, in Cairo. As the War in Europe drew to a close, the Irgun — another Jewish terrorist organisation — produced the slogan: "VE Day for the British is D Day for us."

The Jews vastly increased their campaign of murder in 1946; killing 49 British soldiers and 28 British policemen. Among their achievements that year were the attack on 25 April on a military car park in Tel Aviv, where they entered soldiers' tents and murdered them as they slept, and on 22 July, the blowing up of the King David Hotel in Jerusalem, with a loss of 81 lives.

In December they captured and whipped a major of the 2nd Parachute Brigade and three sergeants. One of the sergeants reported that the attackers had been hysterical with enjoyment throughout the whipping.

Throughout 1947, the Jews enthusiastically continued their 'kill the British' campaign. On 1 March, the Irgun destroyed the Goldsmith Officers' Club in Jerusalem, killing 13. On 18 April, Jews attacked No. 61 Field Dressing Station in Nathanya, killing a sentry and blowing up the medical inspection room. On 20 April, a bomb was thrown at a Red Cross convalescent station cinema. On 22 April, the Stern Gang attacked the Cairo—Haifa train, killing five soldiers.

On 12 July 1947, possibly the most ghastly atrocity of the Jews' bloody campaign was perpetrated. Two British sergeants were kidnapped by the Stern Gang, and it was not until a fortnight later, on the 31st, that their bodies were discovered hanging from eucalyptus trees in a grove in Nathanya. Their hands had been tied behind their backs and pieces of shirt had been wrapped around their heads. A notice was fastened to their clothes which read "This is the sentence of Irgun's High Tribunal." The area round about was mined, and as one of the bodies was being cut down it exploded, having been booby-trapped, and severely wounded a British officer. A few days later the Irgun posted notices in Haifa announcing that the two Britons had been hanged as belonging to "The criminal Nazi-British Army of Occupation." A photograph of the atrocity was taken by an Associated Press photographer and a radioed copy appeared on the front page of the *Daily Express* of 1 August 1947. The publication of this photo was met with a storm of Jewish protests, and eventually the photo, and any record of it, was removed from the Associated Press archives.

The terror campaign continued unabated. In September, the Irgun killed nine Palestine police in a bomb attack on Haifa police HQ. Letter bombs were mailed to prominent British politicians. A statement in the House of Commons revealed that since the end of the War, the Jews had killed a total of 127 British soldiers, and had wounded a further 331.

1948 arrived, and the Jews continued their murder campaign. In February they killed 27 British soldiers and airmen in an attack on a train at Rehoboth, shot two policemen in bed in the Wallach Hospital, Jerusalem, and killed another British policeman when they broke into the Hadassah Clinic also in Jerusalem.

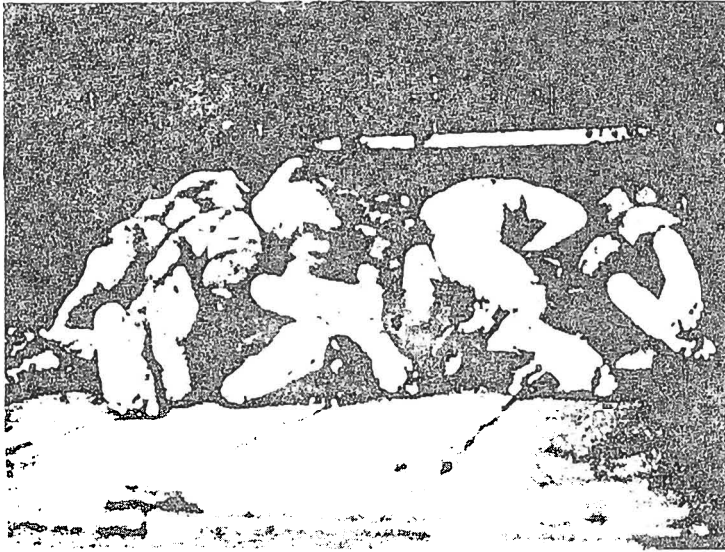
The Stern Gang posted more letter-bombs, this time to British diplomats around the World. In May a parcel-bomb killed a soldier's brother in England. An unsuccessful attempt was also made to place a time-bomb under the seat of Foreign Secretary Aneurin Bevan in the House of Commons.

By the time the British forces were withdrawn from Palestine in 1948, leaving the Jews to grab the Palestinians' land *ad lib*, some 150 British soldiers and 70 British policemen had been done to death by Jewish assassins. The Jews' mentality in committing these war-crimes is chillingly described in *Memoirs of an Assassin: Confessions of a Stern Gang Killer* by 'Avner', published by Anthony Blond, 1959:

For the Lehi (Stern Gang) on the other hand, an Englishman would always be a filthy Goy, who could be killed for this reason alone . . . Later, I saw this biological hatred appear in the course of operations, as in the case of the 18-year old Sabra who, after having fired a burst of sub-machine gun fire point-blank into a policeman, instead of running away, lingered for a long time battering the already cooling body with the butt of his weapon.

These atrocities were not committed by a gang of hot-heads, disowned by the 'moderate-minded Jewish majority', as modern-day Israelites would have one believe. The British Colonial Office White Paper of 1946 (Ref: Cmnd. 6873) revealed that the Haganah and Ben Gurion's Jewish Agency were also party to this extermination programme.

While the British government were preparing to surrender the Levant to tribes of Jewish gangsters, the Jews themselves were re-directing their murder programme against the native Palestinians. On 10 April 1948, only a month before the British soldiers were pulled out, the Irgun and Stern Gang jointly launched a military assault on the village of Deir Yassin, on the outskirts of Jerusalem itself. The 600 inhabitants were rounded up, and relieved of all their valuables. The Jews then set about systematically murdering the Arabs. On this occasion, approximately 260 Arabs were butchered. Included in this total were 25 pregnant women whose bodies were ripped open with bayonets, 52 mothers with young babies, as well as about 60 other women and young girls. Children were cut to pieces in front of their mothers. Several bodies were stuffed down wells. Some of the 'luckier' Arab women were not murdered, but were stripped of their



Arab bodies after the massacre at Deir Yassin

clothing and herded into open trucks and paraded through the streets of Jerusalem Jewish Quarter, where they were insulted and spat upon by the local populace.

Again, modern-day Zionist apologists like to make out that (i) the inhabitants were warned by loudspeaker to clear out, (ii) the attack was the work of 'hotheads' and (iii) the Arabs fired first. In fact, the loudspeaker was not working as it had been damaged when the (stolen) vehicle it was mounted on ran into a ditch. Although the attack was carried out by the Irgun and Stern Gangs, the official Haganah knew perfectly well it was planned. In fact, at one stage, the élite Palmach brigade of Haganah joined in the massacre, but were hastily withdrawn when the political implications of their participation dawned on their commanders. It is true that the Arabs did fire the first shot, but this was a vain effort to ward off an overwhelming attack by the bloodthirsty Jews. The leader of the Irgun, which participated in the slaughter at Deir Yassin was Menachem Begin, who was later to become Israeli Prime Minister. At a Press Conference in Tel Aviv on 28 October 1956, Begin had this to say about Jews and humanitarianism:

You Israelites, you should never become so lenient if you kill your enemies. You shall have no pity on them until we shall have destroyed their so-called Arab culture, on the ruins of which we shall build our own civilisation.

When this man was invited to speak at a dinner laid on by a prominent Jewish organisation in London some years ago, his record of atrocities and butchery of Britons and Arabs alike was exposed by patriotic British demonstrators. The visit was quickly knocked on the head. However, Begin is still fêted on his travels to various other parts of the World, notably the Republic of South Africa.

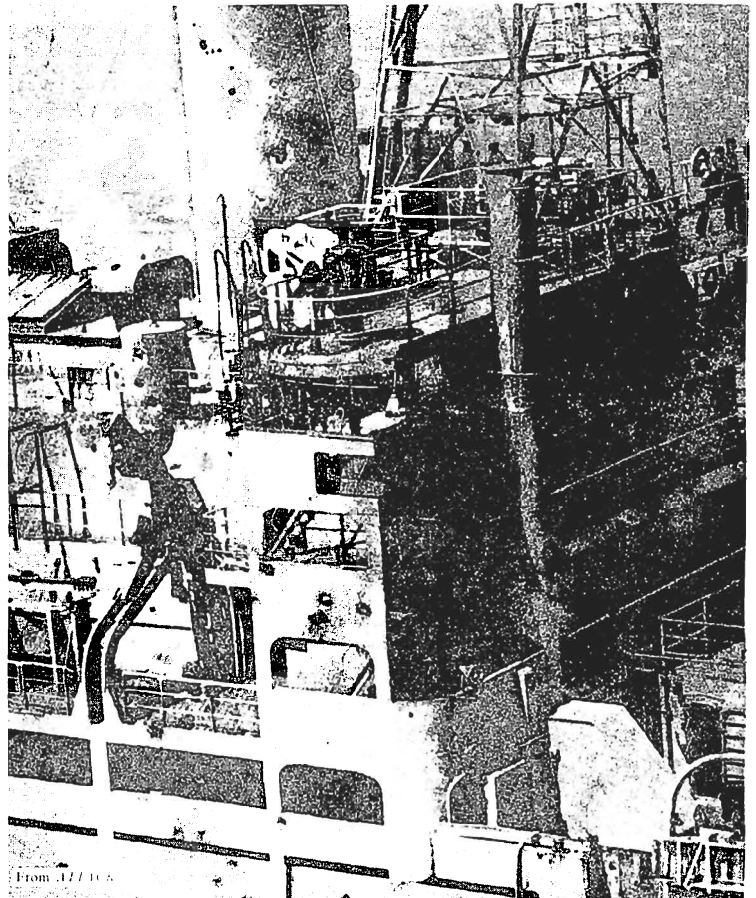
Probably the most bizarre, and one of the most bloody, Jewish war-crimes was the massacre of the crew of the USS *Liberty*, an American spy-ship anchored off the coast of Israel during the 1967 war. The *Liberty*, a converted freighter, had a defence capability of two archaic .50 calibre machine-guns. Her main function was as a radio surveillance vessel; in fact she was an exact sister ship of the USS *Pueblo* which was to be captured by the North Koreans in January 1968.

On 8 June 1967 the *Liberty* was attacked by three Israeli Mirage jet aircraft. In five or six strafing runs, the aircraft criss-crossed the ship with cannon fire; a later count showing 821 separate hits. Even before the *Liberty* could escape, it was then attacked by three high-speed motor torpedo boats. The ship was peppered with more cannon fire from the torpedo boats, and was finally crippled by two torpedoes. 34 American crewmen were killed and another 164 were injured, including the captain.

Shortly afterwards, two Israeli helicopters circled the ship and tannoyed through a loudspeaker to ask whether the Americans needed any help. Captain McGonagle hailed back, "Go to Hell, you bastards!" The *Liberty* limped away to the West, and seven days later arrived at Malta. In mid-July she was patched up sufficiently to cross the Atlantic, but was broken up for scrap at Norfolk, Virginia, shortly afterwards.

The Israelis immediately apologised for the attack, claiming that they had mistaken the *Liberty* for an Egyptian supply ship *El Quseir*. Yet the *Liberty* looked nothing like the Egyptian ship. It was clearly marked, was flying the US flag, and was in international waters.

A couple of American congressmen made noises about compensation from the Israeli government, but apart from that, there was a deathly silence about the affair from both government agencies, and the normally voluble newspaper columnists. The parents of one



U.S.S. *Liberty* Was Riddled Hulk After Israeli Sneak Attack Killed 34 U.S. Seamen —



seaman who suffered permanent brain damage in the attack set up a fund to claim compensation through the World Court at The Hague, but they were visited by a representative of the State Department who tried to persuade them to withdraw.

The Hague court rejected the claim, saying that the US government should claim direct from Israel. Initially the Israelis refused any liability whatsoever, since they claimed that the *Liberty's* presence in the area was 'provocative'. When one congressman attempted to append a *Liberty* compensation clause to a US Foreign Aid to Israel Bill, Washington would not even contemplate it.

Eventually the Israelis did pay \$3m in compensation to the families of the 34 dead. They later paid \$3½m to the 164 injured. But according to Congressman John R. Rarick of Louisiana, the 'compensation' was paid out of extra US Aid funds pushed through especially for the purpose.

It is certainly true that the Israelis never paid a cent in compensation for the physical destruction of the *Liberty* — neither did the US government press for any. When Captain McGonagle received his Congressional Medal of Honour for his efforts on board the *Liberty*, the Israeli lobby in Washington made sure that his citation bore no mention of Israel. The citation referred only to attacks by "foreign"

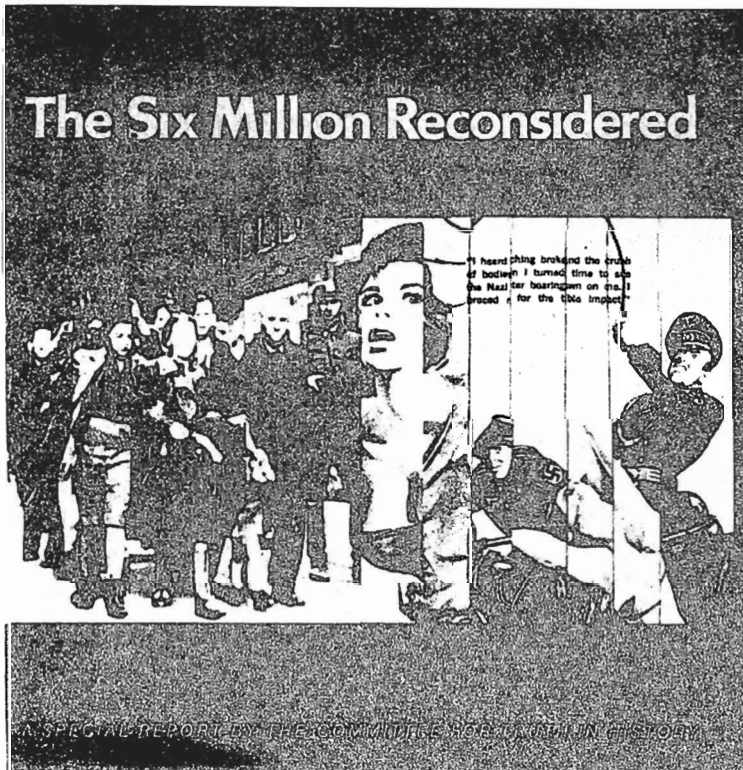
aircraft and boats. Although the Israelis promised a court martial of those involved in the 'mistake', no such trial has ever taken place. Instead it has been the victims, and those who spoke up on their behalf such as Rarick, who were subjected to harassment by various government agencies, such as the Internal Revenue Service.

The truth is that the Israelis deliberately attacked the *Liberty*, since the ship was listening in to Israeli military radio broadcasts. There was a real prospect of the Americans discovering that Israel was not the 'humble David versus the Arab Goliath' which she was pretending to be. In fact the Israelis had planned to seize the Syrian Golan Heights as part of a strategic expansionist programme. With the Americans attempting to steer the Arabs away from the Soviet camp, it would have been in their interests to expose the Israeli plan to the World. The attack on the *Liberty*, the murder of 34 Americans, and the maiming of 164 others, put paid to that.

Until recently, the only mention of the subject of the *USS Liberty* atrocity has been in conservative American publications such as *Herald of Freedom* and the weekly *Spotlight* (300 Independence Avenue, S.E., Washington, DC 20003). However, in the summer of 1976 the British men's magazine *Penthouse* published a two-part analysis, and this proved so popular that the author Anthony Pearson followed this up with a book, *Conspiracy of Silence* (Quartet, London, 1978), where the author advanced the further theory that a

# HOT OFF THE PRESSES! THE SIX MILLION RECONSIDERED

**NEW**



A distinguished American journalist threads his way skilfully through the tomes and tombs of Judaica. This Odyssey through the Jewish psyche is related with a candour and wit that only a professional word-smith could display. Photo chapters could easily be a book by themselves, bringing together ever-so-telling portraits, astounding newspaper clippings and startling archive documents for the first time. You simply cannot describe yourself as "aware" unless you have absorbed this fascinating book. **Read:**

- ★ How "Anti-Semitism" is really anti-semanticism
- ★ How the Talmud preaches mass extermination of Goys
- ★ How the 'gas-oven' fantasy dates back to Ancient times
- ★ How 'The Mafia' is run by Israelis
- ★ How the 'survival business' is a multi-million dollar racket
- ★ How Nürnberg 'evidence' was 'collated' by Hollywood movie moguls
- ★ How Marxism is really the Siamese twin of Judaism and the 'Russian' revolution was really a Jewish revolution

"Once you've read this book, you'll never be the same again"  
— Richard Harwood,  
University of London

PRICE: £3.50 inc. postage

## BIBLIOGRAPHY, SOURCE NOTES & FURTHER READING

### Nürnberg Trials

Since the first edition of this book, several other books have been published, which deal directly or indirectly with this vexed subject. So perhaps it is now better to list them in some sort of chronological order.

The first author to openly criticise the trials was the Brighton lawyer A. J. P. Veale with *Advance to Barbarism*, which was later translated into several languages and even serialised in the Dublin *Sunday Press*. Veale followed this up with a book about Allied war crimes, *Crimes Discreetly Veiled* (London, 1958).

The American (ex-) Rear Admiral Dan V. Gallery was next with his book comparing Allied and Axis "war crimes" at sea in *Twenty Million Tons Under the Sea*.

1951 saw the publication of Viscount Maugham's *UNO & War Crimes*, which put forward mild criticism. Then came the rather eccentric *Epitaph on Nuremberg*, by Montgomery Beligion, which was issued in the USA as *Victors' Justice*. Captain Russell Grenfell RN authored *Unconditional Hatred* about the Allied propaganda campaign.

One of the British legal team at Nürnberg, Peter Calvocoressi, penned a short volume on the trials entitled *Nuremberg: the Facts, the Law and the Consequences*. Since the title was almost longer than the book, it made little impact. One of the American legal team, Telford Taylor, who was an assistant at the IMT and in charge at the AMT, went on to write *Nuremberg & Vietnam: An American Tragedy* (New York, 1970). Here he bemoaned the fact that Nürnberg had not "taught us the lesson of the futility of war."

Another member of the American team, Francis Parker Yockey, resigned from his position in disgust, and ended up living as a recluse in Brittas Bay in Ireland. Here he wrote *Imperium* (reprinted by Noontide Press, P.O. Box 76062, Los Angeles) — a mad, rambling treatise largely lifted from Spengler and Hitler. Yockey was eventually arrested at the home of a homosexual Jewish school superintendent in Oakland in 1960, on a charge of passport fraud. He committed suicide eleven days later in jail, by means of a potassium cyanide capsule; identical to Göring's death.

The first really detailed study of Nürnberg came out in 1966: *The Trial of the Germans* by Eugene Davidson (Macmillan, NY). Both it and the later *Reaching Judgement at Nuremberg* by Bradley F. Smith (London, 1977) put forward slight criticisms of the procedures, but do not really challenge the basis.

More recent books are well worth attention. *The Iron Fist*, by a Jewish author Leo Kessler (London, 1977) describes the torture trials of the Waffen SS at Dachau in 1946 with surprising candour, since the torturers were Jewish also.

*Doenitz at Nuremberg: A Re-Appraisal* by Thompson & Stutz (NY 1976) is a collection of quotes from famous military personalities, all hostile to the trials.

*The Crime & Punishment of I.G. Farben* by Joseph Borkin (NY, 1978) contains interesting data about AMT6.

### The Allied Occupation

One of the most thorough books on the Occupation is *Denazification* (London, 1969) by Constantine FitzGibbon, the brother of Louis FitzGibbon, the Katyn expert. Needless to say, Constantine FitzGibbon tends to skate over certain matters, probably because his wife at that time was a Jewess. Thankfully, his brother exhibits none of these tendencies in his writings, and in fact tends more towards candour. An insight into the sinister mind-bending activities of the 'American' personnel is given in Saul Padover's *Psychologist in Germany*. Another book, *Diplomat Among Warriors* by Robert Murphy (New York, 1964) recounts how German prisoners were tortured by the peace-loving American liberators. The war-time, and later, roles of the OSS and CIA, are described in great detail in *OSS* by R. Harris Smith (U. of Cal., 1972). Some of the behaviour of the British soldiers in Germany is described by Leonard Mosley in his *Report from Germany* (1945). But the most stunning book of all on Allied jiggery-pokery is Benjamin Colby's *'Twas a Famous Victory* (New Rochelle, 1974).

### 'Extermination' Epics

A small library could be stocked with allegedly first-hand accounts of the 'Final Solution'. No more than the best-known can be mentioned here. *Commandant of Auschwitz*, supposedly by Rudolf Höss, was originally published by the Communist Polish government, and is undoubtedly a fabrication. *Eichmann: The Savage Truth* by Comer Clarke is a sado-masochistic pot-boiler based on little except the author's lurid and perverted imagination.

Recently, doubt has been cast on the famous *Diary of Anne Frank*. Certainly her father has made plenty of money out of the book, since he was able to sue the playwright, one Otto Frank, for \$50,000 in stage rights.

The diary of Emmanuel Ringelblum is another dubious journal. The American publishers admitted that they were denied access to the original manuscript in (Communist) Warsaw. But having got away with such *chutzpah* so often, there is no end to the stream of hate churned out by the international paperback houses. Olga Lengyel's *Five Chimneys* is titled after an aspect of Auschwitz architecture which only she can recall. Even more bizarrely, *Doctor at Auschwitz* is supposed to have been written by one Dr. Miklos Nyiszli, who does not appear to have ever existed! Recently, such trash has gone too far, and Martin Gray's *For Those I Loved* has even been panned by the normally wailing-and-gnashing-of-teeth *Jewish Chronicle*. Of course, the necessity to continue churning out such hysteria continues, and the latest example is a paperback reprint of Lord Russell's 1954 ravings, *Scourge of the Swastika* (London).

One or two Jewish authors have made a pretence at academia in their out-pourings. The best known is Raul Hilberg with his *Destruction of the European Jews* (Chicago, 1961), and its follow-up, *Documents of Destruction* (London, 1972). There is also Gerald Reitlinger's *The Final Solution* (London, 1968) and Lucy Davidowicz's *War Against the Jews 1933-45* (New York, 1975).

Several works do give a remarkable insight into the war-time Jewish mentality, especially André Biss's *A Million Jews to Save* (London, 1973) and Alex Weissberg's *Advocate for the Dead* (London, 1958; translated from German by the aforementioned Constantine FitzGibbon).

Most of the above works have been torn to shreds by later, rather less subjective, reviewers of history. The earliest, and most courageous, was the French socialist Paul Rassinier's milestone *The Drama of the European Jews* (Steppingstones, Box 612, Silver Spring, Md. 20901, 1975). The next revisionist work of any consequence was *The Myth of the Six Million* by an anonymous American professor (Noontide, Ca., 1969). This provided much of the groundwork for the next opus to appear, *Did Six Million Really Die?* by Richard Harwood of London University. This magazine-style publication has achieved a world-wide circulation greater than all the other works put together, and has been translated into nearly a dozen languages. But the most authoritative work to date has undoubtedly been Prof. Butz's *Hoax of the Twentieth Century* (Historical Review Press, London, 1976).

There have also been several peripheral works, which are worth examination, such as a German Jew's denial of the 'Holocaust' in Josef Ginsburg's trilogy (written as J. G. Burg), *Debt & Destiny*, *Scapegoats* and *Nazi Crimes*. The short but impressive *Auschwitz Lie* (Quebec, 1974) by Thies Christophersen gives an insight into camp conditions as they really were. David Irving's weighty *Hitler's War* (London, 1977) does not deny the Holocaust, but claims Hitler had no knowledge of it. Udo Walendy's *Bild Dokumente für die Geschichtsschreibung* is a useful collection of fake atrocity photographs.

### Allied & Israeli War Crimes

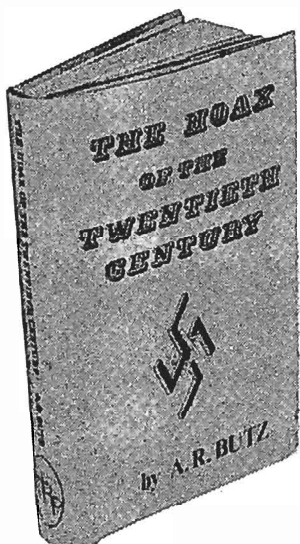
David Irving's earlier work *The Destruction of Dresden* (London, 1963) is the only work available on this subject. *Katyn — A Crime Without Parallel* (London, 1971) is the principal of a series of books on that Soviet atrocity written by Louis FitzGibbon, who also designed the Katyn Memorial at Hounslow.

The repatriations are sympathetically dealt with in Lord Bethell's *Last Secret* (London, 1974) and Count Tolstoy's *Victims of Yalta* (London, 1978).

Israeli atrocities are brazenly dealt with by Jewish authors in *Genesis 1948* by Dan Kurzman (London, 1970) and in David Ben Gurion's *Israel* (London, 1971). *The Six Million Reconsidered* by the USA-based Committee For Truth in History is a masterpiece of research into the whole Jewish megalomaniac-paranoid psyche, and draws heavily on Jewish hatred of, and atrocities against, Gentiles; both European and Palestinian.

Many of these revisionist works are available direct from Historical Review Press.

# HOLOCAUST or HOAX?



At last it has been written: the book to silence all but conscious liars. In **THE HOAX OF THE TWENTIETH CENTURY**, Professor Arthur Butz conclusively demolishes the greatest propaganda legend of our times – the legend that the Germans attempted to “exterminate” the Jews during World War Two. Combining the historian’s mastery of documents with the technical knowledge of a scientist, Prof. Butz’s book is the product of a truly massive research effort lasting three years. The author takes his theme far beyond all previous work done in this field, and his book, we feel sure, will remain the standard volume for many years to come. The Historical Review Press takes pleasure in presenting a classic work, a monument of scholarship.

This book contains four APPENDICES which reproduce key documents in full. A comprehensive BIBLIOGRAPHY of reference literature is provided and the work has copious notes including an amusing excursion into the fantastic Jewish atrocity charges of Antiquity, notably the Talmud’s claim that 4 billion (or elsewhere 800 million) Jews were killed by the Romans in Hadrian’s siege of Bethar, causing a tidal wave of blood that rolled boulders to the sea. The reader will experience a remarkable sense of historical *déjà vu!*

315 pages, 32 plates and diagrams

## THE JEWS SAY:

“We have known of it for some time. But we didn’t want to give it any publicity and help the sales. Now it’s too late, it’s in the open and we have to face it squarely.”

Abbot A. Rosen, Chicago Executive Director of the Anti-Defamation League,  
Pittsburgh Press, Wed. January 26 1977

PRICE (including post): U.K. & Europe £2.00 U.S.A. & Canada \$5.00

# Did Six Million Really Die?

by RICHARD HARWOOD. 28pp.

Worldwide best seller on the Holocaust myth, an easy-to-read, well illustrated magazine, ideal for mass distribution. It has been translated into at least 7 languages. The following are available from the Historical Review Press:

English: 40p inc. postage;

German, French, Spanish, Dutch, Swedish editions: 50p each inc. postage

*Bulk discounts available on request.*

## Jewish attempt to have DID SIX MILLION REALLY DIE? suppressed under Race Relations Act flops

In 1974, the Board of Deputies referred the publication to the Attorney-General. “The Attorney-General (Sam Silkin) apparently felt that prosecution would have provided undesirable publicity for the author’s unsavoury views.”—*Jewish Chronicle*, 2.8.74.

The Board of Deputies of British Jews then told Parliament to strengthen the 1965 Race Act, which resulted in the 1976 Race Relations Act. Even this has proved ineffective to suppress the truth, as Lord Fisher complained that “not one country in which this obscene literature denying the Holocaust has been disseminated has so far found it possible to use the power of the law to ban it.”—*Jewish Chronicle*, 24.9.77.

## NUREMBERG AND OTHER WAR CRIMES TRIALS

ISBN 0 9505505 3 1

— A NEW LOOK

		U.K. & Europe	U.S.A. & Canada
PRICES (including post)	1 copy	75p	\$ 2.00
	10 copies	£ 5.00	\$15.00
	50 copies	£22.00	\$60.00

*This and the other publications mentioned may be obtained directly from the Historical Review Press, Chapel Ascote, Ladbroke, Nr. Southam, Warwickshire, England.*