

**“ISOLATING NAZISM: CIVILIAN INTERNMENT IN
AMERICAN OCCUPIED GERMANY, 1944-1950”**

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ABSTRACT

KRISTEN J. DOLAN: “Isolating Nazism: Civilian
Internment in American Occupied Germany, 1944-1950”
(Under the direction of Konrad H. Jarausch)

This dissertation examines the Allied program of mass arrests that, in the aftermath of World War II, was part of a larger attempt to locate those suspected of atrocities, neutralize potential disruptions to the occupation, and uproot National Socialist ideology. Under the auspices of Allied “denazification,” which sought to eradicate Nazism for security reasons and as a precursor to democratization, the American Military Government arrested a wide array of Nazi Party-affiliated Germans. By late 1945, the Army had detained roughly 150,000 persons in a hastily established system of civilian internment enclosures. Within a year, however, American authorities greatly reduced the number of detainees. Moreover, after recognizing that successful reorientation toward democracy would require increased German participation, they handed administration of the camps to German officials—thus heralding an important transition in the relationship between occupier and occupied.

Exploring American and German authorities’ ensuing struggle to translate the goal of eradicating Nazism into a coherent plan of action, this study offers insight into fundamental challenges of transforming a political culture as well as the difficulties of reconstituting a society that has been atomized over the course of a firmly entrenched dictatorship. Much of the historiographical attention to civilian internment has focused on the program’s inequities. By closely examining the origins and aims of arrest policies, as well as pragmatic

implementation issues with feedback and adjustments, this study investigates whether and how such a drastic measure contributed to the security of the occupation and early stages of the Federal Republic's postwar political transformation.

This dissertation ultimately finds that, in spite of numerous practical shortcomings, the program contributed to both endeavors. Clearly a blunt, inequitable instrument when examined on a case-by-case basis, the arrests nevertheless collectively interrupted political and social continuity at a critical juncture, creating space in which democracy could take root. The process of confronting large groups of people regarding their activities during the Third Reich prompted changes in discourse and behavior toward at least outward acceptance of reforms. Moreover, ensuing debates spurred necessary deliberations over how to move forward in the wake of a twelve-year fascist dictatorship.

In memory of Janet and Joe Dolan

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LIST OF ABBREVIATIONS

AAA	Anti-Aircraft Artillery
ACC	Allied Control Council
AC of S	Assistant Chief of Staff
AMG	American Military Government
AOR	Area of Responsibility
BN	Battalion
BDM	<i>Bund Deutscher Mädel</i> (League of German Girls)
CAD	Civil Affairs Division
CDU	<i>Christlich Demokratische Union</i> /Christian Democratic Union
CI	Counter Intelligence
CIC	Counter Intelligence Corps
CIE	Civilian Internment Enclosure
CCS	Combined Chiefs of Staff
CSU	<i>Christlich-Soziale Union</i> /Christian Social Union
DAF	<i>Deutsche Arbeitsfront</i> (German Labor Front)
EAC	European Advisory Commission
ETO	European Theater of Operations
EUCOM	European Command
FA	Field Artillery
FEA	Foreign Economic Administration
FM	Field Manual
FOB	Field Observation Battalion

<i>FRUS</i>	<i>Foreign Relations of the United States</i>
HHStAW	<i>Hessisches Hauptstaatsarchiv Wiesbaden</i>
HJ	<i>Hitler Jugend</i> (Hitler Youth)
IA&C	Internal Affairs and Communications
ICD	Information Control Division
IPCOG	Informal Policy Committee on Germany
IRC	International Red Cross
JCS	Joint Chiefs of Staff
L&S	Liaison and Security Office
LSV	<i>Lagerselbstverwaltung</i> (Camp Self-Administration)
MPL	Ministry for Political Liberation
NARA	U.S. National Archives and Record Administration
NSDAP	<i>Nationalsozialistische Deutsche Arbeiterpartei</i> (National Socialist German Workers' Party)
NSF	<i>Nationalsozialistische Frauenschaft</i> (National Socialist Woman's League)
NSFK	<i>Nationalsozialistisches Fliegerkorps</i> (National Socialist Flying Corps)
NSKK	<i>Nationalsozialistisches Kraftfahrkorps</i> (National Socialist Motor Corps)
NSV	<i>Nationalsozialistische Volkswohlfahrt</i> (National Socialist Public Welfare Association)
<i>NYT</i>	<i>New York Times</i>
OMGB	Office of Military Government for Bavaria
OMGH	Office of Military Government for Hesse
OMGWB	Office of Military Government for Württemberg-Baden
OMGUS	Office of Military Government, United States

ORPO	<i>Ordnungspolizei</i> (Order Police - Regular Police Force)
PM	Provost Marshall
POLAD	Political Affairs Division
POW	Prisoner of War
PS	Public Safety
RG	Record Group
SHAEF	Supreme Headquarters Allied Expeditionary Forces Europe
RAD	<i>Reichsarbeitsdienst</i> (Compulsory Labor Service)
SA	<i>Sturmabteilung</i> (Storm Troops)
SD	<i>Sicherheitsdienst</i> (Security Service)
SDP	<i>Sozialdemokratische Partei</i> /Social Democratic Party
SIPO	<i>Sicherheitspolizei</i> (Security Police)
SS	<i>Schutzstaffel</i> (Elite Guard)
UNRRA	United Nations Relief and Rehabilitation Administration
USFET	United States Forces European Theater
USGCC	United States Group Control Council

Army Functional Designations

G-1	Personnel
G-2	Intelligence
G-3	Operations
G-4	Logistics
G-5	Civil Affairs
JA	Legal

INTRODUCTION

In November 1947, American Counter Intelligence officer Alfred Strauss documented recent activity at a civilian internment enclosure located near Augsburg, Germany. He matter-of-factly described issues ranging from an escapee's return after two months on the loose to implementation of a new priority system in reviewing cases that he expected to boost morale of the former Nazis held in the enclosure. Surprisingly, he devoted much of his report to detailing machinations of the German camp commander, whose rumored past and "dictatorial" behavior had not only alienated his own staff, but also created an environment of "intrigue" that might prove detrimental to security. Even more telling, however, Strauss ended his remarks by expressing unease that internees were being left behind in Germany's democratic transition, that they were being neither reoriented nor prepared to accept the changes occurring outside the confines of the so-called "cages" in which they were held. "If this problem is not solved now," he declared, "serious danger will ensue. The internment camps may indeed turn out to be the last reservoirs of National Socialism."¹

Written from his vantage point inside one of several such camps in American occupied Germany, Strauss's misgivings highlight important questions about the relationship between military occupation and the successful transition to democracy, as well as the civilian consequences of winning a protracted conflict against a firmly entrenched criminal dictatorship. As Allied forces overtook Germany in late 1944, they immediately confronted

¹ Weekly Security Report, CI Officer Augsburg-Göggingen to S-2, 12 Nov 47, National Archives Records Administration [hereafter NARA], RG 260, OMGUS Public Safety Branch, Box 305, Folder 54.

the dilemma of dealing with the population of a country they had been bitterly fighting for several years while also uprooting National Socialist ideology. Unsure of how to discern who had been Nazi sympathizers, they actively rounded up a substantial number of Germans in a concerted attempt to isolate those who had committed atrocities, ardently supported the Hitler regime, or might pose a threat to the security of the occupying powers.

Focusing on the American zone, this dissertation examines the particularly controversial program of mass arrests—asking whether and how such a drastic measure contributed to the security of the occupation as well as Germany’s postwar political transformation. At the heart of this story lie the very difficult problems of reckoning with the past, dealing with the exigencies of a chaotic present, and ultimately, laying the foundation for a peaceful future.

Although arrests in the American zone began relatively slowly, the intensity with which Counter Intelligence Corps detachments swept local communities in the months immediately surrounding the Third Reich’s collapse is particularly striking. Throughout the summer of 1945, the Army hastily established a string of various-sized temporary camps to detain war crimes suspects, possible security threats, and those subject to “automatic arrest”—a broad category based on association with the Nazi Party. In contrast to persons detained due to suspicion of individual criminality, these guidelines ordered internment of those in any of several organizational groups including: Nazi Party officials down to the local level; Gestapo agents; members of the military General Staff and High Command; those who had been in paramilitary organizations such as the *Sturmabteilung* (SA) and *Schutzstaffel* (SS); and leaders of the Hitler Youth, League for German Girls, and Labor Front.²

² For the April 1945 arrest criteria, see SHAEF letter (with enclosure), “Arrest and Detention—Germany,” AG 350.09-2 GBI-AGM, 13 Apr 45 in Kathrin Meyer, *Entnazifizierung von Frauen: die Internierungslager der US-*

Within the occupation's first year, the Army had established a substantial network of enclosures and detained roughly 150,000 individuals.³ In addition, the Military Government had identified civilian internment, along with vigorous purges of government and key business management positions, as primary pillars in a sweeping program directed at eliminating National Socialist influence, or "denazifying" Germany. By late-1946, however, rather than maintain this trajectory, American authorities had slowed the pace of arrests and reduced the number of civilian internees to roughly 40,000.⁴ Moreover, in conjunction with segregating war crimes and security suspects into designated US-run enclosures, they handed administration of civilian internment camps to officials of the recently established German states (*Länder*) of Bavaria, Württemberg-Baden, and Greater Hessen. Several factors spurred this transfer, such as deteriorating Four-Power relations and logistical concerns, yet it also heralded an important transition in the relationship between occupier and occupied—based upon recognition that successful reorientation would require increased German participation.

Particularly given this move away from an initial broad-brush approach, the American rush to round up those believed to be ardent Nazis was handled in a way that understandably generated immediate reactions to the process as uneven and inequitable. As

Zone Deutschlands, 1945-1952 (Berlin, 2004), 262-264. For concise descriptions, see also David Cohen, "Transitional Justice in Divided Germany after 1945," in John Elster, ed., *Retribution and Reparation in the Transition to Democracy* (Cambridge, 2006), 69; Michael R. Hayse, *Recasting West German Elites: Higher Civil Servants, Business Leaders, and Physicians in Hesse Between Nazism and Democracy, 1945-1955* (New York, 2003), 185-186; and Earl F. Ziemke, *The U.S. Army in the Occupation of Germany, 1944-1946* (Washington DC, 1975). 380.

³ Oliver J. Frederickson, *The American Military Occupation of Germany 1945-1953* (Historical Division, U.S. Army Europe, 1953), 98. Frederickson provided the figure of 150,000 as cumulative. The total at any given time was in flux due to new arrests and releases, but as Christa Schick noted, reached a high point of 100,000 at the end of 1945. Christa Schick, "Die Internierungslager" in Martin Brozat, Klaus Dietmar Henke, and Hans Woller, eds., *Von Stalingrad bis zur Währungsreform: Zur Sozialgeschichte des Umbruchs in Deutschland*, 3d ed. (Munich, 1990), 304. For the Soviet zone figures, see Norman M. Naimark, *The Russians in Germany: A History of the Soviet Zone of Occupation, 1945-1949* (Cambridge, 1995), 376-378.

⁴ On the number of civilian internees at handover, see Meyer, 89; 101.

will be further discussed below, however, the concomitant historiographical emphasis on equity has become limiting. Moreover, in considering the motives behind arrests in the US zone, historians such as Lutz Niethammer have focused too heavily on security, resulting in the predominant framing of civilian internment as an overzealous effort to address unwarranted concerns of popular resistance. While security concerns did play a heavy role in initial sweeps, this characterization effectively sidesteps the issue of civilian internment's role in West Germany's transition from the Nazi dictatorship to a functional pluralistic democracy.⁵ Approaching the subject from the latter perspective provides insight into the myriad of challenges that may be associated with transforming a political culture following the forced collapse of a firmly entrenched dictatorship. In addition, this sort of analysis serves as a much-needed reminder of the intricacies that are frequently overlooked by those seeking to invoke Germany's transformation as a model for postwar nation building.

In order to better understand the complicated dynamic of the postwar occupation, this dissertation addresses several interrelated questions. First, how did American policymakers perceive civilian internment? Second, what ideological or pragmatic factors led to the dramatic policy adjustment away from wide scale use of arrests? Third, how was the handover to German state officials carried out? Fourth, once reforms began to take root, in what ways did American and German authorities try to navigate the inherent contradictions between internment and democracy?

Detailed examination of civilian internment is also necessary because, albeit very briefly, the camps were particular sites for discussions of transformation not pursued as

⁵ Lutz Niethammer, *Entnazifizierung in Bayern: Säuberung und Rehabilitierung unter amerikanischer Besatzung* (Frankfurt am Main, 1972) typifies the framing described above. Christa Horn, *Die Internierungs- und Arbeitslager in Bayern, 1945-1952* (Frankfurt am Main, 1992) and Christof Strauß, *Kriegsgefangenschaft und Internierung: Die Lager in Heilbronn-Böckingen 1945 bis 1947* (Heilbronn, 1998) followed suit with Niethammer's assessment. For a notable exception, see Meyer, *Entnazifizierung von Frauen*.

directly elsewhere. The first stirrings of German public interest in denazification and civilian internment were already visible by late 1945. The handover of enclosures one year later not only piqued media curiosity, but also provided Military Government authorities with a platform from which they attempted to cast the programs as rehabilitative. In the spring of 1947, a relatively intense German debate quickly enveloped the state bureaucracies responsible for administering the enclosures and placed their activities under a microscope. It was primarily carried out through political deliberations, speeches, print media, and over the airwaves—but included rhetorical strategies propagated by the internees themselves such as frequent mention of their readiness to contribute to reconstruction. As early as 1948, however, amid the increasing likelihood of a separate state comprising the western zones, the civilian internment program had already been vastly drawn down and there were clear signs that awareness of the camps was beginning to recede from the public sphere. Thus, in spite of the resonance of Ernst von Salomon’s fictionalized account of his arrest, and although fallout from denazification generated heated debate for some time after the Federal Republic’s founding, by the mid-1950s, the topic of the camps was conspicuously absent in public discourse and remained so for several decades.⁶

A Widely Divergent Experience that Transcended Zonal Boundaries

The Brandenburg state government’s September 1992 announcement that 12,500 mass graves dating from the postwar period had been excavated at Sachsenhausen renewed public awareness of Allied internment camps in general and the Soviet “special camps”

⁶ Ernst von Salomon, *Der Fragebogen* (Hamburg, 1951). Former *Freikorps* member von Salomon’s book touched an immediate cord among Germans and is often cited in scholarly literature. On later denazification debates, see Norbert Frei, *Adenauer’s Germany and the Nazi Past: The Politics of Amnesty and Integration*, trans. Joel Golb (New York, 2002), esp. 27-91. Gregor Streim, “Germans in the *Lager*. Reports and Narratives about Imprisonment in Post-War Allied Internment Camps” in *A Nation of Victims? Representations of German Wartime Suffering from 1945 to the Present*, ed. Helmut Schmitz (Amsterdam and New York, 2007), 31-49 describes public discourse related to internment.

(*Speziallager*) in particular.⁷ Scrutinizing the *Spezlager* has since received a great deal of scholarly emphasis.⁸ Norman Naimark, for instance, found that typical daily rations at Sachsenhausen consisted of “one and three-fourths liters of the thinnest soup and 450 grams of bread.” Moreover, according to official Soviet figures, which Naimark deemed to be lower than the actual numbers, more than one third of those interned died. This stands in stark contrast to circumstances in the west, where for example, the mortality rate was less than one percent in the British camps.⁹ Such significant differences underscore the fact that, in spite of a common grounding in Allied agreements, civilian internment programs diverged across zonal boundaries.¹⁰ To elaborate this point, and provide a comparative context for examination of developments in American occupied Germany, the discussion that follows briefly touches on key Allied underpinnings as well as the approaches taken in the French, British, and Soviet zones.

The firm conviction that Nazism and militarism must be uprooted in order to secure a lasting peace was repeatedly reaffirmed during Allied planning conferences to include at Potsdam in the summer of 1945, when among other things policymakers laid out overarching

⁷ Steven Kinzer, “Germans Find Mass Graves at Ex-Soviet Camp,” *New York Times* [hereafter *NYT*], 24 Sep 92, A15. Memoirs have since also provided important glimpses inside the *Spezlager*. See for example, Ursula Fischer, *Zum Schweigen verurteilt: denunziert—verhaftet—interniert, 1945-1948* (Berlin, 1992). For a fairly recent compilation of firsthand accounts, see Eva Ochs, *Heute kann ich das ja sagen: Lagererfahrungen von Insassen sowjetischer Speziallager in der SBZ/DDR* (Köln, 2006).

⁸ See for example, Peter Reif-Spirek and Bodo Ritscher, eds., *Speziallager in der SBZ: Gedenkstätten mit “doppelter Vergangenheit”* (Berlin, 1999); and Sergej Mironenko, Lutz Niethammer, and Alexander von Plato, eds., *Sowjetische Speziallager in Deutschland 1945-1950* (Berlin, 1998).

⁹ Naimark, 376-377; Cohen 70.

¹⁰ For an early comparative examination of denazification, see Wolfgang Friedmann, *The Allied Military Government of Germany* (London, 1947), 111-125. Friedmann, a German émigré, had participated in the early stages of Military Government for roughly two years. Justus Fürstenau, *Entnazifizierung. Ein Kapitel deutscher Nachkriegspolitik* (Neuwied, 1969) examined the three western zones. For more recent comparative treatment, see Clemens Vollnahl, *Entnazifizierung: politische Säuberung und Rehabilitierung in der vier Besatzungszonen, 1945-1949* (Munich, 1991).

guidance that was to govern quadripartite control of Germany.¹¹ Moreover, after its August 1945 establishment at the site of the Prussian *Kammergericht* (Supreme Court) in Berlin, the Allied Control Council (ACC) issued successive coordinating laws and directives spelling out how denazification was to be implemented across the zones. On 10 October 1945, for example, Control Council Law No.2 directed abolishment of Nazi organizations and declared them illegal.¹² Two months later, Law No. 10 provided definitions to be used as the legal basis for prosecution of war criminals under the International Military Tribunal (IMT).¹³

ACC Directive No. 24, 12 January 1946, issued specific guidelines for “the removal from public and semi-public office and from positions of responsibility in important private undertakings of all members of the Nazi Party who [had] been more than nominal participants in its activities, and all other persons hostile to Allied purposes.” According to the directive, this included persons who had:

- i. Held office and otherwise been active at any level from local to national in the Party and its subordinate organizations which further militaristic doctrines;
- ii. Authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations;
- iii. Been avowed believers in Nazism or racial and militaristic creeds; or
- iv. Voluntarily given moral or material support or political assistance of any kind to the Nazi Party or Nazi officials and leaders.¹⁴

¹¹ Extracts from the Report of the Potsdam Conference, 17 July-2 August 1945 are provided in Beate Ruhm von Oppen, ed., *Documents on Germany under Occupation 1945-1954* (London, 1955), 40-50.

¹² For Allied Control Council (ACC) Law No. 2, “Providing for the Termination and Liquidation of Nazi Organizations,” 10 Oct 45, see *Ibid.*, 79.

¹³ ACC Law No. 10 of 20 December 1945, “Punishment of Persons Guilty of War Crimes, Crimes Against Peace and Against Humanity,” *Official Gazette of the Allied Control Council for Germany*, Berlin Allied Secretariat, Issue No. 3 (31 Jan 46), pp 50-55; also in Oppen, 97-101.

¹⁴ ACC Directive No. 24, “Removal From Office and From Positions of Responsibility of Nazis and of Persons Hostile to Allied Purposes” *Official Gazette of the Allied Control Council for Germany*, Berlin Allied Secretariat, Issue No. 5 (31 Mar 46), 98-115; for extracts, see Oppen, 102-107. Removed individuals were to “be replaced by persons who, by their political and moral qualities, [were] deemed capable of assisting in developing genuine democratic institutions in Germany.”

In October 1946, ACC Directive No. 38 established a comprehensive policy that encompassed the goals of punishing war criminals and principal Nazi regime supporters as well as restricting “the activities of important adherents” of Nazism and Militarism. In addition, this set of guidelines called not only for the control and surveillance of those deemed potential security threats, but also for the internment of “Germans who, though not guilty of specific crimes [were] considered to be dangerous to Allied purposes.” At American insistence the policy mirrored sweeping legislation enacted in the US zone roughly eight months earlier, known as the “Law for Liberation from National Socialism and Militarism,” in particular by identifying five categories to be used in establishing degree of responsibility in Nazi crimes and oppression: Major Offenders, Offenders, Lesser Offenders, Followers, and Persons Exonerated. Punishments and sanctions ranged from the possibility of death or life imprisonment in the case of Major Offenders to economic and employment penalties for Lesser Offenders. At Zone Commander discretion, Followers were subject to measures including: periodically reporting to local police; travel restrictions, and inability to run for public office.¹⁵

The arc of increasingly codified cooperation just described belies the fact that, in practice, denazification was administered separately and took on a different character in each of the zones. Indeed, by the time of negotiations over ACC Directive No. 38, the differences in approach had become so pronounced and a completely uniform binding policy so elusive that securing some level of agreement required incorporating a wide latitude for Zone

¹⁵ ACC Directive No. 38, “The Arrest and Punishment of War Criminals, Nazis and Militarists, and the Internment, Control and Surveillance of Potentially Dangerous Criminals,” *Official Gazette of the Allied Control Council for Germany*, Berlin Allied Secretariat, Issue No. 11, (31 Oct 46), 184-211; also in Oppen, 168-179. Categorizations in the directive were similar, but not identical, to the Liberation Law.

Commanders.¹⁶ This is not to suggest a complete lack of similarity in programs. Timothy Vogt has made the important observations, for example, that in all four cases, denazification became highly bureaucratic and yielded disappointing results. In terms of mechanics, each of the zones employed some level of automatic arrest and internment; relied to some degree on the use of questionnaires to gather information on those under scrutiny; eventually transferred processes to German-staffed commissions, subject to Allied oversight; distinguished between “active” and “nominal” participation in the Nazi Party; and issued punishments that included imprisonment and removal or restriction from employment.¹⁷

The differences are nevertheless quite instructive, beginning with the point that the chasm was especially wide between the Soviet Zone and the west.¹⁸ This was due in part to the fact that, although they developed individually, the three western powers’ programs all derived from the shared foundation of Supreme Headquarters Allied Expeditionary Force Europe (SHAEF) directives.¹⁹ Generally speaking, however, it was also because beyond initial security and transitional justice concerns the western Allies employed civilian internment *within* the framework of denazification, whereas the Soviets used the arrests and detention *in parallel*, as a separate mechanism to effect economic, political, and social change. This fundamental distinction is illustrated, for example, by the fact that by early

¹⁶ OMGUS, Civil Affairs Division (CAD) Rpt., “Denazification, Cumulative Review, 1 April 1947-30 April 1948,” No. 34 (1948), 11, <http://digital.library.wisc.edu/1711.dl/History.Denazi>. The wide latitude is quite apparent, for example, in the directive’s prefatory set of “general principles.” See Oppen, 169-170.

¹⁷ Timothy R. Vogt, *Denazification in Soviet Occupied Germany: Brandenburg, 1945-1949* (Cambridge: 2000), 2-6. Importantly, Vogt indicated that while the Soviets publicly claimed success, they were also dissatisfied with the results of their denazification efforts.

¹⁸ Hayse, 148; and Konrad H. Jarausch, *After Hitler, Recivilizing Germans, 1945-1995*, trans. Brandon Hunziker (New York, 2006), 52-53. Jarausch noted that although they set their own priorities, the other two powers generally acquiesced to American desire to vigorously pursue denazification.

¹⁹ OMGUS, CAD Rpt., “Denazification, Cumulative Review, 1 April 1947-30 April 1948,” No. 34 (1948), 12, <http://digital.library.wisc.edu/1711.dl/History.Denazi>.

January 1947 American, British, and French authorities had released nearly half of those interned. In the American zone, this was in spite of having initially applied automatic arrests more vigorously than any of the other occupying powers.²⁰

Even in the west, the push to eradicate Nazism varied according to particular circumstances, as well as respective experiences among occupier and occupied. In the French zone, more than with the other powers, early denazification efforts were largely uncoordinated, local initiatives. The especially high degree of initial confusion stemmed partly from the fact that Roosevelt, Churchill and Stalin had not agreed to a fourth zone until the February 1945 Yalta conference. In fact, the transfer occurred in the summer of 1945 after US Military Government detachments had already begun removing Nazis from public office. Thus, *Gouvernement Militaire* (GM) authorities effectively got off to a late start in establishing their own command and control structure. The leadership at various levels within the French First Army meanwhile did not feel compelled to abide by Anglo-American developed SHAEF directives, nor did GM officials feel particularly fettered by agreements reached at Potsdam since the other powers had not invited de Gaulle to participate.²¹

The French approach to denazification was characterized *first*, by a very high degree of decentralization centered on close supervision of state officials (Württemberg-Hohenzollern, Baden, and the Rhineland-Palatinate); and *second*, by more readiness than

²⁰ On the pace of releases, see Freidmann, 120, n. 8; 332. While his figures are based on available data, Friedmann nonetheless discerned the stark difference between east and west. According to him, the British automatically interned 68,500, of whom 34,000 were released. The American zone figures were 95,250 and 44,244. In the French zone, where the fewest arrests took place, they were 18,963 and 8,040. During the same timeframe in the Soviet zone 67,179 were interned, of whom 7,214 were released.

²¹ Perry Biddiscombe, *The Denazification of Germany: A History* (Stroud, Gloucester, 2007), 158-160. After returning to the US, Deputy Director of the OMGH Denazification Division Arsen L. Yakoubian wrote that, "there appeared to be no definite effort on the part of French Military Government to continue denazification, even though the French organization was modeled closely on the American and the training of their Military Government officers had been done from translated texts." Arsen L. Yakoubian, "Western Allied Occupation Policies and Development of German Democracy, 1945-1951" (PhD diss., New York University, 1951), 84.

their American counterparts to acknowledge that Party membership in-and-of-itself was not an effective determinant of adherence to Nazism. GM officials had witnessed the *épuration* of Vichy elements in France, and although strongly pulled by geopolitical and security considerations, were less interested in mounting a thoroughgoing purge. Decisions such as not requiring all residents to register under denazification legislation thus arguably kept their program more manageable.²² On the other hand, coupled with GM desire to co-opt German officials who were willing to cooperate, the lack of rigor also contributed to unfortunate cases in which former Nazis evaded Allied authorities in other zones. Owing in large part to domestic pressures for demonstrable results, French officials nevertheless did increase efforts at a more systematic approach after the enactment of Control Council Directive 24.²³ Most notably, programs modeled on the *Rechtsanordnung zur politischen Säuberung* developed by SPD officials in Württemberg-Hohenzollern were adopted across the zone in May 1946.²⁴

Although their adherence to SHAEF categories varied, French authorities afforded high priority to arrests on the basis of security. By November 1945, internment camps held 11,120 people, with an additional 1,463 in prisons. Carried out under the guidance of the *Sûreté*, these initial roundups resulted in arrests of high profile Nazis such as former

²² Biddiscombe, 158-159, 171. On GM officials not requiring full registration under denazification laws, see OMGUS, CAD Rpt, "Denazification, Cumulative Review, 1 April 1947-30 April 1948," No. 34 (1948), 12, <http://digital.library.wisc.edu/1711.dl/History.Denazi>. This report has as annexes transcribed copies of several helpful documents detailing denazification policies in each zone, including for example "Ordinance No. 92 from the C.I.C. on the Amnesty for Young People," 2 May 47, (Annex U) which spelled out guidance for exempting those born after 1 January 1919 from the purge.

²³ Jaraus, 53; Friedmann, 122; and Biddiscombe, 169-170. Biddiscombe determined that a late 1945 National Assembly mandated inquiry by a Foreign Affairs sub-committee "found evidence that French Military Government had indeed allowed the hiring of Germans dismissed in other zones, even though this practice had been specifically forbidden by a Control Council paper of 5 November 1945." He further noted, however, that the backlash from the subcommittee's findings led civil administrator Émil Laffont and other GM authorities to begin to push for demonstrable purge results.

²⁴ Henke stressed Württemberg-Hohenzollern officials' (particularly Carlo Schmid), initiative in proposing a way forward to French authorities. Klaus-Dietmar Henke, *Politische Säuberung unter französischer Besatzung: Die Entnazifizierung in Württemberg-Hohenzollern* (Stuttgart, 1981), 80-88. See also, Cohen, 79-80.

Gauleiter (Regional Leader) Robert Wagner of Baden as well as lesser-incriminated Germans. In January 1946, GM authorities issued uniform guidance that, among other things directed establishment of a personnel file for all of those arrested, something that had up until this point been decidedly lacking. The first batch of releases was carried out in December 1945 but, as Rainer Möhler noted in his examination of denazification in Rheinland-Pfalz and Saarland, was followed by new waves of arrests.²⁵ French Public Safety officers established eight civilian internment camps at locations such as Lahr, Diez, and Balingen. In the spring of 1947 GM handed the administration of seven camps to German officials.²⁶

Frequently described as having been more “pragmatic,” the British denazification program nonetheless evoked a number of contemporary criticisms from the German public similar to those launched at its American counterpart. The growing belief, for example, that too many heavily incriminated Nazis were being let off the hook threatened at times to undermine the entire process, as did various slow-downs and concerns that the program had become much too bureaucratic. Importantly the British did, however, rely much less on *Fragebogen*, extensive questionnaires that quickly became emblematic of denazification’s shortcomings and that ostensibly enabled Allied authorities to determine degree of individual support to the regime.²⁷ After enactment of Control Council Directives 24 and 38, the

²⁵ Rainer Möhler, *Entnazifizierung in Rheinland-Pfalz und im Saarland unter französischer Besatzung von 1945 bis 1952* (Mainz, 1992), 359-360. Concerns over the lack of records were based on GM’s own assessment. Möhler noted that GM established investigatory committees in camps—charged with determining cause for arrests—immediately after assuming responsibility for the zone.

²⁶ Biddiscombe, 161; Henke, 40-42. Henke noted that Balingen was the first camp to be handed over, in this case to the Württemberg-Hohenzollern Ministry of the Interior. Based on degree of political incrimination and social profile of internees, he also found that French internment policy did not differ substantially from that in the American zone. According to him, “the political and social elite was not in any way concentrated” there.

²⁷ Heiner Wember, “Internierung und Entnazifizierung im Ruhrgebiet,” in Jan-Peter Barbian and Ludgar Heid, eds., *Zwischen Gestern und Morgen: Kriegsende und Wiederaufbau im Ruhrgebiet* (Essen, 1995), 74-75. Wember, for example, suggested that while American occupation policy largely dominated that of the British, the latter was “decidedly more pragmatic” and “certainly less erratic;” Jarausch described the selectivity of

linchpins of British policy were Zonal Executive Instructions (ZEI) No. 3 and 54, which as American officials later noted, did not require registration of the population.²⁸ In a summary of ZEI No. 54, for example, Office of Military Government for Germany (OMGUS) Denazification Advisor Walter L. Dorn and Public Safety Branch Chief M.K. Wilson tellingly wrote:

The British are not attempting to categorize or impose penalties or sanctions on all Nazis in their zone. Generally speaking, the scope of ZEI No. 54 is limited to (a) those who have been arrested and interned as war criminals, security suspects or because they were within automatic arrest categories, and (b) those who have been investigated by Public Safety Branch under Control Council Directive No. 24 and earlier directives on removal and exclusion of Nazis from public office and positions of responsibility in important private undertakings. Inasmuch as both these processes are continuing the scope of ZEI No. 54 is actually broader because there is a constant inflow of new cases to be considered, but as long as a minor Nazi does not aspire to public office or a position of responsibility in an important private undertaking, he is not disturbed.²⁹

The most distinguishing facet of the British approach was that Military Government authorities clearly differentiated denazification proceedings from prosecution for having been a member of an organization found criminal by IMT or for having committed war crimes. The British eventually turned responsibility for the former over to local commissions, but retained complete control over the latter. As such, in practice, German officials dealt only with cases falling in the lesser three categories of Control Council Directive 38. Military tribunals tried those suspected of war crimes, while specialized British-run proceedings known as *Spruchgerichte* in civilian interment enclosures considered the cases of those

British pragmatism, noting that officials implemented a vigorous purge in “key areas such as the civil service and education,” but avoided endangering the Ruhr mining industry. Jarausch, 53.

²⁸ OMGUS, CAD Rpt, “Denazification, Cumulative Review, 1 April 1947-30 April 1948,” No. 34 (1948), 12-13, <http://digital.library.wisc.edu/1711.dl/History.Denazi>. The PS Branch also noted that British ZEIs interpreted categories under ACC Directive 38 differently than legislation in effect in the American zone.

²⁹ Dr. Walter L. Dorn and M.K. Wilson, “Denazification Operation in the British Zone,” 17 Mar 47, NARA RG 260 OMGUS, OMGH CAD: Rpts & OTR Recs of the Denazification Branch, 1946-1948, Box 1116, F: Internment Camps I thru Special Branch Directives 1946-47.

accused of having been members of criminal organizations. This enabled officials in the British zone, as legal historian David J. Cohen has emphasized, to avoid blurring the lines between “the *political* process of denazification in the form of an administrative purge and the *judicial* process of criminal prosecution as a form of punishment and retribution.”³⁰ In contrast to the French and American cases, British Military Government did not turn civilian internment camps over to German administration. The directive transferring responsibility for denazification excluded such a delegation and specified that, “the trial categorisation, periodic review of their inmates together with the trial, categorisation and periodic review of other Category I and II cases are reserved to Military Government.”³¹

Heiner Wember determined that between 1945 and 1949 roughly 90,000 persons passed through the eleven civilian internment camps in British occupied Germany, which as in the other zones were established at former Prisoner of War (POW) enclosures, military barracks, or concentration camps in locations such as Recklinghausen, Eselheide and Neuengamme. Much like the American case, the majority of internees fell in one of the automatic arrest categories, but a significant number had been arrested as “Security Suspects.” Wember rightly characterized this catchall classification as an “elastic clause” (*Gummiparagraph*).³² As will be discussed, American Military Government authorities were

³⁰ Cohen, 77-78 (emphasis in original). In his examination of later deliberations in the FRG regarding amnesties, Norbert Frei noted that the public often confused the British *Spruchgerichte* with denazification tribunals in the American zone (*Spruchkammern*). See for example, Frei, 9-11.

³¹ Ordinance No. 110, “Transfer to the Land Governments of Responsibility for Denazification,” OMGUS, CAD Rpt, “Denazification, Cumulative Review, 1 April 1947-30 April 1948,” No. 34 (1948), Annex P, 150-155, <http://digital.library.wisc.edu/1711.dl/History.Denazi>. See also Wember, “Internierung und Entnazifizierung im Ruhrgebiet,” 81. Wember asserted that British authorities avoided the same mistake as had been made in the American zone, where the handover led to “corruption” and political “turbulence.”

³² Heiner Wember, *Umerziehung im Lager: Internierung und Bestrafung von Nationalsozialisten in der britischen Besatzungszone Deutschlands* (Essen, 1991), 31. Wember deemed having arrested fewer persons than the Americans, whose zone was less populous, as further proof of British official’s pragmatism. “Whoever was

aware of the category's overuse as early as December 1945. Finally, in contrast to the American zone, where internees participated in outside work details, were eventually permitted visitors and could petition for furlough in exigent situations, British officials kept enclosures strictly isolated from outside contact to a degree similar to Soviet camps.³³

During the initial stages of occupation, Soviet economic and political goals led denazification to be a low priority.³⁴ According to OMGUS CAD, this was quite apparent during Control Council negotiations. Soviet occupation forces not only seemed to lack any sort of uniform policy, but local procedures varied quite widely.³⁵ This uneven implementation continued until well after enactment of Control Council Directive No. 24. In December 1946, however, the Soviet Military Administration in Germany (SMAD) instituted a massive, centrally administered purge that was modeled on the US program and became the centerpiece of occupation policy. In mid-1947, with four-power relations vastly deteriorated and after the Council of Foreign Ministers in Moscow had made it clear that agreement on economic unity would not be forthcoming, Soviet officials again transformed denazification policy. The result was SMA Military Order 201, issued on 17 August 1947.³⁶

Against this backdrop, as Norman Naimark has shown, Soviet officials periodically justified civilian internment in terms of denazification, but primarily used the program to achieve economic and political objectives. From the outset, arrest and internment were the

urgently needed for reconstruction and administration," Wember wrote, "had a relatively good chance of being either released or not arrested." On this, see Wember, "Internierung und Entnazifizierung im Ruhrgebiet," 76.

³³ Wember, "Internierung und Entnazifizierung im Ruhrgebiet," 77. See Wember, *Umerziehung im Lager*, 50-51 for a chart detailing location and function (to include during the Nazi period) dates of operation.

³⁴ Vogt, 40, 96.

³⁵ OMGUS, CAD Rpt, "Denazification, Cumulative Review, 1 April 1947-30 April 1948," No. 34 (1948), 12, <http://digital.library.wisc.edu/1711.dl/History.Denazi>.

³⁶ Vogt, 77-79, 94-97; Yakoubian, 81.

purview of the People's Commissariat for Internal Affairs (NKVD, later MVD or Ministry of Internal Affairs), an independent secret police operation. Under the direction of Lieutenant General Ivan Serov, the NKVD quickly transitioned from targeting security threats, war criminals and former Nazi Party members, to interning potential opponents to Communist, and Soviet, rule. The extent to which economic motivations also factored into arrests is evidenced, for example, by the fact that in 1945 the twelve leading sugar manufacturers were detained. Any large landowners or farmers suspected of resisting land reform were also rounded up, and many sent to the island of Rügen, where conditions were extremely harsh.³⁷ Significant numbers of internees were later sent to camps in the Soviet Union.³⁸

Not unlike developments in the west, Order 201 emphasized the importance of reintegrating nominal Nazis in order to enlist their aid in reconstruction. It also stipulated the need to swiftly bring active Nazis, militarists and war criminals to justice.³⁹ Naimark determined that the NKVD used the order's arrest categories, however, to increasingly target those deemed the greatest threat to consolidation of Soviet rule, the parties of the Left. New arrests in 1947 thus placed 400 social democrats in the Zwickau prison, 900 in Dresden and

³⁷ Naimark, 378-381, incl. n. 113. Naimark emphasized the pervasiveness of Serov's NKVD network.

³⁸ For more extensive treatment of internment in the Soviet Union see, for example, Stefan Karner, *Im Archipel GUPVI: Kriegsgefangenschaft und Internierung in der Sowjetunion, 1941-1956* (Munich, 1995).

³⁹ The Soviet order explicitly attributed the tandem pursuit of reintegration and swift accountability to the Moscow CFM. See, Order 201, "Rules for the Application of Directives No. 24 and No. 38 of the Control Council on Denazification" (translation) 17 Aug 47, OMGUS, CAD Rpt, "Denazification, Cumulative Review, 1 April 1947-30 April 1948," No. 34 (1948), Annex Q, <http://digital.library.wisc.edu/1711.dl/History.Denazi>. For more detailed examination of these policy changes, see Vogt, 79-113. Following SMA Military Order 201, for example, decrees that had limited NSDAP members' civil and political rights were repealed. In addition to bringing denazification to a rapid conclusion, implementation of the ensuing purge in full view of the public was intended to generate public support for the SED as well as the Soviets.

800 in Buchenwald.⁴⁰ Internees held in the eleven NKVD “special camps,” at locations such as Bautzen, Buchenwald, Landsberg, Sachsenhausen and Torgau, were completely isolated from outside contact. According to Naimark, the largest population—60,000—was at Sachsenhausen, where 10-20 internees died per day of tuberculosis. The enclosures that accounted for the highest percentage of deaths, however, were Buchenwald (13,200) and Bautzen (16,700). At Bautzen, for example, the death rate was 50-60 per day over the course of the “hard winter of 1946-47.”⁴¹

Conditions such as these provide a compelling impetus to continue scrutinizing the *Spezlager*. There is also much to be gained, however, by critically examining civilian internment in the US zone. This includes determining how the American program was similar and how it differed from that of the other Allies.

Historiography

In many ways, a steady stream of first-hand accounts that began to appear as early as 1947 has consistently framed scholarly assessment of the American occupation. Academics who participated in planning or executing postwar policies sought in varying degrees to illustrate the complexities of military government to an increasingly engaged American public; influence the emerging foreign policy apparatus; and inform future study.⁴²

⁴⁰ Naimark, 386-388. Jeffrey Herf has made a similar argument about Article 3 of ACC 38, indicating that it constituted “a powerful tool” to deploy against those who resisted the regime and in internal party purges. Jeffrey Herf, *Divided Memory: The Nazi Past in the Two Germanys* (Cambridge, 1997), 73.

⁴¹ Naimark, 376-378. Roughly 30,000 persons were held at Buchenwald and Bautzen. According to Naimark, of 240,000 total internees in the Soviet zone, 95,643 died.

⁴² These early works are typified by Harold Zink, *American Military Government in Germany* (New York, 1947); Hajo Holborn, *American Military Government: Its Organization and Policies* (Washington, 1947); and James K. Pollock and James H. Meisel, *Germany under Occupation: Illustrative Materials and Documents* (Ann Arbor, MI, 1947).

Meanwhile, German works conveyed frustrations at American policies, especially those geared toward changing the country's political culture.⁴³ While helpful in terms of establishing a narrative of the occupation, much of this first wave of literature is highly charged and reflects perceptual biases that have left clearly discernible echoes within subsequent scholarship. With American strategy alternatively cited as too "hard" and too "soft," the resulting picture is one of erratic swings in policy, contradictory approaches, and missed opportunities.⁴⁴

Beginning with John D. Montgomery's *Forced to be Free: The Artificial Revolution in Germany and Japan* (1957), the degree of continuity within the sociopolitical structure became a persistent litmus test for evaluating the occupation. Conceptualizing denazification as an effort by American military government to prompt an "artificial revolution" by changing the existing basis of power and privilege, Montgomery determined that the result was instead restoration of Germany's Weimar elite system. He asserted that this was understandable from the American perspective given the growing pull of Cold War concerns, but also somewhat ambivalently concluded that the social changes brought about in postwar Germany were not sweeping enough to provide a solid foundation for the transition to democracy. Moreover, Montgomery's portrayal of the interaction between "conquerors" and

⁴³ Not surprisingly, early German works expressed staunch conservatives' frustrations at American policies and in addition to von Salomon's *Der Fragebogen*, included Caspar von Schrenk-Notzing, *Charakterwäsche Die amerikanische Besatzung in Deutschland und ihre Folgen* (Stuttgart, 1965).

⁴⁴ Zink's oft-cited *American Military Government in Germany* and later *The United States in Germany, 1944-1955* (New York, 1957), for example, are both heavily informed by his reactions to Treasury Secretary Morgenthau's influence over occupation planning.

“conquered” was very one-dimensional and did not adequately account for the manner in which this relationship developed at various levels.⁴⁵

Over the next two-and-a-half decades, scholars probed more deeply into a variety of tensions that characterized the occupation, such as the gap between policy planning and implementation; the need to balance short-term punitive efforts with the longer term goals of rehabilitation, reconstruction and eventual reorientation; and the differing perceptions between the American public, policymakers and military government. Contending views held that on the one hand, military government made necessary adjustments to balance competing priorities while coping with unanticipated circumstances; and on the other—hampered by in-fighting, unrealistic goals, and inexperience—made erratic policy swings.⁴⁶ John Gimbel’s path-breaking study of postwar political culture as it manifested itself at the local level, *A German Community under American Occupation: Marburg, 1945-52* (1961), revealed the complex interplay between denazification and democratization. In addition, he shed important light on American assumptions and German expectations related to both endeavors.⁴⁷ Ultimately, his conclusions helped to solidify the still prevailing view of

⁴⁵ John D. Montgomery, *Forced to be Free: the Artificial Revolution in Germany and Japan* (Chicago, 1957). For a critique of Montgomery that also examines degree of continuity, see Louis J. Edinger, “Post-Totalitarian Leadership: Elites in the German Federal Republic” *The American Political Science Review* 54, no. 1 (1960).

⁴⁶ John Gimbel, *The American Occupation of Germany: Politics and the Military, 1945-1949* (Stanford, 1968); and Ziemke, *The U.S. Army in the Occupation of Germany* typify the former. Edward N. Peterson, *The American Occupation of Germany: Retreat to Victory* (New York, 1977) exemplifies the latter, describing the occupation as a series of “retreats” from failed policies. This view heavily informed the later work by James F. Tent, *Mission on the Rhine: Reeducation and Denazification in American-Occupied Germany* (Chicago, 1982). For a retrospective collaborative assessment of American civil affairs, see Robert Wolfe, ed., *Americans as Proconsuls: United States Military Government in Germany and Japan, 1944-1952* (Carbondale, 1984).

⁴⁷ John Gimbel, *A German Community under American Occupation: Marburg, 1945-52* (Stanford, 1961), especially 4-5, 150-164. Gimbel observed, for example, that occupation officials proceeded as though given the proper environment a new leadership would emerge to “accept the American image of democracy and thus also accept the American administrative necessities and policy changes as prerequisites to the attainment of democracy.” Instead, he concluded, the military detachment’s essentially neutral stance provided local interest groups with an invitation to struggle with one another.

denazification as a failure.⁴⁸ Given his focus on Marburg, however, Gimbel made only passing references to arrest and internment.

Social historian Lutz Niethammer's comprehensive *Entnazifizierung in Bayern: Säuberung und Rehabilitierung unter Amerikanischer Besatzung* (1972) drew on an impressive panoply of sources to advance a revisionist interpretation of Germany's postwar transition.⁴⁹ While his study centered mostly on developments outside the camps, he nevertheless did consider arrest policies, the effects of initial sweeps, and internees' social profiles, thereby setting the interpretive frame for subsequent investigation of civilian internment in the American zone. Based on his finding that the majority of those interned represented the middle segments of society, for example, he argued that automatic arrest "was not only unjust, but a failure." Rather than "concentrated measures against German elites," the civilian internment program was a hasty reaction brought about by American fears of *Werwolf* (organized resistance) activity.⁵⁰

Of denazification in general, Niethammer argued that tribunals were essentially "factories [classifying Nazis as] followers" (*Mitläuferfabrik*) that rehabilitated civil servants and promoted economic recovery by reintegrating nominal Nazis into the workforce. Detailing German frustrations and resistance to denazification, he emphasized that the program's overarching goal mutated not only because the entire endeavor had become logistically unmanageable, but also as a result of the Cold War. His conclusion that the

⁴⁸ See, for example, Hayse, 140, incl. n. 2. In noting that, "Observers of numerous political stripes have come to accept the thesis that denazification 'failed' in West Germany," Hayse cited Gimbel's study of Marburg.

⁴⁹ Lutz Niethammer, *Entnazifizierung in Bayern: Säuberung und Rahabilitierung unter amerikanisher Besatzung* (Frankfurt am Main, 1972). This was later republished as *Die Mitläuferfabrik: Entnazifizierung am Beispiel Bayerns* (Berlin, 1982).

⁵⁰ Niethammer, *Die Mitläuferfabrik*, 258-259.

purge was carried out as an authoritarian and repressive military action by the victors reinforced the view that the entire program had been misguided.⁵¹

Until the early 1990s, the bulk of scholarly interest in denazification centered on the use of purges to remove former Nazi Party members from responsible positions in German society, providing only scattered references to how civilian internment fit into the larger occupation picture. Niethammer, in fact, rightly observed that the subject of civilian internment was largely underexplored until after reunification, when access to archives in the former German Democratic Republic undergirded the active effort to scrutinize postwar arrests in the east.⁵² Civilian internment in the three western zones has, however, received much less emphasis.⁵³ In the case of American occupied Germany, the early 1990s saw the first of three monographs intended to address this historiographical void.⁵⁴

Christa Horn's study of the camps in Bavaria offered unprecedented insight into the civilian internment program as well as key policy adjustments. The brief glimpses she provided into how Bavarian officials sought to mediate between the occupying power's

⁵¹ Niethammer, *Die Mitläuferfabrik*, 653-656. In particular, Niethammer's left-oriented critique focused on lack of military government support to anti-fascist committees, inspiring later scholars to contend the opportunity was lost to promote more far-reaching sociological change. See, for example Rebecca Boehling, *A Question of Priorities: Democratic Reform and Economic Recovery in Postwar Germany* (Providence, RI, 1996).

⁵² Lutz Niethammer, "Alliierte Internierungslager in Deutschland nach 1945. Ein Vergleich und offene Fragen," in *Sowjetische Speziallager in Deutschland 1945 bis 1950*, Band 1, *Studien und Berichte*, ed. Alexander von Plato (Berlin, 1998), 97-116. For additional treatment by Niethammer during this timeframe, see "Was wissen wir über die Internierungs- und Arbeitslager der US-Zone?" in *Internierungspraxis in Ost- und Westdeutschland nach 1945: Eine Fachtagung*, ed. Renate Knigge-Tesche, Peter Reif-Spirek, and Bodo Ritscher (Erfurt, 1993), 43-57.

⁵³ Among the small number of early memoirs by internees, Karl Vogel, *M-AA 509: Elf Monate Kommandant eines Internierungslagers* (Memmingen, 1951), in which the author described the enclosure at Garmisch-Patenkirchen, is by far the most helpful in terms of gaining insight into details related to camp administration. See also, Friedrich Alfred Beck, *Tagebuch eines Mannes, der Hungerturm hieß* (Munich, 1952), which dealt with the camps at Moosburg and Staumühle.

⁵⁴ Studies conducted during this timeframe of the British and French zones include Wember, *Umerziehung im Lager*; Möhler, *Entnazifizierung in Rheinland-Pfalz und im Saarland*; and Rheinhard Grohnert, *Die Entnazifizierung in Baden, 1945-1949: Konzeptionen und Praxis der "Epuration" am Beispiel eines Landes der französischen Besatzungszone* (Stuttgart, 1991).

guidance and German public's expectations are especially thought provoking. Ultimately, however, Horn's analysis was over determined by its emphasis on American desire for security. Indeed, she characterized the wide scale arrests and internment as misguided efforts driven by the exaggerated fear of Nazi opposition, which she termed "*eine Hysterie der Besatzungsmacht*."⁵⁵ Christof Strauß followed suit with a localized study of camps in Heilbronn-Böckingen from 1945 to 1947 in which he meticulously documented the poor conditions in hastily constructed POW enclosures. While he also investigated a number of important questions related to civilian internment, including the social profiles of those who were arrested as well as the daily experiences of prisoners of war and civilian internees, the one such camp that he investigated, Heilbronn, was only briefly used for this purpose.⁵⁶

The resulting picture from these works, while very detailed on American policy, leaves open the questions of whether and how civilian internment contributed to Germany's postwar transformation. Moreover, what is still missing is an appreciation for the developing reciprocity between Americans and Germans—at the Military Government-State level, within local communities, and inside the camps. Kathrin Meyer's more recent examination of civilian internment, which began with a comprehensive overview of camps throughout the zone before focusing on the internment of women, not only complicated the negative portrayals of American policy put forth by Niethammer, Horn and Strauß, but also successfully demonstrated that civilian internment is best understood when considered within the broader context of occupation objectives, rather than simply a subset of denazification.⁵⁷

⁵⁵ Horn, *Die Internierungs- und Arbeitslager in Bayern*, 241. The phrase above translates as "hysteria of the occupying power."

⁵⁶ Strauß, *Kriegsgefangenschaft und Internierung*.

⁵⁷ Meyer, *Entnazifizierung von Frauen*.

Germany's postwar transformation has produced two primary waves of nation building literature that are particularly relevant to this project. The first are those studies produced during the two decades following the occupation by scholars on both sides of the Atlantic. These works not only questioned the potential for enduring reform, but emphasized Germany's "illiberal" character and non-participatory political culture.⁵⁸ Moreover, they inspired a generation of West German scholars who framed successive "failed" attempts at democratic revolution beginning in 1848 as part of a broader pattern of uneven economic, social and political development that was eventually overcome during the postwar occupation.⁵⁹ On the other end of the spectrum, recent nation building literature takes Germany's transformation for granted. These studies emphasize the institutional continuities and democratic traditions that made successful reform possible. In offering the German case as a model for externally imposed regime change, they tend to overlook that the transition to democracy was fraught with difficulties and posed a unique set of circumstances.⁶⁰

Navigating between these two extremes requires recovering the contemporary sense of Germany's ability to change. Did policymakers and military government leaders view Germany as having democratic traditions, or did they believe they would need to build democracy from the ground up? In approaching the regime change, from what experience did American and German officials draw?

⁵⁸ The most prominent of these include Gabriel A. Almond, ed., *The Struggle for Democracy in Germany* (Chapel Hill, 1949); Gabriel A. Almond and Sidney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* (Princeton, 1963); Fritz Stern, *The Politics of Cultural Despair; a Study in the Rise of the Germanic Ideology* (Berkeley, 1961); George L. Mosse, *The Crisis of German Ideology; Intellectual Origins of the Third Reich* (New York, 1964); and Ralf Dahrendorf, *Gesellschaft und Demokratie in Deutschland* (Munich, 1966).

⁵⁹ Among other things, these scholars held that Germany deviated from the so-called 'normal' path to democracy, leaving traditional elites in a position to overturn democracy during the Weimar Republic. See, for example, Hans-Ulrich Wehler, *The German Empire 1871-1918*, trans. Kim Traynor (Oxford, 1985).

⁶⁰ For a fairly recent example, see James Dobbins et al., *America's Role in Nation-Building: From Germany to Iraq* (Arlington, VA, 2003).

American policy, though driven by expediency, worked remarkably well in creating the conditions for a democratic Germany. This has yet to be explained in a way that does not overlook the difficulties and contradictions described above, but that also moves beyond immediate postwar expectations of engineering a complete break with the past. Detailed investigation of civilian internment offers the opportunity to better appreciate the discontinuities that *were* created.⁶¹ This requires considering programs such as denazification and civilian internment as the means to create the space in which democracy could take hold, rather than by the criteria of removing all individual Nazis from power. More than this, it calls for determining how the camps related to larger transformation efforts—whether, for example, the enclosures were merely detention centers until denazification procedures could take place; or if indeed as Alfred Strauss feared, they conserved Nazism beyond the collapse of the Third Reich. And, finally, it calls for a more finely tuned appreciation of the interaction between Americans and Germans—particularly at the state level and within the camps.⁶² This interaction took on increasing importance after the transfer to state officials. The success and failure of military government efforts depended even more heavily on how the Germans concerned responded.

Approach and Conceptual Framework

Scholarly analyses of war termination, military occupation, and nation building have consistently identified three primary challenges—the need to provide order and security; the difficulties of administration when operating without an effective understanding of local

⁶¹ On this, see Jarausch, 47.

⁶² For an insightful examination of the encounter between Americans and Germans during the last phases of fighting and beginning of the occupation, see Klaus-Dietmar Henke, *Die amerikanische Besetzung Deutschlands* (Munich, 1995).

language, institutions and culture; and the importance of selecting a strategy that meets the occupier's objectives without generating nationalist sentiment.⁶³ Applying these dimensions to the investigation of civilian internment in American occupied Germany, this dissertation focuses on the extent to which arrests and detention policies were motivated by security, transitional justice and transformative concerns—to include whether the relative weight of this mixture changed over time. In addition, this study places particular emphasis on better understanding the role of German state officials as mediators between American authorities' guidance, public expectations and their own views regarding how to move forward. As such, this analysis builds on the body of literature that focuses on Germans as active participants in the post-war transformation.⁶⁴

At bottom, this is an examination of American (and later, German) officials' efforts to reconcile the past-looking punitive elements of the occupation with those intended to be forward-looking and rehabilitative. Amid the physical destruction that left the Third Reich in political and economic collapse, the Allies emerged from World War II determined to ensure that Germany would never again threaten international security. The fundamental reorientation process announced at Potsdam in August 1945 thus included three negative

⁶³ David Edelstein, for example, has argued that the need to avoid generating nationalist sentiment among the occupied population poses the greatest challenge. Moreover, he postulated a direct relationship between an occupier's reliance on coercion and the degree of difficulty associated with an occupation. David M. Edelstein, *Occupational Hazards: Success and Failure in Military Occupations* (Ithaca, NY, 2008), 10-13, 25, 54-55.

⁶⁴ Scholarly interest in Germans as actors in the immediate postwar years began as early as the late 1960s, but received particular emphasis in the ensuing decades. On this, see Diethelm Prowe "The new Nachkriegsgeschichte (1945-1949): West Germans in Search of Their Historical Origins," *Central European History* 10, No. 4, (1977), 314. In many ways, this has been part of a wider trend toward focusing on the experience of occupation from the perspective of the occupied in what Timothy Blanning described as "tangible, concrete terms." T.C.W. Blanning, *The French Revolution in Germany: Occupation and Resistance in the Rhineland, 1792-1802* (Oxford, 1983). More recently, John Dower sought to place the Japanese more directly into the narrative of the postwar occupation through his nuanced view of the Japanese experience of defeat. John W. Dower, *Embracing Defeat: Japan in the Wake of World War II* (New York, 1999).

aspects—demilitarization, denazification, and decartelization. It was also, however, decidedly aimed toward eventual inclusion of a fourth “D”—democratization.

In contrast to the prevailing narrative, in which these negative and positive elements are depicted as dichotomous, my own approach is to view them as more intertwined and fluid.⁶⁵ Indeed, the juxtaposition of security concerns with an explicitly political mission greatly challenged American civilian and military leaders, who grappled with strategic disagreements as well as the sheer complexity of this undertaking. Furthermore, the tension between tandem impulses to carry out punitive and rehabilitative measures became manifest much earlier than often recognized. Initially, arrests occurred largely as the result of ad hoc measures directed at bringing defeat home to the German people, punishing war criminals, and detaining security threats. As the Army gained territory under the increasingly watchful eye of the American public, policymakers progressively combined the program of arrests with denazification efforts. Nevertheless, as early as October 1945, American officials were also concerned over the number of Germans who had been arrested “on technical grounds,” and with instituting elements of due process. More tellingly, the Americans soon worried that gathering together former Nazis in isolation might somehow reignite resistance to the occupation or endanger nascent reform efforts. German state officials, who were charged with administering the camps soon after entering the postwar political arena, meanwhile increasingly faced the dilemma of establishing a collective identity that was neither compromised by association with the activities of the Third Reich nor tainted by the lack of legitimacy often associated with externally imposed regime-change.

⁶⁵ For example, John G. Kormann, *U.S. Denazification Policy in Germany 1944-1950* (Office of the U.S. High Commissioner for Germany, 1952), 140. Kormann wrote “admittedly denazification was negative in character. But from 1946 onward, U.S. policy stressed a positive approach designed to encourage Germans to revive the democratic institutions of the pre-Hitler period and to learn from the practice of Western democracies.”

An exploration into civilian internment's role in the Federal Republic's transition from dictatorship to democracy necessarily starts with Allied leaders' broadly articulated stances and Anglo-American policymakers' frequently acrimonious debates regarding the postwar treatment of Germany. In addition to determining when the use of roundups was first discussed and by whom, I sought to identify the ways in which policymakers conceptualized the arrests, the purposes various agencies ascribed to them, and the degree to which overarching objectives were actually translated into specific guidance and plans. At the National Archives, I thus concentrated on files from the Treasury, State and War Departments, Supreme Headquarters Allied Expeditionary Forces, the Office of Military Government-United States, and several elements within the U.S. Army Theater Command structure. Among other things, mining correspondence and reports at these varied echelons provided significant insight into how military government and intelligence personnel interpreted civilian internment policies and how quickly the rising swell of arrests outpaced Third, Seventh, and Ninth Armies' abilities to establish camps.

Moving beyond the realm of Washington-directed deliberations and headquarters-level staff coordination required taking a multi-layered approach to the actual implementation of internment policy. Beginning with brief consideration of the small salient carved out near Aachen in the fall of 1944, the analysis in each chapter thus carries through from the policy level to consider not only what actually happened on the ground in Germany, but also various feedback loops such as press reports. In particular, I relied on American and German sources to conduct a detailed case study of Hessen, where the American zone's largest civilian internment camp was located on the outskirts of Darmstadt. This approach enabled me not only to investigate the gap between policies and their consequences, but also

to closely examine the interaction between American and German authorities as they struggled to translate the goal of eradicating Nazism into a coherent plan of action. Their efforts were complicated by differing perspectives regarding how to achieve this goal; by tensions that resulted, for example, from the American desire to retain control over the denazification program while making German officials responsible for it; and, at various points, by public pressure from each side of the Atlantic.

Beyond the fact that *Internierungslager Darmstadt* was the largest camp in the American zone and thus posed a number of significant challenges, several factors led me to focus geographically on Hesse. In contrast to Bavaria and Württemberg-Baden, the northernmost state had the distinction of being the only *Land* in which the leadership of the Ministry for Political Liberation and supervising Military Government Denazification Division was continuous throughout the most of the period under study.⁶⁶ Artificially constructed after the war out of the former Duchy of Hesse, Prussian province of Hesse-Nassau, and Frankfurt am Main, it comprised territory that during the early phases of the occupation fell within the Western Military District and predominantly under the control of US Seventh Army.⁶⁷ For this reason, the examination of developments during the immediate post-surrender period concentrates on the Seventh Army area of responsibility.

There were enough distinctive circumstances in each of the *Länder* to warrant caution in making a claim to representativeness. It is important to note, for example, that the political makeup of Hesse during the initial postwar years was decidedly more liberal than

⁶⁶ William E. Griffith, "The Denazification Program in the United States Zone of Germany" (PhD diss., Harvard University, 1950), 722-723. These individuals included Social Democrat Gottlob Binder, who was Hesse's only Minister for Political Liberation and his deputy, Liberal Christian Democrat Karl Heinrich Knapstein, as well as the Office of Military Government for Hesse Chief of Denazification Division Hubert Teitelbaum.

⁶⁷ Wolf-Arno Kropat, *Hessen in der Stunde Null 1945/1947: Politik, Wirtschaft und Bildungswesen in Dokumenten* (Wiesbaden, 1979), 19; Hayse, 7; Tent, 167.

Bavaria, the *Land* that served as geographic focus for Niethammer's comprehensive case study of denazification as well as Horn's work on civilian internment.⁶⁸ The four political parties that, as James Tent noted in his examination of reeducation in Hesse, vied for support from the *Land* Military Government were the Social Democrats, Christian Democrats, Liberal Democrats, and Communists. In spite of the relative strength of the Christian Democrats, from the occupation's earliest stages, the Social Democratic Party wielded a substantial amount of influence.⁶⁹ Moreover, in contrast to Württemberg-Baden, where state officials took over a handful of geographically clustered enclosures, and Bavaria, which also had multiple small compounds, *Internierungslager Darmstadt* was Hesse's only civilian internment camp, and by far, had the fewest permanent structures. Because of this, Hessian administrators dealt with a number of unique concerns related to conditions in the enclosure.

With these points in mind, the circumstances in Hesse nevertheless serve as a fruitful vantage point from which to assess the impacts of military government policies on the local level. In addition to press reports, while at the Central State Archives I examined parliamentary deliberations, internal and official correspondence from the Ministry for Political Liberation, and the records of the state office directly responsible for administering civilian internment. I strove to better understand the practical challenges associated with accepting the handover of *Internierungslager Darmstadt*, internee reactions to key developments, and the public debate that quickly surrounded the camp. Moreover, because German officials were much more attuned than American authorities to the various ways in which membership in the Nazi Party was not strictly a matter of loyalty, but in some cases an outgrowth of opportunism and in others of increasing necessity, I concentrated on identifying

⁶⁸ Niethammer, *Die Mitläuferfabrik*; Horn, *Die Internierungs- und Arbeitslager in Bayern*.

⁶⁹ Tent, 167; Hayse, 7.

the ways in which Hessian leaders' priorities differed from American concerns. The case study thus provides necessary insight into German state officials' perspectives regarding denazification in general and the civilian internment program in particular.

Organization

In order to contextualize developments related to civilian internment within the broader transitions from war to peace and dictatorship to democracy, this dissertation proceeds chronologically. Chapter 1 thus traces the emergent strands of civilian internment policy as they developed along divergent paths on both sides of the Atlantic during the summer of 1944 and coalesced within the American zone by the following spring in the form of thoroughgoing arrest criteria. It argues that, in spite of profound differences regarding how the program should be carried out, from the outset policymakers viewed the arrest and detention of a significant number of Germans as both a short-term expedient directed at transitional justice and security concerns, and as part of a longer term transformative process. Moreover, while initial occupation policy clearly reflected the staunch determination to adopt a stern approach as the means to bring the reality of defeat home to the German people, the tension between punitive and rehabilitative measures became manifest much earlier than often recognized.

The second chapter details the rapid alterations in American civilian internment policy from mid-1945 to the summer of 1946, arguing that these changes occurred as officials sought to effectively switch from a past-looking punitive approach to one that was forward-looking and rehabilitative. Although not deducible from the skyrocketing arrest figures that characterized the summer months of 1945, the roots of this strategic switch began

to be planted within the U.S. zone as early as that August. In the meantime, amid a wide scale effort to restore order, deal with millions of POWs, and cope with untold numbers of displaced persons, and with the ink barely dry on the recently drafted Potsdam Communiqué, the challenges of quadripartite administration loomed ever larger. Against this backdrop, several increasingly conspicuous and troubling issues related to arrests prompted a major effort to regroup beginning in the fall. The chapter also provides a panoramic overview of camps before focusing on the Western Military District and Civilian Internment Enclosure (CIE) 91 at Darmstadt while still under American administration.

Focusing on the state of Hessen, Chapter 3 examines the handover of civilian internment to German administration, as well as preparations by state officials to assume this responsibility. It argues that civilian internment and the wider program of denazification were not only mechanisms aimed at changing Germany's political culture, but coincidentally served as preliminary steps in the process of cultivating postwar relationships—in the first instance between occupier and occupied, but more importantly, among Germans. The chapter explores American and German expectations at the time of handover; coordination between state officials and the Military Government; internee reactions to the prospect of civilian internment being administered by German authorities; *Spruchkammer* (denazification tribunal) operations; and conditions within the camp at Darmstadt.

The fourth chapter also concentrates on the state of Hessen in order to explore German officials' attempts to mediate American guidance, their own views regarding denazification, and public expectations. Drawing on media commentary, official correspondence, and political discourse, the chapter traces the growth of German frustrations with the denazification program and seeks to explain why public scrutiny turned toward the

internment camp. It argues that as the society outside the barbed wire began to transform, American and German officials found it increasingly difficult to navigate the inherent contradictions between internment and democracy. Moreover, while comparisons with Nazi concentration camps emanated most strongly from the right as a way to cast doubt on nascent democratization efforts and the liberal critique focused on the lack of reeducation efforts, on the whole, the discourse surrounding the camp paralleled—and was propelled by—broader debates regarding denazification.

The fifth chapter explores circumstances that surrounded the end of the civilian internment program, namely, the breakdown in quadripartite coordination as well as significant denazification policy revisions. Situating civilian internment within the altered strategic framework, the chapter argues that in spite of disagreements regarding how to go about it, American and German officials were united by early 1947 in pushing to draw the enclosures down. Moreover, once the logjam in processing internee cases broke, events moved surprisingly quickly. By October 1948—less than two years after Hessian Denazification Minister Gottlob Binder signed Military Government documents accepting responsibility for the state's 11,001 detainees—the civilian internment camp at Darmstadt was closed.⁷⁰ The chapter also details Hessian officials' efforts to prepare internees to be reintegrated into society. Rather than the outgrowth of a well-planned, long intended process on the part of American authorities, these initiatives are best understood as a pragmatic set of educational and vocational measures put in place by Ministry officials in the spring of 1947 based on their observations after taking responsibility for the enclosure.

⁷⁰ Weekly Rpt., Eugene L. Weyland to Denazification Division, 30 Sep 48, NARA RG 260 OMGUS, OMGH CAD: Rpts & OTR Recs of the Denazification Branch, 1946-1948, Box 1115, F: Weekly Diary. After the civilian internment program ended, the enclosure at Darmstadt continued to serve as a labor camp.

By closely examining the origins and aims of the arrests; pragmatic implementation issues of internment policies with feedback and adjustments; and the public debates surrounding German takeover of the camps under US supervision, this dissertation seeks to cast light on an underexplored facet of the early postwar years. As the examination that follows will demonstrate, by the time Alfred Strauss wrote his weekly report in November 1947—with society *outside* the barbed wire on the cusp of transformation—along with the continued need to deal with those who had committed atrocities or were diehard Nazis, American and German authorities faced the growing quandary of how to cope with the significant number of internees still held in enclosures throughout the zone. This study ultimately finds however, that in spite of the program’s practical failings, civilian internment contributed not only to the occupation’s success but also the beginnings of the Federal Republic’s postwar transition to democracy.

Chapter 1:

THE ‘FOG’ OF PLANNING: ANGLO-AMERICAN POLICY DEBATES ON CIVILIAN INTERNMENT, JUNE 1944-APRIL 1945

As Allied forces advanced into Germany and grappled with securing the areas under their jurisdiction, they were also determined to ensure that neither National Socialism nor the German people would ever again pose a threat to other nations. In short, the Allies sought to engineer a break from those elements that they perceived to be the root causes of Germany’s militarism and to move the German people toward a polity based upon their own respective ideals of governance. In pursuit of these broad goals, military authorities isolated large numbers of the defeated population—instituting what essentially amounted to vast quarantines—until determinations could be made regarding who had committed past crimes, posed a threat to future reconstruction efforts, or both. As a result, over 400,000 Germans—roughly half of them in the west—were interned in Allied camps from 1944 to 1950. In the American zone, this process began relatively slowly, but soon gained such momentum that by the end of the first year of occupation, the U.S. military had established a substantial network of enclosures and arrested well over 150,000 internees.⁷¹

In approaching this milestone, American officials had already begun to reflect upon the wisdom of trying to contain Nazism, asking whether gathering together former Nazis in

⁷¹ U.S. Department of State, *Occupation of Germany: Policy and Progress 1945-46* (Washington D.C., 1947) illustrates the weight attached to eliminating the Nazi regime, as well as to influencing future political and ideological developments. For western internment figures, see for example, Möhler, 359-360; Wember, *Umerziehung im Lager*, 31; and Fredericksen, 98. For Soviet zone figures, Naimark, 376-378.

isolation might actually reignite resistance to the occupation or somehow endanger nascent reform efforts.⁷² The specter of such unintended consequences was seemingly borne out in December 1946 when a statement given by two detainees at Nuremberg began to percolate through various echelons of the Office of Military Government for Germany-United States (OMGUS). Currently held in the same cell, the two recounted their experiences while separately interned at Regensburg and Darmstadt. Among other things, they alleged that active Nazi elements operated within camp administrations in low key but pivotal positions such as personnel clerk and interpreter. Perhaps most disconcerting to American officials, however, they described the pervasive activities of groups known as the *Femegerichtes*, or “self-appointed secret tribunals” that allegedly controlled various aspects of daily life in the camps, using threats and coercion to keep fellow internees from cooperating with Counter Intelligence Corps (CIC) interrogators.⁷³

These concerns raise questions over the nature and purposes of civilian internment, a program that grew out of broadly articulated Allied agreements regarding the postwar treatment of Germany, and that was applied to varying degrees by each of the occupying powers. This chapter traces the emergent strands of civilian internment policy as they developed along divergent paths on both sides of the Atlantic during the summer of 1944 and coalesced within the American zone by the following spring in the form of thoroughgoing

⁷² Headquarters European Command, U.S. Army, *The First Year of the Occupation: Occupation Forces in Europe Series, 1945-1946* (Frankfurt, Germany, 1947), 139 offers a brief account of these concerns.

⁷³ Letter, F.W. Hess to PS Branch, “Report on Conditions in Internment Camps,” 8 Feb 47 (with attachments), NARA, RG 260, OMGUS Public Safety Branch, Box 305, F: 50. On the Germanic custom derived from the older term for punishment (*Veme*), see for example, a *Time* article “Germany: Die Feme,” October 16, 1944, which dated the concept to 1200 and linked it to reports “of secret training for underground Nazis,” <http://www.time.com/time/magazine/article/0,9171,885763,00.html> (accessed 11 April, 2011). As noted in the article, the long-standing practice of extralegal “justice” exacted by secret tribunals experienced resurgence during the Weimar Republic. Volker Berghahn, *Modern Germany: Society, Economy and Politics in the Twentieth Century* (Cambridge, 1982), 76 described this as a prevalent tactic of the Right in the 1920s, aimed at left-wing activists, sympathizers, and Republican politicians.

arrest criteria. It argues that, in spite of profound differences regarding how the program should be carried out, from the outset policymakers viewed the arrest and detention of a significant number of Germans as both a short-term expedient directed at transitional justice and security concerns, and as part of a longer term transformative process. Moreover, while initial occupation policy clearly reflected the staunch determination to adopt a stern approach as the means to bring the reality of defeat home to the German people, the tension between punitive and rehabilitative measures became manifest much earlier than often recognized.

In considering the impetus behind arrests in the American zone, scholars have tended to focus too heavily on security and transitional justice, resulting in the predominate framing of civilian internment as an overzealous effort to address unwarranted concerns of popular resistance.⁷⁴ In many respects accurate for the immediate post-surrender phase of the occupation, this narrow framing overlooks the program's transformative goals, the genesis of which is clearly discernible amid the increasingly discordant framework of Anglo-American policy deliberations. Locating civilian internment within these debates reveals that policymakers were confounded by a fundamental lack of understanding of the extent to which the very different ideological elements of Nazism and militarism were embedded in German society. This sort of contextualization also illustrates, however, that the civilian internment program itself grew logically out of broader Allied policy concerns. Moreover, although security concerns did propel the program, it was the desire to effect an enduring change in Germany's political culture that, amplified by growing media skepticism, led occupation authorities to expand the scope of arrests exponentially at a juncture when they also sought to overcome planning deficits and clearly define the program.

⁷⁴ For example, Niethammer, *Entnazifizierung in Bayern*; Horn, *Die Internierungs- und Arbeitslager in Bayern*; Strauß, *Kriegsgefangenschaft und Internierung*.

The End of 'Nazi Tyranny': Efforts to Move Beyond Broad Allied Statements

While a number of other strategic matters proved persistently vexing, by the time their respective troops crossed into Germany, Allied political leaders had already reached a common core of agreement that would provide the impetus for arrest directives as well as what would be eventually identified as the denazification program. The goal of destroying “Nazi tyranny” proclaimed in the August 1941 *Atlantic Charter* was later reiterated by Roosevelt and Churchill, who publicly agreed that Germany would be made to surrender “unconditionally.” The formula announced at Casablanca in January 1943 linked enduring peace with destroying German and Japanese war making capacity as well as with eradicating what policymakers perceived as each country’s propensity toward “conquest of other peoples.” Jointly annotated press conference notes illustrate, however, that both leaders sought to make it clear that the formula did not call for “destruction of the [German or Japanese] populace”.⁷⁵

For his part, albeit imprecisely, Roosevelt had long since begun to distinguish between the German population on the one hand and the deleterious influences of Nazi leadership and militarists on the other. In his radio address on April 28, 1942, for example, he emphasized:

In the German and Italian peoples themselves there is a growing conviction that the cause of Nazism and fascism is hopeless—that their political and military leaders have led them along the bitter road which leads not to world conquest but to final defeat. They cannot fail to contrast the present frantic speeches of these leaders with their arrogant boastings of a year ago and two years ago.⁷⁶

⁷⁵ For Atlantic Charter text see <http://avalon.law.yale.edu/wwii/atlantic.asp> (accessed 4 February, 2011). The ‘unconditional surrender formula’ is described in Roosevelt Papers, Draft Statement to the Press, Casablanca, January, 1943, U.S. Department of State, *Foreign Relations of the United States, The Conferences at Washington, 1941-1942, and Casablanca, 1943* (Washington D.C., 1968), 833-835.

⁷⁶ Franklin D. Roosevelt, “Here in America Everyone Will Have the Privilege of Making Whatever Self-Denial is Necessary” Address on Wartime Economic Policy, April 28, 1942 in *The War Messages of Franklin D.*

Speaking to Congress on September 17, 1943 Roosevelt lumped Prussianism, militarism, and Nazism together, declaring:

But there is one thing I want to make perfectly clear: when Hitler and the Nazis go out, the Prussian military clique must go with them. The war-breeding gangs of militarists must be rooted out of Germany—and out of Japan—if we are to have any real assurance of future peace...We shall not be able to claim that we have gained total victory in this war if any vestige of Fascism in any of its malignant forms is permitted to survive anywhere in the world.⁷⁷

Roughly one month later, the October 1943 Moscow Declaration included a condemnation of “Hitlerite forces”, vowing that those military and Nazi Party members who had committed atrocities outside of Germany would be “brought back to the scene of their crimes” for judgment. Moreover, those whose offenses were not tied to a specific geographic area would be punished by joint decision of the Allied governments.⁷⁸ Secretary of State Cordell Hull later recollected that it was at the Moscow Conference with the Soviet and British foreign ministers, Vyachevslav M. Molotov and Anthony Eden, that the United States first presented a comprehensive proposal regarding the postwar treatment of Germany. At Roosevelt’s direction, Hull and Secretary of War Henry L. Stimson had been engaged for a number of months in preliminary discussions with the British regarding a plan for “the first few months after Germany’s collapse.” Among other things, the plan called for dissolution of the Nazi Party, removal of Nazi officials from positions of influence, and eradication of

Roosevelt, December 8, 1941, to October 12, 1942: The President’s War Addresses to the People and to the Congress of the United States of America (Washington D.C., 1942), 55-62. The quote above is on page 56.

⁷⁷ Franklin D. Roosevelt, “The President Reports on the Progress of the War,” September 17, 1943 in *The War Messages of Franklin D. Roosevelt, December 8, 1941 to April 13, 1945: The President’s War Addresses to the People and to the Congress of the United States of America*, (Washington, 1945), 84-91. The quote above is on page 85; U.S. Department of State, *Occupation of Germany: Policy and Progress*, 2, cites this address as part of a mosaic of presidential declarations that set the “guiding principles of American policy toward Germany;” yet such imprecise statements raise the question of which socio-cultural aspects the Allies sought to eradicate.

⁷⁸ For Moscow Declaration, see <http://avalon.law.yale.edu/wwii/moscow.asp> (accessed 21 February 2011). The governments of the United States, United Kingdom, Soviet Union and China issued the “Joint Four-Power Declaration”. The first three signed the “Statement on Atrocities” on behalf of “the thirty-two United Nations.”

“every vestige of the Nazi regime.” Significantly, the proposal also envisioned laying the foundation for a democratic system of governance during the armistice period and identified a number of early measures to be taken toward that end. At Moscow, the three governments agreed to establish the European Advisory Commission (EAC), a joint body with a seat in London and rotating presidency to anticipate and make recommendations on postwar issues.⁷⁹

In many ways, more detailed long-range planning consistently took a backseat to prosecuting the war, particularly once discussions between the “Big Three” proved increasingly at risk of being derailed by differing priorities. Thus, when Allied decision makers met at Tehran in November 1943, matters such as determining when and how to open a second front against Germany simply took precedence over occupation concerns.⁸⁰ More than this, however, beneath the veneer of widespread agreement regarding the overarching postwar objective of rooting out German nationalism and militarism lay an increasing chasm over how to achieve it. Indeed, discussions at Tehran reveal the extent to which Stalin in particular doubted that these ideological attributes could be removed from the German people.⁸¹ Nevertheless, the broadest outlines of what would happen after the Reich’s surrender slowly began to congeal during the critical months leading up to invasion.

⁷⁹ Roosevelt’s guidance also covered planning for Italy. Cordell Hull, *The Memoirs of Cordell Hull*, Vol. II (New York, 1948), 1284-1286. The American proposal for Germany did not address arrests. See U.S. Proposal with Regard to the Treatment of Germany, U.S. Department of State, *Foreign Relations of the United States 1943 Vol. I, General* [hereafter *FRUS* with appropriate year, volume and page #s] (Washington D.C., 1963), 720-726. Further details of the conference and establishment of the EAC are in *FRUS 1943 Vol. I*, 513-819.

⁸⁰ Harold Zink, *The United States in Germany, 1944-1955* (Princeton, NJ, 1957), 89; Earl F. Ziemke, “Improvising Stability and Change in Postwar Germany” in *Americans as Proconsuls: United States Military Government in Germany and Japan, 1944-1952*, ed. Robert Wolfe (Carbondale, IL, 1984), 55.

⁸¹ Tripartite Dinner meeting, November 28, 1943 and Memorandum of Marshall Stalin’s Views as Expressed during the Evening of November 28, 1943 (Bohlen Collection), *FRUS, The Conferences at Cairo and Tehran 1943* (Washington, 1961), 510-513.

Roosevelt, Churchill, and Stalin agreed, for example, that Germany would be occupied by the three powers on a zonal basis and that an Allied coordinating body would orchestrate efforts across the zones.⁸²

At Tehran, the three governments appointed John G. Winant, Ambassador of the United States; Feodor T. Gousev, Ambassador of the Union of Soviet Socialist Republics; and Sir William Strang, of the United Kingdom Foreign Office, as representatives to the EAC, which began formal sessions on January 14, 1944.⁸³ The EAC's formation had an interesting and doubtless unanticipated centrifugal effect on Anglo-American postwar planning. For the Americans, chafing over Hull's agreement to situate planning efforts in London ostensibly caused much of this, but subsequent exchanges also reflected profound interagency disagreements over roles and responsibilities. Indeed, as the prospect of entering German territory came into clearer focus, the triangular rivalry between the State, War, and Treasury Departments became especially pronounced. Stimson recorded his objections in his diary: "The main thing that is in the foreground in foreign relations now is the British having pulled Mr. Hull's leg into consenting, without reference back to this government, to the formation of the EAC."⁸⁴

⁸² Henry J. Morgenthau, Jr., "Postwar Treatment of Germany," *Annals of the American Academy of Political and Social Science*, 246 (1946), 125.

⁸³ Report on the Work of the European Advisory Commission, *FRUS 1945, Vol. III*, 544-558, especially n. 21, 544-545. The Political Advisor for Germany sent this undated report to the State Department on 25 November 1947. Sir R.I. Campbell later replaced Strang. See also Paul Y. Hammond, "Directives for the Occupation of Germany: The Washington Controversy" in *American Civil-Military Decisions: A Book of Case Studies*, ed. Harold Stein (Birmingham AL, 1963), 316-317.

⁸⁴ Henry L. Stimson, unpublished diaries, part of the collected papers of Henry L. Stimson (New Haven: Sterling Memorial Library, Yale University), Diary 8 November 1943, quoted in Diane Manchester Allen, "Development of Postwar Policy in Germany," *The Western Political Quarterly* 17 (1964), 109, n.1. Hammond, "Directives for the Occupation of Germany," 311-446 remains one of the best accounts of the frequently amorphous landscape of Washington postwar planning committees.

Efforts to move beyond the realm of broadly articulated agreements to specific military guidance for the occupation received a major impetus once Roosevelt appointed General Dwight D. Eisenhower to lead Operation OVERLORD, the impending Allied invasion of northern Europe. Shortly after Eisenhower's arrival in London, the existing combined Anglo-American planning staff, designated Chief of Staff to the Supreme Allied Commander (COSSAC), was absorbed into the larger Supreme Headquarters Allied Expeditionary Force (SHAEF). While the newly established headquarters set about reviewing and revising COSSAC manuals as well as originating a number of others, Eisenhower pushed for clear instructions regarding the military government of Germany. The result, prepared within civil affairs channels, was a directive approved by the Combined Chiefs of Staff (CCS) for release to Eisenhower on 28 April 1944. In anticipation of more detailed guidance from the EAC, CCS 551, entitled "Combined Directive for Military Government in Germany Prior to Defeat or Surrender", was restricted to activities during what came to be referred to as the "pre-surrender period."⁸⁵

Importantly, however, CCS 551 translated the long held intention to immediately eliminate the Nazi Party into instructions to: suspend party activity, seize any records that were uncovered, and arrest "Adolf Hitler, his chief Nazi associates, and all persons suspected of committing war crimes," to include those identified on United Nations prepared lists. Orders to arrest "high party officials," while somewhat more nebulous, made it clear that military forces were to immediately begin both dismantling and surgically removing the Nazi regime. Accordingly, the directive called upon Eisenhower's discretion in striking the

⁸⁵ Hammond, "Directives for the Occupation of Germany," 322, 328. For more on the transition to SHAEF, see Forrest C. Pogue, *The European Theater of Operations: The Supreme Command* (Washington D.C., 1954) 56-60, 75-84, 346-347 cited in Hammond, 449 n. 52. Hammond noted that whereas in March 1944 SHAEF had roughly thirty-eight studies in progress, by the end of April the number had risen to seventy-two.

necessary balance between removing local party apparatuses and relying upon existing structures to effectively administer areas that came under Allied control.⁸⁶

Within American planning circles, the issue of which prominent Nazi regime supporters to actually arrest began to be concretely discussed as early as May 1944, when the Foreign Economic Administration (FEA) circulated proposed Civil Affairs Guides for comment. One such guide, for *Elimination of Nazis from the German Banking Structure*, stressed the need for a comprehensive approach to suppressing Nazism, asserting that beyond removing Hitler, his close associates, and Nazi institutions, the Allies would need to eliminate the “dominant Nazi footprint...from every important political and economic institution...through immediate and forceful action with respect to the ringleaders and prominent Nazi spokesmen and adherents.” Such a policy, the guide continued, would “help the German population itself to stamp out Nazism in all its forms.” Specifically, the document called for removing, interning, and declaring ineligible for any future position of authority the incumbents of “key positions in the leading German public and private banks and credit institutions.” After reviewing a draft version, Special Assistant to the Secretary of the Treasury Harry Dexter White wrote to the Director of the War Department Civil Affairs Division, General John Hildring “We are not in a position to comment on the recommendation contained in the document that persons who are removed from their offices be interned since this is a political decision.” An internal Treasury Department memorandum also expressed concern that the guide assumed that officials dismissed from banks would be

⁸⁶ For CCS 551 text, see Hajo Holborn, *American Military Government: Its Organization and Policies* (Washington, 1947), 135-143, especially 137. CCS 551 directed Eisenhower to: “(1) take possession of offices and records of all Party organizations and make lists of them; (2) suspend the activities of all Party organizations except those which you may require to continue to function for administrative convenience; (3) arrest and imprison high Party officials; 4) take Party property into custody, except for those organizations specially directed by you in (2) above. A special effort should be made to seize and preserve all records and plans of the German military organizations and of the Nazi Party, and of the Security, Criminal, and Ordinary Police, and records of Nazi economic organizations and industrial establishments.”

ineligible to return, criticizing the lack of “machinery for such reinstatement of selected individuals after their examination from the standpoint of political desirability.”⁸⁷

During the late summer and early fall of 1944, American occupation planning increasingly diverged from the British approach as momentum shifted toward what has been aptly termed the “punitive” mindset.⁸⁸ While much of the developing postwar framework dealt with economic matters, as the following will illustrate, arrest and internment had also begun to emerge as a very prominent part of the program intended to bring home the reality of defeat and change Germany’s political culture.

The ‘Punitive’ Approach: Anglo-American Policy Divergence and Civilian Internment

Often linked with Treasury Secretary Henry J. Morgenthau’s insistence on the so-called “pastoralization” of Germany, the punitive approach derived from a confluence of factors and underscored the fundamental Allied dilemma of how to deal with the population of a country they had been fighting for several years while also uprooting National Socialist ideology.⁸⁹ The tendency to fixate on Morgenthau’s influence, which was at its height in the fall of 1944 but dropped off sharply soon thereafter, has led many scholars to overlook

⁸⁷ Civil Affairs Guide, *Elimination of Nazis from the German Banking Structure* (undated Foreign Economic Administration draft with internal Treasury Department memorandum dated 15 May 44); and Letter, H.D. White to Hilldring, 15 Jun 44, both in NARA RG 56 Treasury Department, Office of Assistant Secretary International Affairs [hereafter OASIA], Box 76, F: GERMANY Directives Vol. 1. As Morgenthau’s Special Assistant, White oversaw international matters. He was Assistant Secretary of the Treasury from 1945-46.

⁸⁸ Hammond astutely argued that the fall of 1944 marked a sea change in Washington as policymakers, particularly the War Department, recognized the impending need for postwar guidance. Hammond, “Directives for the Occupation of Germany,” 340-341; Stimson noted a “belated” flurry of planning upon returning from Normandy in July 1944. Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War* (New York, 1948), 568.

⁸⁹ Morgenthau advocated, “making Germany a predominately agricultural country, with light industries but no heavy industries.” Memorandum by the Secretary of the Treasury (Morgenthau) to President Roosevelt, January 10, 1945, U.S. Department of State, *FRUS 1945, Vol. III* (Washington D.C., 1968), 376-377. See also Zink, *The United States in Germany*, 87; and Hull, *Memoirs*, Vol. II, 1602-1622. Both identified the Morgenthau Plan as genesis of a more punitive approach than intended.

significant areas of agreement regarding initial stern treatment toward Germany. The bedrock of the punitive approach was the shared frame of reference of those who had experienced WWI and Germany's rearmament during the interwar period, coupled with varying perceptions of German nationalism and militarism. The filaments were policymakers' desire to take a stronger stand against fascism than in Italy and, beginning in the following spring, a growing public awareness of the atrocities that had occurred within Nazi concentration camps.⁹⁰

Nevertheless, by seizing the initiative immediately before and after the Second Quebec Conference, Morgenthau and his supporters were able to deploy a memorandum entitled *Suggested Post-Surrender Program for Germany* to shape subsequent debate in Washington, as well as to influence planning efforts on the other side of the Atlantic.⁹¹ A pivotal policy exchange involving Morgenthau delineates the crystallization of a more extreme version of the punitive approach within American postwar planning and further highlights the widening Anglo-American gulf that led to similar, but divergent civilian internment programs. This exchange centered on the *Handbook for Military Government in Germany*, the SHAEF document initially intended as a single reference for a wide range of information that would be needed by military government personnel. Arguably late-to-need when it was being finalized in late summer 1944, this document was also hampered by a lack

⁹⁰ For example, The Secretary of State to the United States Political Adviser for Germany (Murphy), at London, 6 Jan 45, *FRUS 1945*, Vol. III, 375. This correspondence addressed policymakers' intent to take a stronger stance toward fascism than in Italy. A media delegation's visit to concentration camps at Dachau and Buchenwald likely had a strong impact on American public opinion. See, for example, "U.S. Editors Back, Urge Harsh Peace," *NYT*, 9 May 1945, 17; and Harold Marcuse, "Der mühevollen Weg zur Gedenkstätte 1945-1968," in *Das Konzentrationslager Dachau: Geschichte und Wirkung nationalsozialistischer Repression*, Wolfgang Benz and Angelika Königseder eds. (Berlin, 2008), 163-164.

⁹¹ Roosevelt Papers, Memorandum Prepared by the Treasury Department, "Suggested Post-Surrender Program for Germany," *FRUS: The Conference at Quebec 1944* (Washington D.C., 1972), 86-91 [hereafter Treasury Department Suggested Post-Surrender Memorandum].

of detailed knowledge regarding the relationship between Nazism and German society. In fact, as recently as the previous January, Hilldring had appealed via letter to the FEA for assistance in gaining the necessary insight into those laws and institutions that undergirded Nazism in order to support effective occupation planning.⁹²

The inability of plans to keep pace with the developing situation on the ground was exacerbated by ongoing disagreements among policymakers regarding the postwar treatment of Germany. Arrest and detention policy factored quite prominently in these debates, which were carried out within an active public discourse on both sides of the Atlantic and encapsulated in the question of whether to enact a “hard” or “soft” peace. In August 1944, prompted by Morgenthau’s concerns that—under the influence of British philosophies—SHAEF planners were taking much too soft an approach, President Roosevelt directed the recall of the *Handbook*.⁹³ In a memorandum to Secretary of War Stimson, the President objected on the grounds that the *Handbook* gave “the impression that Germany is to be restored just as much as the Netherlands or Belgium, and the people of Germany brought back as quickly as possible to their prewar estate.” Roosevelt emphasized the importance of impressing upon the German people that they were collectively responsible for what had taken place during the Nazi regime and that “this time Germany is a defeated nation.”⁹⁴

⁹² Letter exchange Hilldring and Crowley, 9 and 21 Jan 44, NARA RG 56 Treasury Department, OASIA, Box 76, F: GERMANY: Directives, Vol 1.

⁹³ For a Treasury Department account of the *Handbook* recall, see Minutes of a Meeting of January 17, 1945, *FRUS, 1945* Vol. III, 389-392. Raymond Daniell later detailed contemporary schools of thought regarding the occupation in “‘Hard’ or ‘Soft’ Peace? A Summing Up,” *NYT*, 25 March 1945, 6.

⁹⁴ Hull, *Memoirs* Vol. II, 1602-1603. See also Memorandum by President Roosevelt to the Secretary of War, August 26, 1944, *FRUS, 1944*, Vol. I, 544-546. SHAEF planners were revising the *Handbook* and directives as late as October 1944. Meanwhile, Eisenhower was authorized limited release if deemed “absolutely essential” with a flyleaf making it clear that no steps were to be taken toward economic rehabilitation and that active Nazis/ardent sympathizers were not to be retained. On this, Williams (Executive, G-5) to Chiefs of Branches and Sections, G-5, “Revision of GERMAN Handbook,” 9 Oct 44; and Cable, CCS to Eisenhower (reference

Although Roosevelt's memorandum largely cited economic and material aspects of SHAEF planning as evidence of an overly soft approach, beginning with DePauw University political scientist Harold Zink, scholars have also emphasized the disruptive consequences of the *Handbook's* recall on initial efforts to eradicate Nazism. These events are especially noteworthy, however, because they provide an important glimpse into the uncertainties that made planning for programs such as civilian internment much more problematic than often appreciated. Zink's first-hand accounts of the SHAEF German Country Unit's work on the *Handbook* are quite revealing in terms of planners' difficulties in deciphering Nazism's labyrinthine complexities. He recalled the organization's lack of planning capability to effectively deal with determining how to eliminate the Nazi Party, and in particular, the conundrum of whom to arrest and why.⁹⁵

Indeed, Zink's accounts suggest that, under the pressure filled circumstances of imminent invasion, all the more tense amid the growing swirl of high level policy debates, the editorial board tasked with collating various subdivisions' submissions did the best it could to piece together a "hastily drafted" chapter on denazification. The resulting plan included a detailed categorization of National Socialists to be arrested or removed from office based on the Office of Strategic Services' "black and grey lists of dangerous and doubtful Germans." Moreover, Zink noted that in laying the groundwork for civilian internment, SHAEF planners had determined that it would be logistically impractical to intern lower-ranking Nazi officials "not because they deserved any particular consideration

number WX-42411), 7 Oct 44, both in NARA RG 56 Treasury Department, OASIA, Box 77, F: GERMANY: Directive & Handbook (Basic Documents Civil Affairs-Military Gov't.).

⁹⁵ Harold Zink, *The United States in Germany*, 151-154. According to Zink, in bringing the *Handbook* to Roosevelt's attention, the White-Morgenthau group "particularly objected to the section dealing with Nazi leaders." See also Harold Zink, *American Military Government in Germany* (New York, 1947), 131, 135-136.

but because facilities available and probable resources to deal with several hundred thousand persons could not be expected.”⁹⁶

By the beginning of September, deliberations over a directive to General Eisenhower covering the “post defeat” period, in essence, the follow-on document to CCS 551, were well underway.⁹⁷ In the wake of the *Handbook’s* recall, it was clear that the State, War, and Treasury Departments had begun to operate from the standpoint of differing, yet intersecting conceptions concerning how to approach defeated Germany. At Stimson’s suggestion, Roosevelt appointed the three Secretaries to a Cabinet Committee charged with settling various key points.⁹⁸ On 4 September, presidential adviser Harry Hopkins chaired a meeting at which representatives from each department determined the contours of agreement and disagreement between State and Treasury proposals. While issues such as the forcible partition of Germany and controls over the country’s economy needed to be reconciled, the anticipated need to arrest, intern and possibly try sizeable “groups of particularly objectionable elements, such as the SS and the Gestapo,” elicited agreement.⁹⁹ The persistent dilemma, as highlighted by Zink, was one of demarcation, or setting the boundary between those whose activities warranted arrest and those to be considered less incriminated.

Treasury’s *Suggested Post-Surrender Memorandum* heralded a distinct change in the department’s stance, previously articulated by White, toward providing input into the political decision of whom to arrest and intern. Under the heading “Treatment of Special

⁹⁶ Zink, *American Military Government in Germany*, 131 and *The United States in Germany*, 151-154. On the complexities of the Nazi Party and affiliated organizations, see also Friedmann, 6-8.

⁹⁷ On August 23, 1944 Eisenhower pressed the CCS for updated guidance. Hammond, “Directives for the Occupation,” 352.

⁹⁸ Stimson and Bundy, 569; *FRUS The Conference at Quebec 1944*, 90-91.

⁹⁹ The Chief of the Division of Central European Affairs (Riddleberger) to the Secretary of State, September 4, 1944, The Treatment of Germany, *FRUS: The Conference at Quebec 1944*, 93-95.

Groups,” the proposal called for a “particularly intensive effort...to apprehend and punish war criminals,” and identified five broad groups to be detained pending determination of individual culpability: the S.S.; Gestapo; high officials of the police, S.A., and other security organizations; high government and Nazi Party officials; and leading public figures closely identified with Nazism. Tellingly, the proposal also stipulated that “apart from the question of established guilt for special crimes, mere membership in the S.S., the Gestapo and similar groups will constitute the basis for inclusion into compulsory labor battalion[s] to serve outside Germany for reconstruction purposes.”¹⁰⁰

Roosevelt effectively reinforced his recent pronouncements during the second Quebec Conference, a period that in many ways represented the zenith of Morgenthau’s influence over postwar policy. The meeting between Roosevelt and Churchill, along with their respective advisers, took place from 11-16 September 1944. Much of the emphasis at Quebec was on military matters, however Morgenthau took part in high-level discussions concerning the occupation that resulted in Roosevelt and Churchill initialing what amounted to an endorsement of the so-called Morgenthau Plan, the spirit of which was embodied in the statement “This program for eliminating the war-making industries in the Ruhr and in the Saar is looking forward to converting Germany into a country primarily agricultural and pastoral in character.”¹⁰¹

Postwar scholarship has doggedly mined the rich vein of materials surrounding the Morgenthau Plan, ascribing to it varying degrees of influence over initial American

¹⁰⁰ Treasury Department Suggested Post-Surrender Memorandum, *FRUS: The Conference at Quebec 1944*, 88.

¹⁰¹ The text of the agreement, which was transmitted to Washington on 15 September 1944, is in Stimson and Bundy, *On Active Service in Peace and War*, 576-577; and Hull, *Memoirs*, Vol. II, 1610.

occupation policy in Germany.¹⁰² Nonetheless, several points bear brief mention. First, news of the plan leaked out, not only piquing public debate in the United States, but also fueling concerns over providing Nazi propaganda officials with grist to encourage Germans to fight to the bitter end.¹⁰³ Second, in his 1947 examination of military government underpinnings, Hajo Holborn rightly contended that the attention stirred up by Morgenthau's efforts spurred discussion of much-needed occupation guidance and prompted resolution of a number of lingering policy issues.¹⁰⁴ Third, Roosevelt softened his stance toward postwar Germany very quickly, essentially backing away from the Quebec memorandum. Hull suggested that this modulation resulted, at least in part, from his insistence to the President that the plan would have punitive consequences far beyond those anticipated.¹⁰⁵ It is also likely, however, that Roosevelt recognized that such a myopic approach ultimately ran counter to his internationalist efforts. In a campaign address to the Foreign Policy Association on October 21, 1944, Roosevelt blended emphasis on punitive elements such as the destruction of the Nazi regime, elimination of German military capability, and punishment of "those directly responsible for this agony of mankind," with the rehabilitative

¹⁰² For more on the Morgenthau Plan and surrounding controversy than can be offered here see: Warren F. Kimball, *Swords or Plowshares? The Morgenthau Plan for Defeated Nazi Germany, 1943-1946* (Philadelphia, 1976); Wilfried Mausbach, *Zwischen Morgenthau und Marshall: das wirtschaftspolitische Deutschlandkonzept der USA, 1944-1947* (Düsseldorf, 1996), especially 41-75, 90-102; and US Senate Committee on the Judiciary, *Morgenthau Diary (Germany)*, 2 vols., (Washington DC, 1967).

¹⁰³ Hull, *Memoirs*, Vol. II, 1620. On denunciation of the plan by German propagandists, see "Report Evokes Nazi Ire," *NYT*, September 26, 1944, 11. As late as October, the *Völkischer Beobachter* used the Morgenthau Plan as the basis for invoking an existential struggle: "Nazis Still Attack Morgenthau Project," *NYT*, October 9, 1944, 3. In November, Roosevelt's Republican opponent for the presidency, New York Governor Thomas E. Dewey, charged that the Morgenthau Plan had prolonged the war by stiffening resistance: Alexander Feinberg, "Roosevelt Errors Prolong the War, Dewey Says Here," *NYT*, November 5, 1944, 1.

¹⁰⁴ Holborn, 40-42. Holborn's discussion centered on economic issues, but his point also applies quite clearly to arrest directives.

¹⁰⁵ Hull, *Memoirs*, Vol. II, 1617-1622.

promise of Germany's eventual return to the "fellowship of peace-loving and law-abiding nations."¹⁰⁶

Deliberations over the "post-defeat" directive to General Eisenhower were indeed energized during the period surrounding the Quebec Conference and continued for several months following Allied entry into Germany. The full scope of these discussions is much too broad to be covered here; however, these meetings are quite significant because scholars regard the resulting guidance, known as JCS 1067, as the embodiment of the punitive approach. In considering the document's tenor, however, it is important to keep in mind that although JCS 1067 effectively set the contours of U.S. occupation policy for two years, throughout most of the period during which the directive was discussed, it was envisioned as short-term military guidance. In fact, an early draft included verbiage that directed Eisenhower to avoid long-term measures, which at the time were expected to be the purview of the Allied control machinery.¹⁰⁷ In the case of civilian internment, JCS 1067 signaled a distinct move away from the arrest philosophy that had begun to take shape in the SHAEF *Handbook* toward a much more encompassing approach. Better understanding how and why the scope of arrests was widened requires juxtaposing policy debates with events that transpired as the occupation got underway.

¹⁰⁶ Franklin D. Roosevelt, "Never Again, After Cooperating with Other Nations in a World War to Save our Way of Life, Can We Wash Our Hands of Maintaining the Peace for Which We Fought," October 21, 1944 in *The War Messages of Franklin D. Roosevelt, December 8, 1941 to April 13, 1945*, 145. See also U.S. Department of State, *The Occupation of Germany: Policy and Progress*, 2-3.

¹⁰⁷ The draft is available at: The Secretary of State to the Ambassador in the United Kingdom (Winant), January 13, 1945 (with enclosure dated January 6, 1945), *FRUS, 1945*, Vol. III, 378-389. See especially 379-380.

The ‘Carpet’ Unfurled: The Case of Aachen and its Impact on Occupation Policies

On September 15, 1944, while the Second Quebec Conference was wrapping up, a civil affairs detachment (designated “D8B1”) established operations in the border town of Roetgen, effectively beginning the American military occupation of Germany. Within weeks, it was followed by I4G2 in nearby Monschau, and shortly thereafter by a larger regional (*Stadtkreis*) detachment, F1G2, headquartered in the city of Aachen. These units were a very thin slice of the planned military government organization, sketched out just months before, that was to successively “carpet” Germany as the line of American troops moved forward. Once fully deployed, detachments would range in size from those with over sixty officers and enlisted members, designated to operate at the German state (*Land*) level, to those with ten personnel, earmarked for smaller municipalities and rural areas. Many of the officers who made up these units had received training at the School of Military Government on the University of Virginia campus, or one of several Civil Affairs Training Schools at locations such as Harvard, Yale, Pittsburgh, Boston, Michigan, Northwestern, Western Reserve, Wisconsin, and Stanford Universities.¹⁰⁸

These small leading edge detachments were literally embedded with combat forces and expected to support efforts to achieve military victory as well as measures to control the local population, such as imposing curfews, ordering the surrender of weapons, conducting house-to-house searches, and requiring every adult to register with military authorities.¹⁰⁹ In spite of these expectations, the first military government teams that entered Germany did so

¹⁰⁸ Ziemke, “Improvising Stability,” 52-53; Zink, *American Military Government in Germany*, 7.

¹⁰⁹ The U.S. Army’s official account provides a detailed examination of the opening phases of the occupation from the perspective of American military government personnel. Ziemke, *The U.S. Army in the Occupation of Germany*, 133-136. See also Ziemke, “Improvising Stability,” 57 and John Gimbel, *A German Community under American Occupation: Marburg, 1945-52* (Stanford, 1961), 31-32.

without detailed guidance or procedures regarding how to deal with the German population. With the *Handbook* recalled just weeks before, in many ways, Aachen and its environs would prove to be both litmus test and augur for the larger occupation, particularly after the American advance stalled west of the Rhine. During this period, the majority of the remaining detachments were billeted in Verviers, Belgium, where they received additional training and, along with the increasingly interested American press, intently followed developments across the border.¹¹⁰

The case of Aachen lends a great deal of credence to scholarly analyses that have argued the Americans lacked a sufficient understanding of the sociopolitical context within which they would operate in occupying Germany.¹¹¹ While this is an important point, detailed examination of what took place in the small salient that the Americans initially carved into Germany is equally indispensable in order to better understand the layers of complexity confronting Americans and Germans alike. No longer confined to the realm of technical studies and conference room debates, the Americans encountered realities that they simply had not fully anticipated, such as the immediate tension between arrest directives and the need to provide basic necessities. Many of those with the expertise required for critical services including electricity and water were among the Nazi Party members they were directed to remove or detain. Beleaguered and weary from intense fighting, worried about disregarding evacuation orders, and well aware that ensuing developments would be heavily

¹¹⁰ Ziemke "Improvising Stability," 53.

¹¹¹ For example, Cornelia Rauh-Kühne, "Life Rewarded the Latecomers: Denazification During the Cold War, trans. Edward Fichter and Sally Robertson," in *The United States and Germany in the Era of the Cold War, 1945-1990: A Handbook*, Vol. I, ed. Detlef Junker (Washington D.C., 2004), 65-72.

scrutinized from the east, the Germans who remained in Aachen successively reencountered bitter divisions that had been tamped down by twelve years of dictatorial rule.¹¹²

The way in which events unfolded in and around Aachen complicates the notion that American occupation forces' anxieties about security led to thoroughgoing arrest guidance. On the contrary, it was the developing impression of leniency—fueled by pointed media reports—coupled with concerns that not enough was being done to eradicate Nazi influences, that created a feedback loop into post-Quebec policy debates in Washington. This is not to suggest that security was not an immediate and decisive factor in how the Americans undertook the occupation. Amid pockets of bitter fighting, concerns of espionage, sabotage, and other forms of resistance were ever-present. From the outset, troops tasked with rear area duties were placed under strict orders to avoid fraternizing with German civilians. On 24 September 1944, for example, as elements of the British Second Army crossed the border near Nijmegen, Holland and captured the German town of Beek, Third U.S. Army forces sought to repel a counter-attack in the Moselle Valley. Lieutenant General Courtney Hodges' First U.S. Army troops meanwhile encountered stiff resistance in the vicinity of Geilenkirchen, roughly 12 miles north of Aachen. Hodges tightened security related restrictions after a number of officers and military policemen (MPs) were reported missing, to include three MPs who failed to return from night patrol in the vicinity of Roetgen. Their helmets and “riddled jeeps” were found near a road the following morning.¹¹³

¹¹² Henke, *Die amerikanische Besetzung Deutschlands*, 252-297 and Ziemke, *The U.S. Army in the Occupation of Germany*, 133-157 are among the more detailed analyses of military government in Aachen and environs. On the order to evacuate, see Harold Denny, “Nazi Order to Flee Flouted by People,” *NYT*, 20 Sep 44, 1. William Sheridan Allen, *The Nazi Seizure of Power: the Experience of a Single German Town, 1922-1945* (Harmondsworth, England, 1989) and Gimbel, *Marburg, 1945-52* detail German pre- and post-war divisions.

¹¹³ “British Invade Germany: Seize 1st Town; 3rd Army Beats off Big Attacks” and “Troops Vanish; Fraternizing in Reich Tabooed,” *The Stars and Stripes*, 25 Sep 44, 1. *The Stars and Stripes* attributed the report of the three missing MPs to Harold Denny of the *New York Times*, who also indicated that a vigorous search had been

The number of arrests during this period was relatively low; yet, the pervasiveness of the ever-widening screening process likely had a profound and immediate impact on the local population, some of whom were subjected to multiple reviews. Historian Perry Biddiscombe noted that within days after Aachen's last German commander, Colonel Gerhard Wilck, surrendered on 21 October 1944, military government teams, along with First Army and CIC personnel, rounded up over 10,000 inhabitants who had not evacuated and relocated them to Homburg Barracks, where they were individually screened.¹¹⁴ Beyond these sorts of efforts, however, day-to-day military government activities were punctuated by what historian Earl F. Ziemke described in the U.S. Army's official account as the intertwined 'drama and triviality of the occupation.' Ziemke very aptly demonstrated this point with extracts of daily activity reports from Monschau detachment I4G2. After establishing its headquarters in the local movie theater, I4G2 began registering civilians on 29 September 1944. Information documented over the next several weeks ranged from an instance of attempted theft of chocolate bars and cigarettes by teenage boys to reports of enemy patrols operating in the area.¹¹⁵ In an entry highlighting the distinct perspectives of local military government and CIC detachments, the daily report from 19 October expressed the following concerns:

Having trouble with CIC. Do not believe security threatened so have concentrated on assuring food, proper administration, and property protection on the assumption these will prevent unrest. Have done these at the expense of looking into past activities of present civil servants.¹¹⁶

launched among local civilians "in an effort to track down enemy agents and soldiers in civilian clothes filtering through the lines on errands of espionage and sabotage."

¹¹⁴ Biddiscombe, 44-45.

¹¹⁵ Ziemke, *The U.S. Army in the Occupation of Germany*, 149-152.

¹¹⁶ Periodic Reports, Det I4G2, 4-28 Oct 44, cited in Ziemke, *The U.S. Army in the Occupation of Germany*, 151.

Ziemke found that over the next several months, successive “waves of CIC teams” followed one another in Monschau, “each refusing to accept the judgment of its predecessors and usually locking up some Germans who had previously been screened and passed.”¹¹⁷ Elsewhere, intermediate headquarters echelons sought to sort out what they perceived as significant gaps in the arrest guidance emanating from SHAEF. While First Army forces fought to secure Aachen, for example, 21st Army Group Headquarters pressed SHAEF G-1 (Personnel) for clarification as to whether certain “undesirables” to be taken into custody as Allied troops advanced were to be treated as prisoners of war (POWs) or civilian internees: suspected members of the Wehrmacht; officers of Para Military services; Gestapo and SD; Nazi Party Officials; Public Officials; Security Suspects; and War Criminals. Major General A. Branch expressed particular concern that the status of those to be dealt with as civilian internees be further clarified “as it would appear that, if they were to be treated as civilians, they would receive better treatment than the German civilians left at large.”¹¹⁸

Ziemke determined that the criticism of military government activities in and around Aachen actually began before the city was fully secured and was fueled by the seemingly all-too-cordial interaction between American officials and the populace they were expected to control. Tasked by 12th Army Group to assess troops’ opinions about the Germans, *Stars and Stripes* editor in chief, Major Arthur Goodfriend, predicted American personnel were well on the way to completely fraternizing with local Germans in spite of recent orders. The 20 October 1944 edition of *Stars and Stripes* included an article asserting:

¹¹⁷ Ibid., 153.

¹¹⁸ Letter, Major General A. Branch, 21st Army Group Administration to SHAEF G-1 Division, “Taking into Custody of Undesirables on Entry into Germany,” 12 Oct 44, NARA RG 331 Allied Operational and Occupation Headquarters, World War II, Supreme Headquarters Allied Expeditionary Forces [hereafter SHAEF], G-2 Censorship Sub-Division Decimal File, 1943-45, Box 134: 311.7-44 to 312.1-7, F: GBI/CEN/311.7-51, German POW and CI Mail, Combined Interest.

Here's what's going on around Aachen:

- 1) German civilians are giving Yanks the V-sign, the glad hand, free beer, big smiles, plenty of talk about not being Nazis at heart, and hurray for democracy.
- 2) Some G.I.s and plenty of officers are returning the smiles, flirting with Frauleins, drinking the beer and starting to think what nice folks the Germans really are.
- 3) German civilians are being removed from Aachen and driven two miles in U.S. Army trucks to Luetzow Barracks, in Brand, a suburb of Aachen. To move them out is a matter of strict military necessity, but these Nazis are being quartered in the best buildings outside Aachen. They are being brought there in Army vehicles. There are canvas covers over them (the vehicles). They have already received 20 tons of Army food.¹¹⁹

A number of details regarding the purportedly soft treatment of German civilians were exaggerated.¹²⁰ The image they created, however, stood in stark contrast to SHAEF G-5 (Civil Affairs) announcements regarding military government plans, and was especially incongruous with Hitler's proclamation of partisan warfare. Both of these developments had received detailed coverage in *The Stars and Stripes* only one day earlier. For example, SHAEF G-5 deputy assistant chief of staff Brigadier General Julius C. Holmes' announcement that a "massive array of proclamations, laws and ordinances aimed at the destruction of Nazism lie ready to be unleashed against Reich regions the moment they are crushed by invading troops" was clearly calculated to evoke images of subjugation, while his assertion "the cleansing process is already under way in a few towns," suggested an aggressive stance toward stamping out Nazism. This article was juxtaposed with coverage of Hitler's Berlin Radio broadcast of a *Volkssturm*, which literally translates as a "storm of

¹¹⁹ "Don't Get Chummy with Jerry," *Stars and Stripes*, 20 Oct 44 quoted in Ziemke, *The US Army in the Occupation of Germany*, 142-143. According to Ziemke, Goodfriend was already travelling incognito as an enlisted soldier in search of story material when 12th Army Group asked for his assessment.

¹²⁰ Ziemke offered the first hand account of Colonel Gustav C. Dittmar, executive officer of First Army G-5 to refute the story. Memo, ACoS G-5, First Army, for ACoS, 12th AGp, sub: Editorial in *Stars and Stripes*, 22 Oct 44 in SHAEF G-5, 17.11, Jacket 1 cited in Ziemke, *The U.S. Army in the Occupation of Germany*, 143-144.

people,” that would rise up under the command of *Reichsführer* of the SS Heinrich Himmler in a “last ditch guerilla struggle” to defend the Reich.¹²¹

After gaining a foothold in Aachen, the military leadership there was decidedly focused on addressing the myriad of serious problems involved in administering the formerly besieged city. They sought to restore civil government as soon as possible, and relied upon advice from the local German Bishop to select a mayor. Aachen’s military detachment commander, Major Hugh Jones, appointed businessman Franz Oppenhoff, a prominent Catholic layman who was well versed in Nazi law, had previously provided legal defense for Jewish business concerns, and recently fled with his family to Eupen, Belgium after attracting the interest of the *Gestapo*.¹²² By January, after observing Oppenhoff’s actions in constructing a municipal administration, military government officials began to recognize the layers of complexity that characterized the local political landscape. Although Oppenhoff represented himself as anti-Nazi, which he indeed appeared to be, he was also clearly antidemocratic and had surrounded himself with likeminded staff and workers.¹²³ Moreover, while Oppenhoff felt hostility toward fanatical Nazis, as Ziemke described it, he “saw nothing wrong with employing those who had changed their minds or who had joined the party for business or professional reasons.”¹²⁴

¹²¹ Lester David, “G-5 Reveals Plans for Reich: Death Decreed for Partisans,” *The Stars and Stripes*, 19 Oct 44, 1, 4; “Hitler Rallies Guerillas: ‘Pitchfork’ Army Told to Prepare,” *The Stars and Stripes*, 19 Oct 44, 1, 4.

¹²² Ziemke, *The U.S. Army in the Occupation of Germany*, 148. See also “Aachen Mayor Sworn In; Anti-Nazi’s Office in Cellar,” *NYT*, 31 Oct 44, 10. Oppenhoff was sworn in on 30 October 1944.

¹²³ Hist Rpt, First Army ACofS, G-5, 1-28 Feb 45, in SHAEF G-5, 17.11, Jacket 7 cited in Ziemke, *The U.S. Army in the Occupation of Germany*, 181-182, n.9.

¹²⁴ Saul K. Padover, *Experiment in Germany* (New York, 1946), 244 cited in Ziemke, *The U.S. Army in the Occupation of Germany*, 182.

Contention regarding Oppenhoff's questionable background and actions in constructing the municipal government intensified scrutiny of the military government's handling of the occupation. Leaks to the press, most notably of a critical report by Major Saul K. Padover to U.S. Ninth Army suggesting that the Aachen detachment had both mishandled denazification and endangered future democratization efforts, intensified media disapproval.¹²⁵ Nearby, other military government detachments also became embroiled in a series of controversies over their selections to staff various civil administrations. In Würselen and Roetgen, for example, newly appointed officials were quickly dismissed after having been identified as Nazi Party members. Writing roughly two years later, Harold Zink asserted that the sudden wellspring of media coverage resulted in a disproportionate emphasis on arresting and removing former Nazis at the expense of other occupation programs.¹²⁶ In his 1968 study of American occupation policies, historian John Gimbel noted the intense public interest generated by criticism of military government administration in Aachen in the fall of 1944, and suggested that Morgenthau sought such opportunities to stimulate active "public discussion on the issues of 'hard' vs. 'soft' peace."¹²⁷

By November 1944, war-fighting headquarters and occupation authorities had begun to receive more specific guidance—and were continuing to actively seek clarification—regarding arrests. Army Group Commanders were instructed to detain persons identified on SHAEF "personality cards," specified Nazi organization members, and those suspected of

¹²⁵ Biddiscombe, 46-47. The report was leaked in late January/early February 1945. Importantly, the American public was at this point still not fully engaged in observing such developments. However, media scrutiny, particularly among reporters who favored the punitive approach, was decisively on the upswing.

¹²⁶ Harold Zink, "American Occupation Policies in Germany," *The Review of Politics*, Vol. 9, No. 3 (Jul., 1947), 292-293; see also Gimbel, *The American Occupation in Germany*, 3, 46; and Biddiscombe, *The Denazification of Germany*, 43-49.

¹²⁷ Gimbel, *The American Occupation of Germany*, 3.

perpetrating atrocities against civilians in liberated countries. They were further directed to segregate these individuals from POWs. Those held by virtue of rank or position within given organizations were distinguished from war criminals and designated “security suspects.”¹²⁸ SHAEF planners were meanwhile openly examining differences between the American and British positions toward arrests, which had already resulted in the submission of draft policy directives via separate channels, the U.S through the CCS and British the EAC. Boiling the fundamental disagreement down to the issue of demarcation, a G-3 (Operations) Division staff study pinpointed the much more encompassing nature of emergent American policy to significant variations affecting three categories. Whereas American policy called for the arrest of all General Staff Officers, all officers and NCOs in the *Waffen SS* (militarized units), and all members of the *Allgemeine SS* (general units), British draft directives left arrests in the first category to the discretion of the Commander-in-Chief and limited arrests in the remaining two categories to officers.¹²⁹

Clearly drafted at a time when arrest criteria were in a high degree of flux, this staff study nonetheless offers a telling glimpse into pre-surrender planning assumptions for civilian internment while the program was still within the purview of SHAEF. Based on SHAEF criteria, which at the time more closely approximated British directives; the study estimated that 54,600 Germans would be arrested in the British zone and 42,900 in the U.S.

¹²⁸ SHAEF letter to Commander in Chief, 21 Army Group, Commanding Generals 6 and 12 Army Groups, and Commanding General, Communications Zone, War Criminals (with two appendices), Nov 44; and 21 Army Group letter to SHAEF Post Hostilities Section, War Criminals and Security Suspects (with appendix), 21 Nov 44, both in NARA RG 331, SHAEF, General Staff, G-3 Division, Post Hostilities Planning Section, Decimal File 1943-45, Box 83: 210.31 to 312.1-4, F: 250-1 War Criminals 21547/2.

¹²⁹ SHAEF G-3 letter, Arrest and Detention of Persons in Germany (1st draft; with two appendices), 16 Nov 44, NARA RG 331, SHAEF, General Staff, G-3 Division, Post Hostilities Planning Section, Decimal File 1943-45, Box 83: 210.31 to 312.1-4, F: 250-1 War Criminals 21547/2 [hereafter SHAEF G-3 Staff Study, Arrests]. The study suggested that British policy was tending toward further limiting arrests of *Waffen SS* members to officers above the rank of *Sturmbannführer* (Major).

zone during the first twelve months of occupation. Of particular note, planners determined “that for both psychological and security reasons German concentration camps [would] be the most appropriate accommodation for these persons.” Although all of these camps would not be immediately available for that purpose, the anticipated progressive nature of arrests led G-3 staff members to postulate that there would be sufficient capacity to initially house and to detain internees as needed. The study further suggested that the proportion of guards to detainees customarily used for POW camps, one guard for every ten prisoners, would be sufficient for civilian internment camps even though “the majority of persons under detention in these categories [would] be of a dangerous type.” Moreover, additional manpower would be required to serve as escorts “during the process of sorting out and screening.” Based on these parameters, the study concluded that the maximum number of combat troops needed for these duties would be 7,700 (or roughly 10 battalions) for the British zone and 6,000 (or roughly 7 battalions) for the US zone. Maintaining the camps, at this point broadly defined primarily in terms of administration and supply, would be a German responsibility.¹³⁰

In spite of differences over how to delimit certain categories, American, British, and SHAEF criteria shared the dual-track approaches of basing arrests on by-name lists and organizational affiliation. The December 1944 SHAEF *Handbook for Military Government in Germany Prior to Defeat or Surrender* directed the arrest and detention of “Adolf Hitler, his Chief Nazi and Fascist associates, their collaborators, and all persons suspected of having committed war crimes, including those who appear on lists communicated to Army Group commanders by Supreme Headquarters.” The manual also included a categorized list of Nazi officers to be arrested and interned, along with estimates of the number of detainees

¹³⁰ SHAEF G-3 Staff Study, Arrests, 2-3. These figures included those arrested based on categories, plus estimates due to “security grounds.” The study noted that administrative personnel [would] be “found within the ranks of the detainees” and that “rations and other supplies [would] be provided from German sources.”

anticipated throughout Germany by category. As Table 1 illustrates, this initial arrest guidance was directed at high-ranking officials from six overarching categories: GESTAPO, SD, Police Officials, Nazi Party Officials, Para-Military Officers, and Public Officials.¹³¹

Table 1: SHAEF Pre-Surrender Arrest Criteria

Title	Amplifying Information	Estimated Number	Remarks
GESTAPO	All Personnel	15,000	
SD	All Personnel	15,000	
Police Officials	Police Presidents and Directors	100	
	Commanders of Order and Security Police	60	<i>(Befehlshaber der ORPO und der SIPO)</i>
	Office for Emergency Operation of Utilities	50	<i>(Technische Nothilfe)</i>
	Police Officers in Key Posts	320	<i>Höherer SS, Polizeiführer, Inspekteur der ORPO, Inspekteur der SIPO und SD</i>
Nazi Party Officials	Administrative officials on the <i>Reich</i> , <i>Gau</i> , and <i>Kreis</i> levels		Down to post of <i>Kreishauptstellenleiter</i>
	All others holding rank of <i>Bereichsleiter</i>	30,000	
Para-Military Officers	<i>Waffen SS</i> (militarized units)	60,000	All officers
	<i>Allgemeine SS</i> (general units)	8,000	All officers
	SA	30,000	Officers holding rank of Major (<i>Sturmabführer</i>) or higher
	<i>Hitler Jugend</i>	20,000	Officers holding rank of Major (<i>Stammführer</i>) or higher
	NSKK	10,000	Officers holding rank of Major (<i>Staffelführer</i>) or higher
	NSFK	5,000	Officers holding rank of Major (<i>Sturmabführer</i>) or higher
	RAD	250	Headquarters Officials

¹³¹ *Handbook for Military Government in Germany Prior to Defeat or Surrender*, December 1944, Chapter III, Paragraphs 72, 89, and 90; and Part III, Table C, Nazi Party, Police, Para-Military, and Government Officers to be Interned, NARA RG 331, SHAEF, General Staff, G-5 Division Secretariat Subject File, 1944- Jul 1945, Box 67: Denmark to Handbook, Enemy Weapons.

Title	Amplifying Information	Estimated Number	Remarks
Public Officials	Reich Ministers	40	
	State Secretaries	40	
	Ministers of <i>Land</i> Governments	30	
	Provincial Presidents and Reich Governors	30	
	Heads of other supreme Reich authorities	30	Commissars, Inspectors, Division Chiefs in Four-Year Plan Office, etc.
	Heads of certain Reich institutions	20	NOTE 1
	All Reich Labor Trustees	40	
	Designated officials of Reich Food Estate	--	NOTE 2
	Chiefs of the German military and civil administration in occupied countries and territories	3,000	
	District Presidents (<i>Regierungspräsidenten</i>)	40	
	Heads of rural <i>Kreise</i> (<i>Ländrate</i>)	700	
	Mayors of cities (<i>Oberbürgermeister</i>)	95	Cities with over one hundred thousand inhabitants
	Officials of Reich Propaganda Ministry	300	Including regional offices and branches; heads of subsidiary agencies
	All high officials in Speer's Reich Ministry for Armaments and Production; chairman of <i>Hauptausschüsse</i> and <i>Ringe</i> in same Ministry	70	From Ministerial Councilor up
Anticipated Arrest Total (for all of Germany)		198, 215	

Source: SHAEF, *Handbook for Military Government in Germany Prior to Defeat or Surrender*, December 1944, Part III, Table C, Nazi Party, Police, Para-Military, and Government Officers to be Interned, NARA RG 331, Allied Operational and Occupation Headquarters, World War II, Supreme Headquarters Allied Expeditionary Forces (SHAEF), General Staff, G-5 Division Secretariat Subject File, 1944- Jul 1945, Box 67: Denmark to Handbook, Enemy Weapons.

NOTES:

- Such as: Reichsbank, Reich Office for Social Insurance, the Supreme Administrative tribunal, Reich Health officer, Supreme Court Martial, and President of the People's Court.
- All *Bauernführer*—from and including the *Kreis* level up; Chairman of the Central Market Associations (*Wirtschaftsverbände*) and County or Local Marketing Associations (*Unterverbände*), Presidents of Regional Food Offices (*Landesernährungsämter*) and County Food Offices (*Ernährungsämter*); and their deputies.

Events in and around Aachen from late 1944 to early 1945 not only revealed the difficulties inherent in negotiating between the increasingly polarized objectives of eliminating Nazism and restoring order; they led SHAEF and Twelfth Army Group to direct more thoroughgoing efforts to root out any signs of National Socialist affiliation, left many field commanders unsure of how to proceed with establishing postwar civil administrations, and sparked renewed debate over how to deal with the increasing numbers of Germans coming under Allied control.¹³² The so-called “Aachen scandal” took a somewhat unexpected turn when German parachutists assassinated Oppenhoff in late March 1945, reportedly because he defied Himmler’s orders for a work stoppage among civil administrations in Allied controlled territories. According the U.S. Army’s official *History of the Counter Intelligence Corps*, CIC agents interpreted the assassination as harbinger of an organized plan for subversion to be carried out by small close-knit groups acting under the direction of Otto Skorzeny, the *Waffen-SS* commander who had led a daring mission to free Benito Mussolini from imprisonment in the fall of 1943.¹³³

Military authorities meanwhile instituted procedural changes geared toward reducing the high turnover rate among military government detachments in the hopes that becoming more familiar with a local area would increase the likelihood of being able to identify former

¹³² Kormann, 21.

¹³³ The CIC appropriated the concept of *Femeegerichte*, which derived from concerns of an organization known as “*Vehme*” that would attempt to kill German officials who aided occupation authorities, following an outgrowth of the old Germanic custom (see note 73 above). US Army Intelligence Center, *History of the Counter-Intelligence Corps*, Vol. XX, “Germany Overrun, Part I” (Baltimore MD, 1959), XX-12 [hereafter *History of the CIC* with appropriate volume and page numbers], NARA RG 319, Records of the Army Staff, Assistant Chief of Staff, G-2, Counter-Intelligence Corps Collection, Historians’ Master Copy ‘The History of the CIC in the United States Army, 1917-1953,’ Box 6. See also, “Non-Nazi Mayor of Aachen Killed by Three German Chutists in Uniform,” *NYT*, 29 March 1945, 1; and “In the Wake of War,” *NYT*, 1 April 1945, E1.

Nazis.¹³⁴ American officials' experiences in Aachen had by this time demonstrated, however, that this task would be neither straightforward, nor necessarily sufficient to lay the groundwork for future democratization efforts.

The Occupation Widens: Arrest and Internment During the 'Mobile' Phase

Amid continuing debates concerning what eliminating Nazism would actually mean in practice, throughout much of Germany the first half of 1945 was especially chaotic and violent. Under the weight of determined Allied advances, German military, civic, and political order initially broke down, and then collapsed. In many respects, the changing tide of the war had already brought the reality of defeat home to the disoriented population, whose questions over an uncertain future were overshadowed by the needs of the chaotic present and the almost immediate desire to establish distance from the National Socialist past. In contrast to those who fought bitterly to the end, rather than resist the Americans, millions of Germans simply walked away from the Nazi Party.¹³⁵ This wide scale, self-selected division process in which even high-level Germans distanced themselves from the Nazis created unanticipated problems in determining whom to intern and revealed a limitation intrinsic to each version of the arrest categories. They did not distinguish between differing degrees of individual sympathy for the Nazi Party.

The staff officers responsible for translating emerging policy into military directives were not wholly unaware of the inherent defect of categorization. On 1 February 1945 Major

¹³⁴ See The United States Political Adviser for Germany (Murphy) to the Secretary of State, 9 Apr 45, *FRUS 1945*, Vol. III, 932-933 for Murphy's take on the fallout from events in Aachen.

¹³⁵ Jarausch, 3. On the determination of allied advances, see for example Naimark's account of the Soviet offensive launched on April 16, 1945, which involved over "2.5 million soldiers...42,000 guns and mortars, 6,200 tanks and armored personnel carriers, and 7,500 fighter aircraft." Naimark, 11.

Morton Fisher, Executive Officer of the US Group Control Council (USGCC) Finance Division forwarded a list of those to be arrested in the field of finance to the Chief of the Intelligence Division, Colonel Charles Blakeney, averring, “The categories listed are key positions as stipulated in JCS 1067, but, on the basis of information available at this time, this Division is not prepared to state that all of the holders thereof are necessarily Nazis or Nazi sympathizers.” Fisher went on to emphasize that the list was prepared based on the assumption that Divisions would be able to coordinate the release of detainees in the event that the information leading to their arrest should subsequently prove to be incorrect and in those cases in which such release were deemed to further Allied objectives.¹³⁶

With a significant number of troops already on the ground in Germany, occupation concerns had become much more pressing by the time Allied leaders met at Yalta in February 1945, however they were overshadowed by disagreements over postwar frontiers and spheres of influence, not to mention the increasingly divisive matter of reparations. A number of key agreements that further defined the overarching framework for the eventual occupation of Germany were issued in the subsequent Crimea Declaration. These included the decision to establish a fourth zone to be administered by the French, as well as reaffirmation of earlier agreements that Germany must surrender unconditionally, that it would be demilitarized, and—in what would later become the major policy statement underpinning the use of civilian internment—that it would be thoroughly denazified.¹³⁷

¹³⁶ Letter, Major Morton P. Fisher to Colonel Charles C. Blakeney, “Arrest and Detention of Nazis and Nazi Sympathizers,” 1 Feb 45, with enclosure: List of Categories of Personnel to be Arrested in the Field of Finance. NARA RG 56, Treasury Department, OASIA, Box 76, F: Germany Directives Vol. I. This folder also includes a letter, dated 6 February 1945, from U.S. Treasury Representative in London, William M. Tomlinson, forwarding Fisher’s memorandum to Assistant Secretary Harry D. White.

¹³⁷ For Protocol of the Proceedings of the Crimea Conference, see <http://avalon.law.yale.edu/wwii/yalta.asp> (accessed 24 September 2012); see also Crimea Conference Communiqué, James K. Pollock and James H. Meisel, *Germany under Occupation: Illustrative Materials and Documents* (Ann Arbor, MI, 1947), 1. Pollock

Against this backdrop, practical disagreements regarding how to deal with the German population grew wider, particularly once the front again began to move forward during the last week of February. While for Allied leadership the immediate postwar period brought the long-awaited opportunity to begin eliminating Nazism, local military government detachments, like those who had preceded them west of the Rhine, simply grappled with the exigencies of restoring order, preventing resistance, and providing basic necessities.¹³⁸ Disagreements that had begun soon after American forces occupied Aachen were now being carried out between newly established military detachments, expected to deal with the various crises at hand, and higher headquarters, increasingly subject to pressures from across the Atlantic. During this “mobile” phase, military government detachments moved through various towns and cities as they proceeded to their assigned locations. Those that remained in one place for any length of time had to contend with jurisdictional issues caused by coming under the control of successive tactical units that transited the area. Because of this, each time a new combat unit and commander arrived, the detachment faced the possibility of having to implement revised security regulations.¹³⁹

In late February 1945, SHAEF dissolution loomed in the offing. Within the US zone, headquarters-level efforts to consolidate the various directives related to eliminating Nazism began in earnest after the Yalta Conference. The Political Division, US Group Control

and Meisel emphasized that Yalta established “the major lines of policy which were later adopted at the Potsdam Conference later that year.” Elmer Plischke, “Denazifying the Reich,” *The Review of Politics* 9 (1947): 159 noted that “[t]he basic policy establishing the denazification program was first made public in the ‘Report of the Crimea Conference’ on February 11, 1945.”

¹³⁸ Vogt emphasized the challenge was the same throughout Germany despite policy differences: “to restore civic and political order in a defeated, and occupied country with a shared National Socialist past.” Vogt, 237.

¹³⁹ Ziemke, “Improvising Stability,” 56; Joseph R. Starr, *Denazification, Occupation & Control of Germany, March-July, 1945* (Salisbury, N.C.: Documentary Publications, 1977), 84. Starr, whose official history was written for the U.S. Army, noted that five divisions passed through Cologne before the situation stabilized.

Council (USGCC) was tasked in March 1945 with drafting a single policy paper that would synchronize the separate elements of denazification, which by this time was beginning to be conceptualized as an overarching program that included arrests as well as removal from key positions, but was addressed piecemeal in a number of Military Government laws and regulations.¹⁴⁰ In the meantime, the differing degrees of strictness between American and British staff officers had also begun to manifest themselves in the form of conflicting instructions over how to treat former Nazi party members. As Joseph R. Starr noted in his official examination of the occupation's initial months, SHAEF guidance issued on 24 March 1945 permitted "a certain leniency for minor Nazis and militarists" and gave field commanders discretion in temporarily retaining Nazis considered essential to successful military operations. In contrast, U.S. 12th and 6th Army Group directives, issued 11 and 30 March respectively, called for removal of all members of the Nazi Party and affiliated organizations from influential positions.¹⁴¹

The need to settle upon a consistent approach provided renewed impetus to deliberations in Washington, where the State Department had recently succeeded in staffing a memorandum summarizing initial U.S. policy for the treatment of Germany during the post-defeat period for Roosevelt's approval. This policy paper captured the schema that would be further defined by eventual release of JCS 1067, stipulating for example, that in addition to arresting those suspected of atrocities and war crimes, "Nazi leaders and influential Nazi

¹⁴⁰ Elmer Plischke, "Denazification Law and Procedure," *The American Journal of International Law* 41 (1947), 808. As a staff member of the division, Plischke undertook this task. His retrospective accounts of arrest directives and the denazification program thus provide rich detail, but do not convey the ad hoc nature of how these policies developed.

¹⁴¹ Ltr, SHAEF to A Grps, 24 Mar 45, sub: Removal from Office of Nazis and German Militarists. AG 014.1-1 (Germany) GE-AGM; and G-5 Operational Instructions No 11, HQ 12th A Gp, 11 Mar 45, sub: Removal of Nazi and German Military Personnel from Key Governmental and Important Civil Positions; and Ltr 6th A Gp, 30 Mar 45, sub: Disqualification from Office of Nazis and German Militarists, AG 014.13/3 EO, cited in Starr, 36. See also Starr, 37, 130.

supporters and any other persons dangerous to the occupation or its objectives, [were to] be arrested and interned.”¹⁴² Under the heading “Suspected War Criminals and Security Arrests,” JCS 1067 followed suit by not only ordering the arrest of individuals suspected of perpetrating atrocities, but also identifying several categories of persons who “if permitted to remain at large would endanger the accomplishment of [military government] objectives”. The members of several organizations, ranging from top Nazi leadership and the Gestapo to “local officials down to and including urban and rural *Bürgermeister* (mayors)” were also to be arrested and interned.¹⁴³

The minutes from an April 24, 1945 Interdepartmental Committee meeting to discuss JCS 1067 clearly reveal that these arrests were concurrently viewed as a short-term expedient directed at transitional justice and security concerns and as an important means to lay the groundwork for subsequent democratization by taking “drastic and deep-seated” measures to excise National Socialism. Moreover, those present, including Morgenthau, Chief of the State Department’s Division of Central European Affairs James W. Riddleberger, and Assistant Secretary of War John J. McCloy, recognized the immediate tension between implementing arrest criteria and effectively administering the areas under U.S. control. Where attendees disagreed regarding this point, however, was on the degree of discretion that should be provided to commanders in the field to delay arrests. They settled upon a very centralized approach, through Eisenhower and the Joint Chiefs of Staff.¹⁴⁴

¹⁴² Joseph C. Grew, Memorandum for the President (with enclosure “Summary of United States Initial Post Defeat Policy Relating to Germany” dated 22 Mar 45), 23 Mar 45 NARA RG 56, Treasury Department, OASIA, Box 77, F: GERMANY: Directives, Vol. 3.

¹⁴³ For full text of JCS 1067, see U.S Department of State, *Documents on Germany, 1944-1985* (Washington D.C., 1985), 15-33. The arrest categories are listed on 20-21.

¹⁴⁴ “JCS-1067 – Revised,” NARA RG 56, Treasury Department, OASIA, Box 77, F: GERMANY: Directives, Vol. 3, especially 14, 29. It is likely that this discussion was at least partly in response to a telegram that was

Most importantly, the proceedings confirm that while policymakers viewed a broad-brush approach to arrests—or a “dragnet” as they called it—as necessary, they understood that the process would be inequitable and inefficient. McCloy characterized the arrest guidelines as “a pretty good thumb rule test of the important Nazi people”, but emphasized that the categories would also net “innocent men” and minor Nazis. Attendees universally agreed on the need for machinery to correct such mistakes, and injected instructions into JCS 1067 that Eisenhower establish “an appropriate semi-judicial body” to consider the cases of those not suspected of war crimes.¹⁴⁵ Two days after this meeting, the USGCC Political Division policy paper uniting the various elements of denazification program was issued. Designated Annex XXXIII (Denazification) to the US Group CC “Basic Preliminary Plan: Allied Control and Occupation of Germany (Control Council Period),” this document codified the use of arrest and detention as one of the program’s principal elements.¹⁴⁶

During the initial chaotic months of the mobile phase, civilian internment programs were in practice largely preventative measures driven by security considerations and the corresponding need to restore order.¹⁴⁷ Although the number of arrests was not nearly as high as it would later become, military authorities were nevertheless very active in screening local populations looking for security suspects. These procedures were especially driven by the desire to find and hold individuals accountable for specific crimes. The CIC, working with military police and regular combat troops, sought out and arrested those suspected of

received from Eisenhower on 16 April in which he requested that commanders in the field be permitted to delay arresting certain individuals pending orders to the contrary from Washington. According to an internal memorandum for the files, the Treasury Department disagreed with this approach: Frank Coe, Memorandum for Files, 17 Apr 45, NARA RG 56 OASIA, Box 77, F: GERMANY: Directives, Vol. III.

¹⁴⁵ Ibid., 39-40. McCloy used the phrase “little fellows” to refer to minor Nazis.

¹⁴⁶ Plischke, “Denazification Law and Procedure,” 808, n. 3; and “Denazifying the Reich,” 155-156.

¹⁴⁷ Cohen, “Transitional Justice in Divided Germany After 1945,” 68-69.

perpetrating atrocities, based on centrally prepared lists such as the *Central Registry of War Criminals and Security Suspects* published by the United Nations War Crimes Commission. The Americans, for example, determined to find and prosecute German soldiers responsible for the massacre at Malmédy.¹⁴⁸ According to Starr's account, Military government detachments played a minor role in these arrests, but were responsible for following up to ensure key Nazis were arrested and for staying vigilant for new suspects. He noted that in the First French Army area, officials also employed "dragnet" procedures, which consisted of directing all males between eighteen and sixty-five to report at a designated time and location for vetting by military authorities.¹⁴⁹

By the spring of 1945, all civilians in the First and Third Army areas of responsibility were not only required to register with U.S military authorities, but also to be vetted by CIC personnel in order to get their identity papers stamped.¹⁵⁰ Meanwhile, lack of lateral coordination and clearly defined higher headquarters guidance often led to differing security approaches among military government detachments. In Neustadt, for example, former Nazi Party members were detained overnight in camps and released each day to perform manual labor, whereas in nearby villages, there were no restrictions.¹⁵¹ These uncoordinated local initiatives would become less prevalent beginning in the summer of 1945, when several factors combined to substantially alter the pace of arrests and require establishment of a formal civilian internment program.

¹⁴⁸ Toby Thacker, *The End of the Third Reich: Defeat, Denazification & Nuremberg, January 1944-November 1946* (Gloucestershire, 2006), 157-158; Cohen, *Transitional Justice*, 3-4.

¹⁴⁹ Starr, 38-39. Starr indicated that one such dragnet of 8,000 men in Karlsruhe, for example, resulted in the arrest of 300 men. A similar screening of 2,129 in Baden-Baden resulted in identification of 295 prisoners of war and 580 security suspects.

¹⁵⁰ Fredericksen, 3, 10.

¹⁵¹ Gimbel, *Marburg*, 47.

Conclusion

“The deeper the Allies penetrate into the Reich, the clearer it becomes that a military victory over Germany will be only a beginning.” In mid-April 1945, reporter Raymond Daniell offered his take on the difficult road ahead for the Allies once Germany had been fully defeated. Filed from Cologne after Daniell had spent roughly three weeks in-country, his impressionistic news story repeatedly aggregated the entire population into an undefined, unrepentant mass that had unflinchingly followed the edicts of the Third Reich. “Before us will loom the gigantic task of re-educating a whole nation which for twelve years has been steeped in a philosophy in which ethics have had no part, and cut off from any leavening intelligence from abroad,” he wrote. “If we shrink from that task or shirk it, the war will have been fought in vain, for in the docility of the average winebibbing Rhinelander, reputedly among the most civilized of Germans, there is no evidence of a recognition of error in the way of Nazism but only an acknowledgement of defeat and a determination, if possible, to wriggle out of the consequences.”¹⁵²

Rife with stereotypes, snap judgments, and a decidedly paternalistic attitude, Daniell’s article provides a very distinct marker of the wide gulf separating peoples who had bitterly fought one another for several years. Moreover, it reflects the pervasive Allied skepticism and uncertainty regarding individual motives that undergirded calls to bring the reality of defeat home to the German people and to take a collective approach to stamping out National Socialism. Before the first troop crossing into Germany, Anglo-American policymakers and planners had begun to realize the extent to which deciphering Nazism’s labyrinthine complexities was easier said than done, a point aptly illustrated by Harold Zink’s impassioned account of the difficulties associated with piecing together denazification and

¹⁵² Raymond Daniell, “The Defeat of Germany is Only the Start,” *NYT*, 15 April 1945.

arrest guidance for military government teams. While Daniell's article was heavily slanted toward the notion of "hard" peace, his emphasis on effecting an enduring change in Germany's political culture also clearly reflected the immediate tension between punitive and rehabilitative impulses that characterized Allied occupation policy.

In the Americans' case, the way events unfolded in and around Aachen both highlighted and amplified uncertainties over how to deal with the increasing numbers of Germans coming under their control. Military government personnel quickly found that they were no better equipped to ascertain the degree to which various individuals supported Nazism than they were to gauge the genuineness of their responses to the occupation. Debates about how wide to set arrest parameters notwithstanding, the use of party affiliation as an initial yardstick for measuring political incrimination postponed the need to assess individual motives. In April 1945, as Daniell recorded his impressions and while officials in Washington sought the President's final approval for JCS 1067, SHAEF authorities issued a sweeping set of "automatic arrest" criteria based upon degree of Party membership and organizational affiliation.¹⁵³ In many ways, this guidance reflected a concerted American effort to "inject the thinking of JCS 1067" into SHAEF post-surrender policies, yet as the next chapter will illustrate, a number of factors led American authorities to very quickly adjust their approach to carrying out arrests.¹⁵⁴ Amid ensuing efforts to transition from a

¹⁵³ SHAEF letter (with enclosure), "Arrest and Detention—Germany," AG 350.09-2 GBI-AGM, 13 April 1945, cited in Meyer, 262-264. This letter was followed by release of a handbook to assist CI staffs in carrying out the arrest policy: SHAEF G-2, Office of Assistant Chief of Staff, G-2 Counter-Intelligence Sub-Division, Evaluation & Dissemination Section, "Arrest Categories Handbook," April 1945, NARA RG 331, SHAEF, General Staff, G-5 Division Secretariat Subject File, 1944-July 1945, Box 68 Handbook – Field to Handbook-Military Government, Germany.

¹⁵⁴ In a 6 January telegram Secretary of State Stettinius directed U.S. Political Advisor for Germany Robert Murphy to "exert every effort to inject the thinking of JCS 1067 into policies formulated for the SHAEF post-surrender period". The Secretary of State to the United States Political Adviser for Germany (Murphy), at London, 6 Jan 45, *FRUS*, 1945, Vol. III, 375-376.

combat Army to a centrally commanded occupation force; clarify civilian internment policies and their relationship to the denazification program; and establish the network of camps needed to house the rapidly growing number of detainees, the impact of these stringent arrest criteria became immediately and undeniably apparent.

Chapter 2:

‘GERMANY OVERRUN’: ARRESTS IN THE IMMEDIATE AFTERMATH OF FIGHTING, APRIL 1945-AUGUST 1946

“Security is the watchword for the Allies in their control of Germany—security against a revival of militarism, security against Germany’s becoming a focus of unrest.” In a late July 1945 survey of overseas developments, the *New York Times* combined the announcement that Allied leaders had arrived at Potsdam with news that during the previous week a “half-million American troops conducted what was perhaps the greatest mass raid in history in the American zone of Germany.” Under the heading, “Reshaping Germany,” the news brief proclaimed the thorough search of all residences in the zone. Every person “had his papers scrutinized in a search for SS (Elite Guard) men, who are being hunted as war criminals. As a result of the raids 80,000 persons were arrested.” The surprise sweep did not, however, uncover any signs of organized resistance. “It marked, American authorities explained, the passing from a negative to a positive line of action. A spokesman said: ‘We wanted to act before there was a chance of anything coming up and hitting us in the face’.”¹⁵⁵

This expansive security check and search operation, designated TALLY HO, was carried out at a time that, for several reasons, was a pivotal juncture in the occupation. First, US forces had recently decoupled from the British and repositioned themselves to take responsibility for the American zone. Second, in spite of the lack of wide-scale resistance, concerns of potential sabotage—whether directed toward facilities, personnel, or reform

¹⁵⁵ “ABROAD” *NYT*, 29 Jul 45, F1.

efforts—still loomed large, particularly now that the Allies’ mission had changed from vanquishing the German military to administering a defeated country. And third, organizational changes necessitated by the transition from combat to an occupation force, coupled with the potentially debilitating effects of demobilization, had created a window of vulnerability that those seeking to conduct illicit activities or to impede occupation efforts might exploit. Indeed, with major troop redeployments in the offing, the Commanding General of 12th Army Group had initiated planning for Operation TALLY HO by requesting that a “thoroughly coordinated operation” be conducted across the entire zone.¹⁵⁶

This chapter traces the rapid alterations in American civilian internment policy from mid-1945 to the summer of 1946, arguing that they occurred as officials sought to effectively switch from a past-looking punitive occupation strategy to one that was forward-looking and rehabilitative. Although not deducible from the skyrocketing arrest figures that characterized the summer months of 1945, the roots of this strategic switch began to be planted within the U.S. zone as early as that August.¹⁵⁷ Because the dramatic increase in arrests during the months directly following German surrender was principally spurred by counterintelligence concerns over potential sabotage and organized resistance, the characterization of civilian internment as driven by security is particularly apropos during this timeframe. This image is clearly reinforced, in fact, by the U.S. Army Intelligence Center’s official history of the CIC,

¹⁵⁶ US Army Intelligence Center, *History of the CIC*, Vol. XXVI, “CIC in the Occupation of Germany,” XXVI-14, NARA RG 319, Records of the Army Staff, Asst. Chief of Staff, G-2, Counter-Intelligence Corps Collection, Historians’ Master Copy ‘The History of the CIC in the United States Army, 1917-1953,’ Box 7.

¹⁵⁷ University of Michigan Political Science Professor James K. Pollock (Special Adviser to Clay) wrote to his wife, for example, that he had prepared a plan just discussed at Clay’s Directors Meeting that “provided specific steps and procedures by means of which Germany could gradually move toward democratic self-government.” Letter, 5 Aug 45 in *Besatzung und Staatsaufbau nach 1945: Occupation Diary and Private Correspondence, 1945-1948*, ed. Ingrid Krüger-Bulcke (Munich, 1994), 63.

which described Germany as “overrun” by agents engaged in tracking down suspected war criminals and ardent Nazis in the period surrounding the Third Reich’s collapse.¹⁵⁸

The chapter will illustrate that, while accurate, this portrayal is nevertheless insufficient because it does not account for substantial policy adjustments that began within a matter of months and culminated in the decision to transfer civilian internment camps to German administration. These changes included: reducing the scope of arrests, instituting elements of due process, increasing German involvement in the program, and steadily isolating civilian internees from suspected war criminals. In the meantime, amid a wide scale effort to restore order, deal with millions of POWs, and cope with untold numbers of displaced persons, and with the ink barely dry on the recently drafted Potsdam Communiqué, the challenges of quadripartite administration loomed ever larger.

Against this backdrop, several increasingly conspicuous and troubling issues related to arrests prompted a major effort to regroup beginning in the fall of 1945. Circumstances surrounding these consolidation attempts clearly reveal that at this stage the civilian internment program consisted of at least three distinct dimensions. The first was a determined attempt at the theater policy-making level to bridge the gap between plans and reality and, in essence, get out in front of developments; the second, a concerted push at the Army level and below to set up camps as well as the logistical support to sustain them, in other words, to catch up to developments. Each of these elements was profoundly complicated by the third, a vigorous drive by counterintelligence corps detachments—assisted by military government, military police, and tactical troops—to proactively implement in-place arrest guidance.

¹⁵⁸ This chapter’s title is based on *History the of CIC*, Vol. XX, “Germany Overrun, Part I” and Vol. XXI, “Germany Overrun, Part II,” NARA RG 319, The History of the CIC, Box 6.

While a detailed description is beyond the scope of this analysis, a basic sketch of the wider organizational and procedural framework is necessary in order to effectively trace developments related to civilian internment. Even after organizational lines were made more distinct, arrest and detention remained a shared responsibility involving military government, theater army, and counterintelligence personnel. Moreover, notwithstanding efforts to clarify roles, a multiplicity of organizational perspectives concerning the program was especially evident during the occupation's initial stages. As this chapter will illustrate, the most significant divergence among U.S. forces was between counterintelligence personnel, several of whom viewed automatic arrests as the *sine qua non* for ensuring security, and civil affairs representatives, whose focus on reestablishing civil administration and basic services left them open to criticisms of downplaying past affiliations.

Out of the 'Academic Cloister' and into the 'Mud': Military Government Emergent

When it was established in London under the command of General C.W. Wickersham in the fall of 1944, the USGCC's primary function was planning. Although its anticipated relationship to army units within the theater command structure had yet to be fully defined, it was also understood that the organization would later be directly involved in allied military government activities in Germany. Thus, as it grew from its nucleus to an operational echelon of several thousand personnel the USGCC moved successively closer to Berlin, transitioning first to Versailles and soon thereafter to the Frankfurt suburb of Höchst.¹⁵⁹ Wickersham's successor, Lieutenant General Lucius D. Clay, later recalled that the latter half of 1945 proved to be both a tumultuous and defining period for military government. It was punctuated by the successive decoupling of British and American staffs, activation of ACC

¹⁵⁹ Zink, *The United States in Germany*, 26-27. The USGCC moved to Berlin in the summer of 1945.

machinery, increasing interactivity with nascent German governments, and much needed clarification of the USGCC's scope of authority.¹⁶⁰

In considering the fourth point, Zink wrote that the prolonged organizational jockeying that absorbed a great deal of time and energy at the theater headquarters level during the wind-down of combat operations left “field organizations more or less to their own devices.”¹⁶¹ This maneuvering was in many ways the culmination of a series of discussions amongst Washington policymakers regarding who would head the occupation of Germany. Intrinsically linked with—and, at times subsumed by—deliberations over the post-defeat policy directive, at bottom these discussions reflected the fundamental need to establish an overarching philosophy for the occupation as well as an important exercise in delineating civil-military roles. Political scientist and Clay biographer Jean E. Smith noted that for some time, discussions focused on appointing a high-ranking civilian to the post and included candidates such as Harry Hopkins, Under Secretary of War Robert Patterson, and John J. McCloy. Key civilian leadership within the War Department, however, gravitated toward the position that, at least in its initial stages, soldiers should staff the occupation. Moreover, rather than report to Eisenhower through his Chief of Staff, Lieutenant General Walter Bedell Smith, whoever was chosen to head civil affairs in Germany “must be independent, with direct access to Eisenhower on a parallel basis with U.S. combat forces.”¹⁶²

¹⁶⁰ Clay, *Decision in Germany*, 7-10, 33-34, 51-53.

¹⁶¹ Zink, *The United States in Germany*, 26-29, especially 28.

¹⁶² Jean Edward Smith, “Selection of a Proconsul for Germany: The Appointment of Gen. Lucius D. Clay, 1945,” *Military Affairs* 40: 3 (October 1976), 123-129, especially 125-127.

Smith astutely argued that the War Department's position derived from both the anticipated particulars of the German occupation, especially the need for "basic logistics" to fulfill Herculean relief efforts, and lessons that had been learned during the occupations of Cuba and the Philippines. In Clay, publicly touted "as a hard-driving executive who would put the Germans in their place," American officials found the amalgamation of a soldier, politician, and troubleshooter who had experience in dealing with a wide range of large, logistically intensive challenges.¹⁶³ The concept of an independent, dedicated civil affairs apparatus that did not report through the general staff, however, ran counter to Bedell Smith's conception of the postwar command structure. Also at issue was USGCC's relationship with the US-side of SHAEF G-5, which upon dissolution of the combined command would transfer to Headquarters, United States Forces European Theater (USFET) and be based in Frankfurt. USFET G-5's position was that it should bear full responsibility for military government activities within the zone while the USGCC handled quadripartite issues and matters subject to the Allied Control Authority.¹⁶⁴ Clay, on the other hand, felt quite strongly that in order to facilitate eventual transfer to civil agencies, military government should be organized separately from the Army Command, with a staff under the guidance of a deputy military governor who would report directly to Eisenhower.¹⁶⁵

Although the relationship between USGCC and the theater staff was indeed clarified through eventual acceptance of Clay's proposal, the implementation of programs such as

¹⁶³ Ibid, 123, 128.

¹⁶⁴ Zink, *The United States in Germany*, 26-29; For further discussion of these debates, see also Ziemke, *The U.S. Army in the Occupation of Germany*, 221-224; Clay, *Decision in Germany*, 7; and Smith, "Selection of a Proconsul," 123, 127-128.

¹⁶⁵ Clay, *Decision in Germany*, 52. In May 1945, Clay emphasized the need to integrate more civilian personnel into G-5 and lay the groundwork for eventual restoration of German organizations. On this, see, Letter, Clay to Hilldring, 7 May 1945 in Jean E. Smith, ed., *The Papers of General Lucius D. Clay*, Vol. I (Bloomington, 1975), 10-14.

civilian internment inevitably crossed a number of organizational and functional boundaries.¹⁶⁶ Organizationally, the zone was initially divided into an eastern district, headquartered at Munich and under the control of Third Army, and a western district, headquartered at Heidelberg and under the control of Seventh Army, along with an enclave surrounding the port of Bremen and a sector in Berlin. Thus four commanders and their G-5 apparatuses supervised military government activities within their areas of responsibility.¹⁶⁷ Moreover, for some time, USGCC directives were channeled via USFET to the respective Armies, who bore primary responsibility for their implementation.¹⁶⁸ Because of this essentially regional approach, as would soon become increasingly clear, the civilian internment program was carried out similarly, but not identically, within each area.

Functionally, the civilian internment program fell within the scope of several staff elements at various echelons, principally G-1 (Personnel), G-2 (Intelligence), and G-5 (Civil Affairs). For example, G-2 was primarily responsible for arrests, interrogations, and screenings. Within G-2, counter-intelligence directed the apprehension of those subject to automatic arrest criteria, in most cases, relying upon combat troops or Military Police (functionally under G-1) to actually conduct arrests. In addition to maintaining a Central Registry of war criminals and security suspects, G-1 periodically sent out “wanted” cards to aid in the search for specific individuals, and by virtue of the Provost Marshall function, bore

¹⁶⁶ According to a memorandum from Murphy to Assistant Secretary of State James Dunn, the debates reached their culminating point with Clay’s arrival in-theater and a concurrent visit by McCloy. Murphy forwarded a close-hold plan for military government, noting that Clay had “devised the title of ‘Deputy Military Governor’” and proposed to work directly under Eisenhower. The United States Political Adviser for Germany (Murphy) to the Assistant Secretary of State (Dunn), 12 Apr 45 (with enclosure: Memorandum by Major General Lucius D. Clay dated 11 Apr 45), *FRUS 1945*, Vol. III, 933-935.

¹⁶⁷ Clay, *Decision in Germany*, 52-53.

¹⁶⁸ Zink, *The United States in Germany*, 34-35. Zink described command channels (in general) and noted that for a time, Army Groups were also an additional intervening layer.

responsibility for overseeing the setup and operation of camps.¹⁶⁹ In addition to their civil affairs (G-5) duties, Military Government Public Safety Officers were specifically charged with assisting counter-intelligence in effecting arrests, to include passing information of potential intelligence value and ensuring the cooperation of local police as needed.¹⁷⁰

As they undertook the successive steps necessary to integrate military government elements and tactical fighting units into a centrally commanded occupation force, the Americans emerged from combat outwardly determined to implement a wide-ranging and vigorous denazification program, by now principally defined in terms of arrests and removal from office. In a “policy for hard realism,” described by *New York Times* reporter Drew Middleton on 17 May 1945, Clay laid out the nascent U.S. Military Government’s initial objectives as destruction of “whatever remaining power Germany may have for making war, and elimination of the Nazi Party.” Clay went on to emphasize that war criminals would “pay for crimes with their lives and liberties, and with their sweat and blood.” Only once these objectives were accomplished would the U.S. “begin to worry about long-range problems and the final treatment and regeneration of Germany.” Clay also acknowledged the inherent conflicts between denazification and reconstruction, asserting that: “although some Nazis might be used to ‘get the electricity on’...the history of every applicant [for positions overseen by Military Government] would be carefully considered.”¹⁷¹

¹⁶⁹ Letter, Brigadier General T.J. Betts, Deputy Assistant Chief of Staff G-2 to Judge Advocate General, European Theater of Operations US Army, Arrest Policy, 21 May 45, NARA RG 331 SHAEF, Box 103, F: GBI/CI/CS/000.5-6 Arrest & Detention Policy – Germany. Betts’ letter indicated that in “cases of particular importance, Counter-Intelligence personnel, after conducting any necessary investigation and locating the person, effects the arrest directly.”

¹⁷⁰ SHAEF *Handbook for Military Government in Germany Prior to Defeat or Surrender*, December 1944, Chapter II, Paragraphs 428 and 453-456, NARA RG 331, SHAEF, General Staff, G-5 Division Secretariat Subject File, 1944- Jul 1945, Box 67: Denmark to Handbook, Enemy Weapons. See also, Starr, 38.

¹⁷¹ Drew Middleton, “‘Hard’ Policy Fixed for Ruling Reich,” *NYT*, 17 May 45, 6.

On the whole, the “hard” character of Clay’s announcement was consistent with the U.S. occupation policy directive, JCS 1067, which had been issued in amended form as a classified document just days before.¹⁷² Much of Morgenthau’s philosophy had made its way into this final version, typified by strict economic provisions, the direction to be “firm and aloof,” and insistence that Germany be occupied “as a defeated enemy nation.” Amid an array of punitive measures, the occupation’s ultimate objective of fostering democratic self-governance was deliberately situated on an as-yet-to-be-defined horizon:

The principle Allied objective is to prevent Germany from ever again becoming a threat to the peace of the world. Essential steps in the accomplishment of this objective are the elimination of Nazism and militarism in all their forms, the immediate apprehension of war criminals for punishment, the industrial disarmament and demilitarization of Germany, with continuing control over Germany’s capacity to make war, and the preparation for an eventual reconstruction of German political life on a democratic basis.¹⁷³

Clay’s resolute stance, essential to reassuring an increasingly Germanophobe public opinion galvanized by the discovery of atrocities, belied continuing behind-the-scenes deliberations amongst U.S. policymakers—and between local commanders and higher headquarters—regarding how to approach defeated Germany.¹⁷⁴ Although his announcement characterized the punitive and rehabilitative aspects of the occupation as sequential, he had already begun to grapple with the recognition that these elements would necessarily overlap. Moreover, his private correspondence with Hilldring and McCloy indicates that his “hard

¹⁷² On this, see Clay, *Decision in Germany*, 16-17. Clay noted that the security classification created the difficulties of “carrying out a policy whose existence we could not even admit” and in convincing the press that military government administration was not being conducted “on a basis of expediency.” The directive was not publicly released until 17 October 1945. For the official press release and text of JCS 1067, see U.S. Department of State, *Germany 1947-1949: The Story in Documents*, 21-33.

¹⁷³ U.S. Department of State, *Germany 1947-1949: The Story in Documents*, 23. JCS 1067 specifically instructed Eisenhower to “discourage fraternization with the German officials and population.”

¹⁷⁴ For more detailed examination of struggles between local commanders and higher headquarters as well as policy attempts to standardize approaches, see Ziemke, *The U.S. Army in the Occupation of Germany*, 380-390.

realism” announcement was not only intended to convey the initial stern tenor of occupation policy, but also Clay’s conviction that American planners take a more realistic approach to the occupation. Ten days earlier, he had confided to Hilldring that, in his view, USGCC personnel needed to move out of the “cloistered and academic” environment and into the “mud.” The existing set of plans, while voluminous, had “stimulated mental activity but [were] based on so many assumptions as to lack a great deal of realism in their approach.”¹⁷⁵

Clay’s own sense of the “realities” associated with occupying Germany had changed once he left Washington and would continue to do so until well after he arrived in Berlin. Once in Europe, he had already begun to reinterpret American occupation policy, adopting what amounted to a hybrid stance: “hard” with regard to denazification and demilitarization, “softer” with regard to economic reconstruction. Speaking of the latter, he wrote to McCloy in Washington in the hopes of avoiding what he viewed as unnecessary destruction of the German economy, urging that “[t]he progress of the war has accomplished that and it is my view now (based on general impressions, I must admit) that the industry which remains, even when restored will suffice barely for a very low living standard in Germany.” Clay went on to say, “I hope you won’t think from the above that I am getting soft. I realize the necessity for stern treatment. However, retribution now is far greater than realized at home and our planes and artillery have really carried the war direct to the homes of the German people.” Just over two weeks later, he wrote to Hilldring, “Being ‘hard’ now is important to show the German people how badly German military might has been defeated.”¹⁷⁶

¹⁷⁵ Letter, Clay to Hilldring, 7 May 45 in Smith, *Clay Papers*, Vol. I, 11. Clay described the plans as “already so great as to be beyond the ability of one man to comprehend.” He also advised Hilldring that while it might slow the pace of planning, a large number of USGCC personnel had been loaned to the American side of SHAEF and would therefore hopefully gain much-needed experience.

¹⁷⁶ Letters, Clay to McCloy, 26 Apr 45 and Clay to Hilldring, 7 May 45 in Smith, *Clay Papers*, 8, 13.

Clay's overarching concerns regarding the gap between plans and reality were well on the mark in the case of eradicating Nazism. In spite of the flurry of discussions over arrest and detention policy, little in the way of detailed planning for civilian internment took place prior to the German surrender. As recently as the previous March, this realization had come to the fore within SHAEF as various functional divisions sought to solidify roles and responsibilities in connection with denazification. Correspondence between G-5's Planning Committee, headed by Brigadier D.G. Heyman, and the Chief of G-2's Special Sections, Brigadier R.J. Mansell, illustrates that while substantial agreement had been reached regarding the handling of arrests, the subject of what would happen to internees once detained had yet to be resolved. On 10 March Heyman wrote: "As indicated at the meeting yesterday, there appears to be no firm policy on this. G-1 and G-2 would seem to be primarily concerned but there are other interests involved, e.g. maintenance of internees, use of internees for labour, ensuring that when internees are released they do not regain positions of influence and trust. G-5 and G-4 will be interested in these additional questions." In an internal letter to the Chief of the G-2 Counter-Intelligence Division, Mansell urged consideration of several key factors, including: the intended length of internment; the types of activities for which internees might be used, such as labor within or outside Germany; issues related to maintaining internees' families; and whether attempts were "to be made to 're-educate' internees with a view to their eventual release when passed as 'de-nazified'".¹⁷⁷

¹⁷⁷ SHAEF (Main) letter, Chief, G-2 Special Sections to Chief, G-2 Counter-Intelligence, 12 Mar 45 (with enclosure: letter, Chief SHAEF G-5 Planning Committee to SHAEF G-2 (Main) dated 10 Mar 45, subject De-Nazification and Demilitarization), NARA RG 331 SHAEF General Staff, G-2 Division, Counter-Intelligence Sub-Division, Civil Security Section Decimal File 1943-45 091.412-1 to 091.711-2, Box 110, F: GBI/CI/CS/091.711-1 (GERMANY) Control & Disposal of German Forces and Allied Problems. In his letter, Mansell cautioned: "We are in danger of being confused by the use of the term 'denazification'." See also Meyer, 36-37 where she noted the emphasis put into planning for the camps at SHAEF in May 1945.

The lack of planning with regard to camps was effectively compounded by dissolution of SHAEF. With the combined command on the wane, however, and as British and American military government apparatuses sat poised in the wings, a proposal staffed by SHAEF G-2 (Forward) revealed a distinct concern over the enormity of the administrative tasks associated with indefinitely detaining individuals found to be within automatic arrest categories. The proposal specifically sought a relief valve of sorts in the form of delegating authority to grant releases: “The Army Groups, through their Armies, are in a position to determine which of the arrested persons can safely be released and it is believed desirable that they be authorized to release those persons in the arrest categories who, after careful screening, are not considered to be a menace to Allied interests and who are neither Security Suspects nor War Criminals.” G-5 disagreed with the proposal on the grounds that, in accordance with JCS 1067 and its British counterpart, it was beyond SHAEF purview to delegate such authority.¹⁷⁸

These vacillations were both symptomatic of, and soon to be exacerbated by, the well-documented larger uncertainty over denazification that came to the fore in the summer of 1945—just as automatic arrests were entering full swing. Still smoldering embers of the controversies that had played out in and around Aachen were fanned by new disagreements. Differing views were manifested in conflicting guidelines, rapidly changing instructions, and an active contestation—in which Germans themselves increasingly took part—regarding the degree and forms of participation in Nazi party activities that should be used to measure

¹⁷⁸ Letter, Major General K.W.D. Strong to SHAEF Chief of Staff, Disposal of Persons Held as Members of Organizations Listed for Automatic Arrest (draft), April 1945 and G-5 Division (FWD) response dated 14 April 1945, same subject, both in NARA RG 331 SHAEF, Box 103, F: GBI/CI/CS/000.5-6 Arrest & Detention Policy – Germany. While appreciating the enormity of detaining automatic arrestees, the G-5 letter noted that each document directed those arrested to be held pending further instructions and that similar verbiage had been included in CCS 551. It also expressed concern over Army Groups’ capabilities to carry out screening.

political incrimination. In the meantime, while experience had already begun to expose some of the fallibilities of a categorical approach to denazification, counterintelligence-led efforts to proactively implement in-place arrest guidance, and thus to thwart any isolated or organized resistance, would soon be well underway.

Security Suspects and Automatic Arrests: Casting a Wide Net

With the termination of hostilities at 090001B May changes were effected in the operating procedure of the G-2 section. Although anticipated and planned for some months during operations, tempo and emphasis was shifted from tactical intelligence to counter-intelligence, with attention principally directed upon the arrest of Nazi personalities and the discovery of clandestine subversive organizations whose mission was sabotage and harassment of occupational troops.¹⁷⁹

While staff elements struggled with concerns such as the lack of provisions for housing internees, the newly issued SHAEF automatic arrest categories set the stage for a broader, more centralized approach to civilian internment by establishing an extensive range of persons to be detained.¹⁸⁰ As with previous iterations of the arrest policy, in contrast to those persons sought out based upon suspicion of involvement in war crimes, these guidelines ordered the internment of individuals who had held membership in any one of several organizational groups. In a letter promulgating the policy, the SHAEF Adjutant General, Brigadier General T.J. Davis, linked the need for the arrests to “the two main objects of safeguarding the security of Allied Forces and accomplishing the destruction of Nazi organizations.” The letter identified two key exceptions to the arrest categories: those who had been dismissed as politically unreliable by the Nazis, or had elected to retire from a

¹⁷⁹ Report of Occupation, Headquarters Third United States Army, G-2 Section Historical Report, 9-31 May 1945, 1, NARA RG 498, Records of Headquarters, European Theater of Operations, United States Army (World War II) [hereafter HQ ETO Records], Box 14, F: G-2 Third Army Report of Operations, 9-31 May 45.

¹⁸⁰ Kormann, 24. In describing the automatic arrest directive, Kormann noted that “the contingents it included were from all members of specified organizations to certain classes of postmasters and railroad officials.”

given position before 1933. Moreover, members of the German Armed Forces who fell within automatic arrest categories were to be held as POWs pending cessation of hostilities.¹⁸¹

The differences between the April 1945 arrest guidance and the criteria put forth roughly six months earlier clearly reflect a movement within SHAEF toward the much more encompassing American approach.¹⁸² Generally speaking, the changes involved the expansion of several categories to lower organizational levels and the explicit inclusion of women. The specifications related to Nazi Party Officials, for example, were expanded to include administrative officials “down to and including the post of *Amtsleiter* [section heads] at the *Ortsgruppe* [local district] level,” along with all party members “down to and including the rank of *Gemeinschaftsleiter* [community leader].”¹⁸³ The segments of the *Waffen* and *Allgemeine SS* subject to arrest were not only broadened beyond the level of officers, but also to include anyone who had served in the *SS-Helferinnen* or *SS-Kriegshelferinnen* (SS Female Auxiliaries). In addition, the stipulation covering all *Hitler Jugend* “officers down to and including the rank of *Stammführer* [Major]” was extended to equivalent ranks within the

¹⁸¹ The two exceptions noted above were not listed in the previous arrest guidance, issued just one month earlier and rescinded by the April letter. SHAEF letter, (with enclosure), “Arrest and Detention—Germany,” AG 350.09-2 GBI-AGM, 9 Mar 45, NARA RG 331 SHAEF, Box 103, F: GBI/CI/CS/00.5-6 Arrest & Detention Policy – Germany. See also Ziemke, *The U.S. Army in the Occupation of Germany*, 380.

¹⁸² For the earlier criteria see Table 1: SHAEF Pre-Surrender Criteria in Chapter 1. According to Colonel H.G. Sheen, (USGCC CI Branch), who spoke at a conference in Frankfurt on 27 Aug 45, the original ‘mandatory arrest categories’ were drawn up in September 1944, and directed “the automatic arrest of the leading and most dangerous figures behind Nazism and German militarism. H.G. Sheen, “Arrest and Control Of Nazi Militarists” [hereafter Sheen Arrest Program Speech], Enclosure no. 3 to dispatch no. 925 dated September 10, 1945 from Ambassador Murphy, NARA RG 84 POLAD, Classified General Correspondence, 1945-1949, Box 18, F: 810 Denazification – Mil. Govt. Conferences – Frankfurt Conference (August 27-29) 1945.

¹⁸³ This category had previously included administrative officials down to and including the *Reich*, *Gau*, and *Kreis* levels, and all others holding rank of *Bereichsleiter*. *Gaue* were the Party’s highest administrative units.

Bund Deutscher Mädel (League of German Girls).¹⁸⁴ This version of arrest and detention guidance also reflected an increased emphasis on members of police and security organizations. It is likely that this was due to CIC concerns of extensive plans calling for a coordinated effort among German secret intelligence services, paramilitary organizations, as well as security and secret police to go underground as allied forces advanced, waiting for an opportunity to impede occupation efforts.¹⁸⁵ In an especially consequential development from the standpoint of Military Government, the broad category of *Höherer Dienst* (higher-grade civil servants) was added.

The inclusion of *Höherer Dienst*, the highest of four German Civil Service tiers, provides a telling example of the “broad brush” approach advocated by American officials in Washington. All higher-grade civil servants appointed after 1939, as well as any who had held the rank of *Ministerialrat* (or equivalent) regardless of date of appointment, were subject to arrest. The resulting compilation of positions, pulled from the 1943 German Legal Code (*Reichsgesetzblatt*) and arranged according to salary, comprised nearly half of the April 1945 SHAEF *Arrest Categories Handbook*, which was intended to assist Counter-Intelligence staffs in implementing automatic arrest criteria. These positions ranged from Reich Leader of the SS and Chief of the German Police (*Reichsführer-SS und Chef der Deutschen Polizei*) to higher-grade library officials (*Bibliothekräte*) and civil service pharmacists (*Regierungsapotheker*). The conviction that this array of appointees harbored significant numbers of committed Nazis stemmed largely from the German Civil Service Statute (*Beamtengesetz*), which by 1937 required unconditional support to the National Socialist

¹⁸⁴ For a copy of the April 1945 Arrest and Detention Policy, see SHAEF letter (with enclosure), “Arrest and Detention—Germany,” AG 350.09-2 GBI-AGM, 13 April 1945, cited in Meyer, 262-264.

¹⁸⁵ On this, see *History of the CIC*, Vol. XXI, App. 1-12.

State and by 1939 made Party membership compulsory for any State appointment. Without a mechanism for distinguishing between those who had joined the Party out of loyalty, expediency or compulsion, the presumption underlying arrest criteria was that higher-grade officials who were not convinced Party members would have already been weeded out.¹⁸⁶

Beginning with Harold Zink, scholars have emphasized that in pushing to broaden the scope of arrests, U.S. policymakers failed to fully appreciate the extent to which Nazism had penetrated German society.¹⁸⁷ There is much to be said for this argument. Brigadier General Frank McSherry, Military Government Director, announced at the same press conference in which Clay laid out U.S. occupation objectives that there were approximately 2 million active members of the Nazi Party before the war; yet the Nazi Party's master personnel files, a card index that was later discovered at a Bavarian paper mill where it had been sent to be pulped, revealed that there were 8 million members of the Nazi Party in early 1945.¹⁸⁸ Moreover, party affiliations reached into nearly every aspect of daily life. One in every six persons was in a Nazi organization of one form or another. This included, for example, 102 out of 112 doctors in Bonn and 18 of the 21 technicians in Cologne's waterworks facility.¹⁸⁹

¹⁸⁶ In describing appointments, the handbook emphasized: "Only persons of undoubted political reliability are, therefore, likely to be appointed or to remain in office under this system." SHAEF, AC of S, G-2, Counter-Intelligence Sub-Division Evaluation & Dissemination Section, *Arrest Categories Handbook Germany*, April 1945, NARA RG 331 SHAEF, General Staff, G-5 Division Secretariat Subject File 1944-July 1945, Box 68: Handbook-Filed to Handbook-Military Government, Germany. For the *Höherer Dienst* guidance, see 18-31.

¹⁸⁷ Zink, "American Occupation Policies in Germany," 293.

¹⁸⁸ Drew Middleton, "'Hard' Policy Fixed for Ruling Reich," *NYT*, 17 May 45, 6; "Nazi Member List Seized by Allies," *NYT*, 18 Oct 45, 13; and "Revenge Spurred Hunt for Nazi List," *NYT*, 21 Oct 45, 11. Clay discussed the records' discovery in *Decision in Germany*, 68. See also Joseph B. Fleming, "Captured Lists Name 8 Million Nazis; Thousands of Americans are Identified," *The Stars and Stripes*, Germany Edition, 18 Oct 45. According to *The Stars and Stripes*, a preliminary set of 200,000 cards had been uncovered three months before. The files contained four lists: NSDAP membership cards (with pictures); *Ausländer*, by country; expelled members, along with reason for expulsion; and a "blacklist" of those considered "nondesireables":

¹⁸⁹ Meyer, 50, n. 64; Thacker, 151-2; and Tony Judt, *Postwar: A History of Europe Since 1945* (New York: Penguin Books, 2005), 56.

While American policymakers arguably did not anticipate the full extent of the logistical hydra they were creating through expanded criteria, deliberations during the April 24, 1945 Interdepartmental Committee meeting on JCS 1067 reveal that they did understand arrests could be on the order of millions. Hilldring and McCloy expressed War Department concerns over the immensity of administrative problems that had already begun to present themselves in-theater as well as the prospect of carrying out the civilian internment program while also attempting to provide for untold numbers of POWs and displaced persons. Reminding those present of the difficulty of truly conceiving the magnitude of issues in Europe without being there, McCloy emphasized that giving Eisenhower the discretion to delay arrests as needed would enable American forces to mitigate these problems. “There is an enormous category of people here estimated from two to three million that you have got to arrest. You will have displaced persons coming out by the tens of thousands.” He went on to say, “the idea of imposing on General Eisenhower the rigid restrictions that he has got to take care of three million more people no matter what his problems are is just improper from the standpoint of administration. You have given him the tone, the type of people he must arrest. He isn’t going to let the whole kit and kaboodle out. He sees the problem.”¹⁹⁰

As counter-intelligence units pressed forward with implementing the expanded criteria, calculations of how many Germans would be affected by automatic arrest categories varied significantly.¹⁹¹ Strong’s April 1945 letter proposing delegation of authority for releases to the Army Group level, for example, estimated 400,000; the April 1945 edition of

¹⁹⁰ “JCS-1067 – Revised,” NARA RG 56, Treasury Department, OASIA, Box 77, F: GERMANY: Directives, Vol. 3, 10-14. McCloy had just returned from Germany, where he observed that the local detachment had found it necessary to retain a Nazi who had been in charge of the water system. According to McCloy, this was reported in the press in spite of the fact that the individual was replaced roughly ten days later.

¹⁹¹ Meyer also described the variance, noting that, whereas the State Department calculated roughly 2 million civilians would be subject to arrest, the CIC estimated approximately 350,000. Meyer, 40, incl. n. 25.

the SHAEF *Handbook Governing Policy and Procedure for the Military Occupation of Germany* meanwhile stated, “For all GERMANY, an estimated total number of persons to be detained is 250,000.”¹⁹² Once set in motion, however, the broad scope of the criteria became quite apparent. Whereas American forces had arrested 1,000 Germans during the entire month of March, they arrested and interned more than 700 daily in May and June while also coping with over 6 million POWs.¹⁹³

Among the more immediate effects, a string of various-sized temporary camps was established to detain POWs and the growing number of Germans subject to arrest criteria. As the immature logistical structure was quickly outpaced, poor conditions and overcrowding soon led to inevitable comparisons with concentration camps.¹⁹⁴ Beginning in May 1945, increasingly aware of the difficulties associated with holding such vast numbers of Germans in various types of camps, SHAEF issued a series of selective discharge instructions for POWs. Third Army, which released 380,180 POWs throughout its area of responsibility from 9-31 May, later reported that these mass releases created new logistical problems and security concerns as large numbers of POWs and refugees “choked the highways in uncontrolled masses in search of their homes.” By June, SHAEF issued general discharge instructions “for all Germans except war criminals, security suspects, and those in automatic arrest categories.” The stipulation that anyone who remained based on these criteria be

¹⁹² For Strong’s proposal, see note 178 above. See also paragraph 323 “Arrest of Certain Categories of Personnel,” SHAEF *Handbook Governing Policy and Procedure for the Military Occupation of Germany*, April 1945, NARA RG 331 SHAEF, General Staff, G-5 Division Secretariat Subject File, 1944-July 1945, Box 67.

¹⁹³ JCS 1517/1, “Summary of the Aug 45 Report of the Military Governor,” 18 October 1945, in CCS 383.21 (2-22-44), sec 9 and JCS 1517/2, “Summary of the Sep 45 Report of the Military Governor,” in CCS 383.21 (2-22-44), sec. 10. Both are cited in Ziemke, *The U.S. Army in the Occupation of Germany*, 380, n. 2. The March arrest figures are provided in Klaus-Dietmar Henke, *Die amerikanische Besetzung Deutschlands* (Munich, 1995), 254. For POW figures, see SHAEF, G-1 Div., Weekly PW & DEF Report, 22 Jun 45, Headquarters European Command, U.S. Army, *The First Year of the Occupation*, 132. Of these, roughly 2 million were classified as POWs and the remainder as “disbanded enemy forces.”

¹⁹⁴ Hayse, 186.

subsequently discharged and re-incarcerated as a civilian internee, however, required screening to determine which POWs were eligible for release.¹⁹⁵

Implementation of the arrest criteria quickly elicited a number of queries and recommended modifications from within SHAEF as well as field units. SHAEF G-2 correspondence indicates that, although there were instances of suggested additions, the overarching push was toward reducing the automatic arrest categories. Heyman, for example, sought unsuccessfully to have the guidance regarding *Höherer Dienst* withdrawn, or at the very least limited, “since it involves the arrest of numerous individuals who may not be dangerous but who are essential to the functioning of Military Government. This direction also requires the arrest of many individuals who are not essential to Military Government, but who are probably not important enough to bother with.” To emphasize this point, Heyman identified examples of “unimportant” individuals, such as the Director of the Weather Services Office of the German Reich (*Direktor beim Reichsamt für Wetterdienst*), whose detention would be required by current criteria. He proposed reverting to the Civil Service arrest categories in previous G-2 directives and in the Handbook for Military Government, Part III, Chapter II, Table C. Members of the *Höherer Dienst* who had been appointed since 1939 should be subject to screening, he argued, but not mandatory arrest.¹⁹⁶

¹⁹⁵ SHAEF Disbandment Directives Nos. 1 & 2 (15 May 1945), 3 (18 May 1945), 4 (5 June 1945), 5 (30 June 1945), 6 (6 July 1945); and Amendment to Directive No. 5 (1 August 1945) in U.S. Europe Command, *The First Year of the Occupation*. See also, Third Army G-2 Section Historical Report, 9-31 May 1945, 6.

¹⁹⁶ SHAEF (Fwd) Letter, Chief Planning Committee G-5 Division to G-2, “Arrest and Detention – GERMANY” (with appendices), 9 Jun 45, NARA RG 331, SHAEF, General Staff, G-2 Division, Counter Intelligence Subdivision Civil Security Section Decimal File 1943-45, Box 103, F: GBI/CI/CS/000.5-6, Arrest and Detention Policy – GERMANY. In the event that his recommendation was accepted, Heyman offered a list of legal officials in the *Höherer Dienst*, such as judges and prosecutors at Party, SS and SA courts, who should be included in the automatic arrest categories. In the event that his proposal was not approved, he identified a number of specific positions, such as *Bibliothekräte*, that should be listed as exceptions to the arrest criteria.

In response, Colonel H.G. Sheen, SHAEF G-2, wrote that, although he “understood and appreciated” the reasons for the request, in actual practice the implementation of automatic arrest categories had not unduly hindered Military Government activities. Moreover, he insisted:

This directive was compiled to include those categories of persons who were deemed to qualify for arrest by reason of the degree to which they compromised themselves with the Nazi Party. Within this category of persons fall members of the Höherer Dienst and, in this connection, your attention is invited to a recent publication, EDS Report Number 28 “Nazi Influences on the German Civil Service,” which clearly outlines the manner in which the Nazi Party purged the German Civil Service of all elements other than those which were politically trustworthy. It can only be assumed, therefore, that these individuals must be regarded as dangerous and that their employment would be highly undesirable in Military Government.

Although he expressed reluctance to implement such an amendment given the impending dissolution of SHAEF, Sheen left the door open to the possibility that civil servants, “with certain exceptions,” might be placed in a discretionary arrest category. That decision, however, would be within separate USGCC and British Control Commission purview.¹⁹⁷

Among reactions from field units, an exchange dealing with the mandatory arrest of female SS members and BDM officers (above the rank of *Stammführer*) is particularly striking. It highlights growing field concerns over the administrative problems associated with civilian internment and provides insight into the perceived relationship, as articulated by Sheen, between automatic arrests and security. In a letter to SHAEF G-2 dated 12 April, 21st Army Group advocated dealing with the cases of women individually rather than according to categories, asserting that “the automatic arrest of large numbers of women would place a grave additional burden on our internment facilities, in view of the necessity for making special arrangements for segregation and women searchers and warders.” 21st Army Group

¹⁹⁷ SHAEF (Main) Letter, AC of S, G-2 to AC of S, G-5, “Arrest and Detention – GERMANY,” 22 Jun 45, NARA RG 331, SHAEF, General Staff, G-2 Division, Counter Intelligence Subdivision Civil Security Section Decimal File 1943-45, Box 103, F: GBI/CI/CS/000.5-6, Arrest and Detention Policy – GERMANY.

recommended that female SS members and BDM officers “be arrested and interned where there exists other evidence that they constitute a danger to security.” Sheen rejected this proposal, emphasizing that these groups were more deserving of “internment on security grounds...than some of the other categories listed in the directive. The categories for automatic arrest have been selected on the basis that they represent persons who, as a class,” he continued, “are deemed to be a menace to security. The possibility that certain individuals in those categories are of no security interest is not denied. That possibility, however, remains to be proved either by individual investigation or in light of more experience in dealing with the problem on the ground.”¹⁹⁸

Sheen was concurrently engaged in conversation with the intelligence staffs at 21st and 12th Army Group Headquarters, after the former recommended three significant modifications to the automatic arrest categories. In a letter dated 25 May 1945, 21st Army Group suggested restricting mandatory arrest at the *Ortsgruppe* level to Local Group leaders, their deputies, and a handful of key positions. Based on experience, the British headquarters maintained that a number of *Amtsleiter* (section heads) at the *Ortsgruppe* level were neither dangerous nor possessed information of potential intelligence value, and emphasized that, “CI personnel are pre-occupied with the task of clearing their areas of petty officials to the detriment of more important investigations, and the work of internment camp staffs will be hampered in the same way.” In addition, intelligence personnel in the field had found that rank was not an effective predictor for the importance of officers in the SA, HJ, NSKK and NSFK and suggested modifying the arrest categories to either include all officers or at least

¹⁹⁸ Letter exchange, 21st Army Group (INT) to SHAEF AC of S, G-2, “Automatic Arrest Categories – GERMANY,” 12 Apr 45 and SHAEF AC of S, G-2 to BGS(I) 21 Army Group, 23 Apr 45 (same subject), NARA RG 331 SHAEF, Box 103, F: GBI/CI/CS/00.5-6 Arrest and Detention Policy – Germany. For more on the issue of applying automatic arrest categories to women, to include the correspondence between Sheen and 21st Army Group, see also Meyer, 47-50.

junior officers who had held positions typically associated with the higher ranks. Finally, 21st Army Group recommended that all former staff instructors at elite schools dedicated to training Nazi leaders (*Ordensburgen*), and *Wehrmacht* political officers, or NSFOs (*Nationalsozialistischer Führungsoffiziere*), be included in the automatic arrest categories.¹⁹⁹

After Sheen forwarded these recommendations to 12th Army Group G-2 for comment, the American headquarters concurred with the proposals to restrict arrests at the *Ortsgruppe* level and to include junior paramilitary officers depending upon the positions they had held. Moreover, 12th Army Group offered three additional recommendations: that arrests of members of Nazi affiliated organizations such as the *Nationalsozialistische Volkswohlfahrt* (NSV), *Nationalsozialistische Frauenschaft* (NSF), *Deutsche Arbeitsfront* (DAF), and *Reichsarbeitsdienst* (RAD) be restricted to the leaders (*Leiter*) of these groups; that arrest of civil servants be at the discretion of the investigating agency; and, that any changes made to automatic arrest categories be deemed retroactive in order to enable Armies to release those no longer covered under the criteria, provided they were not found to be security threats.²⁰⁰

As with the G-5 Division recommendations, Sheen refrained from issuing modifications given SHAEF's impending dissolution; however, in this case, he acknowledged the need to reconsider arrest directives. "It has always been envisaged," he asserted, "that the automatic arrest categories, which were evolved prior to operations in

¹⁹⁹ 21st Army Group Letter to SHAEF (Fwd) AC of S G-2, "Automatic Arrest Categories," 25 May 45, NARA RG 331 SHAEF, General Staff, G-2 Division, Counter Intelligence Subdivision Civil Security Section Decimal File 1943-45, Box 103, F: GBI/CI/CS/000.5-6, Arrest and Detention Policy – GERMANY. The letter recommended that mandatory arrests at the *Ortsgruppe* level be restricted to *Ortsgruppenleiter*, *Ortsgruppenleiter Stellvertreter*, *Schulungsleiter*, *Organisationsleiter*, *Kassenleiter*, and *Propagandaleiter*.

²⁰⁰ Letter exchange, SHAEF (FWD) AC of S G-2, 2 Jun 45 and HQ 12th Army, AC of S G-2, 25 Jun 45, "Automatic Arrest Categories," NARA RG 331 SHAEF, General Staff, G-2 Division, Counter Intelligence Subdivision Civil Security Section Decimal File 1943-45, Box 103, F: GBI/CI/CS/000.5-6, Arrest and Detention Policy – GERMANY. The American headquarters abstained on the point regarding *Ordensburgen* instructors and NSFOs due to not yet having dealt with these groups.

GERMANY, would have to come under review in light of experience gained on the ground and when Counter-Intelligence Staffs had had the opportunity of coming into direct contact with the problem of denazification.” He went on to admit, “It is now beginning to be clear that, from the viewpoint of practical considerations, the net has been cast in some cases too wide and perhaps in others not wide enough. Similarly a policy of discretionary arrest in some categories could, with benefit, be substituted for the present mandatory policy.” In an especially revealing statement, he suggested that while the net could be cast more narrowly in the case of lower Party officials such as *Ortsgruppenleiter*, “On the other hand, subject to the limitations of the detention facilities and manpower available it is believed that arrest, detention and subsequent release after screening, no matter how short the period of detention might be, would have a salutary effect on anyone who had held office in the Nazi Party.”²⁰¹

Discussions such as those described above highlight a number of key points related to the American-led push to cast a wide—and deep—net in rounding up former Nazis. First, they illustrate that even after releasing the automatic arrest categories, British and American officials continued to reflect upon the perplexing issue of demarcation, or where to set the line in terms of those whose activities and affiliations did, and did not, warrant detention. Second, the debates and uncertainty crossed a number of lines, reflecting for example: the dissimilar views of American and British authorities; the differing functional priorities within SHAEF; the distinct perspectives of higher headquarters and field unit intelligence personnel; and, as illustrated by the musing aspect of Sheen’s correspondence, the doubts residing within those individuals involved in setting, clarifying, and implementing arrest directives.

²⁰¹ Sheen again emphasized that existing SHAEF directives would be subject to “unilateral revision” by the USGCC and British Control Commission once the Combined Command was terminated. Letter, SHAEF (Main) AC of S G-2 to Headquarters 21st Army Group, “Automatic Arrest Categories,” 21 Jun 45, NARA RG 331 SHAEF, General Staff, G-2 Division, Counter Intelligence Subdivision Civil Security Section Decimal File 1943-45, Box 103, F: GBI/CI/CS/000.5-6, Arrest and Detention Policy – GERMANY.

Finally, the repeated invocation of avoiding danger as a justification for including specific groups within the criteria clearly suggests that, in spite of the program's transformative goals, from the viewpoint of those charged with carrying out arrests, the initial emphasis of civilian internment was decidedly oriented toward security.

The 'American Gestapo': Counterintelligence and the Dragnet in Operation

The Anglo-American separation to which Sheen repeatedly referred came to fruition in July 1945 with redeployment of forces into assigned areas, dissolution of SHAEF, and USFET's assumption of responsibility within the American zone.²⁰² The Allied Control Council held its first meeting at the end of the month.²⁰³ By that time, amid a vigorous push to spur local military government detachments to more actively remove former Nazis from key positions in American occupied Germany, a number of overlapping sweeps were in full swing. Describing this period in his detailed examination of denazification in the US Zone, Kormann wrote, "As Counter Intelligence Corps detachments, Public Safety units and Military Police swung into action, arrests were made by the thousands and individuals were jailed as quickly as their identities could be established, checked with the list and arrest forms filled out. A small scale reign of terror followed, led by CIC detachments which efficiently rounded up persons on the 'target' lists."²⁰⁴ While his characterization of efficiency is contradicted by CIC reports and his use of the phrase "reign of terror" somewhat overplayed,

²⁰² Ziemke, *The US Army in the Occupation of Germany*, 221 noted that with the dissolution of SHAEF, Eisenhower remained in theater as military governor in the US zone, the commander of US occupation forces, and member of the Allied Control Council. USFET combined the US element of SHAEF with the staff of European Theater of Operations, United States Army (ETOUSA) into a single headquarters. See also Ziemke, "Improvising Stability in Postwar Germany, 60-61; and Clay, *Decision in Germany*, 51-54.

²⁰³ On the activation of Allied control machinery, see *FRUS 1945*, Vol. III, 820-860. For a synopsis of first meeting on 30 July, see telegram from Murphy on 820.

²⁰⁴ Kormann, 25.

counterintelligence, Military Government and State Department records all clearly show the intensity of operations in the summer of 1945.

In tandem with wide-scale arrests, American policies during this timeframe reflected increasingly stringent centralized guidelines for removal “of Nazis and German Militarists from public office and positions of importance in quasi-public and private enterprise.”²⁰⁵ Of particular note, on 7 July 1945 USFET issued a comprehensive directive that established detailed Removal and Exclusion Categories—136 of which were Mandatory and 22 Discretionary. In the case of the former, the directive read:

The term ‘removal’ as used herein shall mean to discharge the person immediately and summarily from the position in question and to terminate his influence and participation therein, directly or indirectly. The property of all removed persons will be blocked. Persons removed from public office will not be entitled to the benefit of any pension or civil service rights except with the consent of the Military Government Detachment.²⁰⁶

Importantly, the directive also required Commanders and Military Government Detachments to directly petition USFET headquarters for approval to appoint or reinstate an individual to public office or positions of importance. This was not to be requested on the basis of “administrative necessity, convenience, or expediency;” but rather, was to be limited to instances of “individual injustices,” in which investigation revealed a member of a

²⁰⁵ For a copy of USFET Directive, “Removal of Nazis and Militarists,” 7 Jul 45, see OMGUS, CAD Rpt, “Denazification, Cumulative Review, 1 April 1947-30 April 1948,” No. 34 (1948), Annex C, 23-36, <http://digital.library.wisc.edu/1711.dl/History.Denazi>. On 29 June, ETOUSA had already clarified the nebulous JCS 1067 phrases “public office” and “persons of importance in quasi-public and private enterprises” and established cutoff dates that could be used to determine whether mandatory removal from office was required. HQ ETOUSA to CG 12th AGp, Subj: Removal of Nazis and Militarists, 29 June 45 cited in Ziemke, *The US Army in the Occupation of Germany*, 382 n. 13.

²⁰⁶ USFET Directive, “Removal of Nazis and Militarists,” 7 Jul 45, 24. See also Starr, 130-133. In July 1945 USFET Headquarters sent a survey to American zone Military Government detachments to ascertain an accurate status of denazification efforts in the field. As Starr described it, the information gathered revealed relatively poor progress toward accomplishing the objective of removing former Nazis from the administrations under the detachments’ jurisdiction. Of 216 detachments that responded, only 20 indicated that they were no longer employing Nazis in the administrations under their jurisdiction. Efforts were thus made to gear up for “a great effort in denazification” by clarifying policy directives.

specified category had been “in fact only a nominal Nazi.” In addition, the option was only to be used in the case of “essential administrative or technical positions for which...a qualified replacement of acceptable character” could not be located.²⁰⁷

In considering the high degree of emphasis USFET and USGCC put on denazification during this period, Zink later rightly asserted that it directly resulted from public interest galvanized by press reports in the wake of the Aachen scandal.²⁰⁸ A 6 July 1945 letter from John J. Muccio to Ambassador Robert Murphy, however, also reflected concern over local reactions. Muccio stressed the need to gain momentum in removals and arrests in order to “[c]onvince non-Nazi Germans that we really mean business.” According to press conference notes prepared for Clay in early July 1945 by Lieutenant Elmer Plischke (USGCC Political Division), standardized questionnaires (*Fragebogen*) would be the primary tool for carrying out individual reviews. These documents would gather personal, educational and employment history, along with details about: “experience and military service; membership and role in all types of organizations before and after the Hitler regime, especially the Nazi Party and its organizations; writings and speeches since 1923; income and assets since January 1931, and travel and residence abroad.” Working closely with the CIC, responsibility for evaluating *Fragebogen* was to rest with Special Branch sections assigned to the Public Safety Division at Military Government detachments.²⁰⁹

In practice, use of the questionnaires led the denazification program’s administrative scope to mushroom and had immediate organizational impacts. In addition to establishing

²⁰⁷ USFET Directive, “Removal of Nazis and Militarists,” 7 Jul 45, 24.

²⁰⁸ Zink, “American Occupation Policies in Germany,” 292-293.

²⁰⁹ Letter, J.J. Muccio to Ambassador Murphy and Mr. Heath, 6 Jul 45 (with attachment), NARA RG 84 POLAD, Classified General Correspondence, Box 18, F: Denazification – General. The talking points, prepared by Plischke, explained the basis for removal was “a system of vetting and screening.” *Fragebogen* responses were to be “checked against all available police, civil service, Nazi Party, intelligence and other records.”

Special Branches, for example, Public Safety Officers at larger Military Government detachments recruited German staffs to assist in sifting through large quantities of information.²¹⁰ According to the official CIC history, along with carrying out arrests, during June and July 1945 agents assigned to the counterintelligence team at Heidenheim collected and pored over approximately 150 *Fragebogen* per day.²¹¹ At roughly the same time Third Army G-2 appointed an Internment Camp Officer to oversee the implementation of counter-intelligence directives, and dedicated fifty-seven intelligence personnel to the task of screening internees to determine whether their “background or political predilections” warranted continued detention. Counter-intelligence detachments, meanwhile, had begun to rely increasingly on “informer systems” to locate and apprehend those subject to automatic arrest categories.²¹²

In their frequency, comprehensiveness, and reliance on the element of surprise, counterintelligence measures were calculated not just to locate those subject to arrest criteria, but to also have a psychological impact on the population. For example, “unannounced check-and-search operations” in local communities sought to: root out “illegal and subversive activities; confiscate illegally-posessed weapons and vehicles; disband black market activities; check identification and travel papers; and impress the Germans with the vigilance, sternness, and determination of the Occupation forces.”²¹³ The “dragnet” to which Washington policymakers had often referred consisted in practice of a combination of

²¹⁰ Starr, 130-133.

²¹¹ *History of the CIC*, Vol. XXVI, “CIC in the Occupation of Germany,” XXVI-13.

²¹² Third U.S. Army G-2 Section Historical Report, July 1945, 2-5, NARA RG 498, Records of HQ ETO US Army (World War II), ETO Historical Division Program Files, Third U.S. Army G-2 Operation Rpts., Box 17.

²¹³ *History of the CIC*, Vol. XXVI, “CIC in the Occupation of Germany,” XXVI-14. According to the CIC history, “Individuals apprehended during these raids were turned over to screening teams of CIC and MG personnel and, through interrogation, automatic arrestees were often discovered among prisoners.”

individual arrests, coordinated security checks dubbed “Swoop Operations”, and large-scale sweeps conducted at the community, military district or zonal level. These tactics were used repeatedly and in various forms over the ten-month period following German surrender. The months of June, July, and August were particularly active. According to the CIC official history, for example, over 6,500 arrests were made from 5 – 11 July.²¹⁴

Ernst von Solomon’s depiction of CIC agents in *Der Fragebogen* cast them as members of “an American Gestapo-type organization.”²¹⁵ The official history reveals that American intelligence personnel sought to promote this association. Among several vignettes, the multi-volume document described the experiences of a “more or less typical” detachment as related in 1955 by an agent who had been based in Heidenheim. The 970th CIC team “adopted a firm attitude in dealing with Germans” and often received letters “addressed to the ‘American Gestapo’ or the ‘American SD’,” which, according to the account, agents interpreted as “a clear token of German respect for the Americans’ authority.” Because they were “deluged” by denunciations, the team frequently interned both denouncers and those they had informed against until their respective stories could be investigated. In a criticism reflecting the frenetic impulse behind initial operations, the agent noted that because organizing the 80,000 personality cards distributed by SHAEF during the closing phases of combat proved to be an “impossible task,” CIC personnel in Heidenheim

²¹⁴ HQ USFET, AC of S G-2, Weekly Intelligence Summary No. 2, 24 Jul 45 and No. 26, 10 Jan 46, both cited in *History of the CIC*, Vol. XXVI, “CIC in the Occupation of Germany,” XXVI-12, n. 19 and n. 20. For estimated arrest totals, see also for example, Murphy to the Secretary of State, “Transmittal of Denazification Summary Report of Arrests and Removals from Office,” 20 Nov 45 (with 2-page enclosure), NARA RG 84 POLAD, Classified General Correspondence, 1945-1049, Box 18, F: 810 – Denazification – Bavaria.

²¹⁵ For example, von Salomon, 423. See also Interrogation Rpt., Screening Center (Provisional), Civilian Internment Camp No. 5 to HQ USFET AC of S G-2, “Von Salomon, Ernst, Case No. 5-2492,” NARA RG 498, Records of HQ ETO US Army (WW II), Box 66, F: Miscellaneous Interrogation Rpts. 1945-46. According to this report von Salomon was arrested at Kitzbuhel, Austria on 11 Jun 45. Citing multiple rationale, such as his participation in the March 1920 Kapp Putsch (attempted overthrow of the Weimar Republic) and later assassination of Foreign Minister Walther Rathenau, CIC interrogators deemed von Salomon a “convinced militarist” and recommended continued internment as a “security hazard.”

found their own personal initiative and lateral coordination with nearby teams to be much more valuable than information from higher headquarters in carrying out automatic arrests.²¹⁶

On a day-to-day basis, however, arresting “petty Nazis” became a matter of routine once the Heidenheim team became well established in the area:

CIC sent a note to the wanted person, stating that he should report to Room 13 (the CIC office) in the city hall on a specified date at a specified time. The procedure was much like ‘issuing a draft notice’ to a prospective American service man. Most of the suspects appeared, however when an appointment was not kept, the CIC team spread an alert for the wanted person, throughout the Seventh Army area.²¹⁷

In addition to local operations such as this, large-scale systematic searches were secretly planned and swiftly carried out. Typical procedures involved blocking primary and secondary access roads in order to isolate the targeted area while teams of three to six soldiers searched house-by-house for “wanted individuals.” After CIC interrogations, those deemed to be security threats or subject to automatic arrest were detained, while those determined to have violated civil regulations were turned over to the military government for subsequent trial.²¹⁸

Operation “TALLY HO,” the zone-wide search and screening operation described above that took place from 21 to 23 July 1945 and led to the arrest of over 80,000 Germans, was immediately followed within the Seventh Army area of responsibility by Operation “LIFEBOUY,” a wide scale purge of Nazi officials from civil administrations. All static CIC teams were dedicated to the primary mission of screening appointed officials and other employees, recommending retention or removal, and arresting anyone falling within SHAEF automatic arrest criteria. In addition, CIC teams were instructed to screen all projected

²¹⁶ *History of the CIC*, Vol. XXVI, “CIC in the Occupation of Germany,” XXVI-12-13.

²¹⁷ *Ibid.*

²¹⁸ *Ibid.*, XXVI-14. See also Horn, 42.

replacements for removed persons. By early November, Seventh Army G-2 estimated that the denazification of civil administration within the Western Military District was 85% complete. Over 93,000 employees had been screened, and just under half of them “approved for retention.” 22,358 had already been dismissed, with roughly 3,881 dismissals still pending. The total number of arrests was just over 2,000: 1,810 automatic arrests, 89 security threats, and 117 listed as miscellaneous.²¹⁹

By end of 1945, “more than 120,000 counterintelligence personalities had been apprehended.”²²⁰ Although arrests had by this time begun to slow down, they continued into 1946. Among the longest duration and most spectacular roundups, Operation “NURSERY” targeted an underground network organized by former high-ranking Hitler Youth leaders in response to *Reichsleiter* Artur Axmann’s April 1945 order to proceed to south Germany in preparation for systematically supporting anticipated *Werwolf* (resistance) activities. Rather than a single sweep, the operation consisted of a number of individual arrests beginning in June 1945. Counterintelligence personnel sought to remove key members, including *Reich* Youth Leader of the Nazi Party Axmann, without alerting the rest of the organization. Operation NURSERY culminated, however, in a “swoop” operation targeting 2,500 suspects

²¹⁹ HQ Seventh Army to Commanding Officer 307th CIC Detachment, “Operating Instructions for Static CIC Teams,” 24 Jul 45 and Murphy to the Secretary of State, “Transmittal of Report on Operation “LIFEBUOY,” 16 Nov 45 (with enclosure: Seventh Army G-2, “Progress of Operation LIFEBUOY in Seventh Army/Western Military District,” 8 Nov 45), NARA RG 84 POLAD Classified General Correspondence 1945-1949, Box 18, F: 810 – Denazification – Bavaria. By removing Nazis from key positions, the operation sought to alleviate fear among the German people of cooperating with US forces. For brief descriptions of LIFEBUOY, see also Armin Schuster, *Die Entnazifizierung in Hessen 1945-1954* (Wiesbaden, 1999), 26-29; and Ziemke, *The U.S. Army in the Occupation of Germany*, 382-383. On TALLY HO, see OMGUS Monthly Rpt No. 1, Denazification, 20 Aug 45, cited in Gimbel, *Marburg*, 49, n. 4.

²²⁰ HQ USFET, AC of S G-2, Weekly Intelligence Summary No. 2, 24 Jul 45 and No. 26, 10 Jan 46, both cited in *History of the CIC*, Vol. XXVI, “CIC in the Occupation of Germany,” XXVI-12, n. 19 and 20.

carried out under the direction of USFET G-2 and in coordination with British counterintelligence.²²¹

Caught in the Bow Wave of Arrests: Ad Hoc Establishment of Camps

As arrests proceeded apace in the summer of 1945, Third and Seventh Army staffs made scrambled preparations to process and house internees, a point that permeates Seventh Army Provost Marshall monthly reports. The synopsis for May described as a major problem the challenge of receiving, segregating and holding thousands of POWs and civilian internees in “hastily constructed cages and German barracks.” Clearly caught in the bow wave of arrests, the staff reported that as the month began “it was determined that numerous camps would have to be organized to accommodate the large numbers of War Criminals, SS troops and CI arrestees.” Successive monthly installments reveal that camps were opened as quickly as combat units could be tasked with their administration, workable locations found, and facilities made ready to accept detainees. In each case, enclosures were almost immediately filled to capacity—several well beyond. The turnover rate among units charged with overseeing camps was very rapid. Moreover, large-scale troop redeployments intensified the fluidity of a situation already in a high degree of flux.²²²

²²¹ Letter, Capt, Dewey M. Campbell (Acting Asst Adj. General, Third U.S. Army), “Operation Nursery” (with attachments including a general history of the operation), 25 Mar 46, NARA RG 338 Records of US Army Operational, Tactical, and Support Organizations, Third US Army G-2 Section Decimal Files 1944-1947 371.2 to 380.4, Box 11, F: 3rd Army G-2 Operation Nursery 380.4 The 2,500 suspects were based on lists of possible members of two separate groups, consisting of 1,000 names in the US zone and 1,500 in the British zone. For a brief overview of Operation NURSERY, see also Horn 42-43.

²²² Final Report, Seventh US Army, Part I, G-1 Section, Annex J, Provost Marshall, Section I, Historical Report May [hereafter Seventh Army Provost Marshall Final Report with appropriate month], NARA RG 338 Records of US Army Operational, Tactical, and Support Organizations, Seventh Army, Office of the Assistant Chief of Staff, G-1, Final Reports 1944-1946, Box 1, 7th Army G-1 Reports 30 November-31 December to G-1 Section: Annex M August 1945-March 1946, F: G-1 Section: Annex J May 1945-March 1946, 3; 5-6. This report is a compilation of monthly installments from May 1945 to March 1946, when Third Army assumed responsibility for all of the camps.

On 9 May 1945, Seventh Army established the first American civilian internment enclosure (CIE) in Ludwigsburg at what had been *Stalag* 5A. Reserve material and equipment that had been staged there by the German Army facilitated initial supply and repairs of the camp. The local *Bürgermeister* (mayor) was tasked to provide food as well as labor for set-up, which included establishing a camp dispensary, hospital, sewing and tailor shop, shoe repair shop, laundry, and kitchen.²²³ The camp received 37 prisoners upon officially opening, but before month's end was already pushing its capacity of 2500. Administration, internee processing and guard duties were assigned to units from the 67th Antiaircraft Artillery Gun Battalion, initially assisted by two members of the Provost Marshall staff. In addition, an on-site counter-intelligence team was tasked with interrogating internees, making recommendations regarding release, and assessing security. According to the Provost Marshall reports, prisoners were segregated and separate facilities established for women, POWs, and counter-intelligence arrestees. As of 24 May the camp held 21 POWs and 2445 counter-intelligence arrestees, of whom 113 were women. Three days later, a second enclosure was opened in very close proximity with a capacity of 3500.²²⁴

With the exception of a camp roughly 70 miles away at the Sedan Kaserne in Ulm, which began operations on 4 June 1945 and was closed shortly thereafter, Seventh Army officials concentrated initial efforts to establish CIEs in and around Ludwigsburg. Early acquisitions included the Flak Kaserne with an expected capacity of 8,000; a prison that would also house a Central Records Branch to assist in tracking down specific individuals;

²²³ Ibid. The enclosure at Ludwigsburg was initially designated Internee Camp #1.

²²⁴ Seventh Army Provost Marshall Final Reports, May 45, 5-6 and Jun 45, 11-12. The camps at Ludwigsburg were initially designated 1 and 1A and were in such close proximity that the same CI team was assigned responsibility for both. On the initial establishment of camps, including 1 and 1A, see also Meyer, 72-79.

and—in nearby Kornwestheim—the former Hindenberg Kaserne, where an enclosure designated for SS troops was opened on 16 June. With the mid-month redeployment of Ninth Army, however, Seventh Army also assumed responsibility for three enclosures to the north of Frankfurt: Schwarzenborn, Ziegenhain, and Ohlendorf. One of the first tasks in this northern area was to evacuate detainees from Ohlendorf once the establishment of zonal boundaries placed it in Russian occupied territory. In July, Seventh Army acquired the fortress at Hohenasperg, just to the west of Ludwigsburg, to detain diplomatic internees.²²⁵

The American spiral toward a more thoroughgoing use of arrest and internment was formalized at the Allied policy level in early August 1945 by the Potsdam communiqué, which established denazification as a key component of the quadripartite program designed to initially punish and eventually rehabilitate Germany. The characterization of the vigorous use of arrests as having derived from policy put forth at Potsdam, however, would suggest a linear relationship that simply was not the case. In order to gain some level of agreement, the principles laid out at Potsdam were necessarily kept very general; the stipulations related to arrests effectively echoed residual SHAEF and existing American policies.²²⁶ Moreover, events that took place immediately before and after Potsdam underscore that the USGCC had

²²⁵ Seventh Army Provost Marshall Final Reports, May 45, 5-6; Jun 45, 11-12; Jul 45, 18; and Oct 45, 30. The location of Camp #2, in a large residential area of Ulm, made keeping it open impractical. Internees from Ulm were transferred to Ludwigsburg and the camp was closed by 25 June. Material that could be salvaged was sent to the Leudendorf Kasern in Kornwestheim for use in establishing another enclosure there. The internees who were moved out of Ohlendorf were transferred to this new camp (designated #75). Another CIE was opened in the Ulm area (designated #80) in October 1945. According to the *New York Times*, Ninth Army ended its tour in the European theater on 15 June: “Ninth Army to End Tour,” *NYT*, 10 Jun 45, 9.

²²⁶ Thacker, 174-175 emphasized the need to keep provisions general in order to gain agreement. For the text of the Protocol: Yale University Law School, *The Avalon Project, A Decade of American Foreign Policy*, “The Berlin (Potsdam) Conference, July 17-August 2, 1945: A Protocol of the Proceedings, August 1, 1945, http://avalon.law.yale.edu/20th_century/decade17.asp (accessed 27 Feb 13). In addition to those suspected of atrocities, Nazi leaders, high officials of Nazi organizations and influential party supporters as well as “any other persons dangerous to the occupation or its objectives” were to be arrested and interned. Furthermore, those who had “been more than nominal participants” in Nazi party activities and “all other persons hostile to Allied purposes,” both categories subject to interpretation, were to be removed from public office.

already recognized the need to make significant adjustments to arrest policies amid a theater-level effort to regroup. These changes began as early as July 1945, in the weeks leading up to Operation TALLY HO. Clay reported to Hilldring that there were no indications of anticipated popular resistance. With roughly 75,000 individuals already detained in accordance with black lists and arrest directives, he stressed the program's size and complexity and advised Hilldring that the wheels were in motion to train "reliable German personnel to assist in screening."²²⁷

Speaking at a Military Government Conference in Frankfurt on 27 August 1945, Sheen, by this time Chief of the USGCC CI Branch, admitted the difficulty in ascertaining the total number of individuals within the zone who were subject to automatic arrest, citing "the large shifts of population" that had occurred in the latter stages of active combat, and the fact that estimates were based on positions rather than persons and therefore could not account for overlap. "However," he continued, "the figure of 600,500 might be given as the total arrestable positions in all of Germany. We estimate about 1/3 of these are in the U.S. Zone, or 200,200. The largest single arrestable category included in the overall figure is that of Nazi Party Officials, which is almost 50% of the total. Nazi Party officials are arrestable down to and including the Amtsleiter (department heads) at Ortsgruppe level." Sheen reported that weekly arrests had begun to taper off, but emphasized that a new influx of civilian internees would be generated by release and subsequent re-internment of POWs subject to automatic arrest categories.²²⁸

²²⁷ Clay to Hilldring, 5 Jul 45, Smith, *Clay Papers*, Vol. I., 46-47.

²²⁸ Sheen Arrest Program Speech, 1. The fact that the conference took place, as well as the tenor of Sheen's remarks, suggest that the regrouping effort was already underway at the headquarters level.

Third Army G-2 reports clearly indicate the extent to which personnel shortages hampered American ability to screen large numbers of internees. By the end of August, counter-intelligence screening staffs were operating at five civilian internment camps in Third Army's area of responsibility: Camp #4, Hersbruck; Camp #5, Natternburg; Camp #6, Moosburg; Camp #8 Garmisch-Partenkirchen; and Camp #9, Hammelburg. Each team, however, was significantly below the headquarters designated level of at least 24 personnel (5 officers/19 enlisted). With ten personnel, in fact, Hammelburg and Hersbruck, were at less than half strength. The two camps with the largest screening staffs, Natternburg and Moosburg, each had only 14 personnel assigned. According to the August 1945 report, the shortage of interrogators and typists "remained the greatest single obstacle to the efficient functioning of Counter-intelligence Screening Staffs."²²⁹

Against the backdrop of an increasingly taxed logistical network, USFET officials sought to situate civilian internment within a burgeoning landscape of differing camps. In late August and early September, a directive that circulated through USFET G-5, G-4, G-1, and JA (Legal) channels sought to clarify civilian internees' status:

Civilian internees are civilians detained for security or policy reasons without being charged with a specific offense and without trial. The principal class detained in Germany at present consists of persons in the mandatory arrest categories of JCS 1067 by reason of Nazi affiliations or official positions held...Persons held for investigation with a view to trial on specific charges are not civilian internees, although they may become so. There have never been any specific requirements of international law with respect to their rations or living conditions...Notwithstanding the language of FM 27-10 par. 76g, civilian internees are not considered Prisoners of War in the sense of the Geneva Convention, but they have been considered by the U.S. Government to be entitled to substantially similar treatment.²³⁰

²²⁹ Third U.S. Army G-2 Section Historical Report, August 1945, 3, NARA RG 498, Records of HQ ETO US Army (World War II), ETO Historical Division Program Files, Third U.S. Army G-2 Operation Rpts., Box 17. In addition to the staffs assigned to each camp Third Army established a Screening Center at the Third US Army Center, Freising consisting of seven personnel responsible for handling administrative matters.

²³⁰ "Directive Defining Status of German Civilian Internees," NARA RG 260, OMGUS, Records of the Legal Division, Prisons Branch, Administrative Records, 1945-1949, Box 139, F: Spruchkammer. Based on the routing sequence, the directive was circulated between 28 August and 13 September 1945.

Such attempts to clarify policy are indicative of theater-level efforts to get out in front of developments, but they do not convey the concerted push still underway at the Army level and below to establish internee camps amid the flood of arrests. Over the next several months within the Western Military District, for example, Seventh Army officials established a substantial network of camps, prisons and hospitals specifically designated for civilian internees (Table 2). Yet, beneath the surface of this apparent progress, lay a number of vexing problems that not only concerned Seventh Army, USFET and Military Government officials alike, but also made it quite apparent that it would take some time to overcome the effects of lagging behind arrests. This realization quickly became a prominent motif in reports sent through Provost Marshall, Counter-intelligence, and Public Safety channels. An October counterintelligence inspection of arrest operations within the zone, for example, determined that because of a very large backlog of unprocessed detainees who had yet to be “properly documented by *Fragebogen* or arrest reports,” it was unclear how many internees were actually in the by-now-overcrowded camps.²³¹

Table 2: Western Military District Civilian Internment Camps (as of 31 Dec 45)

Administering Unit	Station Designation	Location	Remarks
13 FOB	Internee Prison No. 1	Ludwigsburg	
630 TD Bn	Internee Prison No. 2	Schwäbisch Hall	
13 FOB	Internee Camp No. 71	Ludwigsburg	
68 AAA Bn	Internee Camp No. 72	Ludwigsburg	
141 AAA Bn	Internee Camp No. 73	Kornwestheim	
127 AAA Bn	Internee Camp No. 74	Ludwigsburg	
141 AAA Bn	Internee Camp No. 75	Kornwestheim	
13 FOB	Internee Camp No. 76	Asperg	Diplomatic Internees
68 AAA Bn	Internee Camp No. 77	Ludwigsburg	Women

²³¹ Captain Frederick W. Hess to OMGUS Director of Intelligence, Report on Arrest Operations in the US Zone, [hereafter Hess Arrest Operations Report] 18 Oct 45, NARA RG 260 OMGUS, Records of CA Division, Public Safety Branch, Records Relating to Denazification 1945-49, Box 329, F: Denazification. According to Hess, Third Army had accounted for internees much more effectively.

Administering Unit	Station Designation	Location	Remarks
68 AAA Bn	Internee Camp No. 78	Zuffenhausen	War Crimes
62 AAA Bn	Internee Camp No. 79	Bruchsal	
256 FA Bn	Internee Camp No. 80	Ulm	
142 AAA Bn	Internee Camp No. 92	Schwarzenborn	
142 AAA Bn	Internee Camp No. 95	Ziegenhain	
401 FA Bn	Internee Camp No. 98	Rockenburg	
401 FA Bn	Internee Camp No. 99	Butzbach	
547 FA Bn	Internee Hospital No. 1	Ludwigsburg	
62 AAA Bn	Internee Hospital No. 2	Karlsruhe	
630 TD Bn	Internee Hospital No. 4	Bad Mergentheim	

Source: Final Report, Seventh US Army, Part I, G-1 Section, Annex J Provost Marshall, NARA RG 338 Records of US Army Operational, Tactical, and Support Organizations, Seventh Army, Office of the Assistant Chief of Staff, G-1, Final Reports 1944-1946, Box 1, 7th Army G-1 Reports 30 November-31 December to G-1 Section: Annex M August 1945-March 1946, F: G-1 Section: Annex J May 1945-March 1946.

Even as the push to establish camps was ongoing, a series of closely scrutinized events in Bavaria during the summer and fall of 1945 highlighted differing American perspectives regarding denazification in general and civilian internment in particular. After appointed Governor Fritz Schäffer came under scrutiny for pre-war anti-democratic political activities as a leading member of the Bavarian People's Party, questions arose regarding the backgrounds of several members of his administration.²³² In September, newspaper reporters, including the *New York Times*' Raymond Daniell, questioned Bavaria's Military Governor, General George S. Patton about the situation. Daniell quoted Patton, who had recently suggested to Clay in a staff meeting that civilian internees be released, as comparing Nazi Party activities to "a Democrat and Republican election fight" in the United States. In the wake of the ensuing "Patton and Schäffer affairs," which intensified public interest in how military government authorities were handling former Nazis, military government Law

²³² In describing the situation to Secretary of State James F. Byrnes, Murphy wrote that, "Most of the newspaper agitation was inspired by Victor Bernstein of *PM*, Ray Daniell of *New York Times*, Ed Morgan of *Chicago Daily News*, and Carl Levin of *New York Herald Tribune*. Murphy to the Secretary of State, 3 Oct 45, *FRUS 1945*, Vol. III, 971-973. For more detailed discussion than can be provided here, see Carolyn Woods Eisenberg, *Drawing the Line: The American Decision to Divide Germany, 1944-1949* (Cambridge, 1996), 130-136.

No. 8 was passed to strengthen denazification in private enterprise.²³³ This law barred Nazi Party members from being employed in “any capacity other than common labor.” Soon thereafter, USFET Headquarters initiated a “special 24-hour sweep,” designated Operation CHESTERFIELD, to re-apprehend one of the lowest-ranking and largest groups affected by automatic arrest, the *Ortsgruppenleiter*, whose recent unauthorized release by Patton’s Third Army, as Ziemke described it, appeared incongruous with widespread dismissals of “their presumably less implicated comrades.”²³⁴

Although brought about by disagreements over denazification’s sweeping scope, this series of events also underscores the lack of mechanisms for effecting releases from civilian internment. In this case unwilling to release the *Ortsgruppenleiter*, American officials were nevertheless becoming increasingly concerned over the number of Germans who had been arrested on “technical grounds,” and with instituting elements of due process. More tellingly, they worried that gathering together former Nazis in isolation might reignite resistance to Allied occupation or endanger nascent reform efforts, which were beginning to move at a fast clip.²³⁵ The cumulative effect of automatic arrest categories, carried out in an environment of thoroughgoing denazification, was quite significant. On 13 October, Clay reported that

²³³ CC 17554, Clay to Patterson, 13 Oct 45, Smith, *Clay Papers*, Vol. I, 102. Patton’s criticisms of denazification were by now well known in upper level military circles: US Gp CC Staff Meeting of Div. Directors, 27 Aug 45 cited in Ziemke, *The US Army in the Occupation of Germany*, 384, n. 23; and Raymond Daniell, “Patton Belittles Denazification; Holds Rebuilding More Important,” *NYT*, 23 Sep 45, 26. For an interesting discussion of the Patton affair, see Biddiscombe, 56. See also Ziemke, “Improvising Stability,” 62-63. Ziemke noted that the day after Patton’s remarks appeared in U.S. newspapers, Clay informed his staff of the decision to “denazify all phases of German life.”

²³⁴ Operations Report, Third Army, 1 Oct-31 Dec, in Third Army, 66-98/25, cited in Ziemke, *The U.S. Army in the Occupation of Germany*, 387, n. 45. Scholars, including Ziemke, have tended to overlook the points that Operation CHESTERFIELD was in response to an unauthorized release and confined to Third Army’s area of responsibility. On this, see also Hess Arrest Operations Report, 18 October 1945, 5; 9-10, which stressed both.

²³⁵ On concerns that Germans were incorrectly detained, see Headquarters European Command, U.S. Army, *The First Year of the Occupation*, 139. Ziemke, *The US Army in the Occupation of Germany*, 404 describes the move toward increased German self-government.

roughly 80,000 Germans were being held, not including members of the *Waffen SS* and security police forces currently detained as POWs, which would potentially double this figure.²³⁶ On 15 October 1945, for example, of the 4,811 internees in Garmisch-Partenkirchen, 243 were considered “security threats,” 37 had appeared on the “black” list, 23 had been arrested for various unspecified reasons, and 8 were being held on suspicion of having committed war crimes. The remaining 4,500 fell under automatic arrest criteria.²³⁷

‘Liberation from National Socialism and Militarism’: The Case of Greater Hesse

American authorities at the theater level began to grapple with the indiscriminate nature of arrests as early as the fall of 1945.²³⁸ On 26 October—the same day that OMGUS Public Safety estimated that 90,107 arrestees were in custody—USFET issued blanket instructions that detainees be informed within 24 hours of the grounds for arrest and permitted to notify their next of kin (or a designated representative) of their whereabouts. Murphy advised the Secretary of State that this was intended to correct circumstances in which many relatives had been kept in the dark for weeks and months regarding the whereabouts of arrestees. He attributed this in part to the “high degree of secrecy necessary during the early stages of the occupation,” but acknowledged, “over-zealousness” on the part

²³⁶ Cable, Clay to Secretary of War (Patterson), “Conditions in Germany,” 13 Oct 45, Smith *Clay Papers*, Vol. I, 101-104. The figures cited above are on 102.

²³⁷ Niethammer, *Entnazifizierung in Bayern*, 257; Horn, 33. For automatic arrest figures at Dachau, see Gabriele Hamermann, “Das Internierungs- und Kriegsgefangenenlager Dachau 1945-1948” in *Das Konzentrationslager Dachau: Geschichte und Wirkung nationalsozialistischer Repression*, ed. Wolfgang Benz and Angelika Königseder (Berlin, 2008), 135.

²³⁸ With hindsight, Clay emphasized the importance of distinct demarcation from the dictatorship under Hitler, writing, “I believed that democratic growth in Germany was possible and I determined to make military government a rule of law. This required codification of Military Government law under which the German who violated the law would be tried in our courts. This would demonstrate the sincerity of our belief in the basic rights of the individual and would be a basic step in the establishment of democratic procedures. Further, I wanted to limit Military Government laws to offenses against the occupation and to return the trial and punishment of Germans for other offenses to German hands.” Clay, *Decision in Germany*, 245.

of some arresting authorities. “It had begun to invite comparison,” he elaborated, “between our methods and those of the Gestapo and other autocratic police agencies and was also operating against our interests in creating sympathy for the arrested persons and their families.” Murphy stressed that he and Clay had “intervened energetically in changing a practice which had gone so far as to be an abuse and which we felt was not in the American tradition. Alleviation of the treatment of the arrested individual was a consideration with us only to the extent of meeting what we believed to be the ordinary standards of humanity.”²³⁹

Prompted in large part by the need to drastically reduce manpower by early 1946, American authorities made a number of organizational adjustments in the fall of 1945 that were also part of a broader trajectory toward greater German involvement in the postwar transformation. In keeping with Clay’s determination, as he later recalled, to “restore political government from the ground up,” on 19 September Eisenhower signed the proclamation officially establishing three states in American occupied Germany. The state of Greater Hesse, unlike its counterparts to the south (Bavaria and Württemberg-Baden), was essentially constructed by American decree. The decision to consolidate Land Hessen with the Prussian province of Hesse-Nassau was, however, based on German officials’ advice and derived from pre-1933 efforts to combine these territories.²⁴⁰ Special Adviser to Clay, James

²³⁹ Muccio to Murphy and Heath, “Memorandum dated October 25, 1945 regarding the Study Recommending a Denazification Branch,” 7 Nov 45 (with cover letter, Murphy to Secretary of State, “Progress Made in Denazification of U.S. Zone of Occupation,” 17 Nov 45); and Murphy to Secretary of State, “Notice of Arrest,” 8 Nov 45 (with enclosure, HQ USFET letter to Commanding General Western and Eastern Military Districts, 26 Oct 45), both in NARA RG 84, POLAD, Classified General Correspondence, 1945-1949, Box 18, F: Denazification – Bavaria 1945. Notice was to be provided regardless of whether an arrest was made by US forces (to include counterintelligence and Military Government) or German authorities. The USFET circular also directed that every person already detained (and not yet sentenced) be permitted to send a notice of place of detention and reason for arrest within 10 days.

²⁴⁰ Clay, *Decision in Germany*, 88; Staff study re Consolidation of Land Hessen and Provinz Hessen-Nassau to Deputy Military Governor of Germany, U.S. Group CC, 11 Sep 45 in James K. Pollock and James H. Meisel, *Germany Under Occupation: Illustrative Materials and Documents* (Ann Arbor, MI, 1947), 118-119. According to this summary, German officials who were queried on the subject—and whose support for

K. Pollock, wrote that factors such as allocation of Hessian territory to the French and destruction of the former provincial capital of Kassel also led to the consolidation.²⁴¹

On 1 October 1945, American forces took the first of several steps toward establishing the separate Military Government chain-of-command that Clay had long since envisioned. USGCC became the Office of Military Government for Germany (OMGUS) and USFET G-5 was redesignated the Office of Military Government (U.S. Zone). On 5 October 1945, military government detachments at the *Land* level and below were instructed to begin a phased pull back from directly supervising nascent local governments.²⁴² Moreover, to facilitate the initial stages of German self-government, community level detachments were transformed into “Security and Liaison” teams. These elements were not to issue instructions, but instead charged with keeping tabs on local developments, in some cases for more than one area. The conduit for American guidance was restricted to newly established *Land* offices of military government and appointed German state officials, who were to promulgate orders to districts, rural counties and cities.²⁴³ On 8 October 1945, the Office of Military Government for Greater Hesse (OMGH), led by Lieutenant Colonel James R.

consolidation was “unanimous”—included regional office heads, the Acting Minister President of Land Hessen, and the district Presidents of Hessen-Nassau. See also Wolf-Arno Kropat, *Hessen in der Stunde Null 1945/1947: Politik, Wirtschaft und Bildungswesen in Dokumenten* (Wiesbaden, 1979), 19-25.

²⁴¹ James K. Pollock and Ingrid Krüger-Bulcke, *Besatzung und Staatsaufbau nach 1945: Occupation Diary and Private Correspondence* (München, 1994), 58, including n. 4, which cites the memorandum that Pollock sent to Smith on 28 July 1945.

²⁴² Murphy to the Secretary of State, 1 Oct 45, *FRUS 1945*, Vol. III, 969-971; USFET Directive, “Reorganization of Military Government Channels in Order to Develop German Responsibility for Self-Government,” 5 Oct 45, cited in Schuster, 60-61. Worth noting is that, as Murphy’s correspondence indicated, Clay viewed these changes as part of the larger transition from military to civilian control. The redesignation of USFET G-5 was an incremental step toward integrating it into OMGUS and phasing the tactical armies out of military government. For a more on this, see Ziemke, *The U.S. Army in the Occupation of Germany*, 402-404.

²⁴³ Zink, *The United States in Germany*, 41-42.

Newman, replaced the existing E-5 detachment. Roughly one week later, Newman installed Professor Karl Geiler as Hessian Minister President.²⁴⁴

As the above suggests, when USFET granted executive, legislative, and judicial authority to German officials, it was to each individual *Land*. The *Länderrat* (Council of States) consisting of the Minister Presidents, and with a permanent secretariat in Stuttgart, was also established in October 1945 to coordinate matters on a zonal basis. Once operating, roughly 14 committees and 46 subcommittees considered a variety of common issues, ranging from food shortages, labor supply and education. Clay noted that, “Although the *Länderrat* was not given executive authority, its agreements, when approved by Military Government, could be issued as decrees in each state by its minister president.” The responsibility for supervising the *Länderrat* on behalf of Military Government rested with the Regional Government Coordinating Office, directed by Pollock.²⁴⁵

Measures toward increasing German involvement in denazification also moved very quickly. On 29 October 1945, the *Chicago Daily Tribune* announced that, “Long-range success or failure of the rigorous American denazification policies in western Germany was authoritatively described tonight as resting primarily with German review boards set up to ‘rectify errors and injustices.’” The boards consisted of at least three Germans authorized to consider appeals of those affected by Military Government Law No. 8. This system had been instituted roughly three weeks earlier, prompting the establishment of hundreds of panels

²⁴⁴ Andrew Szanajda, *The Restoration of Justice in Postwar Hesse, 1945-1949*, 53-54. Newman swore in Geiler, along with the OMGH selected members of his Cabinet, on 16 October 1945.

²⁴⁵ Clay, *Decision in Germany*, 86-87; Zink, *The United States in Germany*, 181-182; Ziemke, *The U.S. Army in the Occupation of Germany*, 406; and Szanajda, 64-66.

throughout the zone.²⁴⁶ In November, USFET directed the Commanding Generals of the Eastern and Western Military Districts to establish procedures “for the semi-judicial review” of arrest cases, except those involving “charges of violating Military Government or German laws; individuals (other than Germans) subject to U.S. Military law; individuals being held as POWs; German General Staff Corps Officers; German Intelligence Services personnel; and the German Secret Police.” The directive also required immediate establishment of separate German and Military Government Security Review Boards charged with examining individual cases to determine whether internees were being incorrectly held. In addition, all internees, excluding those identified above, were to be notified of their right to request that the specifics of his or her case be examined. “It is the policy of this headquarters,” the directive read, “that any persons whose cases on review are determined to be entitled to release, shall be promptly discharged from custody.”²⁴⁷

Meetings between Geiler and his cabinet members suggest a distinct awareness of the difficulties associated with translating individual review policies into practice. Their concerns come through quite clearly, for example, in the official record of the session on 6 December 1945. After highlighting the need to sort through American guidance regarding consolidation of German civil government in the American zone, Geiler asked Minister of Justice Georg August Zinn to prepare a brief statement (in English) explaining how Greater Hesse planned to approach the review of arrest cases. Zinn replied that four central offices

²⁴⁶ “German Boards Held Key to U.S. Denazification,” *Chicago Daily Tribune*, 30 Oct 45, 6. It is important to note that the results of such processes were limited. Yakoubian later wrote, for example, that Denazification Review Boards were also established at OMGUS and the three *Land* MG headquarters based on Paragraph 5 of Law No. 8. Citing the case of Hesse, he indicated that, “Out of a total of 312,880 cases, calling for more than 59,000 dismissals, only 83 cases were processed by the OMG Hesse Denazification Review Board.” Yakoubian, Unpublished PhD dissertation, 71-72, n. 12 and 13.

²⁴⁷ Murphy to Secretary of State, “Transmittal of USFET Instruction on ‘Review of Cases of Detention by Security Review Boards’,” 26 Nov 45 (with enclosure, USFET letter, 15 Nov 45), NARA RG 84 POLAD, Classified General Correspondence, 1945-1949, Box 18, F: 810 – Denazification – Bavaria.

would be established for that purpose in Wiesbaden, Frankfurt am Main, Darmstadt, and Kassel. He emphasized, however, that the fact arrests had been carried out by military government order, coupled with the general lack of information regarding internees, left German officials “in a very difficult position.” Zinn also noted that American authorities became “aggravated” when he tried to broach the subject with them.²⁴⁸

Clay later wrote that as the year drew to a close, OMGUS officials had not only considered the need to establish the mechanisms necessary for processing internee cases, but also fully recognized the need for German involvement:

By the end of 1945 there were in our zone alone more than 100,000 Nazis, classified as dangerous under our definitions, in internment camps under guard. There was no law to govern their trials and it was against our tradition to hold them indefinitely without trial. It was clear that American tribunals could not be established, since we had been able to secure competent personnel for the smaller Nuremberg and Dachau trials only with great difficulty.²⁴⁹

In December 1945, Clay requested and received authority to limit mandatory arrest to active members of those organizations being tried by International Tribunal, threats to security and those whom evidence implicated in war crimes. He further requested to release detainees who were not within these categories.²⁵⁰ Less than a week later, Major W.L. Powers of OMGUS Public Safety Branch submitted an informal report to the Chief, Internal Affairs and Communications Division detailing his visit to the enclosures in the Seventh Army area of responsibility (AOR), which at the time held an estimated total of 48,000 civilian internees. His impressions confirm that although internees were classified according

²⁴⁸ Andreas Hedwig, ed., *Die Kabinettsprotokolle der Hessischen Landesregierung; Kabinett Geiler 1936-1946* (Wiesbaden, 2000), 209.

²⁴⁹ Clay, *Decision in Germany*, 69.

²⁵⁰ Kormann, 33-34. See also Clay personal for Hilddring, 8 Dec 45 in Smith, *Clay Papers*, Vol. I, 130-131. Clay also emphasized the need to slow the pace of arrests.

to whether they were being held in connection with war crimes cases, as security threats, or due to automatic arrest criteria—in practice, the lines between the second and third groups had become blurred. Powers described the term ‘security threat’ as ‘very elastic,’ and noted that at least some members of the Seventh Army CI section had used an expansive definition in which every automatic arrest was perceived as necessary in order to avoid a danger to the occupation. His remarks suggest that this view differed quite substantially with the “normal” conception among Public Safety Branch personnel, who defined a security threat as someone “in a position to sabotage our occupation in some respect, and whose record indicates he is the kind of person who might resort to violent and concrete methods.”²⁵¹

By late 1945, the quadripartite Allied Control Council (ACC) began issuing coordinated denazification policies, providing directives that Allied authorities would use not only to legitimize their own programs, but as a foundation for launching criticisms across the fault line that had begun to form between east and west. ACC Law No. 10 (20 December 1945) provided the definitions that would be used as the legal basis for prosecution of war criminals under the International Military Tribunal.²⁵² ACC Directive No. 24 (12 January 1946) provided specific guidelines for denazification, to include determining whether individuals were to be treated as “more than nominal participants in Party activities” and/or

²⁵¹ Major W.L. Powers to Chief, IA & C Division, 14 Dec 45, Preliminary and Informal Report of Investigation of Civilian Internment Enclosures in 7th Army Area (Emphasis in original), NARA RG 260 OMGUS, Records of CA Division, Public Safety Branch, Records Relating to Denazification 1945-49, Box 329, F: Denazification. Powers emphasized that due to ongoing arrests and releases, an actual count was not possible. Releases were recommended by camp C.I. teams and approved by 7th Army G-2.

²⁵² Allied Control Council Law No. 10 “Punishment of Persons Guilty of War Crimes, Crimes Against Peace and Against Humanity,” *Official Gazette of the Allied Control Council for Germany*, Berlin Allied Secretariat, No. 3 (31 Jan 1946), 50-55.

as “hostile to Allied purposes.”²⁵³ In tandem with the organizational measures described above, Clay took steps in early 1946 to speed up the process of democratization, thereby making a significant tack away from the past-looking punitive approach that had thus far characterized American occupation policy toward a forward-looking rehabilitative approach. Convinced that practical experience was necessary in order to effectively impart democracy, he decided to hold local German elections by January and pushed for the drafting of state constitutions one month later. In February, a revised mandatory arrest directive reduced the number of automatic arrest and detention categories (Table 3).²⁵⁴

Table 3: February 1946 Amended Automatic Arrest Categories

Title	Amplifying Information	Remarks
Gestapo	All personnel	Not including personnel such as typists, messengers, chauffeurs, charwomen, confidential agents (<i>V-Leute</i> ; <i>V-Männer</i>), or petty unpaid informers.
SD	All personnel	Not including personnel such as typists, messengers, chauffeurs, charwomen, confidential agents (<i>V-Leute</i> ; <i>V-Männer</i>), or petty unpaid informers.
Para-Military Organizations	<i>Waffen-SS</i>	Officers and NCOs down to/including the rank of <i>Scharführer</i> , all ranks of <i>Totenkopfverbände</i> , and all <i>SS-Helferinnen</i> or <i>SS-Kriegshelferinnen</i>
	<i>Allgemeine SS</i>	Officers and NCOs down to/including the rank of <i>Unterscharführer</i> and all <i>SS-Helferinnen</i> or <i>SS-Kriegshelferinnen</i>
	<i>Sturmabteilung</i>	All officers down to and including the rank of <i>Sturmabführer</i>

²⁵³ Allied Control Council Directive No. 24, “Removal From Office and From Positions of Responsibility of Nazis and of Persons Hostile to Allied Purposes” *Official Gazette of the Allied Control Council for Germany*, Berlin Allied Secretariat, No. 5 (31 March 1946), 98-115.

²⁵⁴ Barbara Fait, “Supervised Democracy,” trans. Richard Sharp, in *The United States and Germany in the Era of the Cold War, 1945-1990: A Handbook*, ed. Detlef Junker, 57-58. While scholars often cite Secretary of State James F. Byrnes’ 6 Sep 46 address in Stuttgart as the key pivot in U.S. occupation policy, Fait rightly contended this process had begun earlier. She also noted Clay’s practical reasons, such as the need to reduce manpower, for increased German participation in governmental processes. On revised automatic arrest categories, see Elmer Plischke, “Denazification in Germany: A Policy Analysis,” in *Americans as Proconsuls: United States Military Government in Germany and Japan, 1944-1952*, ed. Robert Wolfe (Carbondale IL, 1984), 213.

Title	Amplifying Information	Remarks
Nazi Party Leadership Corps	<p>Administrative officials down to and including <i>Amtsleiter</i> at <i>Kreis</i> level and all <i>Ortsgruppenleiter</i></p> <p>All party members down to and including the rank of <i>Obergemeinschaftsleiter</i></p>	
Reich Cabinet	<p>Including those who at any time since 30 January 1933 have been:</p> <p>Reich Ministers, with or without portfolio (the heads of departments or Ministries of the Central Government); State Ministers acting as Reich Ministers; and other officials entitled to take part in meetings of the "Ordinary Cabinet."</p> <p>Members of the Council of Ministers for the Defense of the Reich</p> <p>Members of the Secret Cabinet Council</p>	
General Staff and High Command	<p>All individuals who were either Army or Air Force General Staff Corps Officers at any time, and all individuals who held the following appointments between February 1938 and May 1945:</p> <p>Commander in Chief of the Navy</p> <p>Chief of Naval War Staff</p> <p>Commander in Chief of the Army</p> <p>Chief of the General Staff of the Army</p> <p>Commander in Chief of the Air Force</p> <p>Chief of the General Staff of the Air Force</p> <p>Chief of the High Command of the Armed Forces</p> <p>Chief of the Operations Staff of the High Command of the Armed Forces</p>	

Title	Amplifying Information	Remarks
	Deputy Chief of the Operations Staff of the High Command of the Armed Forces Commanders-in-Chief in the Field with status of <i>Oberbefehlshaber</i> of the <i>Wehrmacht</i> , Navy, Army, Air Force	
War Criminals	Individuals identified by the UN War Crimes Commission; on any other official list of War Criminals; or against whom specific evidence of participation in atrocities or war crimes is available.	
Security Suspects	Cases in which reasonable grounds exist to believe that continued freedom would endanger the security of the occupation forces or objectives of military government.	

Source: HQ USFET letter, signed L.S. Ostrander, "Arrest and Detention – Germany," 2 February 1946, NARA RG 260, OMGUS, Records of the Legal Division, Prisons Branch, Administrative Records, 1945-1949, Box 139, F: Spruchkammer.

By March 1946, Clay privately advised Hilldring that he was about to approve a law turning a substantial amount of responsibility for denazification over to local authorities, explaining "With 10,000 people I couldn't do the job of denazification. It's got to be done by the Germans."²⁵⁵ Clay's insistence on transferring the process had both practical and ideological components. Experience had clearly shown that National Socialism could not be quickly isolated and surgically removed from German society. Instead, its eradication would necessarily be the result of a more long term and painstaking process in which German

²⁵⁵ Telephone Conference, Clay & Hilldring, 1 Mar 46, in Smith, *Clay Papers*, Vol. I, 172-173.

officials were to play a very direct role.²⁵⁶ Indeed, under Pollock's guidance, representatives from the three *Länder* were actively involved in developing the legislation Clay described.²⁵⁷

With the "Law for Liberation from National Socialism and Militarism," enacted on 5 March 1946, denazification assumed a highly bureaucratic nature for which it has been understandably criticized. The law led to the creation in each state of an extensive apparatus under the direction of the Minister for Political Liberation and responsible for administering the program. All Germans over the age of 18 were required to submit a registration form, known as the *Meldebogen*, detailing their political, financial and occupational histories during the Nazi period. Public prosecutors at more than 400 tribunals, or *Spruchkammern*, were tasked with sifting through a staggering number of cases, to separate those subject to the provisions of the law from those who were not, and, in the case of the former, to prefer charges using a framework based on ACC Law No. 24. The Liberation Law also enumerated a detailed gradation of sanctions to be levied upon respondents depending upon the outcome of their proceedings and once they were classified according to degree of incrimination as: Major Offenders, Offenders, Lesser Offenders, Followers, or Persons Exonerated.²⁵⁸

²⁵⁶ Clay, *Decision in Germany*, 69-70 discusses practical and ideological drivers behind the Liberation Law.

²⁵⁷ See, for example, Biddiscombe, 63. He noted that the Liberation Law was developed after Geiler recommended that *Land* governments write and adopt uniform legislation, thereby assuming a role in denazification. For a later version of the Liberation Law, see Rpt., OMGUS, CAD, *Denazification, Cumulative Review*, 1 Apr 47-30 Apr 48, 52-97, <http://digital.library.wisc.edu/1711.dl/History.Denazi> (accessed 16 Nov 11) [hereafter AMG Annotated Liberation Law, 1 April 1947-30 April 1948].

²⁵⁸ Hayse, 150-153, 187; and Zink, "American Occupation Policies in Germany," 293-294. Hayse noted that the law limited automatic detention to those initially charged in either of the first two categories. Moreover, the Liberation Law classifications were consistent with those later identified in ACC Directive No. 38, "The Arrest and Punishment of War Criminals, Nazis and Militarists, and the Internment, Control and Surveillance of Potentially Dangerous Criminals," Official Gazette of the Control Council for Germany, Berlin Allied Secretariat, Issue No. 11, (31 October 1946), 184-211. See also Ziemke, *The U.S. Army in the Occupation of Germany*, 430-431. Ziemke suggested that with German officials' involvement, the fundamental intent of denazification changed from the removal of former Nazis from positions of influence to "the removal of the Nazi stigma from the individual and his reinstatement in society."

Largely due to the time needed to fill out and process *Meldebogen*, tribunal operations did not start immediately after promulgation of the law. During the latter half of April, while each *Land* staffed its respective Ministry for Political Liberation, representatives of all three met in Stuttgart to draft the *Durchführungsverordnungen*, or implementing orders, needed to carry out the Law's provisions. In practice, Lieutenant Colonel Fritz Oppenheimer and Major M. Keith Wilson, representing Military Government, played prominent roles in penning these instructions, which were later officially put into effect by the minister presidents, in their collective capacity as Denazification Committee of the *Länderrat*.²⁵⁹ On 9 May 1946, Geiler informed his cabinet of Clay's announcement during a meeting in Stuttgart, that in conjunction with the broader denazification program, German authorities were to assume full responsibility for civilian internment camps.²⁶⁰ The one such camp in Greater Hessen was a massive compound located on the outskirts of Darmstadt.

Civilian Internment Enclosure 91 at Darmstadt was, by far, the largest in the zone. Located roughly 15 miles south of Frankfurt am Main along a road used to travel to and from the Autobahn, the 457,000 square meter compound was essentially grafted onto a handful of useable buildings at a small *Kaserne* heavily damaged by air raids. After gaining control of the site, Army authorities equipped it with tents in order to quickly ramp up its capacity and house a large influx of first POWs, and later, civilian internees.²⁶¹ Double strands of barbed

²⁵⁹ Griffith, 302-303. The implementing orders were promulgated under Article 66 of the Liberation Law.

²⁶⁰ "Notizen aus der Sitzung des Kabinetts vom Donnerstag, den 9. Mai 1946," 12 May 1946, HHStAW 502/7667. Geiler also passed on that Clay emphasized that the *Länderrat* was not an executive body. The Minister Presidents were thus responsible for carrying out programs within each state.

²⁶¹ Initially a POW enclosure, the camp was redesignated as a CIE in February 1946. According the Military Government's camp liaison, roughly 25% of the original *Kaserne* was destroyed. OMGH Special Branch [hereafter SpB] letter, Jones to Yakoubian, "Darmstadt Civilian Internment Enclosure," 17 Sep 46, NARA RG 260 OMGUS OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

wire, along which several guard towers were strategically and prominently placed, cordoned off the area from outside access. Barbed wire also physically separated five internal sectors, designated camps 1 through 5, and restricted freedom of movement within the larger enclosure. Amid the sea of two- and four-pole tents used to house internees, an assortment of more permanent structures—stone buildings, wooden and steel barracks, and Nissen huts—served a variety of purposes. These facilities included, for example, various administration buildings, three hospitals, a motor pool, several workshops, a post office, and two theaters.²⁶²

Conditions in the enclosure reflected the dearth of basic necessities that had become central to life on both sides of the barbed wire, although access to United Nations Relief and Rehabilitation Administration (UNRRA) supplies, including food and clothing, alleviated some of the shortages. In general, tents were inadequately heated, poorly lit, and lacked proper bedding.²⁶³ The average internee age in the summer of 1946 was 43: the youngest born in 1929, the oldest in 1869. While all but one of the intervening years (1871) was represented, the majority of internees were born between 1890 and 1913, with the greatest concentrations clustered around the turn of the century and 1910. Fifteen broad occupational categories were represented in the camp (Table 4); however, nearly half (45.9%) of the internees fell under the categories of salaried employees, independent businessmen, and

²⁶² Astrid Ludwig, “Internierungslager mit eigener Zeitung und Universität,” *Frankfurter Rundschau*, 30 Mar 05, <http://www.fronline.de/politik/spezials/zeitgeschichte/internierungslager-mit-eigener-zeitung-und-universitaet/-/1477344/2802516/-/index.html> (accessed 7 July 2011). Dr. Eugen Kogon and Ferdinand Römhild, “Das Internierungslager Darmstadt” [hereafter Kogon/Römhild Report], 2, HHStAW 501/808; Lageplan (1:2000), “Civilian Internment Enclosure 91 Darmstadt”, PL 107 and “Lageplan (1:1000), “Deutsch. Internierungslager Darmstadt – Planung”, PL 108, both in HHStAW 521/43. Nissen huts, named after British mining engineer Peter N. Nissen, are barrel-shaped prefabricated shelters made of corrugated iron.

²⁶³ Kogon/Römhild Report, 15-18; and K.H. Böhrer, Reisebericht nach der Besichtigung des Interniertenlagers, Darmstadt, am 16.12.1946, HHStAW 501/1164. See also draft letter, Head of the Regional Office for Labour and Labour Activities to Military Government Greater Hesse, Taking Possession of ‘the Civilian Internment Enclosure 91’ Darmstadt, 18 Aug 46, HHStAW 521/90.

middle- and lower-grade civil servants.²⁶⁴ The figures show the concentration on the upper ranks of both government and business, complemented by the middle class, but relatively few workers and a surprising amount of farmers.

Table 4: CIE 91 Population Break Down by Occupation

Category	Number	Percentage
Higher-grade Civil Servants [<i>Höhere Beamte</i>]	1155	5.6%
Middle-grade Civil Servants [<i>Mittlere Beamte</i>]	3644	17.6%
Lower-grade Civil Servants [<i>Untere Beamte</i>]	941	4.5%
Salaried Employees [<i>Angestellte</i>]	3624	17.5%
Independent Businessmen [<i>selbst. Kaufleute</i>]	1305	6.3%
Manufacturers [<i>Industrielle</i>]	137	0.7%
Tradesmen [<i>Handwerker</i>]	1826	9%
Craftsmen/Technicians [<i>Facharbeiter</i>]	2153	10.4%
Semi-skilled Workers [<i>Angel. Arbeiter</i>]	466	2.1%
Common Laborers [<i>Ungel. Arbeiter</i>]	193	0.9%
Farmers [<i>Landwirte</i>]	2373	11.4%
Free Professions [<i>Freie Berufe</i>]	1516	7.2%
Career Soldiers [<i>Berufssoldaten</i>]	458	2.2%
Students/University Students [<i>Schüler u. Stud.</i>]	430 ²⁶⁵	2.1%
Miscellaneous [<i>Sonst. Berufe</i>]	521	2.5%
Total	20,742	100%

Source: Berufsgliederung, CIE Darmstadt, 20.6.46 in HHStA 522/488

By July 1946, CIE 91's population was roughly 18,000—just over half identified as US zone residents. Along with other parts of Germany, the remainder came from a variety of areas, such as Austria, Brazil, Japan, the United States, Egypt, and Russia (Table 5).²⁶⁶

²⁶⁴ “Statistik über die Altersgliederung der Internierten des C.I.E 91,” HHStAW 521/65. This compilation of age information is undated, however, based on the total number of internees (20,470) I judge it to have been from the Jun 46 timeframe. On internee breakout by occupation, see “Berufsgliederung CIE 91 Darmstadt,” 20 Jun 46, HHStAW 522/488.

²⁶⁵ This number appears to have been originally penned in as 439 and changed to 430.

Table 5: CIE 91 Population Break Down by Zones

Location	Number of Internees
Russian Zone	1,749
British Zone	3,673
French Zone	1,022
American Zone	9,722
Berlin District	261
Non-German	1,670
Total	18,097

Source: CIE 91, Zonen-Aufgliederung, 21 July 1946 in HHStA 521/90

During the latter part of August, the total population hovered just above 16,000. The average internee weight was roughly 136.47 pounds, or 61.9 kilograms. Individual calorie intakes were closely regulated and varied depending on activity level and state of health. During the period from 23 to 29 August, for example, on average non-working internees were provided 1,792 calories. Workers received 2,423 while hospital patients and the undernourished (*Unterernährte*) were given 2,596 and 2,597 calories, respectively.²⁶⁷

Internees were organized into an extensive and very detailed camp self-administration (*Lagerselbstverwaltung*), a highly regulated system that, while infused with the most basic mechanics of democracy, was fundamentally a mechanism for communication and control.²⁶⁸ For the individual internee, daily life centered on his assigned tent, each of which elected an Elder (*Zeltälteste*) and was grouped into increasingly larger units known as Communities

²⁶⁶ CIE 91, Zonen-Aufgliederung, 21 Jul 46, HHStAW 521/90. According to this tally, the camp held a single internee each from Brazil, Egypt, and Japan; 1,014 were Austrian. In addition to 92 indicated as “stateless” [*Staatenlose*], the next largest contingents were: Dutch (82); Hungarian (60); and Latvian (48). The thirty-five countries/regions listed also included the United States (9); England (2); France (12); and Russia (10).

²⁶⁷ Wochenbericht (with attachments, Statistische Abt.) Informationsstab CIE 91, 3 Sep 46, HHStAW 521/65. The data indicated that 273 internees were released, 42 transferred and 84 newly arrived from 25 to 31 Aug 46. Although higher than the calorie intake available to the civilian population at large, weight loss and undernourishment among detainees were persistent problems.

²⁶⁸ It would be a stretch to characterize the self-administration as democratic. Albeit at the aggregate level, it did however, provide internees with a voice—one that they increasingly used, particularly as the handover to German administration approached.

(*Gemeinde*) and Districts (*Bezirk*). The latter sent elected representatives (*Vertreter*) to one of the camp's two assemblies (*Gemeinderat*), the members of which in turn elected the other assembly (*Stadtrat*). An appointed "Lord Mayor" (*Oberbürgermeister*) resided at the top of the camp self-administration.²⁶⁹

The strict rules that governed daily life offer a glimpse into the clear predominance of hierarchical practices in the camp, reinforced by requirements such as calling an area to attention upon sighting an American officer and the need to advise the Tent Elder of one's destination prior to leaving one's assigned tent. In addition to not being permitted to exit the camp except under American guard, internees were not to approach the barbed wire, speak with civilians outside the camp, or receive any unapproved forms of communication. The tightly controlled routine included multiple daily head-counts. Those who committed infractions were subject to punishment imposed by a court known as the *Lagergericht*, one of several internee-staffed administrative organs that also included, for example, "culture" and "media" departments (*Kulturabteilung*; *Abteilung Presse*).²⁷⁰

Internees carried out two key initiatives while under American administration that not only helped break up the tedium, but quickly became a central part of daily camp life: the establishment of a structured system of courses referred to as the "camp university" (*Lageruniversität*), and a camp newspaper, known as "*Die Bergstrasse*." The former was organized under the self-administration's *Kulturreferat*, had an internee-staffed administrative apparatus (*Rektor, Prorektor und Senat*), and offered a curriculum that ranged

²⁶⁹ For an overview of the self-administration, see document titled "Deutsche Hauptlagerführung," 13 Apr 46, HHStAW 521/76. Tellingly, the document's first paragraph makes the organization's limits very clear: "Der Umstand, dass das Lager nicht eine freie Gemeinde ist und demgemäß seitens der amerikanischen Kommandantur die Organisation des Lagers in personeller und materieller Hinsicht weitgehend festgelegt ist, beschränkt diese Selbstverwaltung." See also: Schuster, 251 and Kogon/Römhild Report, 13.

²⁷⁰ Lagerordnung, (n.d.), HHStAW 521/76 and Lagergerichtsordnung Camp 91, 21 May 46, HHStAW 521/90; Kogon/Römhild Report, 13-14.

from the humanities and sciences to more vocationally oriented subjects. Classes were taught primarily in a cluster of steel barracks on the eastern side of the compound by several broadly-ranged faculties: theology, law, medicine, language and cultural studies, economics, engineering, natural sciences, forestry, agriculture, music and theater, pictorial art, and sports. A detailed overview of course offerings for the summer semester 1946—featured as a two-page spread in *Die Bergstrasse*—provides insight into the university’s scope. Those interested in language and cultural studies, for example, could choose from among 54 courses including Spanish, French, Construction and History of the English Language, and Goethe’s Faust.²⁷¹ Weekly participant hours for June, July and August 1946, which reached 84,000; 94,000; and 87,000 evidences the university’s impact in the camp.²⁷²

The newspaper, which was printed in the nearby *Stars and Stripes* plant in Pfungstadt and vetted through the CI staff, fell under the media department. In addition to delving into issues that were of particular concern to internees, it offered rundowns of ongoing economic and political developments outside the camp. As the next chapter will demonstrate, in late August 1946 this included, for example, an update on the Nuremberg Trials, with particular emphasis on proceedings against those National Socialist organizations indicted as criminal. In the meantime, internees also followed preparations for the establishment of tribunal operations, not to mention circumstances related to the camp’s handover, very closely.

²⁷¹ On this, see “Re-education Program CIE 91 Darmstadt,” HHStAW 521/90; “Lager-Universität des CIE 91: Sommer-Semester 1946” in *Die Bergstrasse* Nr. 19, 11-12 (two-page clipping), HHStAW 501/27 (2).

²⁷² Kogon/Römhild Report, 15; 25-26. During their March 1947 inspection of the camp, Kogon and Römhild emphasized that the educational opportunities had been self-organized with the phrase, “Die Ausbildung im Lager, die von den Internierten selbst durchgeführt wird.” The faculties were: Theologie, Jura, Medizin, Sprache und Kulturgeschichte, Wirtschaftswissenschaft, Technik, Naturwissenschaft, Forst, Landwirtschaft, Musik und Theaterwissenschaft, Bildende Künste, und Sport. See also, Schüster, 251, incl. n. 1164. For the university’s location, see 1:1000 map, dated 12.9.46, HHStAW 521/87.

Conclusion

In undertaking the occupation of Germany, American military forces did not know whether or to what extent they would encounter opposition. While security and transformation were both overriding goals, the former clearly took precedence during the months initially following German surrender. As they assessed the situation, however, and began to encounter what Hans Woller has described as the “decisive domestic political condition” for change—in other words, a German society vastly different from 1933 or 1938—the Americans adjusted their approach significantly.²⁷³ The alterations to arrest policies that began in the fall of 1945, while also driven by logistical concerns, thus offer a means by which to chart the transition from a past-looking punitive occupation strategy toward one that was forward-looking and rehabilitative. The kernels of this change are discernible at the theater policy level as early as Clay’s July 1945 conversation with Hilldring in which he described the complexities associated with eradicating Nazism and emphasized the need for German involvement, a point that he reiterated the following spring.

In mid-January 1946, Clay’s correspondence with Hilldring indicated that circumstances surrounding passage of ACC Directive No. 24 had prompted him to take stock of occupation policies. This is illustrated, for example, by his view that based on the “quadripartite agreement on exclusion from office, and with recent approved modifications in mandatory arrests,” further adjustments to JCS 1067 were no longer necessary. Moreover, “in spite of handicaps” in the operation of essential services such as transportation and communication resulting from mandatory removal provisions in JCS 1067, Clay wrote “we believe that our prompt action in removal of Nazis has speeded up the application of

²⁷³ Hans Woller, “Germany in Transition from Stalingrad (1943) to Currency Reform (1948)” in *America and the Shaping of German Society, 1945-1955*, ed. Michael Ermath (Oxford, 2003), 32-33.

democratic processes in Germany and will result in stronger organizations at an earlier date than would have been obtained by a more gradual release of Nazis.”²⁷⁴

The period from mid-1945 to the fall of 1946 represented a major pivot in US occupation policy for several reasons. First—albeit successively and after a significant amount of wrangling—American authorities succeeded in transitioning from a tactical fighting structure to a centrally commanded occupation force. This newly installed organization was not only intended to facilitate the transition from military to civilian control, but also designed to promote coordination between Military Government and German state officials. Second, during this period, in addition to dismantling remaining vestiges of the Third Reich, American forces began to take decisive steps toward enabling German officials to lay democratic foundations. Clay’s remarks suggest the extent to which measures such as civilian internment contributed to reaching this point by inhibiting Nazism at a critical juncture. Third, Military Government authorities had recognized the need not only to move away from wide scale arrests, but to also institute elements of due process.

The broad-brush approach to arrests, while it had provided security and opened the space in which democracy might take root, was no longer tenable. Indeed, it had created a jumble of unintended consequences for which American authorities were clearly ill equipped. With the Law for Liberation, denazification assumed a highly bureaucratic nature for which the program has been understandably criticized. In spite of its many faults, however, the directive nevertheless provided a necessary framework for moving forward—one in which responsibility for their own rehabilitation became the fundament of reintegrating Germans.

²⁷⁴ Clay, Personal for Hilldring, 14 Jan 46, in Smith, *Clay Papers*, Vol. I, 148-149, incl. n.1.

Chapter 3:

‘NO KNOWLEDGE ATROCITIES WERE PERPETRATED’: INTERNMENT AT THE HEIGHT OF MILITARY OCCUPATION, AUGUST 1946-JANUARY 1947

In late August 1946, amid varied reports of recent happenings in and beyond Darmstadt, CIE 91's internee produced camp newspaper, *Die Bergstrasse*, featured a succinct update on the International Military Tribunal (IMT) at Nuremberg. The courtroom's prevailing atmosphere had recently changed, the article noted, as proceedings against high profile defendants including Hermann Goering, all of whom displayed "a striking weariness" (*auffällige Müdigkeit*), appeared to be drawing to a close. The impending individual judgments on these accused Nazi leaders captivated much of the worldwide reading public; although not explicitly stated, the article's summary of the declaratory judgment filed against seven Nazi organizations held much more immediate ramifications for civilian internees. The IMT had been asked to declare that the SS, SD, Gestapo, Leadership Corps of the Nazi Party, Reich Cabinet, SA, and both the General Staff and High Command of the German Armed Forces be considered criminal.²⁷⁵

While the full scope and impact of such a finding for those individuals still held in Allied civilian internment enclosures were as yet unclear, the organizational indictments in some way affected roughly 6 million Germans. Indeed, "repeated broadcasts and press reports," explained that in response to IMT accusations a flood of statements had been

²⁷⁵ "Der Stand in Nürnberg," *Die Bergstrasse* Nr. 40, 25 August 1946, 1, HHStAW 501/27 (2). On the organizational indictments, see also: Office of United States Chief Counsel for Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression: Opinion and Judgment* (Washington, 1947), 86.

submitted from various quarters, including 25 camps located throughout the western occupied zones. In general, these documents professed innocence and insisted that the bulk of indicted organizations' members did not participate in the horrible crimes committed under the Third Reich. A number of Gestapo functionaries, for example, claimed to have "no knowledge atrocities were perpetrated."²⁷⁶

No doubt wary of such sweeping statements, American Military Government and German authorities had by this time nevertheless begun to grapple with the quandary of how to strike a balance between past- and forward-looking aspects of the occupation. In many ways, the Nuremberg trials thus represented the first wave of a concerted effort to both discredit the Nazi regime and to come to terms with its criminality.²⁷⁷ Clay's correspondence with Major General Oliver P. Echols, who succeeded Hilldring as head of the Civil Affairs Division, illustrates that as the IMT moved toward completion of the high profile trials of those indicted as major war criminals, OMGUS had already conceptualized civilian internment as part of an integrated and multi-tiered approach to creating the environment for Germany's transition from dictatorship to democracy. As part of this strategy, American authorities would concentrate their direct activities on a select number of cases while German state officials were to assume a greater role in transformative efforts. It would be difficult to ensure equity on a case-by-case basis. Clay emphasized, however, that conducting trials within a democratic framework that was key:

²⁷⁶ Ibid. In describing some of the statements, the article indicated: "*Ein Teil von ihnen besagt, daß die Beamten der Gestapo keine Kenntnis von der Verübung von Grausamkeiten gehabt hätten.*"

²⁷⁷ For more detailed treatment of the Nuremberg trials, see Richard Overy, *Interrogations: The Nazi Elite in Allied Hands, 1945* (New York, 2001); Telford Taylor, *The Anatomy of the Nuremberg Trials: A Personal Memoir* (New York, 1992); Robert K. Woetzel, *The Nuremberg Trials in International Law* (New York, 1960); Robert H. Jackson, *The Case Against the Nazi War Criminals: Opening Statement for the United States of America* (New York, 1946); and Gustave M. Gilbert, *Nuremberg Diary* (New York, 1947).

We are proceeding under the denazification law in a systematic, orderly manner, but as of yet have not tried any offenders already under detention. Of course, this law will not provide uniform punishment for all Nazis, any more than such a law would in the United States. However, it is applying the principles of individual trial and punishment according to the individual's participation, which appear basic to democratic justice. The Army will continue to try those cases involving specific atrocities or to turn over to the United Nations for trial those individuals who participated in such atrocities against citizens of the country in question. Beyond that, we must limit our zonal trials in our courts to a comparatively few Nazis selected for notorious and prominent participation in Nazi activities. This number must be in the hundreds and not thousands. Our directive should make this possible and should recognize that mass trials will be conducted under the Law for Liberation from National Socialism.²⁷⁸

While Clay's remarks project an illusory aura of long-standing design, they clearly show that by the fall of 1946 American Military Government and German officials poised themselves to take on the challenge of determining complicity across a wide social spectrum. The "mass trials" he referred to would involve some high-ranking Nazi leaders, but be primarily directed at a much broader and more fundamental level. Moreover, as repeatedly stressed by Clay and his closest advisers, under the Liberation Law the task of sorting through thousands of cases to establish individual degree of incrimination would be carried out by the German denazification machinery operating under OMGUS oversight. This chapter traces the impact of these developments on the civilian internment program, most notably the transfer of camps to German authorities. Focusing on the state of Hessen, it explores related coordination between state officials and the American Military Government; internee reactions to the prospect of the program being administered by German authorities; and *Lagerspruchkammer* (camp denazification tribunal) operations at Darmstadt.

The transfer of enclosures to German authorities heralded an important transition in the relationship between occupier and occupied, one that as the previous chapter

²⁷⁸ Cable, Clay Personal for Echols, 25 Sep 46, in Smith, *Clay Papers*, Vol. I, 265-268. Echols succeeded Hilldring as head of the Civil Affairs Division in the War Department and had been Clay's Chief of Staff in Berlin. On this, see Jean Edward Smith, *Lucius D. Clay: An American Life* (New York, 1990), 284-285.

demonstrated, had been incrementally underway for several months. As this chapter will show, civilian internment and the wider program of denazification were not only mechanisms aimed at changing Germany's political culture, but coincidentally served as preliminary steps in the process of cultivating postwar relationships—in the first instance with the Americans, but more importantly, among Germans. Close examination of the interactions between OMGH and Hessen officials, for example, reveals that while a framework for moving forward had been set in place in the form of the Liberation Law, the Americans were not fully comfortable with German readiness to implement the law's provisions and effectively applied a standard of successive trust. German authorities not only needed to be logistically able to take over, but also to actively participate. How the program would proceed depended very heavily upon the ways in which the various Germans concerned—state officials, internees, and the public—would respond.

‘Our Anger...must be Subject to the Law’: Nürnberg’s Impact on Civilian Internment

“As you know, the program for turning over Civilian Internment Enclosures to the Germans for the detention of members of organizations found criminal at Nürnberg and as labor camps for those Germans sentenced to labor service by the Denazification Spruchkammer is just about complete.” In a four-page internal POLAD memorandum, Erwin W. Wendt gave John J. Muccio a brief account of the road ahead roughly two months after the judgment at Nuremberg. His high-level overview ranged from the anticipated follow-on trials of several hundred suspected war criminals to deliberations over how arrest categories should be modified in light of IMT verdicts; yet, it is the extent to which civilian internment had become intrinsically linked to the Nürnberg process from the perspective of

US policymakers that stands out most about Wendt's update.²⁷⁹ The judgment played such a pivotal role in American policy that fully appreciating the changes organized around the trial's outcome requires a basic understanding of the proceedings themselves.

The IMT was part of an Allied effort to establish a uniform legal basis for prosecuting war criminals as well as those who, while not perpetrators themselves, had nevertheless been somehow complicit in Nazi brutalities. As with many aspects of the occupation, this framework was successively developed and resulted from several rounds of negotiations, particularly after the fall of 1944 when the question of how to deal with those suspected of participating in atrocities under the Third Reich was discussed in greater detail within various policy circles. Caught in the *mêlée* surrounding the Quebec Conference, planning for war crimes trials soon grew to be especially controversial once the realization that Allied victory had become more feasible was combined with increasingly specific knowledge of Nazi activities. Moreover, for those who conceived of an international court to assign accountability, the sense of breaking new legal ground was closely intertwined with the grim determination not to repeat the mistakes of the post World War I Leipzig Trials. According to prevailing belief, the few defendants actually brought to trial after the previous conflagration were judged much too lightly.²⁸⁰

²⁷⁹ Memo, Wendt to Muccio, "Civilian Internment Camps and Trial of Members of Organizations found Criminal at Nurnberg," 4 Dec 46 [hereafter Wendt Civilian Internment Camp Memo], NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners.

²⁸⁰ For a brief account of the Leipzig trials as precursor to the IMT, see Woetzel, 27-36, esp. 32, 34. While derived from punitive provisions of the Versailles Treaty, namely articles 228-230, in implementation they were far afield from the Allies' original intent that the German government turn over alleged violators of the laws and customs of war to appear before military tribunals. Instead, the Allies substantially reduced the number of accused perpetrators and agreed to their trial by the Supreme Court of the Reich in Leipzig, in part because German officials successfully argued that this was necessary to avoid a popular backlash against the nascent Weimar Republic. From 896 names originally provided to the German delegate at Versailles, the Allies later submitted an abridged version with 45. Of these, 12 were tried and 6 convicted.

Hoping to allay criticisms that the IMT had gone too far in attempting to prevent a recurrence of Leipzig, Henry L. Stimson wrote shortly after the main trial's conclusion that the Nürnberg proceedings offered an important third way between the "unthinkable" option of releasing Nazi leaders and that of summary punishment. The latter would most certainly have "satisfied the immediate requirements of the emotions," he granted; yet recourse to such methods would have endangered the "moral position" of the Allies. "Our anger," he emphasized, "as righteous anger, must be subject to the law."²⁸¹ The main Four-Power trial against a select number of carefully chosen defendants and Nazi organizations was calculated to serve several largely representative purposes, including offering the measured opportunity for retribution; documenting Nazi Germany's brutal crimes; and providing an example of the rule of law.²⁸² It was followed by national proceedings in each of the zones, designed to punish criminality at various echelons within the Nazi administrative apparatus and in so doing to further unravel key institutions.²⁸³

The 8 August 1945 Charter establishing the IMT was drafted in London following negotiations between the United States, United Kingdom, Soviet Union and the Provisional Government of the French Republic.²⁸⁴ Under the Charter's provisions, the IMT was endowed with the power to try a cross section of Nazi leadership on the four counts of crimes

²⁸¹ Henry L. Stimson, "The Nuremberg Trial: Landmark in Law," *Foreign Affairs* 25 No. 2: 179-180.

²⁸² Cohen, 60-63; Gordon Dean, public relations counsel to U.S. Chief Prosecutor Robert H. Jackson, described the goal of documenting Nazi criminality in his preface to Robert H. Jackson, *The Case Against the Nazi War Criminals* (New York, 1946), vi. See also Clay, *Decision in Germany*, 284. Clay recalled, "Much attention was given over the radio and in both our overt and the German press to adequate coverage of the Nuremberg trials. It was felt essential to make it difficult for German ears and eyes not to hear and see the convincing evidence presented to them."

²⁸³ For the United States, this included twelve additional trials at Nuremberg that were directed, for example, at upper level diplomatic, military and industrial officials, and 489 trials, primarily at Dachau, against lower level defendants suspected of committing war crimes. Cohen, 62-65.

²⁸⁴ Dean, "Preface to *The Case Against the Nazi War Criminals*," ix-x.

against peace, war crimes, crimes against humanity, and “the formulation or execution of a common plan or conspiracy to commit all of these crimes.”²⁸⁵ It was this fourth charge that served as genesis for the organizational indictments described in *Die Bergstrasse*, which were announced at the same time that the identities of the twenty-four agreed upon individual defendants were released.²⁸⁶ The basis for charging the seven Nazi organizations stemmed from Article 9 of the Charter, which stipulated that:

At the trial of any individual member of any group or organization the Tribunal may declare (in connection with any act of which the individual may be convicted) that a group or organization of which the individual was a member was a criminal organization.²⁸⁷

Significantly, Article 10 specified not only that individuals could later be tried by virtue of having been members, but also that any declaration of criminality against a given organization would be final and could not be challenged in subsequent proceedings:

In cases where a group or organization is declared criminal by the Tribunal the competent national authority of any Signatory shall have the right to bring individuals to trial for membership therein before national, military, or occupation courts. In any such case the criminal nature of the group or organization is considered proved and shall not be questioned.²⁸⁸

In his 1992 recounting of the trials, Telford Taylor ascribed the main impetus for pursuing indictments against specific Nazi organizations to a member of the American

²⁸⁵ Office of United States Chief Counsel for Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression: Opinion and Judgment* (Washington, 1947), 1; Woetzel, 5-6; Stimson, “The Nuremberg Trial,” 180-181.

²⁸⁶ Dean, “Preface to *The Case Against the Nazi War Criminals*,” xi-xii. See also, Woetzel, 1-2. The twenty-four individual defendants were: Hermann Wilhelm Göring, Rudolf Hess, Joachim von Ribbentrop, Robert Ley, Wilhelm Keitel, Ernst Kaltenbrunner, Alfred Rosenberg, Hans Frank, Wilhelm Frick, Julius Streicher, Walter Funk, Hjalmar Schacht, Gustav Krupp von Bohlen und Halbach, Karl Dönitz, Erich Raeder, Baldur von Schirach, Fritz Sauckel, Alfred Jodl, Martin Bormann, Franz von Papen, Arthur Seyss-Inquart, Albert Speer, Constantin von Neurath, and Hans Fritzsche. Only twenty-one appeared before the court (Krupp was excluded due to failing health. Ley committed suicide prior to the start of proceedings. Bormann was tried in absentia).

²⁸⁷ Office of United States Chief Counsel for Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression: Opinion and Judgment*, 84.

²⁸⁸ *Ibid.*, 84-85.

prosecution staff, Colonel Murray Bernays. “His invocation of organizational responsibility did not broaden the concept of war crimes,” Taylor recalled, “but was a juridical device to eliminate the need to prove complicity of the individual members of the organizations, primarily the SS, which were responsible for many if not most of the crimes, by making membership itself sufficient proof of guilt.”²⁸⁹ In the view of the jurists who eventually implemented the Charter, however, the organizational judgments were not necessarily intended as a blanket establishment of individual culpability. On the contrary, the IMT bounded the declaration’s applicability in two fundamental, but important ways, thereby establishing a basic litmus test that would be applied in later proceedings:

Since the declaration with respect to the organizations and groups will, as has been pointed out, fix the criminality of its members, that definition should exclude persons who had no knowledge of the criminal purposes or acts of the organization and those who were drafted by the State for membership, unless they were personally implicated in the commission of acts declared criminal by Article 6 of the Charter as members of the organization. Membership alone is not enough to come within the scope of these declarations.²⁹⁰

After considering evidence that included thousands of affidavits, the IMT found four of the seven indicted organizations to be criminal: the Leadership Corps of the Nazi Party, Gestapo, SD, and SS.²⁹¹ The Tribunal took into account factors such as the number of

²⁸⁹ Telford Taylor, *The Anatomy of the Nuremberg Trials*, 41, 501. Taylor, who began as a member of the U.S. prosecution but was appointed to succeed Jackson as Chief Counsel for subsequent trials, also suggested the strong wish for punishment as a factor: “Bernays, originator of two of the most original proposals, appears to have been motivated by the same desires as those of the victims of German occupation. He wanted to visit condign retribution by law on the multitude of Germans who shared complicity in the atrocities.”

²⁹⁰ Office of the United States Chief Counsel for Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression: Opinion and Judgment*, 86. See also Woetzel, 103-104. Woetzel noted that by limiting the declarations’ scope and applicability, the Tribunal struck a middle ground between the prosecution’s call for “a blanket declaration of criminality without a general investigation of the relative guilt of individual members, which should be left to later courts,” and the defense’s insistence “that no declaration should be possible without such an investigation.”

²⁹¹ Office of United States Chief Counsel for Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression: Opinion and Judgment*, 2-3 describes the span of the organizational trials: “The Tribunal appointed commissioners to hear evidence relating to the organizations, and 101 witnesses were heard for the defense

persons involved; the degree to which participation was voluntary; whether members consciously considered themselves part of a larger body arranged for a particular purpose; and the types of activities carried out. Moreover, the IMT narrowed each organization down to those segments believed most implicated in the commission of criminal acts. The Leadership Corps, for example, was defined in the judgment as leaders and chief administrators (*Amtsleiter*) at the *Gau* (regional), *Kreis* (district), and *Ortsgruppe* (local group) levels.²⁹² The Tribunal excluded those “employed by the *Gestapo* for purely clerical, stenographic, janitorial, or similar unofficial routine tasks; and members of the border and customs protection (*Zollgrenzschutz*), which became part of the *Gestapo* in 1944.”²⁹³ The bulk of the SD and SS fell under the judgment, with the exception of SD informers who were not also members of the SS, members of the *Abwehr* (intelligence service of the *Wehrmacht*) who had been transferred to the SD, and the *Reiter-SS* (“so-called SS riding units,” which had essentially devolved into social associations).²⁹⁴

While the remaining three groups were collectively exonerated, the Tribunal repeatedly stressed the presence within their ranks of members who should be tried

before the commissioners, and 1,809 affidavits from other witnesses were submitted. Six reports were also submitted, summarizing the contents of a great number of affidavits...Thirty-eight thousand affidavits, signed by 155,000 people, were submitted on behalf of the Political Leaders, 136,213 on behalf of the SS, 10,000 on behalf of the SA, 7,000 on behalf of the SD, 3,000, on behalf of the General Staff and OKW, and 2,000 on behalf of the *Gestapo*...The Tribunal itself heard 22 witnesses for the organizations. The documents tendered in evidence for the prosecution of the individual defendants and the organizations numbered several thousands.”

²⁹² The prosecution successfully petitioned to have staff officers and party organizations other than *Amtsleiter* of the *Reichs-*, *Gau-*, and *Kreisleitung* removed from the declaration. *Ibid.*, 91.

²⁹³ *Ibid.*, 91-92, 94, 96-97. The IMT considered the cases of the *Gestapo* and SD together because of the consolidations that had occurred under Heydrich and Himmler. The Tribunal also excluded the army’s secret field police, which was transferred to the secret police in 1942, in spite of the fact that its members “committed war crimes and crimes against humanity on a wide scale,” because it had “not been proved that it was a part of the *Gestapo*,” and thus the organization was deemed not to be covered under the indictment.

²⁹⁴ Office of United States Chief Counsel for Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression: Opinion and Judgment*, 97, 102.

individually. Owing to the Reich Cabinet's small size and lack of organized activity after 1937, for example, the IMT did not declare it to be criminal, but instead noted that cabinet members who were "involved in the conspiracy to make aggressive war...were involved as individuals." Similarly, although the Tribunal did not declare the General Staff and High Command of the German Armed forces to be criminal due to the small number of persons involved and because neither met the Charter's definition of a "group" or "organization," the IMT urged that, where warranted, those who fell in these categories nevertheless be tried. On the whole, the Tribunal characterized the SA as "a group of unimportant Nazi hangers-on," noting that the group had used a variety of violent methods to advance the Nazi Party's agenda up until the mid-1934 purge, but was thereafter largely marginalized.²⁹⁵

As the above suggests, the practical effect of the Nürnberg judgments was not the immediate release of large numbers of internees. Rather, it set the stage for new rounds of wide scale screening and eventual release of those who did not fall within one of the criminal organizations, provided they did not warrant continued detention on other grounds. On 9 October 1946, USFET issued guidance intended to further reduce the number of those being held in camps by prohibiting the use of the terms "security suspect" or "security threat" as a basis for arrests and making it clear that the terms were not to be associated with automatic arrest: "Those internees now held as security suspects or threats will be immediately reclassified into another category and dealt with accordingly. If no applicable category exists

²⁹⁵ Ibid., 104-107. While certain SA units were involved in the commission of war crimes and crimes against humanity, the Tribunal found no indication that "members participated in or even knew of the criminal acts."

and if there is insufficient evidence for trial under Ordinance No. 1, Military Government Regulations Title 23, or any pertinent law in effect, the individual will be released.”²⁹⁶

For former members of the four organizations deemed to be criminal, frustrations over the prospect of continued detention as civilian internees were likely overshadowed by questions regarding the possible sentences they might face.²⁹⁷ Well aware that ACC Law No. 10 left this issue “entirely in the discretion of the trial court even to the extent of inflicting the death penalty,” the Tribunal made a number of recommendations geared toward limiting and standardizing punishments for membership in a criminal group or organization. Most notably, the IMT suggested that ACC Law No. 10 be amended to align the maximum sentences with those put forth in the Liberation Law.²⁹⁸ In lieu of such a revision, however, the ACC adopted Directive No. 38, “The Arrest and Punishment of War Criminals, Nazis and Militarists and the Internment, Control and Surveillance of Potentially Dangerous Germans.” Echoing SHAEF and American arrest guidance, this directive distinguished between imprisonment for war crimes or criminal conduct “and internment of potentially dangerous persons who may be confined because their freedom would constitute a danger to the Allied cause.” Article 1 put forth five classifications, which corresponded to those in the Liberation Law, to be used in determining individual degree of incrimination and imposing

²⁹⁶ USFET letter (signed Peters), “Arrest and Detention – Germany,” NARA, RG 260 OMGUS, Records of the Legal Division, Prisons Branch, Administrative Records 1945-1949, Box 139, F: Internment Camps.

²⁹⁷ Verbiage in the AMG Annotated Liberation Law, 1 April 1947-30 April 1948 made the relationship between the Nürnberg Judgment and civilian internment quite clear: “Civilian internees in the custody of the Minister of Political Liberation who are members of organizations found criminal by the International Military Tribunal must be tried by a Tribunal at the Civilian Internee Enclosure unless in individual cases Military Government approval is obtained for their trial elsewhere (MGR 2-240.5).” Releases were to be granted only 1) if found not to be incriminated by the Public Prosecutor; 2) as a result of Tribunal findings; 3) to be transferred to the Land or Zone of residence; 4) if approved by the Military Governor; or 5) if approved by the Regional Office of Military Government due to physical or mental incapacity, or for compassionate leave.

²⁹⁸ Office of United States Chief Counsel for Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression: Opinion and Judgment*, 86.

sanctions: Major Offenders, Offenders, Lesser Offenders, Followers and Persons Exonerated.²⁹⁹ Shortly after its promulgation, Clay described the directive to the War Department, indicating that it “was generally understood that it provided a uniform legal basis for treatment of membership cases in all zones.”³⁰⁰

Thus by the fall of 1946, an overarching direction and basic structure for the civilian internment program were at last in place. For a number of months, however, a mélange of impulses to speed up and apply the brakes on actually implementing these policies created an interesting accordion effect on the program. The Tribunal’s decision not to declare the SA, Reich Cabinet and General Staff and High Command of the German Armed forces as criminal, for example, provided the necessary grounds to effectively narrow down the paramilitary category and remove two of eight categories from arrest and detention guidance. Clay swiftly ordered the OMGUS staff to prepare a proposal for restricting the 11 February 1946 directive to members of organizations declared criminal. The resulting Staff Study languished, however, due to concerns that issuing revised guidance would prompt the repeated arrest of thousands who had already undergone screening and been cleared by German and U.S. Security Review Boards.³⁰¹

Meanwhile, in the wake of the IMT verdicts, the notion began to gain traction—not just among Germans, but the Americans as well—that guilt for Germany’s crimes resided at

²⁹⁹ Allied Control Council Directive No. 38, “The Arrest and Punishment of War Criminals, Nazis and Militarists, and the Internment, Control and Surveillance of Potentially Dangerous Criminals,” *Official Gazette of the Allied Control Council for Germany*, Berlin Allied Secretariat, No. 11, (31 October 1946), 184-211.

³⁰⁰ Cable, Clay to War Department, 24 Oct 46 in Smith, Clay Papers, 273. Clay also wrote, “In point of fact, Allied Control Council has recently adopted Directive No. 38 which was designed to establish maximum punishments for membership in groups indicated at Nuremberg for various categories and grades. It was amended after much discussion after the verdicts were rendered at Nuremberg to conform to those verdicts.”

³⁰¹ Wendt Civilian Internment Camp Memo, 4 Dec 46, 3 describes the concerns over the potential need to “rearrest” those already released. Wendt noted greatly varying estimates from Armed Forces and the Office of Intelligence at OMGUS as to how many persons might be affected, ranging from 30,000 and 300,000.

the highest levels of Nazi leadership. In mid-November, responding to a recent press conference in which Clay announced that acquittal of the SA “would free several thousand of them from detention camps,” Headquarters Third Army sent a letter to USFET strongly urging the same for General Staff Corps officers. These “former professional soldiers” merited expedited release at least as much, the letter insisted, if not “more than the SA or any of the other acquitted groups.” In support of this claim, Third Army provided a composite picture using statistics from CIE 74 in Ludwigsburg:

It is evident that at the outbreak of the war, the majority of this group were young officers of relatively low rank who could exert little influence upon the important decisions of peace or war or any other question. A high percentage, 97%, refrained from active political participation and membership in the Nazi Party. Practically all retained membership in the church. The above mentioned factors appear worthy of consideration in promulgating the policy governing the disposition of this group of Automatic Arrestees.³⁰²

Most significantly, in the months following the trials and with democratization efforts taking root, American policymakers had become acutely aware of the need to reduce the scope of civilian internment and to bring the program into the quasi-legal framework envisioned by the Liberation Law. On 10 December, Warren M. Chase sent an internal memorandum to Donald R. Heath, Director of the U.S. Political Advisor’s Office in Berlin, expressing concerns about the “log-jam at USFET” over wording for the revised arrest directive. “Release of persons now in arrest who are not members of organizations found criminal is urgently needed because of overcrowded conditions, lack of adequate shelter, and lack of legal justification for continued detention,” Chase cautioned. Displaying growing recognition of the need to both accept and insist upon wider German involvement, he went

³⁰² HQ Third Army letter (signed Taylor) to CG USFET, “Revision of Automatic Arrest Categories,” 18 Nov 46, NARA RG 338 Records of HQ Third U.S. Army, Adjutant General, General Correspondence, Box 233, F: 383.6 Correspondence Dec 46.

on to say, “Ministers of Political Liberation will be able to select from those eligible for release whom they are satisfied will voluntarily report to appropriate local authorities.”³⁰³

‘A Definite Step Forward’: American & German Preparations for the Handover

Judging from Clay’s oft-cited stern interactions with the *Länderrat* in the Fall of 1946, German-American expectations related to denazification were at first blush largely one-sided and one-dimensional: each *Land* was to immediately begin vigorously operating in accordance with the Liberation Law.³⁰⁴ In terms of civilian internment, this meant assuming responsibility for camps using the varying resources that were allocated or could be cobbled together and taking, in the words of one OMGH official, “a definite step forward” by bringing individual internees to trial.³⁰⁵ Wider examination, however, reveals that as the target date for transfer crystallized, a range of expectations had begun to develop and that officials from both sides had already had a number of important opportunities to communicate them. In general, American authorities were torn between misgivings about German capabilities to run the camps and the overarching desire to pull back from the front lines of denazification. Although the German agenda was dominated by American guidance,

³⁰³ Letter, W.M. Chase to Mr. Heath, “Release of Internees for Trial in their Home Communities who are not Members of the Organizations Found Criminal by the International Military Tribunal,” 10 Dec 46, NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners.

³⁰⁴ Clay’s 5 November *Länderrat* speech is often cited to illustrate that he pressured Minister Presidents to more vigorously pursue denazification. Peterson, *Retreat to Victory*, 150 describes it as Clay’s “bitterest speech to the *Länderrat*,” indicating that he “lowered the boom.” Zink, *The United States in Germany*, 162-163 also depicts an impatient Clay by indicating, “In five months the German tribunals had examined 583,985 cases, eliminating 530,907 without trial. General Clay made it very clear that he was very dissatisfied with such a record and gave the Germans 60 days to mend their ways ‘or else’.” See also Szanajda, 132-133. Szanajda noted Clay’s accusation that German officials lacked “the political will and determination to mete out retribution to those deserving to be brought to justice.”

³⁰⁵ Prompted by CIE 91’s transfer, the *New York Times* quoted Arsen L. Yakoubian (OMGH Denazification Division) as saying, “‘a definite step forward’ would be accomplished by individual trials of internees before German denazification tribunals.” See “U.S. Transfers 11,000 to German Control,” *NYT*, 2 Nov 46, 2.

state officials had already managed to put their stamps on at least some aspects of the program, a point aptly demonstrated by the Hessian cabinet's decision to place civilian internment and labor camps under Minister for Political Liberation Gottlob Binder rather than the Ministry for Justice as suggested by OMGH.³⁰⁶

Throughout the late summer and early fall of 1946, a number of salient lines of communication were established through which issues related to civilian internment were discussed beyond the more high level exchanges between Clay or Pollock and the Minister Presidents in Stuttgart. Within OMGUS, Colonel O.W. Wilson's Public Safety Branch, which fell organizationally under the Internal Affairs and Communication (IA & C) Division, had overall responsibility for brokering the transfer from Third Army to German officials in each respective state.³⁰⁷ The list of logistical details to be worked out began with nailing down precisely which camps were to be designated as German enclosures. The actual date to begin the handover was a moving target and depended heavily on when German authorities could ensure that internees would be adequately fed, sufficiently housed, and effectively guarded.³⁰⁸ The number of internees to be transferred was also in flux, owing partly to a

³⁰⁶ Geiler's cabinet unanimously agreed at the 23 May 1946 meeting that it would be inappropriate to place the supervision of labor camps under the Ministry of Justice and that to do so would feed the false impression that a labor camp sentence was a criminal matter. Staatskanzlei, "Beschluss-Protokoll über die Sitzung des Kabinetts am Donnerstag, den 23. Mai 1946," HHStAW 502/7667. Geiler and Deputy Denazification Minister, *Ministerialdirektor* Heinrich Knappstein co-signed a letter informing OMGH. See Letter, Geiler and Knappstein to Military Government, Wiesbaden, 8 Jul 46, HHStAW 502/3220.

³⁰⁷ OMGUS Cable, CC-2178 (signed Clay) to Food and Agriculture Branch, OMG Bavaria, 20 Aug 46, NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners. This message dealing with internee rations accurately described the handover as "transfer of internees from US Army Control to German Civilian Agency Control." The fact that Third Army did not fall directly under OMGUS often placed the latter in a mediating role.

³⁰⁸ Wendt Civilian Internment Camp Memo, 4 Dec 46, 1. The handover was made public as early as July, although the details were not fully sorted. According to the *New York Times* Wilson predicted the transfer of 18 enclosures, to begin before 1 September. See, "Internment Camps Shifted," *NYT*, 17 Jul 46, 3.

concerted Third Army push to expedite the review board process, which had thus far led to the cumulative release of over 45,000 internees, but proved much slower than anticipated.³⁰⁹

Third Army reluctance to relinquish responsibility for operating camps to German officials is a prominent motif in related message traffic and manifested itself in a number of ways. Beyond this however, apprehensions expressed at various levels reflect the field organization's proximity to the civilian internment program as well as a hard earned appreciation for its size and complexities. In June, Lieutenant General Geoffrey Keyes, who had recently taken over Third Army and commanded the Seventh during much of the struggle to cope with the massive influx of arrestees, voiced several concerns to Joseph T. McNarney, Commanding General of USFET. The plan to transfer enclosures on or about 1 August, he wrote, "does not appear to have been based on adequate consideration in some instances of the administrative and security factors involved." Keyes was well aware, for example, of the effort that would be required to ramp up the vast and intricate machinery needed to screen internees. Simply making available to German authorities classified documents that were used by Third Army for multiple purposes would in itself require time. With reviews of roughly 26,000 applications for release ongoing, a rush toward transfer could create unintended consequences. "In the event that these cases being processed are turned over to German authorities," he cautioned, "the unavoidable administrative confusion resulting will unnecessarily delay any action for several months."³¹⁰

³⁰⁹ "Summary of Civilian Internee Processing," Annex 1 to Third Army G-2 Weekly Summary Report No. 79, 27 Nov 46, NARA RG 338 Third Army, G-2 Section Decimal Files 1944-1947, Box 8, F: 3rd Army G-2 Weekly Intelligence Reports, November 1946, 319.1. This brief cumulative report described the USFET Security Review Board procedure as too slow, noting that: "many persons were unjustly detained for extended periods waiting results from the review Boards." Third Army initiated its own Review Board on 6 July.

³¹⁰ Third Army Letter, Keyes to Commanding General, USFET, "Transfer of Civilian Internment Enclosures to German Authorities," 17 Jun 46, NARA RG 338, Records of the Third Army Adjutant General, General Correspondence, Box 233, F: 383.6 Correspondence Dec 46.

In addition to the likelihood of administrative stoppages, Keyes highlighted a development with the potential to substantially alter the prevailing tenor inside camps. The projected discharge of some 80,000 SS POWs and subsequent re-arrest of roughly 65,000 who fell under automatic arrest criteria, he warned, “creates a dominant element in the civilian internee population which presents a security threat of some magnitude in the event the German authorities are charged with the maintenance of security in Civilian Internment Enclosures.” Keyes recommended to McNarney that U.S. military personnel who were well versed in civilian internee processing procedures be kept on in camps—to provide information to German authorities from files that could not be released and to supervise security measures. Moreover, he suggested that local military commanders retain responsibility for the security of enclosures in their respective areas “until German authorities are adequately organized and equipped to ensure control over the internee population.”³¹¹

In the view of at least one *Land* Military Government Office, an undue Third Army delay in identifying camps earmarked for turnover created unnecessary complications. OMGB wrote on 12 July 1946 in response to repeated OMGUS Public Safety queries that Bavarian officials would be able to take one camp within roughly three days, but needed details (size, location, condition) on other enclosures before setting subsequent dates. Twelve days later, OMGB made the point much more explicit: “The German denazification authorities are ready to accept civilian internment enclosures as soon as informed as to localities of camps to be turned over. Until this information is available program of recruiting guards cannot be initiated. These guards must be obtained from vicinity of

³¹¹ Ibid. The SS POW release was projected for 1 July. Keyes also recommended that the cases of all civilian internees “eligible for release under current directives be processed under the present review Board procedure.”

proposed labor camps. To date, 3rd Army HQ has been unable to give us the names, dates, or other necessary information on the camps they intend to turn over.”³¹²

While also symptomatic of the push-and-pull between OMGUS and Third Army on the issue of the handover, the determination of which camps to transfer was part of the larger mosaic of determining how scarce and coveted space would be allocated.³¹³ This sort of territorial haggling was especially consequential in Greater Hesse where CIE 91, the state’s only civilian internment enclosure, was designated to remain under Army control. Correspondence on the subject not only highlights the military government’s role as intermediary between the Ministry for Political Liberation and Third Army, but also illustrates that neither Ministry nor OMGH officials were pleased with the outcome of negotiations. Comparison of OMGH and Ministry files also reveals that, while they did not always agree with each other, multiple communication channels between them were actively used and frequently quite frank. Moreover, whereas military government endeavored to ensure German officials could take responsibility for civilian internment as quickly as possible, a number of exchanges show the extent to which Army authorities effectively sought to restrict the administrators who went into the camp.³¹⁴

³¹² Cables (signed Muller) OMG for Bavaria to OMGUS Public Safety Branch (Col O.W. Wilson), 12 and 24 Jul 46, NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners.

³¹³ On Third Army reluctance, for example, Murphy to the Secretary of State, “Press Reports of U.S. Policy on the Transfer of Internment Camps to German Administration,” Despatch No. 5745, 31 Jul 46 (with enclosure, Telegram No. 185, 23 Jul 46), NARA RG 84 POLAD, Classified General Correspondence, 1945-1949, Box 122, F: Jul-Aug (891 Public Press). Murphy noted that while OMGUS saw the handover as “a necessary and complementary part of its policy to turn denazification over to the Germans,” General Keyes (Commanding General, Third Army) “was of the opinion that he could not guarantee security considerations if our policy was to place so many high-level important arrestees under German control in the civilian internment camps.”

³¹⁴ Concerns that Army personnel were obstructing the German administration eventually led OMGH to place an officer at the camp. On this, see Letter, Yakoubian to Director of OMGH, “Internment Camp Darmstadt and Status of Spruchkammer,” 17 Sep 46, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

By OMGH's own assessment, American handling of related details created uncertainty for Ministry officials, particularly in terms of bringing internee cases before denazification tribunals, which was expected to begin without delay. Early signs that the *Lagerspruchkammern* would be smoothly and cooperatively established soon dissipated. On 11 June 1946, for example, after Special Branch Lieutenant Roger E. Reynolds escorted Ministry representatives to the camp at Darmstadt, he characterized the trip as a success. He reported to Denazification Division Chief Hubert I. Teitelbaum that verbal agreements had been reached as to how the *Meldebogen* required by the Liberation Law would be distributed and, more importantly, that a building within the enclosure would be made available for *Spruchkammern*.³¹⁵ Less than two weeks later, the Branch staffed a TWX message through Newman apprising OMGUS of the latest developments. "Only civilian internment enclosure in Greater Hesse is at Darmstadt," the message began, reminding Public Safety that the camp was not contemplated for handover to German authorities. "To date U.S. Army authorities have refused to permit tribunals to operate in enclosure at Darmstadt and consider contents of *Meldebogen* from enclosure to be classified material."³¹⁶

On 2 July 1946, Lieutenant Colonel Charles E. Stewart, OMGH Executive Officer, pressed the *Meldebogen* issue with OMGUS, emphasizing Ministry concerns that lack of access to information would hinder disposition of tribunal cases. In addition, he relayed "Ministry plans to construct, as they become necessary, small labor internment camps located

³¹⁵ OMGH Letter, Reynolds to Teitelbaum, "Discussion of Lt. Lownd of C.I.E. Camp, Darmstadt, Mr. Grimke, Mr. Becker (Ministry) and Lt. Reynolds," 11 Jun 46, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

³¹⁶ OMGH TWX, Newman to OMGUS Public Safety, 24 Jun 46, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I. A TWX message was sent via teletypewriter exchange. Newman also advised OMGUS that the Ministry for Political Liberation would not be able to take responsibility for civilian internment until 15 August.

near the large cities so that the internees may be used on necessary work projects.”³¹⁷ Meanwhile, in spite of confusion over CIE 91’s disposition, the Hessian administrator slated to take charge of civilian internment, *Landesamtsdirektor* Jakob Weyand, and his staff put necessary pieces in place to assume responsibility for the camp. On 6 August, Weyand sent a letter to Major Hugh W. Caldwell introducing the members of his nine-person information gathering team (*Informationsstab*) and assuring him that these carefully selected men had been informed of the importance of discretion in carrying out their tasks. Along with pledging to safeguard anything learned in the course of their duties, Weyand’s team agreed not to participate in black market activities or bring any form of communication into and out of the camp. Interactions with internees were to be both minimized and confined to official business. Staff members also acknowledged guards’ strict orders to fire upon anyone approaching the designated “dead man’s zone,” regardless of position or authority.³¹⁸

From the outset, Weyand found ways to emphatically express a number of misgivings to a variety of audiences. He and several *Informationsstab* members, for example, conducted office calls with representatives of other ministries seeking support in procuring the most immediate needs related to taking over the enclosure.³¹⁹ In repeated dealings with OMGH, he sought to clarify several issues, including a specific date for taking over the camp; the

³¹⁷ OMGH Letter, Stewart to OMGUS, “Civilian Internment Enclosures,” 2 Jul 46, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

³¹⁸ Letter, Weyand to Caldwell, “Introduction of the German State Camp Administration,” [English translation with German original], 6 Aug 46; and “Erklärung Betreffend Verpflichtung zur Geheimhaltung,” 2 Aug 46, both in HHStAW 521/90. The prohibition against communications was to prevent bringing oral or written messages to/from internees. Staff members required prior approval to speak with internees who were not members of the camp’s self-administration.

³¹⁹ See, for example, meetings with the Ministries of the Interior and Finance in which the *Landesamt* sought to procure medical equipment, medicines, and funds for items such as vehicles, fuel, and office supplies: “Bericht über Besprechung beim Innenministerium, Wiesbaden am 30.8., nachmittags, betr. Bereitstellung von medizinischer Ausrüstung und Arzneien;” and “Bericht über Besprechung beim Wirtschaftsministerium am 30.8. mittags, betr. Bereitstellen von Wirtschaftsgütern,” both in HHStAW 521/65.

continued provision of food by UNRRA; and American support in the form of vehicles, uniforms, and weapons for roughly 400 German guards. Weyand was especially troubled by the question of whether Third Army would actually turn over the enclosure. Under an emerging plan, Hessian officials would be allocated the majority of square footage within CIE 91; however, the portion containing most of the permanent structures and all of the workshops would remain under American control. On 15 August Weyand elevated the issue to Minister President Geiler, asking him to broach the subject with Newman. The Army “scheme” to section off facilities such as the hospitals, water and electric plants, and workshops—to leave the German administration a “gutted camp” (*Rumpflager*) as he put it—posed a very real danger to *Landesamt* ability to care for internees.³²⁰

On 14 August, Headquarters Third Army sent a message to First and Ninth Infantry Divisions notifying them of eleven civilian internment enclosures—including CIE 91—and one hospital that had been earmarked as German facilities. The message directed the intermediate headquarters to take necessary measures to ensure that “no other disposition” was made of the camps. Third Army also made it clear that plans had already been made for “all other facilities presently used as civilian internment enclosures.”³²¹ In spite of this, the transfer list was still in a substantial degree of flux and behind-the-scenes negotiations between Third Army and OMGUS very much underway. In a revision distributed two weeks

³²⁰ Letter, Head of the Regional Office for Labour Camps and Labour Activities to OMGH, “Taking Possession of the ‘Civilian Internment Enclosure 91’ Darmstadt, 18 Aug 46, HHStAW 521/90. This unsigned letter is labeled “draft” (*Entwurf*). While it is unclear if it was actually sent, it provides insight into the issues Weyand sought to clarify. See also, Der Chef des Landesamtes für Arbeitseinsatz und Arbeitslager an den Herrn Ministerpräsidenten, “Übernahme Lager Darmstadt (Civilian Internment Enclosure 91 Darmstadt),” 15 Aug 46, HHStAW 521/14. Weyand reiterated his concerns to Geiler in an activity report (*Tätigkeitsbericht*): Chef des Landesamtes für Arbeitseinsatz und Arbeitslager an den Herrn Ministerpräsidenten über den Herrn Minister für Wiederaufbau und politische Befreiung, 4.9.1946, HHStAW 521/14.

³²¹ Cable, HQ Third Army G-2, F-2867 (signed Keyes) to First and Ninth Infantry Divisions, 14 Aug 46, NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners. The hospital was No. 2 at Karlsruhe.

later, for example, Third Army removed three enclosures and added a qualification in the case of Greater Hessen, indicating that CIE 91 would be handed over “less US compound.”³²² With the understanding that at least some portion of the enclosure would be turned over, the *Informationsstab*, working closely with OMGH liaison Captain Orson P. Jones, continued efforts to make the transition as smooth as possible.³²³

Among a host of other security concerns, OMGUS Public Safety sought to develop a viable plan for arming guards, an endeavor made more difficult by prohibitions against the issue of German manufactured or automatic weapons. On 19 August, Clay nevertheless signed a cable to the OMG Directors of Bavaria, Greater Hessen and Württemberg-Baden authorizing “the arming of guards at German civilian internment enclosures.”³²⁴ Roughly two weeks later, Wilson formally requested that USFET provide weapons and munitions to the Ministers for Political Liberation of Greater Hessen and Bavaria, indicating that a separate request for Württemberg-Baden would follow.³²⁵ In September, OMGUS IA & C

³²² HQ Third Army G-2 Cable, F-3303 (signed Keyes) to OMGUS, OMG for Bavaria, Greater Hessen, Württemberg-Baden, and First and Ninth Infantry Divisions, 30 Aug 46, NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners. This cable rescinded the 14 August list and requested OMGUS approval for transfer of enclosures after 15 September. In response to a separate cable (F-3302), USFET withheld approval for transfer of CIE 91 pending a 7 September Third Army conference with OMGUS: USFET Cable, S-3370 (signed McNarney) to Third U.S. Army, 7 Sep 46, NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners.

³²³ The function of the *Informationsstab* was to ensure the *Landesamt* was prepared to take over the camp; its role strictly informational. See, for example, “Tätigkeit des Informationsstabes Lager Darmstadt, Camp 91,” 12 August 1946, HHStAW 521/78.

³²⁴ OMGUS Cable (signed Clay), 19 Aug 46, NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners. OMHG internal correspondence reveals a strong view that machine guns in use at Darmstadt should be retained to provide for “adequate security.” For example, Memorandum for Internal Special Branch File (signed Teitelbaum), 27 Jul 46 and SpB Memo, Reynolds to Teitelbaum, “Civilian Internment Camp Darmstadt,” 24 Jul 46, both in NARA RG 260 OMGUS OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

³²⁵ OMGUS Cable, CC-2922, (signed Clay) to USFET, 31 Aug 46, NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners. ACC Directive No. 16 prohibited the use of German manufactured weapons by prison guards. Interestingly, the request for Bavaria was for: “2,500 carbines with 75,000 rounds” and “160 revolvers or pistols with 8,000 rounds,” while for Greater Hessen it was:

notified the Directors of OMG Bavaria, Greater Hessen, and Württemberg-Baden that transfers were to be made only after each enclosure had been inspected and security measures deemed adequate. Follow-on inspections were to be made at least twice monthly.³²⁶

Although security issues received heavy emphasis, they were in many ways eclipsed by anxieties over ensuring internees would be adequately fed. In the Hessian case, interactions on the subject between various agencies illustrate state officials' early attempts to mediate between their own concerns, perceptions of public expectations, and Military Government guidance. As the handover neared, signs of undernourishment—within CIE 91 in particular—had troubled American authorities for quite some time.³²⁷ On top of this, an OMGUS Public Health study of conditions at Darmstadt had revealed that calorie intake alone was not an adequate predictor of nutritional status. At roughly 1750-1780 calories per day, non-working internee rations were well above those of civilians outside the camp; in spite of this, Public Health officials determined that “weight loss among free Germans was relatively insignificant in comparison with the serious under weight condition among the

“155 carbines with 15,000 rounds; 10 revolvers or pistols with 1,000 rounds; 65 automatic or repeater 12 gauge shotguns with 6,000 rounds loaded with buckshot.”

³²⁶ OMGUS Cable (signed Clay) to Directors, OMG for Bavaria, Greater Hessen, Württemberg-Baden, 25 Sep 46, NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners.

³²⁷ HQ Third Army Message F-1828 (signed Keyes) to USFET GAT Division and OMGUS Supply Branch, 11 Jul 46; USFET Message SC-28848 (signed McNarney) to Third Army Quartermaster Special Projects and OMGUS Food and Agriculture and Supply Branches, 14 Jun 46; and OMGUS Cable CC-9893 (signed Clay) to USFET, 29 Jul 46, all in NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners. Third Army reported that a June inspection of CIE 91 revealed significant weight loss in spite of providing prescribed calorie levels. USFET directed the immediate daily issue of one multi-vitamin tablet per person at all enclosures. According to the OMGUS cable, the Chief, OMGUS Public Health Branch, and Theater Chief Surgeon were already pushing for a 2,000-calorie per day minimum by July, however, pervasive shortages and weight-loss among all German civilians prevented immediate increases.

non-working internees.” American camp administrators had turned to various ruses, such as “over-classification of internees as workers,” in an attempt to improve the situation.³²⁸

The severity of conditions on both sides of the barbed wire is illustrated by the fact that even as they expressed significant concerns over the local community’s ability to generate sufficient food for the camp and probed into the possibility of continued UNRRA support, *Informationsstab* members were repeatedly reminded not to take food out of the camp. Weyand’s team made a concerted effort to convince other German officials of the deleterious impacts that nutritional deficiencies and long-term internment had begun to have on the camp’s population. After a weigh-in of 14,793 internees, for example, 2,202 were found to be at least 20% underweight. Moreover, of 1,128 persons examined, 173 showed significant signs of edema, 488 of paresthesia, 114 with a pulse under 60, and 221 with a systolic blood pressure under 100.³²⁹

On 30 August 1946, Weyand and four members of the liaison team met with *Ministerialrat* Dietz of the Hessian Food Ministry at the OMGH offices in Wiesbaden and pleaded the case for maintaining rations at UNRRA-supported levels. The Military Government made its wish known that the indicated calorie levels be maintained, but stopped short of giving authoritative guidance. Weyand and his staff emphasized factors such as the camp’s generally poor living conditions, potential for spread of disease among the

³²⁸ Brief, Lloyd V. Steere (Deputy Director, Office of Political Affairs) to Ambassador Murphy and Mr. Heath, 23 Sep 46, NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners. Steere, Deputy Director of the Office of Political Affairs, advised Murphy that he had concurred with a Public Health Branch recommendation that civilian internees be provided a minimum of 2000 calories. He concluded by pointing out that the coming winter months did not bode well for conditions at Darmstadt given that the majority of the camp’s population lived in tents.

³²⁹ Deutsche Hauptlagerführung an die Herren der deutschen Verwaltung und der Spruchkammern, 20 Aug 46; Bericht über Verpflegung, 24 Aug 46; and Allgemeiner Ernährungszustand, 11.7.46, HHStAW 521/65. According to the third document, of the underweight internees, 52 were 30%, 401 were 25%, and 1749 were 20% below normal.

undernourished, internees' lack of access to supplemental foodstuffs from small gardens, neighbors or relatives, and in what would become a frequently invoked phrase, the need to ensure there were "no new concentration camps." According to the *Landesamt* record, Dietz declared that the *Ernährungsminister* would not agree to exceed the civilian sector's roughly 1200 calories "because the general public would rightly not be able to understand a higher calorie level for camp inmates." Ironically and in a development that did not escape *Landesamt* notice, the approximately 3000 foreign national and heavily incriminated internees thus far identified to remain in U.S. custody in the American section of Darmstadt were already slated to continue receiving UNRRA support at the 1700-calorie level.³³⁰

Roughly three weeks later, Third Army promulgated the list of enclosures to be transferred (Table 6) in an eight-page directive that encapsulated the main contours of American expectations. Tellingly, the document described the handover of facilities and internees as separate transactions to be effected simultaneously. As such, German authorities would not only sign receipts for items such as supplies and equipment, but also collectively for internees.³³¹ The handover was not to begin any earlier than 1 October 1946 and would not take place until Division Commanders and Military Government had mutually agreed that German authorities were prepared to assume control. During the ongoing transition period, American camp commanders would retain full responsibility for the operation of their respective enclosures. Moreover, the Commanding Generals of the First and Ninth Infantry Divisions and Nuremberg-Furth enclave were to oversee a large-scale sorting process to

³³⁰ "Bericht über Besprechung bei der Militärregierung, Wiesbaden am 30.8. vormittags, betr. Höhe der Kalorienzahl für Lagerinsassen," 30 Aug 46, HHStAW 521/65. UNRRA-supported levels were: 1700 for non-workers; 2400 for workers; and 3000 for patients. Weyand and his staff did not raise the looming calorie discrepancy between US and German held internees, but nevertheless recorded it.

³³¹ Signing for the internees underscored the fact that German officials were accepting responsibility for their well-being, conduct, and trial before appropriate tribunal.

separate internees who met the criteria for remaining in US custody from those to be transferred. As part of this endeavor, all non-German internees (with the exception of those believed to have witnessed or been involved in the commission of war crimes) would be moved to CIE 91 at Darmstadt. All other internees designated to remain in US custody were to be transferred to CIE 74 at Ludwigsburg.³³²

Table 6: Enclosures/Medical Facilities Designated for Handover

<i>Land</i>	Enclosure/Facility	Remarks
Hessen	CIE 91 Darmstadt	Including Hospital 726; Minus U.S. Compound ³³³
Württemberg-Baden ³³⁴	CIE 72 Ludwigsburg	Including Artillery Kaserne formerly known as CIE 77
	CIE 75 Kornwestheim	Including Hospital 731
	CIE 76 Hohen-Asperg	
	CIE 77 Ludwigsburg	
	Hospital 2 Karlsruhe	

³³² HQ Third Army Letter to Commanding Generals 1st and 9th Infantry Divisions and Nurnberg-Furth Enclave, “Disposition of Internees Held in Civilian Internment Enclosures,” 21 Sep 46, NARA RG 260 OMGUS, Records of CAD, PS Branch, Records Relating to Denazification, 1945-49, Box 329, F: Denazification. For translation (with points pertaining to Greater Hesse), see Hauptquartier der dritten Amerikanischen Armee, “Verfügung über die Internierten in den zivilen Internierungslagern,” 21 Sep 46, HHStAW 521/14.

³³³ This compound was designated for the detention of non-German internees. Hospital 726 was to be turned over with the understanding that, as needed, it would also accommodate internees from the US compound.

³³⁴ CIE 74 at Ludwigsburg was designated as an interim US enclosure to detain internees who met criteria for remaining under US control. Confirmed war criminals and war crimes witnesses were to be held at the Central War Crimes Enclosure, Dachau. Internees at any CIE believed to be war crimes suspects or witnesses were first to be transferred to CIE 74 and held pending verification of their status by the Judge Advocate for War Crimes. Hospital 730, located in CIE 74, and Hospital 728 at Ludwigsburg were to be retained under US control.

<i>Land</i>	Enclosure/Facility	Remarks
Bavaria ³³⁵	CIE 6 Moosburg	Including Hospital 6
	CIE 22 Regensburg	
	Hospital 345 P Regensburg	
	Hospital 345 T Regensburg	
	CIE 317 Augsburg	
	CIE 409 Nürnberg	Compound for 4000 only

Source: HQ Third Army Letter to Commanding Generals 1st and 9th Infantry Divisions and Nurnberg-Furth Enclave, "Disposition of Internees Held in Civilian Internment Enclosures," 21 September 1946, NARA RG 260 OMGUS, Records of CA Division, Public Safety Branch, Records Relating to Denazification, 1945-49, Box 329, F: Denazification.

According to the 21 September 1946 directive, reduced Counter Intelligence Staffs would remain in enclosures and, after the transfer, be charged with downgrading records and extracting information from classified files that could not be handed over; assisting German Public Prosecutors by serving as a conduit of information from Third Army G-2; and keeping Third Army officials abreast of developments within enclosures. The directive made it clear that state Ministers for Political Liberation were authorized to begin operating camp tribunals immediately. Moreover, it gave Public Prosecutors approval to require internees to provide completed *Meldebogen* and to carry out necessary investigations. Camp commanders and CI staffs were to afford German authorities the "utmost consideration and assistance" in getting trials underway and in completing them as quickly and efficiently as possible. Although German officials were not to grant any releases during the transition period, once enclosures had been transferred, the respective Minister for Political Liberation would assume responsibility for the disposition of all internees therein. Any newly detained individuals meeting the February 1946 arrest guidance were to be sent to a German enclosure, where CI

³³⁵ According to the directive, CIE 9 at Hammelburg would not be transferred to Bavarian officials' control, however they would be given access in order to process and transfer the internees that were located there. In addition, the hospital would be available for German use as long as internees were in the enclosure.

personnel would immediately interrogate and classify them. This process included forwarding a recommendation to Third Army G-2 indicating whether the individual should be transferred to US custody “for reasons of security, further interrogation and exploitation, or otherwise.”³³⁶

In addition to reiterating the now long held stipulation that POWs deemed to fall under automatic arrest criteria be discharged and promptly rearrested as civilian internees, the directive made specific provision for former General Staff Corps officers:

All former German General Staff Corps Officers, not wanted as war criminal suspects or witnesses to war crimes, now or hereafter held as prisoners of war, will be discharged from their PW status and transferred to the US Civilian Internment Enclosure No. 74. The Counter Intelligence Staff shall proceed promptly to process these former officers as new arrestees as outlined in paragraph 9, above. Those former General Staff Corps Officers to be detained in German Enclosures and whose domicile is in the US Zone of Occupation will be transferred to a German Enclosure for prosecution under the Law for Liberation from National Socialism and Militarism. Those former General Staff Corps Officers to be detained in German Enclosures whose domicile is outside the US Zone of Occupation will be offered to the appropriate occupying power through this headquarters for disposition and, if not accepted, they will be transferred to German Enclosures for prosecution under the Law for Liberation from National Socialism and Militarism.³³⁷

As a target date of 1 October 1946 materialized to begin ceding control of camps to OMGUS and administrative responsibility to German authorities, Third Army officials voiced concerns to Clay over a potential internee backlash:

It is possible that this transfer may be complicated by disturbances within the enclosures. It is known that unrest and resentment exists on the part of internees at being transferred to German government authorities. The transfer will occur at approximately the same time that the sentences of the Nurnberg trials are announced and these sentences will probably be accepted with great mental shock and demonstration within the enclosures.³³⁸

³³⁶ HQ Third Army, “Disposition of Internees Held in Civilian Internment Enclosures,” 21 Sep 46.

³³⁷ Ibid.

³³⁸ HQ Third Army Letter (signed Cochrane) to Commanding General OMGUS, “Security of Internees Held in Civilian Internment Enclosures,” 21 Sep 46, NARA RG 338, Third Army Decimal Files, Adjutant General, General Correspondence, Box 233, F: 383.6 Correspondence Dec 46.

Third Army Headquarters took several concrete measures in preparation for the handover, including directing the improved fortification of physical barriers and placing the Constabulary on alert. Spurred in particular by the fact that the incoming cadres of German guards were to be “denied the use of automatic weapons now being used,” Army officials also made a number of general recommendations to Clay dealing with four key areas: guard readiness, alert plans, internal security procedures, and maintaining control over work details. This included suggesting, for example, that guards establish and maintain a direct line to the nearest constabulary unit in the event of an emergency and that relief guards be physically present in each camp. In addition, based upon a self-ascribed “intimate and long standing knowledge of the particular problems and conditions in each individual enclosure,” Third Army provided camp-specific recommendations. In the case of Darmstadt this included: manning all 28 perimeter towers with one guard apiece; employing a two-man walking post between towers during low visibility periods; maintaining a 4-man gate guard; and continued use of civilian internees for interior guard duties.³³⁹

Because it involved issues that had not been fully anticipated by those who drew up the agreements, the status of civilian internees under the Geneva Convention proved to be problematic. A meeting between International Red Cross (IRC) representatives Dr. Ernest Lindt and Mr. Ernst Meyer, and USFET Deputy Chief of Staff Major General M. G. White shows that the IRC began requesting access as early as September 1946—while the enclosures were still under American administration. Although “not actually covered by the Geneva Convention,” because civilian internees were “enemy ex-nationals, held in arrest by one of the occupying powers,” the IRC’s stance was that “they might technically be regarded

³³⁹ Ibid. At 28, CIE 91 had more perimeter towers than the other camps listed. The next highest number was at Regensburg, which had 18.

as prisoners of war.” Lindt not only mentioned that the British and French had already agreed to grant access in their zones, but according to White’s record of the meeting, also brought up “criticism of conditions in the camps” and stressed the benefits of allowing visits “by a neutral and international agency such as the IRC.” White acknowledged the IRC position and did not close the door to future possibilities but declined access explaining that, “neither General McNarney nor General Clay was willing to accede that the IRC had any responsibility or obligation in connection with the civilian internees.”³⁴⁰

So as to dissuade the IRC from pursuing the issue, White indicated that American authorities were in the process of re-screening those being held in the CIEs and that some internees were being released. With the transfer to German authorities, those who remained in the camps would be held for trial under the Liberation Law. Moreover, American authorities “hope[d] to accomplish the turn-over or releases very rapidly during the next six weeks.” Lindt expressed particular concern that the decision to discharge and immediately re-detain those POWs who met automatic arrest as civilian internees violated the “provision of the Geneva Convention which obligates the capturing power to maintain a prisoner of war with all the rights, privileges, and benefits fixed by the Convention until such time as he was returned to his home and released.” Rather than being reclassified, if such individuals “were to be held for trial, they were entitled to be held in prisoner of war status,” with all the commensurate benefits. White disagreed, on the basis of the progress made thus far by American authorities in the repatriation and discharge of POWs; and that those re-arrested were screened and deemed to meet automatic arrest criteria. “And while perhaps under a

³⁴⁰ Memo for Record, Major General M.G. White, 27 Sep 46, NARA RG 260 OMGUS, Records of the CAD, PS Branch: Records Related to Denazification, 1945-49, Box 329, F: Civilian Internment Enclosures 18. The IRC position described is as related by White. According to him, Lindt and Meyer also stressed that civilian internees “constitute[d] a category of prisoners not contemplated when the Geneva Convention was drawn.”

very strict interpretation of the Geneva Convention we should discharge the prisoner and let him walk away as a free man in civilian status,” he continued, “we would have to re-arrest him on the next corner as a civilian in one of the mandatory arrest categories.”³⁴¹

Reactions to the still unresolved calorie allotment issue suggest that the IMT verdicts were also cause for at least some degree of reflection among the incoming German administration at Darmstadt.³⁴² After deliberating over initial stores to be provided at handover, USFET and OMGUS officials agreed that 14 days worth of food from military government stocks would be released to German authorities at the transfer of any civilian internee enclosure.³⁴³ As this information was passed within OMGUS channels, three members of the *Informationsstab* submitted a statement to Weyand emphasizing that a consistent intake of 1800 calories was necessary to maintain adequate health; yet, they documented, the Food Office of Greater Hessen (*Grosshessischen Ernährungsamt*) was not expected to agree to more than 1200 calories and American stocks could not be relied upon to offset the difference. They stressed that in view of the heavy toll exacted upon internees’ health by six years of war and one-and-a-half years of detention, they had done everything in their power to deal with the situation. “We feel especially compelled to provide this statement,” they concluded, “because of the Nürnberg Judgment finding that knowledge of

³⁴¹ Ibid.

³⁴² As officials pressed forward with the transfer, the calorie issue was unresolved, but very close to being decided by American decree. The Office of Food & Agriculture at OMGUS, for example, rejected a *Länderrat* announcement that the basic internee ration would be the same as that for civilians, indicating that it would not approve anything less than a 1700-calorie daily allotment. OMGH SpB Letter, Jones to Yakoubian, “Weekly Report on Darmstadt Internment Enclosure,” 4 Oct 46, NARA RG 260 OMGUS OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

³⁴³ OMGUS Cable (signed Clay) to Food & Agriculture Sections OMG Bavaria, Württemberg-Baden, Greater Hessen and Regional Government Coordinating Office, 2 Oct 46; and USFET cable (signed McNarney) to TUSA G-4, 4 Oct 46, NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners. Of note, Weyand and his team continued to press the issue as late as September. See, for example, *Besprechung beim Landesernährungsamt*, 2 Sep 46, HHStAW 521/65.

potentially harmful activities is sufficient grounds to be held criminally responsible under the law unless everything humanly possible has been done to try to rectify the situation.”³⁴⁴

‘Like Cutting an Egg in Two’: Transfer of *Lager Darmstadt* to German Administration

The handover of camps began in Bavaria on 10 October 1946, with a signing ceremony transferring CIE 6 at Moosburg along with its population of roughly 7,000 internees to Bavarian Denazification Minister Anton Pfeiffer and Minister-President Wilhelm Hoegner.³⁴⁵ In Hessen, the weeks surrounding Moosburg’s handover were filled with a flurry of last minute activities that, while characterized by some progress, nevertheless reveal substantial unresolved issues. Roughly three weeks earlier, OMGH had grudgingly accepted Third Army plans to carve out a separate compound and begun pressing for transfer. In spite of military government pressure to move forward, however, Ninth Infantry Division refused to relinquish CIE 91 until 1 November, when construction to fully segregate the American section from the rest of the enclosure would be complete. This entailed a major effort to clear space, divide property, establish communications systems, and most visibly, to erect interior fences and guard towers ringing the newly designated US camp. In the meantime,

³⁴⁴ Erklärung an Herrn Direktor Weyand, 2. Oktober 1946, HHStAW 521/65. OMGUS soon did elect to intervene and require a 1700-calorie minimum for internees. See also Cable, Clay for Echols “Food Situation in U.S. and British Zones,” 24 Sep 46 in Smith, *Clay Papers*, Vol. I., 264-265. Concerns over physical deterioration among the population at large led the Americans and British to agree to raise the rations for the “normal consumer in both the U.S. and British zones” to 1550 calories beginning 14 October 1946.

³⁴⁵ Cable Third Army (signed Keyes) to Director OMGUS, USFET CS, and 9th Infantry Division, 8 Oct 46; See also “News Of Germany” summary (compiled by the Office of the Director of Information Control) “Moosburg Internee Camp is First to Go Over to Germans,” *News of Germany*, 16 Sep 46, both in NARA RG 84 POLAD, Classified General Correspondence, 1945-1949, Box 64, F: 711.5 Civil Prisoners. The figure of 7,000 internees is from Meyer, 89 and includes the population of Hospital Nr. 6.

German authorities had placed six prosecutors in the camp, projected the first tribunal hearing for 23 September, and begun to set up administration offices.³⁴⁶

On the logistical front, OMGH had already taken steps to provide the incoming administration with weapons, ammunition and at least some vehicles. Assistant Executive Officer Captain Robert Wallach notified OMGUS that Ninth Infantry Division would be responsible for furnishing all other equipment as well as emergency stores, including: a 7 day supply of food, 15 day supply of disinfectants and sanitary materials, and 30 days worth of medical supplies. In addition to a small stock of clothing to be transferred to the German staff at handover, each internee was to be supplied with one sleeping bag and at least three blankets. Wallach also reported, however, that German and American officials anticipated significant shortfalls. Overcoats and warm winter clothing were not available. Soap and toilet paper could not be obtained locally. Moreover, the present gasoline and lubricant allotments were insufficient. With the issue of a basic caloric ration for confined individuals still being discussed at the *Länderrat*, he stressed to Public Safety that the *Ernährungsamt* intended to provide a 1250-calorie ration “unless ordered otherwise.”³⁴⁷

From his vantage point within the camp, Jones reported to Deputy Chief of the OMGH Denazification Division Arsen L. Yakoubian that the 84th Field Artillery Battalion had efficiently operated the enclosure, noting that electric, water, and sewage facilities were

³⁴⁶ OMGH SpB Letter, Yakoubian to Director, OMGH, “Internment Camp Darmstadt and Status of Spruchkammer,” 17 Sep 46. The pendulum had swung decisively in favor of Third Army, whose Commanding General specified that OMGH reach an agreement with Ninth Infantry Division. While continuing to object to the split, OMGH transitioned to negotiating where the line would be drawn and which facilities transferred. OMGH SpB Letter, Stewart to Wilson (OMGUS), “Disposition of Civilian Internees held in Civilian Internment Enclosures,” 31 Aug 46. Both letters are in NARA RG 260 OMGUS OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

³⁴⁷ OMGH SpB Letter, Wallach to OMGUS Public Safety Branch, “Disposition of Internees Held in Civilian Internment Enclosures,” 17 Sep 46, NARA RG 260 OMGUS OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I. It is unclear why OMGH and Ninth Army provided a 7-day (as opposed to a 14-day) supply of food. On logistical shortfalls, see also “Dringender Bedarf Darmstadt,” 16 Oct 46, HHStAW 521/90.

provided throughout. In his view, however, the decision to divide CIE 91 “was like cutting an egg in two.” Rather than necessity, Army desire to retain art and metal shops seemed to be the key factor. “The shops,” Jones wrote, “have been equipped with machinery and used to produce articles and toys for the benefit of the military communities, U.S. organizations and Americans connected with the camp.” Revealing one of his chief concerns, he explained that, “the worst feature is that even with the whole camp as a German enclosure middle-aged and old men would be spending a cold winter in tents.”³⁴⁸

In his 4 October 1946 report, Jones described the relationship between American authorities and incoming administrators as adequate, but indicated “prejudice against the Germans manifests itself in many ways.” He complained, for example, that camp leadership was opposing the release of clothing that could be dyed and altered for use by guards. Jones also worried that American officials had been remiss in ensuring that adequate wood had been cut for the coming winter, particularly once they had become preoccupied with dividing the camp. In an issue that will be further examined below, he commented that morale among internees had deteriorated, “caused by uncertainties and anxiety over their welfare under German administration.”³⁴⁹

While Jones kept Yakoubian abreast of developments within the enclosure, the *Informationsstab* sent parallel correspondence to Weyand. Shortly after arriving at CIE 91,

³⁴⁸ OMGH SpB Letter, Jones to Yakoubian, “Darmstadt Civilian Internment Enclosure,” 17 Sep 46, NARA RG 260 OMGUS OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I. For Americans and Germans alike, the contestation over dividing the camp had both logistical and political components that centered on the desire to control the workshops. Writing of American deliberations, Jones described the shops as “the pearl of great prize in all discussions.” In the German case, for example, the Minister of Finance expressed keen interest in using the workshops to assist in reconstruction. On this, see, “Bericht über Besprechung beim Wirtschaftsministerium am 30.8. mittags, betr. Bereitstellen von Wirtschaftsgütern,” HHStAW 521/65.

³⁴⁹ OMGH SpB Letter, Jones to Yakoubian, “Weekly Report on Darmstadt Internment Enclosure,” 4 Oct 46, NARA RG 260 OMGUS OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

for example, the German administrators expressed frustrations over not being able to effectively coordinate the handover because the S-4 (logistics officer), Captain Vitullo, had declared the individual camps, workshops, and other key areas off limits, requiring his prior approval for entry.³⁵⁰ A 10 October 1946 report filled Weyand in on the previous day's meeting with Jones, who had again taken up the issues of supplying the camp with wood, clothing and better tent lighting with representatives of Third Army and Ninth Infantry Division. "No one seems to have any real solution for the especially challenging wood situation," the update indicated, relaying Jones' suggestion that German officials would simply have to trust in American promises to provide the agreed upon amount of wood at transfer. The staff likewise had nothing new to report on the subject of guard uniforms; however, in a development symptomatic of the high degree of turnover on the Army side, advised Weyand that a new artillery unit would be taking charge of the camp at midnight.³⁵¹

On 15 October 1946, Binder's Deputy, *Ministerialdirektor* Heinrich Knappstein, notified department heads in the Ministry for Political Liberation that handover of the German portion of the enclosure was expected to take place on 1 November.³⁵² As Hessian officials awaited the transfer, Weyand paid an official visit to Moosburg to see firsthand how that camp had been operating since the Bavarian Ministry's takeover. His trip report provided him with a vehicle to once again express significant concerns over circumstances at

³⁵⁰ Bericht, Informationsstab an Weyand, 23.8.46, HHStAW 521/65. This report also mentioned that a Capt Johns from military government had been to CIE 91 and instructed that a combined office be prepared for him, his secretary and *Direktor* Weyand. I suspect that the intended reference was to Capt Jones.

³⁵¹ Der Leiter des Informationsstabes an Herrn Direktor Weyand, 10 Oct 46 (with attachment, Besprechung, 10. Oktober 1946, 14.00), HHStAW 521/65. At midnight, the 84th was to hand CIE 91 over to the 33rd Field Artillery Battalion. On the wood situation, the report read, "*Bezüglich der besonders schwierigen Holzsituation scheine niemand recht eine Lösung zu wissen.*" According to the report, a member of the *Informationsstab* reminded Jones that provision of a three-month wood supply was a precondition for transfer.

³⁵² Knappstein, "Besprechung mit Maj. Yakoubian am 15.10.1946," HHStAW 501/1205. Knappstein also stressed that camp administrators must promptly ensure that groups of internees were organized to cut wood. The camp is also often referred to in correspondence as *Interniertenlager Darmstadt*.

Darmstadt, particularly with regard to resources and the pervading mood in the enclosure. In contrast to the dilapidated summer weight tents at CIE 91, for example, the camp at Moosburg consisted mostly of stone barracks, which were in good condition, heated, and had sufficient furniture. For the most part, the same could be said for the few wooden barracks in the compound; those that had sustained damage had either been repaired or were not in use. Owing to the high number of older *Ortsgruppenleiter* being held there, he wrote, the average internee age at Moosburg was 46. Overall, health conditions appeared to be good as he did not observe any signs of cold-related illnesses and the cases in the hospital isolation ward were limited both in number and malady (to diphtheria, cancer, and tuberculosis). Moreover, food rations were substantially above those provided to the civilian population at large.³⁵³

Weyand's description of the Bavarian camp's atmosphere is particularly instructive. "The overall mood among Moosburg's internees is substantially different from that in Darmstadt," he wrote, attributing this in part to "constant contact with the outside world" to include "messages that were fairly regularly smuggled out." He went on to say that there were no visible signs of any real prison psychosis; the internees themselves had helped prevent those suffering from depression, above all intellectuals such as artists and scholars, from worsening through the use of small discussion groups. Weyand was especially struck by the positive influence that the internee self-administration seemed to have over the camp's pervading tone. The Bavarian Political Liberation Ministry's immediate release of the first

³⁵³ Weyand Trip Report, "Interniertenlager Moosburg," (with cover letter, Weyand to Yakoubian, dated 21 Oct 46), 16 Oct 46, 1, HHStAW 521/19. Weyand indicated to Yakoubian that "certain important points of the report" were no longer a factor because "binding promises [sic.]" had been made, suggesting at least some success in leveraging comparisons between Darmstadt and Moosburg.

two tribunal cases—one judged to be a Lesser Offender, the other a Follower—had also had a very positive effect on the internees’ states of mind.³⁵⁴

Shortly after his visit to Moosburg, Weyand wrote to the Bavarian Ministry for Special Affairs (*Sonderaufgaben*) asking whether the southern state might be able to assist his security department in procuring day-to-day necessities (*Bedarfgegenstände*). Equipping the sizeable number of guard personnel with items such as uniforms, winter coats and identification armbands had proven particularly difficult for *Gross-Hessen*, he emphasized, because of the comparatively limited opportunities to draw upon the stocks of now defunct military units.³⁵⁵ At roughly the same time that Weyand made this request, Jones stressed to Yakoubian that the procurement of guard uniforms was the chief “obstacle to overcome before turnover of the camp.” Ironically, Jones was caught in a logistical quagmire of sorts, trying to locate 500 full *Wehrmacht* uniforms that had been approved by both USFET and Third Army for use at the camp, but had somehow reportedly gotten lost between the quartermaster and the facility that was supposed to dye them prior to delivery.³⁵⁶

With the handover approximately one week away, Jones notified Yakoubian of significant security concerns. “The personnel who have been selected for guards are of mediocre qualification,” he began, indicating “actually, about 5% would meet the ideal requirements for a German policeman under the age of 28 years.” Jones went on to explain

³⁵⁴ Ibid., 2.

³⁵⁵ Weyand an das Bayerische Staatsministerium für Sonderaufgaben, Abt. Internierungs- u. Arbeitslager, 21 Oct 46, HHStA 521/19. In emphasizing Greater Hessen’s particular plight, Weyand wrote: “*Um die äußerst schwierige Situation in Groß-Hessen verständlich zu machen, darf ich bei dieser Gelegenheit noch darauf hinweisen, dass bei Kriegsende aufgelöste Einheiten, aus deren Beständen den verschiedenen Behörden Bedarfsgüter zuflossen, in Groß-Hessen nur vereinzelt vorhanden waren.*” It is unclear why this letter estimated 1000 guards, whereas other correspondence consistently indicated 400.

³⁵⁶ OMGH Letter, Jones to Yakoubian, “Weekly Report on Darmstadt Internment Enclosure,” 25 Oct 46, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

that the average age among guards was 35 and that the living conditions in Darmstadt had made recruitment difficult. Although he did not say as much directly, the pool of candidates was also limited by efforts to exclude potentially incriminated applicants. Nearly all of those recruited had served at some point in the *Wehrmacht*, however political screening indicated that, with the exception of one officer, none had held rank higher than Staff Sergeant. Furthermore, Jones wrote, “No former members of the SA, SS, or NSDAP have been employed, nor has any person holding rank in affiliated organizations been employed.” New hires had received basic training on the carbine, consisting of firing a handful of shots from the standing position at 100 meters and procedures for clearing stoppages. The men’s physical abilities had been only visually assessed, although thorough physical examinations by camp physicians were planned. By this time, German security guards supervised by American soldiers manned the main gate to *Internierungslager Darmstadt*, an entrance that had just been constructed midway along the *Rheinstrasse* side of the compound.³⁵⁷

Once the large, rectangular American sector had been carved out and segregated by an interior “no man’s zone,” the German enclosure resembled the open head of a pipe wrench. Most of the few remaining stone buildings—used to house the camp administration, hospital, and *Spruchkammern*—were clustered along *Rheinstrasse* within the top, thinner jaw. The connecting side as well as the bottom, thicker jaw of the wrench consisted mostly of tents, interspersed with semi-permanent support facilities such as kitchens, showers and latrines. The workshops, supply buildings, motor pool, sports field, one of the theaters, and steel huts in which the university had been housed, were now off-limits to German

³⁵⁷ OMGH Letters, Jones to Yakoubian, “Weekly Report on Darmstadt Internment Enclosure,” 25 Oct 46; and “Security of Internees Held in Civilian Internment Enclosures, 24 Oct 46, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I. Jones also noted that German supplies were being brought into the camp and roughly “300 men enter and leave each day on wood cutting details.”

authorities, part of the gap between the two jaws. A second gate off of *Rheinstrasse* permitted access to the *Spruchkammer* building for those coming from outside the camp. Internee access to the tribunal facility was through an internal entry point past strands of barbed wire that isolated the building from the rest of the enclosure.³⁵⁸

The handover of 11,001 internees took place in a signing ceremony at the theater following a largely symbolic two-vehicle inspection of the camp. Official participants included Binder, Weyand, Yakoubian, Jones, Third Army Provost Marshall Colonel Clayton, and CIE 91 commander Lieutenant Colonel Burdge. According to the *New York Times*, in conjunction with the handover the Army provided “fifty trucks, a supply of firewood, 1,000 blankets, and a two-week food supply to the German administration.”³⁵⁹ Local press coverage included a brief article in the *Wetzlarer Neue Zeitung* that carried a DANA picture of Binder signing the handover document.³⁶⁰ Meanwhile, with the transfer of enclosures now fully underway, representatives from the IRC again called on USFET Deputy Chief of Staff Major General M.G. White to discuss the issue of access to civilian internment camps in the American zone. White’s record suggests that this time the IRC sought to press the issue more forcefully. “Mr. Rickli and Mr. Frank, representing the International Red Cross, called

³⁵⁸ Lageplan, “Deutsch. Internier. Lager Darmstadt-Planung,” Zeichng. Nr. 1-1-16, 20.11.46, HHStAW 521/43. The “no man’s zone” between the US and German enclosures consisted of two separate sets of double stranded barbed wire under the surveillance of eight pairs of guard towers.

³⁵⁹ For an undated, untitled overview of the ceremony, see HHStAW 521/66. Burdge, the outgoing commander was assigned to the 33 Field Artillery Battalion. A very brief *New York Times* article announced the transfer—of the internees, not the camp—one day later. See, “U.S. Transfers 11,000 to German Control,” *NYT*, 2 Nov 46, 2. This article further explained that German authorities would “attempt to keep the ration at 1,700 calories a day, with supplements for workers.”

³⁶⁰ “Im Darmstädter Internierungslager,” *Wetzlarer Neue Zeitung*, 14.11.46. A clipping is in HHStAW 521/66.

to state that the Executive Committee of the IRC felt it wise to insist that they be given the privilege of visiting and inspecting Civilian Internee camps.”³⁶¹

White replied, in his words “politely but firmly,” that this would not be allowed, because the status of civilian internees being held by German authorities was analogous to that of individuals held in prisons in other countries. The “IRC has no more right to demand visiting privileges than they would to demand of the United States the right to visit and inspect Federal penitentiaries,” he wrote. “Military Government is attempting to strengthen the local German governments and will not submit their installations for inspection by IRC or any similar agency.” Additionally, granting IRC access to inspect the camps would amount to agreeing that civilian internees fell within the provisions of the Geneva Convention, a point that White noted, American authorities would “not concede.” White came away from the meeting with the understanding that Rickli and Frank understood the American position. He noted that criticism for failing “to make similar visits and inspections of German concentration camps during the war” had led the IRC to believe “that it must protect itself by going on record that they had asked for permission to make the visits.” In addition to inquiring with whom they should correspond in order to make the IRC position a matter of record, the two men asked whether American officials would object “if they arranged directly with German civil authorities to visit Civilian Internee camps operated by the Germans.”³⁶²

Roughly three-and-a-half weeks after the transfer, as the lines of coordination among Hessian and OMGH authorities continued to jell, Yakoubian formally requested that the

³⁶¹ MFR, Major General M.G. White, 4 Nov 46, NARA RG 260 OMGUS, Records of the CAD, Public Safety Branch: Records Related to Denazification, 1945-49, Box 329, F: Civilian Internment Enclosures 18. Because this document is a memo for record, it is unclear how fully the items noted were discussed at the meeting.

³⁶² Ibid. On the issue of arranging directly with German authorities, White wrote that he had discussed the issue with General McNarney, who “indicated he had no objection to permitting the visits if they were directly arranged between the two agencies.” White’s last sentence reveals that he did not confer with OMGUS, however: “If this is formally proposed by IRC it will be presented to Military Government for comment.”

Ministry include with all future correspondence an English translation and, whenever possible, duplicate copies.³⁶³ Captain Raymond O. Didlo, who had recently taken over from Jones as OMGH Camp Liaison Officer, noted continual improvement among the guard personnel in his weekly report. Although 25 had just been let go, 81 new hires brought the present strength to 580. Didlo approvingly reported not only that each tower was connected telephonically to a main switchboard, but also that the camp security force was able to contact tactical units directly if needed. He attributed the one escape that had taken place from a wood cutting detail during the last week to the fact that the internee was wearing dyed clothes similar to those of the guards. Plans were underway to procure green uniforms for the guards, but in the meantime, they would be issued distinctive armbands. In addition, a request had been forwarded to the Ministry “to borrow members of regular police forces for the camp to instruct guards and also to be members of the guard.”³⁶⁴

The quality of the camp guard was a persistent, troubling concern that, on the whole, Hessian officials openly discussed and actively sought to remedy.³⁶⁵ Knappstein wrote to Teitelbaum after a late November military government inspection, for example, in a clear attempt to manage American expectations. He flatly described guard readiness as deficient, explaining: “The reason for this fact is that no suitable police official exists to carry out the

³⁶³ Letter., Yakoubian to MPL, “Korrespondenz mit der Militärregierung” (translated copy), 26 Nov 46, HHStAW 501/1205.

³⁶⁴ Letter, Didlo to Teitelbaum, “Weekly Summary,” 27 Nov 46, NARA RG 260 OMGUS Public Safety Branch, Records Related to CIEs, Box 306, F: 57 Civilian Internment Enclosure Darmstadt II.

³⁶⁵ For more on this, see Schuster, *Entnazifizierung in Hessen*. He noted, for example, that the subject of how to constitute a guard force for *Internierungslager Darmstadt* had been discussed at the cabinet level as early as the previous May, when Hessian officials leaned toward using police troops from within Interior Ministry purview. By October, however, the idea had taken hold of providing the newly established *Landesamt* with an organic guard capability. See Ergebnisprotokoll der Kabinettsitzung vom 2. Mai 1946, 2, HHStAW 502/7667; Weyand an Hamberger, “Bewachung des Interniertenlagers Darmstadt, Camp 91” (Abschrift), 18. Okt 1946; and Zinnkann, Kabinettsvorlage: Gestellung von Polizeikräften als Schulungspersonal für die Lagerpolizei der Interniertenlager (Abschrift), 21. Okt 1946, HHStAW 502/7679, all cited in Schuster, 239, n. 1097 and 1098.

training. According to my observations and to the reports, continuously coming in, many guards are very untrustworthy and have the tendency to criminal actions.” Knappstein went on to say that over 80 guards had been let go because of disciplinary issues and that several had been referred to the public prosecutor (*Staatsanwaltschaft*) for trial. Echoing Didlo’s report, Knappstein indicated that the Chief of the State Police (*Landespolizei*), Dr. Hamberger, had meanwhile agreed to provide 40 experienced police officials to train camp security forces. Moreover, Knappstein reported that he had appointed an “experienced police specialist” on a probationary basis to organize and train Hessian guards.³⁶⁶

The inspection that precipitated Knappstein’s letter was one of several conducted in the weeks immediately after transfer of *Internierungslager Darmstadt* to Hessian administration. In addition to continued efforts to cope with logistical shortfalls, ministerial and OMGH correspondence surrounding the handover reflects clear and growing concerns about the camp’s deteriorating atmosphere. As the following section will demonstrate, along with the onset of what would prove to be a particularly severe winter, several factors combined to precipitate this change, including announcement of the Nuremberg decisions as well as loss of the portion of the compound containing most of the permanent structures and all of the workshops. The records also clearly indicate, however, that the slowness and stringency of initial Spruchkammer operations were particularly decisive contributors to the camp’s visibly plummeting morale. Moreover, various internee writings suggest that those

³⁶⁶ MPL Letter, Knappstein to Teitelbaum, “Report of inspection of the Darmstadt Labor Camp,” 10 Dec 46, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I. Knappstein was less specific in describing plans to prevent escapes from outside labor details, indicating simply that steps would be taken. Training was also a concern in other states. In December 1946, for example, OMGB advised OMGUS Public Safety that, although recent security inspections had uncovered “laxity” in enforcing procedures, this was “believed due to lack of training and experience, and not due to any unwillingness on the part of the German officials concerned.” Cable, OMGB, Special Branch Labor Camps (signed Muller) to OMGUS Public Safety, 9 Dec 46, NARA RG 84 POLAD, Classified General Correspondence 1945-49, Box 64, F: 711.5 Civil Prisoners.

held in *Internierungslager Darmstadt* were well aware of officials' concerns and that they were following developments related to the handover with a great deal of interest.

'The Collapse of Hope': Darmstadt Camp Tribunals in Operation

"Camp III Clobbers Camp V 3:0 (1:0)"—along with items such as the review of a brief interlude in the CIE Theater featuring chamber music and poetry, this sports update from the 25 August edition of *Die Bergstrasse* offers an interesting snapshot of daily life before the handover. As the main Nuremberg trial was winding down, there was a palpable element of what could almost be described as vibrancy. The education program was in full swing, the newspaper very active, internee productions were being held in theaters, and organized sporting events carried out between camps.³⁶⁷ In addition, Third Army screening processes had begun to visibly reduce the internee population. Just before the German administration took over, however, there was a distinct change in atmosphere as glimpses of the life being reconstructed outside the barbed wire were interspersed with news that IMT proceedings would be followed by additional war crimes trials in each zone and that, for a great many of those still in the enclosure, the path out would lead through the *Lagerspruchkammern*.

In spite of the clear presumption that proceedings held within the camp would involve some of the most politically incriminated participants of the Nazi regime, for the most part the *Lagerspruchkammern* mirrored the myriad of tribunals set up throughout the American zone. Indeed, they were part of an intricate and extensive Ministry apparatus that took

³⁶⁷ *Die Bergstrasse* Nr. 40, 25 Aug 46, HHStAW 501/27 (2), especially 1, 4-6; 8. The robust inter-camp sporting events included soccer, fistball, and handball. The coming week of nightly performances in the larger and smaller theater houses included Franz Lehár's operetta "The Merry Widow" (*Die lustige Witwe*), and the three-act Brandon Thomas farce, "Charley's Aunt" (*Charleys Tante*). This edition of *Die Bergstrasse* also bade farewell to the recently released rector (and impetus behind establishment) of the *Lageruniversität*.

several months to put in place and that in Hesse included 110 tribunals. While each panel consisted of at least three lay judges, the responsibility for rendering judgments rested with the chairperson. In the cases of those determined to be subject to the Liberation Law's provisions, prosecutors had little-to-no leeway. The law specified procedure to such a degree that it indicated the extent to which an individual's case was to be investigated, the charges to be filed, and depending upon judgment, what sanctions were to be applied. Those appearing before the panel were permitted to represent themselves or hire legal counsel, and bore the burden of making the case for mitigating circumstances or reduction of charges.³⁶⁸

Given the need to regularly liaise with Military Government and deal with several high profile cases, the Ministry selected Hans Quambusch, former senior public prosecutor of the Wiesbaden District Court (*Landgericht*) to oversee the *Lagerspruchkammern*.³⁶⁹ The tribunal operations that began in the enclosure on 23 September 1946 were limited in number; however, they drew a significant amount of attention—and not just among internees. With efforts to construct five separate hearing chambers not quite complete, Jones reported that by midday on 27 September eleven cases had already been decided. Of these, one was classified as a Major Offender (Group I) and three as Lesser Offenders (Group III). The remaining seven were deemed to be Offenders (Group II). Jones noted that the American and German authorities with whom he came in contact generally viewed the sanctions meted out—which included four labor camp sentences, substantial fines and forfeiture of property—as harsh. “There has been a marked effect on the morale of the internees,” he also informed Yakoubian, “especially those who fancied Spruchkammer as a farce. The state of

³⁶⁸ Hayse, 151-154. Hayse noted, for example that, “Prosecutors could neither drop nor reduce charges.” For a brief description of the Liberation Law's drafting, see Szanajda, 119-125.

³⁶⁹ Schuster, 335, incl. n. 1575 and n. 1576. Schuster indicated that Deputy Minister President Werner Hilpert stressed to Binder the need to carefully select a well-trained, highly qualified jurist to oversee the tribunals.

mind of the internees caused by the Spruchkammer and anticipation of hard treatment under the German administration is creating a serious security problem.”³⁷⁰

Although he cited different rationale, Jones was, in effect, echoing Third Army concerns regarding the increasing potential for agitation within enclosures as the handover drew closer. These predictions seemed to be realized on 10 October 1946, when US Constabulary troops in 3 M-8 armored cars responded to a disturbance at CIE 91 “involving four or five hundred persons.” According to First Brigade’s account, the situation was brought quickly under control. It developed from a much smaller commotion involving a group of internees who had begun removing posts from an internal fence in order to use them as firewood to heat their tents.³⁷¹ An internee report to the *Bürgermeister* of Camp I described the incident similarly, indicating that it had escalated after the 5 p.m. headcount when several internees tried to pull up posts between gates 1C and 1B. This report described the atmosphere in the camp as “disastrous” (*verheerend*) due to frustrations over lack of plans to cope with the looming winter. Moreover, the originator suggested that because they lived in stone buildings, the members of *Lagerselbstverwaltung* were out of touch with the hardships being endured by those who lived in the tents.³⁷²

³⁷⁰ OMGH Letter, Jones to Yakoubian, “Weekly Report on Darmstadt Internment Camp,” 27 Sep 46, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I. See also Knappstein, Aktennotiz über Gespräch mit Mr. Yakoubian in Anwesenheit von Herrn Minister Binder, 18. Oktober 1946, HHStAW 501/1205. Yakoubian asked for a copy of the edition of *die Bergstrasse* in which an internee had described tribunal operations.

³⁷¹ Report, Third US Army, “US Constabulary: Period 100001-102400 October, 11 Oct 46, NARA RG 338 Third Army, G-2 Section Decimal Files 1944-1947, Box 1, F: Intelligence Summaries 319.1. According to the report, which made a point of mentioning that the “new fence separating the US enclosure from the German camp was untouched,” no shots were fired.

³⁷² Bericht an den Bürgermeister Camp I, n.d., HHStAW 521/65. The report began with brief details already provided to a member of camp leadership (*Hauptlagerführung*) to be passed on to the *Oberbürgermeister*. Interestingly the report also described a tense meeting that had taken place earlier in the day involving camp advisers and lawyers (*Betreuer und Juristen in Camp I*) and a member of the *Hauptlagerführung*, during which

A feature in the 26 August 1946 edition of the camp newspaper titled “*Aus der Zeltstadt*” (From the Tent City) suggests the possibility that even before the deteriorating weather a communal bond had formed separating those who lived in tents from the *Lagerselbstverwaltung*.³⁷³ On 25 October 1946, one week before the handover and just over a month after tribunals had started operating, Weyand forwarded a copy of an unsigned three-page document to Binder that, among other things, indicated internees had “lost confidence” in the self-administration. The contents are also quite instructive as an example of the sort of rhetorical strategies employed by internees, including an unmistakable appeal to emerging ideological differences between east and west. The document characterized many internees, for example, as “receptive to Communist, or better said, nihilistic ideas because life had lost meaning.” For American and German authorities alike, such statements raised the dilemma of determining the extent to which they were accurate. The document clearly conveyed a distinct change in internee perceptions of their circumstances following announcement of the IMT verdicts and beginning of camp tribunal proceedings. Contrasting prior expectations with the “collapse of hope” that had since set in, it described judgments at CIE 91 as “harsh in general, as well as in comparison with tribunals in other camps.”³⁷⁴

From the outset of tribunal operations American officials struggled with the recognition that, in spite of successive efforts to narrow the pool of internees to those they believed most incriminated, camp tribunals were already impossibly backlogged. In mid-

topics such as handling of the camp’s wounded, the youth amnesty, and cases of those who had been pulled over to the Waffen-SS from other organizations had been discussed.

³⁷³ *Die Bergstrasse* Nr. 40, 25 Aug 46, HHStAW 501/27 (2), 6. See also Report., “Capacity and Present Number of Internees of C.I.E. 91 on the Basis of 35 sq ft per Person,” NARA, RG 260 OMGUS PS Branch, Records Related to CIEs, Box 306, F: 57 Civilian Internment Enclosure Darmstadt II. This survey of permanent structures in September 1946 investigated the possibility of accommodating the entire population of 16,108.

³⁷⁴ Weyand to Binder, “Eingabe der Internierten des Lagers Darmstadt betitelt ‘Befragung’” (with attachment), 25 Oct 46, HHStAW 501/255.

November 1946 Captain Donovan C. Senter at OMGUS Public Safety issued a series of questions geared toward determining *Spruchkammer* capacity at Darmstadt. According to the responses, the average number of cases handled per week had increased steadily from 1.19 to 5.45. Moreover, it took Public Prosecutors roughly six weeks to prepare a case. When asked to project how many cases each tribunal could “handle thoroughly per week,” the Public Prosecutor replied 15, perhaps 20 “if they work hard.” Jones, on the other hand, advised Senter that this was optimistic and decreased the estimate to 10. Captain Senter also asked: “At the rate given in question four, how long will it take to finish the cases of people whose normal residence is in Greater Hessen who are now interned in the American Zone – estimated at 13,314?” The response was 10 years, with the caveat that “many internees are crippled, old and sick and will probably be returned to homes for trial.”³⁷⁵

In *Internierungslager Darmstadt* as elsewhere, the primary mechanism used to both supervise and exert influence over tribunals was a system of Delinquency and Error (D&E) reports, which was officially put in place in November 1946.³⁷⁶ In what he described as a “demoralizing” process, Yakoubian later wrote that it “could and often did result in the indefinite prolongation of a case, cluttering of tribunal dockets, and endless repetition of work.” He further asserted that D&E reports played a pivotal role in undercutting the denazification program in the view of the German public:

These maintained a minute check on every case at each step of the procedure from the time the prosecutor first began his investigation to the time the tribunal rendered its decision. At any stage, Military Government could nullify all preceding work done by the Germans. In fact, if the decision of the supposedly independent tribunal appeared to be too lenient or erroneous, the submission of such a Delinquency and Error Report to the Ministry for Political Liberation meant the overruling of the

³⁷⁵ Letter, Senter to O.W. Wilson, “Darmstadt Civilian Internment Enclosure,” 15 Nov 46, NARA RG 260 OMGUS Public Safety Branch, Records Related to CIEs, Box 306, F: 57 Civilian Internment Enclosure Darmstadt II.

³⁷⁶ Peterson, 149-150.

decision. It forced the reopening of the case for a second trial which was again checked minutely by Military Government.³⁷⁷

Close supervision of tribunal operations within each *Land* began before implementation of the D & E reports. Moreover, on the whole, the scrutiny was particularly intense from the beginning of *Spruchkammer* activities until roughly the middle of 1947.³⁷⁸ On 21 August 1946 for example, as efforts to establish the tribunals in the camp at Darmstadt were still ongoing, Yakoubian forwarded to the Ministry 49 cases from tribunals at Hünefeld, Darmstadt, Büdingen, Kassel and Friedberg. Based on reports from the applicable Liaison and Security offices, he suggested that these cases be further reviewed.³⁷⁹ On 26 September 1946, Yakoubian forwarded 31 letters from Liaison and Security Office Darmstadt regarding decisions made by various tribunals in *Stadt-* and *Landkreis* Darmstadt. “You’ll notice that most of the complaints,” he indicated, “deal with unwarranted downgrading of defendants.” He requested that the ministry investigate the cases and issue the necessary instructions for correcting errors. “You will submit to this office,” he continued, “a written report as to what final decision has been made.”³⁸⁰

On 6 December 1946, Captain Donovan Senter notified O.W. Wilson that *Internierungslager Darmstadt* lacked sufficient Military Government personnel to supervise the camp and *Spruchkammern*. Didlo, who had been assigned to the camp for three weeks,

³⁷⁷ Yakoubian, 94-95.

³⁷⁸ On this, see Peterson 149 and Griffith, 305-306. Griffith suggested that through its Special Branches Military Government was trying to fill a void in Liberation Ministries’ capability to supervise tribunals. He deemed Military Government’s initial approach to the program as “characterized by almost complete mistrust.”

³⁷⁹ Letter, Yakoubian to Binder, “Report on Tribunal Hearings,” 21 Aug 46, HHStAW 501/258. In the letter, Yakoubian critiqued the Darmstadt-Land tribunal for “overlooking many facts regarding Nazi persons coming up for hearings.” Of Freiburg, he wrote, “this office has the impression that the sanctions and fines imposed on the defendants are inadequate for the activities which they carried out under the Nazi regime.”

³⁸⁰ Letter, Yakoubian to Binder, “Transmittal of Requests for Review,” 26 Sep 46, HHStAW 501/258. Although the 31 letters are listed as enclosures, they are not in the file.

indicated that his predecessor Jones “had been too concerned with camp administration to set up any Spruchkammer supervision.”³⁸¹ As of 17 December 1946, Didlo reported that 130 individuals had been sentenced to labor camps and placed in a segregated area of the enclosure. Meanwhile, preparations were underway to ready a labor camp at Kassel.³⁸² In January 1947, Teitelbaum wrote to Binder, expressing concern over a report from Didlo that there were only eight tribunals operating at Darmstadt and that the camp was lacking a Chief Prosecutor. Not only did plans call for two additional tribunals, Teitelbaum crisply pointed out, but based on information the Denazification Administration had received from the Ministry, he had already notified OMGUS that all ten were in operation. Both issues were to be rectified immediately.³⁸³

As efforts were underway to increase tribunal capabilities, in mid-December 1946 a small contingent from the Interior Ministry’s medical branch (*Medizinalabteilung*) surveyed the camp in conjunction with an effort to gauge the nutritional status of healthcare personnel (*Heilpersonal*). The head of the branch, Professor von Drigalski, summarized the most worrisome findings—nearly all of which had to do with inability to mitigate the extreme cold—in a cautionary one-page letter to Binder that was countersigned by Interior Minister Heinrich Zinnkann. Temperature readings taken inside tents at 10:00 a.m., for example, indicated 5-6° Centigrade (roughly 40-42° Fahrenheit). The group found ice on interior tent

³⁸¹ Letter, Senter to O.W. Wilson, “Deficiency of MG Personnel at Darmstadt Enclosure,” NARA RG 260 OMGUS, Records of CAD, PS Branch, Records Related to Denazification, 1945-1949, Box 336, F: 57 Civilian Internment Enclosure No. 91 Darmstadt – II.

³⁸² Letter, Senter to O.W. Wilson, Labor Camp at Kassel, 17 Dec 46, NARA RG 260 OMGUS, Records of CAD, PS Branch, Records Related to Denazification, 1945-1949, Box 336, F: 57 Civilian Internment Enclosure No. 91 Darmstadt – II.

³⁸³ Letter, Teitelbaum to Minister for Political Liberation, Hesse, “Tribunals in Internment Camp,” 6 Jan 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

walls, medicine that had frozen, and iced water pipes in wash facilities and latrines. Contrary to Wallach's earlier statement to OMGUS, internees on average possessed two light blankets and a sleeping bag with which to combat the cold. Moreover, only about half of them had straw to insulate their plank beds.³⁸⁴

The head of the branch's Hygiene Department, Dr Krey, documented his conclusions in a succinct report highlighting key points that he also planned to brief to Binder. After a two-day visit, his general impressions of the enclosure were of good discipline, organization, and cleanliness. He was nevertheless struck by disparities between the small number of solidly constructed buildings and what he described as a horseshoe shaped tent camp (*Zeltlager*). Although the *Lagerselbstverwaltung*, hospital workers, and patients were housed in the permanent structures, the vast majority of internees—by Krey's count roughly 8,200—lived in tents. By design, the poorly lit summer weight tents were heated by one stove, however, in some cases Krey found field-style improvised ovens that resembled gasoline drums. In a pointed statement encapsulating the impacts of wood shortages on internees, he wrote that tents were only heated for a few hours each day. Moreover, with winter clothing in short supply, one third of the internees were without coats. Because of cold living conditions, many internees in Camps II and III had not undressed in five weeks, prompting concerns over increased potential for the spread of infection. Some 4-600 internees had already developed various types of skin disease and the camp physician had noted signs of

³⁸⁴ Correspondence concerning the medical branch visits is in HHStAW 501/1644 and includes: Hessisches Staatsministerium, Der Minister des Innern, Medizinalabteilung (von Drigalski) an den Herrn Minister für politische Befreiung, 18 Dec 46; Krey, "Das Interniertenlager DARMSTADT am 19./20.12.46 in hygienischer Begutachtung," 21 Dec 46; and K.H. Böhler, "Reisebericht nach der Besichtigung des Interniertenlagers, DARMSTADT, am 16.12.46." Both von Drigalski and Böhler placed the total number of internees at roughly 17,000 whereas Krey more accurately indicated 11,000. It was Krey who noted that while wounded and older (over age 55) internees had received a third blanket as Wallach had briefed OMGUS, most internees possessed only two. For a translated copy of Krey's report (with Internal Route Slip, "Report on Darmstadt Inspection," dated 3 Jan 47 and originated by Chaplain Delvin E. Ressel): NARA RG 260 OMGUS, Public Safety Branch, Records Related to Civilian Internment Enclosures, Box 306, F: Civilian Internment Enclosure Darmstadt II.

decreased resistance and widespread apathy. Of particular concern, sporadic cases of lice and scabies had recently even been discovered among guard personnel.³⁸⁵

In addition to documenting the ill effects of extreme cold, the *Medizinalabteilung* inspections corroborated *Landesamt* anxieties concerning calorie intake. According to Krey, internees received 1700 gross (1300-1500 net) calories daily, consisting of only 14-17 grams of fat and 18 grams of animal protein. Furthermore, the persistence of edema among the camp's population, by now at a total of 978 cases, had just been reviewed at a 20 December 1946 medical conference. On average, Krey noted, 150 to 200 internees reported to sick call each day. Dr. K.H. Böhler's public health report focused especially on medical capabilities and, like Krey's account, emphasized that they were already strained to capacity. According to Böhler, each of the enclosure's three camps had District and Community doctors to provide first aid and consultations, two dentists, and a poorly heated infirmary. He described the occurrence of dental illnesses as "disproportionally high" (*unverhältnismäßig hoch*). The *Lagerhospital*, housed in former stone barracks, had 2,800 beds, 47 doctors and 120 nurses. Because the number of internees requiring hospitalization had outpaced available beds, roughly 500-600 could not be admitted and instead had to remain in their tents.³⁸⁶

After the Public Health Division forwarded him a copy of the recent Hessian medical branch inspection report, Teitelbaum wrote that inadequate living conditions remained a problem at Darmstadt because Third Army had been unwilling to release the American portion of the camp to the Ministry for Political Liberation:

³⁸⁵ Dr. Krey (Medizinabteilung, Dezernat: Hygiene) "Das Interniertenlager DARMSTADT am 19.20.12.46 in hygienischer Begutachtung," 21.12.46, HHStAW 501/1644. Krey also noted that other support facilities such as medical stations, common rooms and the theater, were in poorly heated steel barracks.

³⁸⁶ Ibid.; and Böhler, Reisebericht nach der Besichtigung des Interniertenlagers, DARMSTADT, am 16.12.46.

The facts as set forth in the report of Dr. von Drigalski have been called to the attention of 3rd Army and also OMGUS, Berlin, since permanent buildings for living quarters are generally in that area. To date the results have been negative, but I am still in hope that we will be able to obtain this area and thus correct some of the worst features of the present enclosure...It is my understanding the Chief of Staff of 3rd Army has decided to use the American enclosure as work shops for an ordnance-organization. OMGUS officials and USFET officials have stated that they will bring further pressure to bear on 3rd Army in this matter.³⁸⁷

On 21 January 1947, USFET directed that Third Army hand the area at Darmstadt designated as a US compound, along with any equipment deemed essential for operation of the enclosure, over to Military Government, thus beginning the process that would eventually result in transfer of more of the permanent structures to German control.³⁸⁸

Conclusion

As an Associated Press report dated 1 November 1946 illustrates, American and German authorities had arguably covered a great deal of territory by the beginning of 1947. This point comes across quite aptly, in fact, in the following day's edition of the *Chicago Daily Tribune*. "The three German states in the American occupation zone will become virtually self-governing not later than Dec. 8 after voters have given final approval to their constitutions and legislative assemblies," the article proclaimed. Describing the incremental change in relationship between occupier and occupied, the announcement went on to clarify, for example, that following the early December voting "such activities as demilitarization and reparations will be directly administered by the military government, since they are

³⁸⁷ Exchange, Lt Col Chas. H. Mosely (Senior Public Health Officer) and H.I. Teitelbaum, 30 Dec 46 and 2 Jan 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I. The attachment (Dr. von Drigalski's inspection report dated 24 Dec 46) is not located in this file.

³⁸⁸ HQ USFET Cable (signed McNarney) to Third Army, SC-12166, 21 Jan 47, NARA RG 260 OMGUS Legal Division, Records of the Prison Branch: Administrative Records, 1945-49, Box 139, F: Internment Camps.

responsibilities which cannot be entirely assumed by the German civil government.” Moreover, in addition to “observing, inspecting, and advising,” Military Government would retain authority “to veto any action which clearly violates military objectives and to remove German public officials who violate its policies.”³⁸⁹ Significantly, the handover of *Internierungslager Darmstadt* was the occasion for the release. “This step was regarded,” the article explained, “as giving German authorities complete responsibility for denazification in Greater Hesse...The camp will now serve as a processing center from which Nazis sentenced to labor terms will be distributed to labor camps.”³⁹⁰

At the zone-wide policy level, announcement of the IMT verdicts and enactment of the Liberation Law represented important and decisive efforts to come to terms with the Nazi past. During this period, as Ziemke indicated, OMGUS moved away from a policy based on the concept of collective guilt toward attempting to determine individual degree of political incrimination and involvement in activities carried out under the Nazi regime. Detailed examination of civilian internment suggests that this transition was neither clear cut, nor immediate. Albeit scaled back, the continued application of a collective approach is evident, for example, in the decision to continue detaining members of organizations found to be criminal by the IMT. Moreover, although the Liberation Law provided a framework for moving forward, it was a very complex one—in which German officials had little leeway and over which American authorities exerted significant influence.³⁹¹

³⁸⁹ “Germans to be Self-governing in U.S. Zone Soon,” *Chicago Daily Tribune*, 2 Nov 46, 9.

³⁹⁰ Ibid. The *Chicago Daily Tribune* article illustrates that AP coverage clearly depicted the camp’s handover as part of an incremental move toward German self-government. See also, for example, “U.S. to Return Home Rule to 3 German States,” *The Washington Post*, 2 Nov 46, 2.

³⁹¹ Ziemke, *The U.S. Army in the Occupation of Germany*, 430. Ziemke suggested, for example that the fundamental intent of denazification changed from the removal of former Nazis from positions of influence to “the removal of the Nazi stigma from the individual and his reinstatement in society.”

In terms of actually implementing the denazification program, in many ways, the most daunting issues lay ahead. Even as German officials endeavored to put denazification machinery in place, the challenge of sorting through thousands of cases to establish individual degree of incrimination had already become quite apparent.³⁹² Differing degrees of leniency on the part of tribunal officials, coupled with Military Government reactions to them, exacerbated these difficulties. Although Military Government sought to switch from a past-looking punitive occupation strategy to one that was forward looking and rehabilitative, the tension between these two goals persisted within the denazification program. Moreover, the presumption of guilt, while successively applied to fewer categories, was nevertheless consistently present. As the next chapter will illustrate, the more indiscriminate and unfair application of the program seemed, the more it came across as ineffectual and bred resentment among the German public. For Hessian officials, like their counterparts in other *Länder*, the difficult task of mediating between American guidance, public expectations, and their own views regarding how to move forward was well underway.

³⁹² On the complexities of implementing the program, see also Peterson, 150. Peterson rightly pointed out that even mechanisms intended to relieve tribunal workloads, such as amnesties, added to the looming backlog.

Chapter 4:

‘THE STRUGGLE FOR JUSTICE’: *INTERNIERUNGSLAGER DARMSTADT* AND THE POLITICS OF DENAZIFICATION, JANUARY-MARCH 1947

“German authorities of the new government of the Land of Greater Hesse are preparing for winter at the largest internment camp of the American zone, a tent city surrounded by barbed wire on the outskirts of this city.” Accompanied by James R. Newman, the senior American Military Government official in Hesse, correspondent Dana Adams Schmidt toured *Internierungslager Darmstadt* some ten days after the camp’s transfer to see how Hessian administrators had been “getting on” since assuming responsibility for the state’s roughly 11,000 civilian internees. Schmidt detailed the visit in a *New York Times* article that briefly mentioned the immediate threat posed by rapidly deteriorating weather, but effectively downplayed concerns over a shortage of wood to heat the massive tent city. Instead of focusing on these pressing problems, he deftly interspersed reflections on internees’ Nazi pasts and Germany’s democratic future with a rundown of the work thus far completed by denazification tribunals.³⁹³

Clearly calculated to assuage multiple strands of public opinion on both sides of the Atlantic, the article’s tone conveys an aura of competence and progress indicative of an overarching mutual desire for tangible forward movement toward Germany’s rehabilitation. Importantly however, Schmidt’s account also acknowledged that particularly from the

³⁹³ Dana Adams Schmidt, “Germans Control Camp in U.S. Zone: Put in Charge of 11,000 Nazis Awaiting Trial—Expect a Troubled Winter,” *NYT*, 12 Nov 46, 14.

German perspective, determining *how* to successfully root out Nazism and move toward a democratic future would by no means be a straightforward process. “Since maintaining internment camps—that is confining people who have not been tried—is at best an awkward business for a democracy and especially one that is new and uncertain,” he wrote, “German officials were less pleased to receive their new charges than the Americans were to get rid of them.” Hessian authorities’ focus, according to Schmidt, “was to liquidate the camp as soon as possible, by trials and releases, and meanwhile to run it as humanely as possible.” Countering widespread comparisons, he quoted the administrator who had recently taken responsibility for the enclosure, *Landesamtdirektor* Jakob Weyand, “This is no concentration camp—nothing like what the Nazis ran.” On the contrary, because the German administration had been able to maintain the American mandated daily requirement of 1700 calories, Schmidt remarked, the “internees looked better fed than their guards.”³⁹⁴

Four months later, Buchenwald survivor and liberal Catholic journalist Eugen Kogon featured *Internierungslager Darmstadt* to illustrate the practical difficulties inherent in confronting the Nazi past as part of the process of nurturing an enduring democracy. Kogon had recently inspected the camp at the request of the Hessian Ministry for Political Liberation, the administrative apparatus headed by Denazification Minister Gottlob Binder. Caught between Military Government authorities who were bent on a thoroughgoing approach to denazification, and a public that had already grown weary of the program, officials in the Ministry had become particularly concerned by a recent bevy of media allegations directed at the civilian internment enclosure.

³⁹⁴ Schmidt, “Germans Control Camp in U.S. Zone.” Schmidt deemed Weyand, a Social Democrat who had been imprisoned by the Nazis, “particularly qualified” to comment on comparisons with concentration camps.

Kogon described his impressions of the camp in an article titled “*Der Kampf um Gerechtigkeit*” (“The Struggle for Justice”). Writing to a German public that he depicted as clamoring for justice, he asked quite pointedly, “Do we know what we would do with it and what that means?” Kogon engaged very directly issues such as collective responsibility, which he differentiated from the notion of guilt, and the challenge of effecting democratization on an individual basis. “Hardly any National Socialist will become a democrat in an internment camp,” he argued. “Most,” he continued, “are going to view detention as a desire for destruction and revenge.” Kogon, who had been a political prisoner in Buchenwald from 1939 to 1945, went to great lengths to distinguish conditions at Darmstadt from those in Nazi concentration camps. Nevertheless, he also actively probed the inherent contradictions between internment and democracy.³⁹⁵

Appearing just months apart, the contrasting perspectives offered by Schmidt and Kogon offer important glimpses into key differences in the way American and German authorities conceptualized the civilian internment program. Schmidt’s account, written in late 1946 on the occasion of the transfer of *Internierungslager Darmstadt* to Hessian authorities, still largely represented the program as an expedient. He intertwined the overriding presumption that those in the camps had been equally steadfast in supporting Nazism with anxieties over what might happen after their release.³⁹⁶ As this chapter will show, Kogon’s commentary reflected German concerns over the length of time that would be needed to process such a large number of cases, and the view that the camps held too

³⁹⁵ Eugen Kogon, “Der Kampf um Gerechtigkeit,” *Frankfurter Hefte* 2, no. 4 (1947), 373-383. Along with Walter Dirks, Kogon was founding editor of the cultural and political periodical *Frankfurter Hefte*. He conducted his detailed examination of concentration camps, *Der SS-Staat, das System der deutschen Konzentrationslager* (Frankfurt/Main, 1946) at the request of American occupation authorities.

³⁹⁶ Schmidt wrote, for example, “One wondered whether these men, as they gradually regained freedom, could long be prevented from regaining leading positions in German life and to what end they would use their talents.” Schmidt, “Germans Control Camp in U.S. Zone.”

many lesser-incriminated individuals alongside diehard Nazis. His remarks were part of a broader discourse among state and local notables and Hessian leaders, as well as with authorities in the other *Länder*, about when and how to reconstitute German society.

Focusing on developments in the state of Hesse in the period between the transfer of camps and Kogon's inspection, this chapter examines German officials' attempts to mediate American guidance, their own views regarding denazification, and public expectations. Drawing on media commentary, official correspondence, and political debate, it traces the growth of German frustrations with the denazification program and seeks to explain why public scrutiny turned toward the internment camp. In order to better understand how American and German officials sought to negotiate the paradox of detaining a significant segment of the population while initiating democratic reforms, the chapter also asks how Military Government and Hessian authorities reacted to the ensuing criticisms.

The case of Hesse illustrates that public interest in internment camps became especially active among Germans in the spring of 1947, quickly enveloping the Ministry for Political Liberation and placing its activities under a microscope. Events that transpired in Hesse also demonstrate that, albeit very briefly, *Internierungslager Darmstadt* served as a lightning rod for early discussions of what constituted democracy, as well as efforts to come to terms with the notions of individual versus collective guilt. From the outset, German authorities were keenly aware of the need to avoid association with the activities of the Third Reich. Hessian officials' actions also demonstrate that they felt particularly accountable to the public—and to the internees—for implementing tribunals in a way that was consistent with democratic justice. While at various points Office of Military Government for Hesse (OMGH) personnel from Newman to Denazification Division Chief

Hubert I. Teitelbaum attempted to shape public discourse in Hesse, the brief but relatively intense conversation about the camps was a decidedly German one. Moreover, it was framed and animated by a simmering popular disapproval of denazification.

‘Leave the Fellow Travelers in Peace’: The Burgeoning Discourse on Denazification

Much as Schmidt had done in his article about *Internierungslager Darmstadt*, local media outlets such as the *Frankfurter Neue Presse* also cited Jakob Weyand emphatically rejecting comparisons with concentration camps.³⁹⁷ Attention of this sort was not unique to Hesse. The handover spurred a zone-wide desire to scrutinize civilian internment in general and the camps in particular. This push to know more was intrinsically linked to a burgeoning debate on denazification that had been energized by several waves of arrests, widespread removals from office and, more recently, implementation of the Law for Liberation from National Socialism and Militarism. The most prominent feature of this broader discussion was a mounting German dissatisfaction perceptibly directed at American policies as early as the fall of 1945.³⁹⁸ In a series of developments that have since been well documented by scholars, reactions to the Liberation Law’s intricate, expansive, quasi-legal framework quickly led these undercurrents to coalesce into the palpable sense that the denazification program was not only ineffective, but an obstacle to moving forward.³⁹⁹

³⁹⁷ “Weyand: ‘Es soll kein KZ sein’,” *Frankfurter Neue Presse*, 4 Nov 46. The *Landesamt* files contain a clipping of this article, in HHStAW 521/66. The phrase attributed to Weyand used the abbreviation “KZ” for *Konzentrationslager* and translates loosely as “It won’t be a concentration camp.”

³⁹⁸ Richard L. Merritt, *Democracy Imposed: U.S. Occupation Policy and the German Public, 1945-1949* (New Haven and London, 1995), 183. Merritt surveyed reactions to a variety of American policies and found that “antidenazification rumblings...began to be heard among the German people” as early as the fall of 1945.

³⁹⁹ Among the many examinations of reactions to the Liberation Law’s highly bureaucratic nature, the standard remains Lutz Niethammer, *Die Mitläuferfabrik: die Entnazifizierung am Beispiel Bayerns* (Berlin, 1982). For a highly informative assessment of the denazification apparatus in Hesse, see also Michael R. Hayse, *Recasting*

As this narrative took shape, propaganda launched across the fault line forming with the east played upon widely varying views of denazification's failings. Civilian internment was understood to be at the heart of this Gordian knot and frequently a catalyst for debate. In February 1946, for example, Raymond Daniell of the *New York Times* wrote: "There is a widespread feeling that the Russians do not care so much about the political history of the individual as they do about his present convictions and usefulness. Travelers from the Russian zone say there are no internment camps there similar to the ones in the American zone, where 200,000 or more dangerous Nazis are incarcerated."⁴⁰⁰ Four months later the US Embassy in Moscow reported that the Soviet press had reprinted Clay's announcement about the camps' transfer and asserted that he intended to "free 58,000 Hitlerites." This decision had "aroused great interest among circles of bankers, financiers, and industrialists whose guilt of cooperation with the Nazis still had not been determined." The suggestion of selective leniency prompted Political Advisor Robert Murphy to assure the State Department that the "26 most important" of these individuals would appear before the War Crimes Tribunal. The remainder of those "who cooperated and profited by Nazi schemes," he stressed, were "subject to the provisions of the German Denazification Law of March 5."⁴⁰¹

The exaggerated claims cited in Daniell's article and the telegram from Moscow illustrate key strands of what can best be described as a loud chorus of criticisms directed at

West German Elites: Higher Civil Servants, Business Leaders, and Physicians in Hesse Between Nazism and Democracy, 1945-1955 (New York, 2003), Chapter 4, 140-208.

⁴⁰⁰ Raymond Daniell, "U.S. is Said to Lose Grasp on Germans," *NYT*, 27 Feb 46, 14. Studies by Vogt and Naimark have debunked a number of misconceptions regarding denazification and civilian internment in the Soviet zone. Timothy Vogt, *Denazification in Soviet Occupied Germany: Brandenburg, 1945-1948* (Cambridge, MA, 2000); and Norman M. Naimark, *The Russians in Germany: A History of the Soviet Zone of Occupation, 1945-1949* (Cambridge, MA, 1995).

⁴⁰¹ Ltr No. 5745, Murphy to Secretary of State, "Press Reports U.S. Policy on the Transfer of Internment Camps to German Administration," 31 Jul 46, and attachment, Telegram No. 185, US Embassy Moscow, 23 Jul 46, NARA RG 84 POLAD Classified General Correspondence, 1945-1949, Box 122, F: Jul-Aug (891 Public Press). According to Murphy, 26 individuals from these groups were "being singled out as defendants."

the American denazification program. Disapproval emanated from both sides of the political spectrum—with critiques ranging from accusations that, on the one hand, the program was too ambitious in attempting to engineer a social revolution; and on the other, not ambitious enough. In practice, immediate tensions between the ideal of thoroughgoing denazification and the realities associated with undergirding democratic reforms frequently led American policy to alternate indiscriminately between these extremes. The resulting shared sense of dissatisfaction, though voiced by individuals with quite disparate viewpoints, was buffered by a popular weariness over the program’s increasingly cumbersome and inequitable implementation. Most notably, the unifying belief emerged that the program had been too broadly based and was therefore largely misdirected. Rather than focusing on high-level Nazis, it was widely held that the cleansing effort had netted too many of those who had simply “gone along” with activities of the Third Reich.

For Germans on the far right, deploying this claim offered a way to portray denazification and civilian internment as unduly harsh forms of victors’ justice. On the left, the KPD not only decried instances of leniency in cases against higher-ranking Nazis, but also argued that the programs were failing to effect meaningful socioeconomic change.⁴⁰² Imposed from without and caught between the radical push toward revolution and conservative pull toward restoration of the (pre-1933) status quo, the denazification program quickly became a highly visible platform for contention between political parties. As

⁴⁰² During July 1947 Hessian *Landtag* debates over denazification reforms, for example, Chairman of the KPD fraction Leo Bauer emphasized that the Liberation Law and denazification would only be successful if certain prerequisites such as land reform and expropriation of assets had been independently carried out “in order to prevent the same developments as in 1918/1933.” He attributed problems with denazification to the fact that the western zones “did not begin with the truly guilty, but instead put lower level workers, employees and officials before the tribunals,” prompting Binder (SPD) to exclaim “that’s simply not true!” For transcript of the 4 July 1947 parliamentary debate, see Wolf-Arno Kropat, ed. *Entnazifizierung, Mitbestimmung, Schulgeldfreiheit. Hessische Landtagsdebatten 1947-1950: Eine Dokumentation* [hereafter: Kropat, *Hessische Landtagsdebatten*, with date of proceedings and page number] (Wiesbaden, 2004), 252-274, especially 270.

historian Michael Hayse has shown, the process at times provided a forum for waging personal and professional battles. On the whole, however, those who sought to use the process to effect sweeping change constituted a persistent and initially very active minority that, as Gimbel found in his case study of Marburg, was already becoming disillusioned and marginalized in 1946. Moreover, as social theorist John D. Montgomery noted in his comparative investigation of postwar institutional change, after German tribunals began operating under the Liberation Law, even the once moderately supportive Social Democrats openly attacked denazification, in part to make gains against Christian Democrats.⁴⁰³

Public responses to campaign speeches by Christian Democratic Union leader Konrad Adenauer not only demonstrate the prominence of the view that denazification was misdirected, but also show that this belief transcended zonal boundaries. A collective desire to move forward began to take hold in the British Zone as early as March 1946. Adenauer repeatedly announced that it was time to leave the so-called *Mitläufer* (fellow travelers)—those Germans who “had not oppressed others, had not enriched themselves, had not committed any punishable offenses,”—in peace. The frequency with which he invoked this message has led historian Jeffrey Herf to refer to it as “his stock speech.” In one of the more oft cited instances, Adenauer declared in Wuppertal on 5 May 1946 to very loud applause: “For a while I was in a concentration camp. I know what that is all about. But injustice plus injustice will never equal justice. And today we do not want to imitate what was done then.

⁴⁰³ Gimbel, *Marburg*, 156-157; Hayse, 156-160; Montgomery, 59-61. See also Joseph F. Napoli, “Denazification from an American’s Viewpoint,” *The ANNALS of the American Academy of Political and Social Science* 264, (1949), 122.

Punish the guilty, forgiveness and reintegration for the misled or fellow travelers who did not do anything evil.”⁴⁰⁴

Political leaders who advocated such a selective approach to confronting the past did so largely as a means of appealing to voters preoccupied by the present and increasingly concerned about the future.⁴⁰⁵ In addition, however, Adenauer was influenced by the post World War I Weimar Republic’s inability to establish legitimacy and to overcome frustrations channeled toward the government in the wake of what was widely regarded by Germans as a heavy-handed peace settlement. He worried that—too broadly applied—denazification might provoke a Nazi resurgence or some other form of Nationalist backlash similar to the way that the *Dolchstoßlegende* (Stab-in-the Back Legend) had capitalized on popular frustrations over the Treaty of Versailles.⁴⁰⁶ Propagated especially by former chief of staff Erich Ludendorff, the notion that left-wing civilian politicians had betrayed the military resounded with a public that chafed over provisions of the armistice such as the requirement to accept responsibility for the conflict via the so-called “War Guilt” clause.⁴⁰⁷

Though an exculpatory construction, the existence of *Mitläufer* was nevertheless also a pervasive reality on the local level. OMGH Deputy Director of Denazification Arsen

⁴⁰⁴ Konrad Adenauer, “Rede” (April 7, 1946, Bonn), 9; Konrad Adenauer, “Rede” (May 5, 1946, Wuppertal), 3, Stiftung Bundeskanzler Konrad Adenauer, Rhöndorf, quoted in Herf, 221 n. 68, 70. This view was also exhibited, for example, at opening ceremonies for the *Landkreis Marburg Spruchkammer*, when the Christian Democratic chairman announced that denazification sought “to convict the guilty and restore ‘the mere followers’ as citizens with full rights and privileges.” *Marburger Presse*, August 2, 1946, 7 quoted in Gimbel, *Marburg*, 157, n. 10.

⁴⁰⁵ In his examination of postwar Hesse, Wolf-Arno Kropat noted that politicians from each political party agreed in principle with the Liberation Law’s basic premise of denazification; however, widely applied denazification proceedings stood in the way of winning the sizeable number of *Mitläufer* over to democracy. Wolf-Arno Kropat, *Hessen in der Stunde Null, 1945/1947* (Wiesbaden, 1979), 241-242; see also Herf, 209.

⁴⁰⁶ Herf and Judt, among others, have both argued that Adenauer felt it was too soon to confront Germans with the Nazi past. Herf, 225; and Tony Judt, *Postwar: A History of Europe Since 1945* (New York, 2005), 56-57.

⁴⁰⁷ On the *Dolchstoßlegende*, see for example, Volker R. Berghahn, *Modern Germany: Society, Economy and Politics in the Twentieth Century*, 2nd ed. (Cambridge, 1987), 51-52.

L. Yakoubian later conceded that frustrations the program was misdirected quickly overshadowed approval of denazification efforts. Rather than the upper segments of society, however, it was the *local elite* that “the average German” worried would slip away:

The industrial magnates, the judges of the Nazi high courts, or the officials of the Foreign Office in the Third Reich are too distant from the daily life of the average German to have much meaning to him. What he has seen of denazification is something very different from what the Allied policy and program makers have seen. He literally had to ‘sweat’ his way out of the maze of legal red tape to get his clearance even though he may never have been a Nazi party member. This was more important to him than the trials of a hundred Schachts or von Papens, and it prejudiced his feelings toward American Military Government accordingly.

For the citizens of small cities, towns, and villages, Yakoubian wrote, the face of the Nazi regime had belonged to “the activists in their own small localities. The innkeeper, the butcher, the county lawyer, or the village mayor who was a rabid Nazi and who had dominated the browbeaten people with arrogance and threats.”⁴⁰⁸

Faced with such a complex array of experiences and expectations, yet still determined to vigorously pursue denazification, American officials were also troubled about the possibility of inciting adverse reactions. Thus, even as the Office of Military Government, United States (OMGUS) pressed state officials to put the Liberation Law in motion during the summer and fall of 1946, officials had long since begun to monitor German responses to denazification policies and to look for ways to actively shape public opinion.⁴⁰⁹ In Hesse, these efforts were frequently out of step with Liberation Ministry exertions to catch up to the pace of events. Within days of transferring the camp at Darmstadt, for example, Teitelbaum queried Binder about plans to educate the public on

⁴⁰⁸ Yakoubian, 102-103.

⁴⁰⁹ In approving the Liberation Law, for example, Clay emphasized the need for thorough and just enforcement. Letter, Clay to Minister Presidents for Bavaria, Wuerttemberg-Baden, Greater Hesse, “Law for Liberation from National Socialism and Militarism,” 5 Mar 46, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1114, F: OMGUS.

“the relationship of the Denazification Law to the development of democratic procedures in Germany and to popularize service as public prosecutors and members of tribunals.” He asked that leading officials such as mayors offer speeches within local communities. Moreover, Teitelbaum requested to know more about *Information und Erziehung* (Information and Education), the department that would be responsible for such matters.⁴¹⁰ Binder had meanwhile already begun to publicly acknowledge difficulties in administering the Liberation Law’s sweeping provisions—first in a report to the *Länderrat* and subsequently in a radio address.⁴¹¹

While Teitelbaum pushed the Liberation Ministry for plans to popularize the denazification program, letters and petitions from inside the camp at Darmstadt sought in various ways to ameliorate internees’ circumstances. An 8-page appeal by the *Lagerselbstverwaltung* (camp self-administration) to Binder one week before the handover, for example, illustrates the extent to which those waiting to appear before the tribunals had already delved into the Liberation Law’s provisions and intended to communicate their interpretations of what constituted fair and just procedure. Among other things the letter, cosigned by the internee *Bürgermeister* and *Stadtrat* Chairman, objected to the practice of continuing proceedings in spite of internees’ lack of ready access to defense counsel. This issue was compounded by frequent difficulties in getting witnesses to the camp to speak on respondents’ behalf. As a result, the two men asserted, sentences were much more stringent than those passed outside the camp. Furthermore, such a “schematic” approach neither met

⁴¹⁰ Teitelbaum to Binder, “Veröffentlichungs-Feldzug,” 22 Nov 46 with translation, “Publicity Campaign,” HHSStAW 501/22.

⁴¹¹ On this, see Hayse, 153, incl. n. 58.

the provisions of the Liberation Law, nor made an earnest attempt to ascertain the degree to which a given individual had actually supported “Nazi tyranny.”⁴¹²

Written less than a month after OMGH liaison officer Orson Jones remarked that initial tribunal results had visibly shaken internee morale, the appeal directly compared two local cases with the first two sentences at Moosburg to argue that *Lagerspruchkammer* proceedings at Darmstadt were being disproportionately severe. Whereas at Darmstadt both respondents were found to be Class II (Activists), in the Bavarian enclosure the internees were not only deemed Minor Offenders, but also released during the camp’s handover ceremony.⁴¹³

An anonymous petition from inside the camp at Darmstadt to the *Landtagsfraktion der Sozialdemokratischen Partei* (Social Democratic representatives in the state parliament) invoked several key elements of public frustration with denazification. Dated 24 December 1946, on the one hand the letter emphasized internees’ willingness to make atonement in the name of reconstruction and to participate in building a democracy. “On the other hand,” it insisted, “we want to be treated as human beings.” The petition described austere, overcrowded conditions and brusque treatment in the area recently designated as a labor camp (*Arbeitslager*), characterizing it as nothing more than a Nazi concentration camp under a different label. Rather than industrialists, profiteers and intellectual elites who had held

⁴¹² Letter, CIE 91 Deutsche Lagerselbstverwaltung to Binder, 22 October 46 (with translation and cover letter, signed Weyand, 28 Oct 46), HHStAW 501/257. *Bürgermeister* and *Stadtrat* were ranks within the self-administration.

⁴¹³ Letter, CIE 91 Deutsche Lagerselbstverwaltung to Binder, 22 October 46. According to the transcribed copy of an 8 Oct 46 article in the local newspaper *Isarpost* (appended to the petition), Moosburg’s respondents were deemed Minor Offenders, sentenced to probation, fined, and required to pay tribunal costs. Moreover, the Bavarian Minister for Political Liberation, Anton Pfeiffer, attended the proceedings; the only two conducted that day. When viewed in light of the internees’ release during the handover, these factors suggest the possibility that the cases were carefully selected as a way to demonstrate progress. On Jones’s report to the Denazification Division, see Chapter 3.

leadership positions in the Third Reich, the letter claimed that inmates were workers, small shop owners, farmers, and civil servants: “They hang the little guy and the bigwigs can use their money to remove their brown color.”⁴¹⁴

The implication that improperly confronting the past would endanger the future permeates the document through questions such as: “Are the human rights envisioned in the new constitution only paper guarantees?” and “are we falling right into our old mistakes?” Moreover, the statement “We are urgently requesting relief, regardless of which party wishes to honestly and fairly address these matters” indicates an astute desire to tap into the universal frustrations underlying differing agendas. In closing, the appeal asked that the entire *Landtag* be informed of conditions in the *Arbeitslager* “in order to finally put an end to the political atmosphere.”⁴¹⁵

This petition reinforces the point that within less than a year of the Liberation Law’s enactment the denazification program had already become highly politicized. Moreover, it illustrates that civilian internees were actively deploying rhetorical strategies and attempting to take part in developing conversations related to democracy. As 1946 came to a close, rather than a framework for moving forward, the apparatus set up under the law was generally regarded, not without reason, as a logistical quagmire. With the exception of Communists, who at this point still comprised a relatively high proportion of tribunal staffs, political leaders of various ideological bents had recognized the benefits of simultaneously distancing themselves from the denazification process while taking advantage of rich

⁴¹⁴ Der Chef des Landesamtes für Internierungs- und Arbeitslager (Weyand), Betr: Eingabe der zu Arbeitslager Verurteilten an die Sozialdemokratische Landtagsfraktion (with 2 attachments, incl. internee petition dated 24.12.46), 22.4.47, HHStAW 501/1644. According to Weyand and an attached statement by the *Landesamt* physician, the overcrowding was temporary and many of the problems soon addressed. Writing at a time when the issue of camp conditions was already generating polarized criticisms, Weyand closed his response by noting that the opening of labor camps at Kassel and Wetzlar would further alleviate many of the problems.

⁴¹⁵ Ibid.

opportunities to actively critique it. As the following will demonstrate, against the backdrop of deteriorating Four Power relations and disagreements among German and American officials over how best to lay the foundation for democratization efforts, public dissatisfaction with denazification intensified over the course of 1947.

Contention Reaches its Peak: The Divergence in American and German Perspectives

“Deputy Military Governor Lieut. Gen. Lucius D. Clay will announce next week his verdict on his sixty-day trial of German handling of denazification. He will make the announcement during the first meeting of the recently elected Minister-Presidents in the three States in the United States zone.” Less than two months after his tour of *Internierungslager Darmstadt*, Dana Adams Schmidt posted a survey of major developments related to denazification since the handover to German officials. In contrast to his earlier article, this account was permeated by a clearly discernible pessimism and, albeit from an American perspective, offered a much clearer depiction of the pervasive atmosphere of disagreement and doubt that had quickly surrounded efforts to expunge Nazism from German society. He wrote, for example, that in the view of American authorities the entire program was “extremely sick.” Largely because the military government lacked sufficient personnel to reassume primary responsibility for denazification, however, it was likely to remain under German administration. Schmidt also surmised that to support this decision Clay might draw upon Minister-President provided statistics showing an increase in the number of those charged as major offenders who were determined by tribunal to be in this category. According to Schmidt, these figures gave a “misleading” impression of increased stringency because, among other things, they

contained the “first reports from tribunals set up in internment camps, where a high proportion of Nazis was presumably confined.”⁴¹⁶

Tightly woven around a very bleak prognosis, Schmidt’s survey was replete with criticisms directed toward both military government and German officials. In his view, the sheer magnitude of the much-too-ambitious undertaking had effectively thwarted authorities on both sides. His tally of resolved tribunal and amnesty cases, rather than an acknowledgment of progress, thus provided a vehicle to emphasize the sheer number that remained: 1,740,000. The opportunity to effect a social revolution, “of which some military government denazification theorists dream,” he wrote, had been lost amid the phenomenon of “responsible men” avoiding repercussions while *Spruchkammern* were “overwhelmed with a mass of small fry demanding to be cleared so as to resume their former employment.” The fact that OMGUS—prodded by German officials—had turned to successive amnesties to reduce the number of chargeable cases, he asserted, amounted to “an admission that the denazification law tried to include too many persons.” Moreover, the recent highly politicized Bavarian contest to elect a Minister President demonstrated that denazification could be exploited to eliminate political opponents and highlighted the fact that, “except for complete newcomers, a high proportion of men in German public life have some kind of egg on their vests that can be seen when turned to the light.”⁴¹⁷

Beneath its criticisms, Schmidt’s account offers key insights into a defining period of contention characterized by substantial popular dissatisfaction with denazification policies as well as increasingly visible disagreements among German and American officials

⁴¹⁶ Dana Adams Schmidt, “Denazification Record in U.S. Zone is Spotty: Further Amnesty is Expected Because of Vast Number of Untried Cases,” *NYT*, 5 Jan 47, E6.

⁴¹⁷ *Ibid.* Schmidt described politically motivated allegations made in the Bavarian election against leading candidate Joseph Mueller, and later, Anton Pfeiffer.

regarding the way forward. In particular, the article reflects significant pockets of American distrust over German handling of the program. Citing an unnamed source, for example, Schmidt quoted an OMGUS Special Branch report that had determined tribunal classifications “showed a tendency toward becoming milder from month to month.” His use of words such as “convicted,” “penalty,” and “accused” mirrors American officials’ inclination to view the *Spruchkammer* process from a legalistic perspective, which as Yakoubian later described, led to German criticisms that the program was largely an ex post facto attempt to make “political belief a punishable crime.”⁴¹⁸ It was during this period, as the denazification program became enmeshed in procedural disputes, that Ministry officials most visibly attempted to mediate public expectations, American guidance, and their own views regarding denazification.

Signs of popular displeasure with denazification policies took numerous forms. In late January 1947, for example, correspondence sent through Information Control Division channels reported “almost unanimous disapproval” at news that identification cards would record individual status under the Liberation Law. “It can be said that 90% of the people are against this measure, including Nazis, anti-Nazis and concentration camp victims.” Among the criticisms cited, non-party members indicated that such a step would “exacerbate existing political differences and split the German people” acting, in the words of a Social Democrat employed in the Kassel city administration, “as a barrier when we try to win the cooperation of former Nazis for our democratic state.”⁴¹⁹ Roughly one month later, a local

⁴¹⁸ Schmidt, “Denazification Record in U.S. Zone is Spotty”; Yakoubian, 73 (Emphasis in original).

⁴¹⁹ Rpt No. 503, George Aldor to OMG for Greater Hesse Information Control Division, “Punching of Identity Cards,” 27 Jan 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1114, F: Untitled. See also Ltr., Robert Wallach (OMGH Asst Executive Officer), “Punching of the Kennkarte,” 15 Nov 46, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Field Instructions Oct 1946-

Military Intelligence Service team reported negative reactions to a newsreel segment that showed portions of the *Spruchkammer* trial for Hitler's former personal photographer, Heinrich Hoffmann. After the prosecutor asked for a ten-year labor camp sentence, the report noted, "boos were heard throughout the audience. And when the prosecutor stated he would like to have Hoffmann sentenced for life the boos increased in intensity."⁴²⁰

In one of the more highly publicized incidents, the Nuremberg office of Camille Sachs was bombed on 1 February 1947. President of the denazification court trying Franz von Papen after his acquittal of war crimes by the IMT, Sachs was quoted as saying that the bombing and the case were linked. The explosion damaged the building, which also housed Social Democratic Party offices, but no casualties were reported.⁴²¹ In a survey of reactions to this and a spate of other attacks, American correspondent Delbert Clark later noted that the incident had "aroused a vigorous campaign in the German press" and elicited a multiplicity of responses. In his view, the bombing was part of a larger pattern of individual "terrorist acts" that reflected the German public's resentment of occupation policies. Among the several examples he offered to make this case, two at the premier of Ernst Toller's play "Pastor Halle" stand out. After noted dramatist and resistance member Günther Weiseborn described "the horrors of concentration camps," Clark wrote, one audience member cried, "He lies, He lies!" and left. "During the second act, which shows

Jan 47 thru Draft Directives. Page 4 of the identification papers contained fifteen squares. A hole punched in Square 1, for example, indicated that the bearer was a "Major Offender, subject to all sanctions under Art 15."

⁴²⁰ Information Report No. 28, George P. Moore to Chief of Intelligence, OMG for Greater Hesse, 25 Feb 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1114, F: Untitled. The newsreel footage, issue no. 89 of the *Welt im Film* series, was being shown in Eschwege.

⁴²¹ For AP coverage see, for example, "Explosion Wrecks Office of von Papen Case Jurist," *NYT*, 2 Feb 47, 26; and "Bomb Bursts in Office of Denazification Chief," 2 Feb 47, *Washington Post*, M4.

an actual torture camp scene,” he continued, “two young persons were heard to remark, ‘Why show us this? Our parents are in camps now, so what’s the difference?’”⁴²²

On 6 February 1947, Teitelbaum sent a copy of a press release to the Liberation Ministry suggesting that the “Publicity Department” use its talking points to generate public support for the denazification program. Binder forwarded the somewhat lengthy statement to the head of *Information und Erziehung*, Robert Werner, on 24 February. The timing of this press release reflects ongoing American efforts to both clarify and reconnect with the intent of denazification. The substance suggests a desire to address frustrations that, beginning with thoroughgoing arrests and successive rounds of removals from office in mid-to late-1945, the program had been too indiscriminately applied.⁴²³ Moreover, the military government sought to compensate for the fact that the program had become unwieldy and, particularly in the case of the internment camps, quite static. In short, the release weaved together elements of reconstruction, reintegration, and justice in a clumsy effort to make denazification more palatable to a German public whose support was waning after nearly a year of practical contact with the Liberation Law. “The original purpose of US denazification procedure,” the release emphasized, “was to remove active Nazis and

⁴²² Delbert Clark, “German Bombings Called Signs of Resentment Against Allies,” *NYT*, 8 Feb 47, 4. Clark wrote that an item in the Soviet licensed *Tribune* labeled the attack part of a “new fascist action” and Bavarian Social Democrats “voted to appeal for a death sentence for major offenders under the law for liberation instead of the present ten-year maximum. They also demanded that all Nazis be ousted from high office.”

⁴²³ Hayse described, “successive waves of ‘vetting’ [that] were aimed at particular occupational groups and institutions” and noted that as a whole, “denazification officials proceeded more severely with civil servants in the summer of 1945, stepped up their efforts in the economic sphere (following Military Government Law No. 8) in September, and cracked down on physicians toward the end of the year.” Hayse, 149.

supporters of Nazism and Militarism from positions of importance in public or private life and replace them with believers in democratic living.”⁴²⁴

According to the statement, criticisms of the Liberation Law as *ex post facto* punishment against those who might have joined the Party for a variety of reasons missed the legislation’s very point, which was to provide a mechanism for individual and collective rehabilitation:

The ideological basis for the Law for Liberation from National Socialism and Militarism is twofold. Its first purpose is to allow individual judgments of persons rather than purely on a category basis, so that those who were merely nominal members of the NSDAP may return to their place in society without restriction. The second basis for this law is that individuals who were active in the Party or its affiliated organizations should, to the degree of their activity, contribute to the reconstruction of German social and economic life.⁴²⁵

The commonalities between the official OMGH statement and Adenauer’s “stock speech” are particularly striking. Yet, whereas Adenauer invoked Germans’ collective sense of wartime suffering as a source of unity and, in the process, criticized denazification, the military government used its own version of victimization discourse in an attempt to justify the program. The press release described the wide swaths of destruction clearly visible “in the streets of any German city,” and linked the need to rebuild “destroyed houses, factories and other buildings” with regaining Germany’s status as an independent nation. According to the military government formulation, the pivotal question was, “Who should be called upon to finance such rebuilding except those who are responsible for the destruction”?

Everyone in Germany, even anti Nazis, will bear their part of the costs through increased taxes and through their personal losses. But those enthusiastic ‘heilers’

⁴²⁴ Letter, Teitelbaum to Minister for Political Liberation, Hesse, “Publicity Campaign” (with translation and copy of press release), 6 Feb 47, HHStAW 501/22 [hereafter Denazification Press Release]. OMGUS found the “percentage of persons indicating satisfaction with the denazification process decreased from 57 per cent in March 1946 to 34 Percent in December 1946.” See Report No. 60 (April 1947), in Anna J. and Richard L. Merritt, eds., *Public Opinion in Occupied Germany: The OMGUS Surveys, 1945-1949* (Chicago, 1970), 163.

⁴²⁵ Teitelbaum, Denazification Press Release, 6 Feb 47.

who helped the Nazi tyranny to first overrun Germany and then the neighboring countries, should bear more than that. Thus, the tribunals sitting in judgment of an individual included under the Law for Liberation from National Socialism and Militarism are not determining guilt for a crime nor are they punishing for a crime. They are actually determining how much the particular individual should be called upon to contribute to the rebuilding of the destruction which he has caused. Thus, the nominal Nazi is required only to pay a monetary fine. The real activist on the other hand has his property confiscated by the state and he himself is compelled to render personal service either in his home community or as a result of being confined in a labor camp. It should be pointed out that these individuals are not placed in a prison but in a labor camp, where they will work on the removal of rubble and the rebuilding of the destruction for which they are responsible.⁴²⁶

On the whole, such statements sought to reconcile denazification with democratic ideals by pointing to their interdependence. Furthermore, under Binder's leadership the Ministry for Political Liberation in Hesse implemented the Liberation Law with both sincerity and conviction.⁴²⁷ Binder opened his remarks at later parliamentary debates over denazification reforms, for example, by acknowledging the high degree of popular dissatisfaction with the entire program. But he went on to say, "I am firmly convinced that we absolutely must purge National Socialism's remnants, and not only as a requirement of the occupation, but also because a self-cleansing is necessary for the fate of our people. The rest of the world undoubtedly has a legitimate interest in finding out whether this time Germany has really done away with militarism, nationalism and National Socialism."⁴²⁸ Much like Teitelbaum's press release, Binder also emphasized that a labor camp sentence was not punishment but "rather a mechanism that served the purpose of enabling heavily

⁴²⁶ Teitelbaum, Denazification Press Release, 6 Feb 47.

⁴²⁷ Hayse, 155. Hayse pointed out that, "Clearly convinced of the importance of their task, Binder and his subordinates repeatedly tried to process the untainted and the simple 'followers' expeditiously, and to maintain tighter scrutiny of the most sensitive sectors: education, the press, and the civil service."

⁴²⁸ Kropat, *Hessische Landtagsdebatten*, 4 Jul 47, 252.

incriminated National Socialists to make partial compensation, while during this time keeping them from having any public influence.”⁴²⁹

This is not to suggest that Binder, or his counterparts in Bavaria and Württemberg-Baden for that matter, agreed with the American approach to denazification. In fact, by early 1947 the realization that processing cases would take much longer than originally anticipated had combined with a number of key sticking points between American and German officials to result in an unpleasant mixture of mutual frustrations.⁴³⁰ Mounting public pressure on both sides of the Atlantic exacerbated the pervading sense of crisis.⁴³¹ In a report filed at the conclusion of his OMGH assignment, for example, Yakoubian criticized the influence that “the avowedly democratic parties” were able to exert upon the Ministry to reappoint dismissed officials who had shown “themselves to be totally unfit to carry out the denazification law.” In his view, the Ministry’s susceptibility to such pressures had led to situations in which Military Government too often had to intervene by directly ordering that the individual not be reinstated. “This resulted in the growth of a certain amount of resentment and the claim that Military Government was arbitrary.”⁴³²

⁴²⁹ Kropat, *Hessische Landtagsdebatten*, 4 Jul 47, 259.

⁴³⁰ On the need to revise overly optimistic estimates, see Griffith, 303-304. The realization that it would take some time to get through cases received increasing coverage in the American press. See, for example, “Denazification Trials to Run Years,” *Chicago Daily Tribune*, 17 May 47, 12.

⁴³¹ Yakoubian wrote that, “Opposition gathered momentum in the German population, the government, and the political parties” over the course of 1947 and that by September “American opinion at home had also swung around” spurred by the growing backlog. Yakoubian, 96.

⁴³² Arsen L. Yakoubian, “Special Report on Political Developments in Denazification,” 25 Mar 48 cited in Yakoubian, 106-108. Interestingly, Yakoubian’s comments further suggested that Military Government also felt susceptible to German political pressure groups. On this, see also Aktennotiz, Abt. IV (Hi/Rr.), “Besprechung mit der Landes-Militärregierung, am 20. Mai 1947,” HHStAW 501/1205, which recorded that Military Government representative Captain Stolper had made it clear “in a lengthy explanation,” that OMGH was following the parties’ influence over the personnel makeup of tribunals “with growing interest.”

In his examination of denazification and the Protestant Church, historian Clemens Vollnhals encapsulated the sense of urgency collectively felt by Denazification Ministers to revise the program at the beginning of 1947. Highlighting their increasing awareness of the need to negotiate popular opinion, political reactions and American guidance, he cited an internal memorandum in which Württemberg-Baden's Gottlob Kamm expressed dismay at rising public criticism and lackluster support from political parties. "Based on its results," Kamm wrote, "the Liberation Law no longer serves but rather hinders its original purpose, the democratization of the German people." Vollnhals also found that a Hessian Liberation Ministry report recorded unanimous agreement among those responsible for denazification that the crux of the crisis was the program's broad scope. German officials thus called for such changes as removal of the temporary employment restriction for those presumed to be less incriminated, and for those who joined the Party in 1933 to be treated similarly to those who joined in 1937. In addition to insisting on fewer disputes of tribunal findings by Military Government, they also pushed for the closing of civilian internment camps.⁴³³

Binder's use of the phrase "self-cleansing" takes on increased resonance when considered in light of German denazification officials' efforts to convince American authorities of the need to both scale back the program and permit more leeway in its implementation. The fact that he made the reference when speaking before the *Landtag* illustrates, however, that he and like-minded ministry officials were also engaged in an earnest struggle to convince other Hessian leaders as well as the public of the need to see the program through. Loss of ground in either one of these arenas carried the potential for immediate and decisive repercussions in the other. Each report of mishandled cases, for

⁴³³ Clemens Vollnhals, *Evangelische Kirche und Entnazifizierung, 1945-1949: Die Last der nationalsozialistischen Vergangenheit* (Munich, 1989), 95.

example, regardless of whether perceived or actual, reinforced the American view that German officials would not effectively carry out the program. Similarly, American insistence on vigorous enforcement of the Delinquency and Error System as a way to press for greater stringency in tribunal proceedings was one of several ways that Military Government had begun routinely increasing Ministry and public frustrations.⁴³⁴

Amid volleys over how to implement the Liberation Law—such as a bitter and persistent disagreement over whether *Amtsträger*, officials in the Nazi Party or one of its affiliated organizations, could be deemed Followers—several unresolved issues had particular ramifications for internees.⁴³⁵ These included, for example, the stance toward individuals' claims that they were forced to join the Nazi Party or involuntarily transferred to the SS, and the applicability of the youth amnesty to SS members. Meanwhile, the images evoked by lofty statements such as those in the OMGH press release were contradicted by several problems that derived especially from the circumstances under which Hessian officials assumed responsibility for administering the denazification program. From the outset, the Ministry had to contend with persistent shortages of personnel who were qualified, willing, and able to operate not just the tribunals at *Internierungslager Darmstadt*, but over 100 others located at city and county levels.⁴³⁶

The continual process of vetting tribunal staff members, energetically overseen by the Denazification Division, magnified Ministry difficulties in maintaining a suitable

⁴³⁴ On the D & E System, see Griffith, 329-331; Perry Biddiscombe, 73-74; and Peterson, 149-150. Among several instances of feedback to the MPL regarding tribunals, see for example Aktennotiz, 28.5.47, HHStAW 501/1205 in which an OMGH official (Stark) "expressed his astonishment" that the tribunals in four counties (Witzenhausen, Alsfeld, Hünfeld, and Biedenkopf) had yet to pass a labor camp sentence.

⁴³⁵ For more on the *Amtsträger* dispute than can be offered here, see Biddiscombe, 71-72; and Griffith, 337-347.

⁴³⁶ Hayse, 151, 154. Hayse noted that the 110 *Spruchkammern* were "organized into 48 administrative districts representing Hesse's 47 city and county units (*Stadt- und Landkreise*)."

workforce.⁴³⁷ The challenges of establishing viable security, coupled with the need to send internees outside the camp for work details contributed to a worrisome incidence of escapes.⁴³⁸ Moreover, attempts to project an image of progress in adjudicating individual cases following announcement of the Nuremberg verdicts were substantially undercut by the fact that, albeit largely due to transfers from other enclosures, by February 1947 the internee population had actually *increased* to 11,354.⁴³⁹ On top of this, the camp's lack of winterization, a problem exacerbated by Third Army insistence on maintaining a separate American compound and long since a source of concern for Hessian authorities, did not go unnoticed by residents of surrounding areas.

Against this backdrop, the internment camp at Darmstadt served as grist for local rumor mills and was increasingly perceived as a troubling emblem of the chasm between rhetoric and reality.⁴⁴⁰ By early 1947 OMGH and Ministry officials were fielding piercing questions from the media and prominent members of nearby communities. At bottom, these

⁴³⁷ On personnel shortages, see *Dokument 10*, "Dienstverpflichtung zum Spruchkammervorsitzenden?" in Kropat, *Hessische Landtagsdebatten*, 20 Mar 47, 244-252.

⁴³⁸ See for example, the exchange between Teitelbaum and OMGH Executive Officer (E.K. Neumann), 7 and 8 Jan 47; and Letter, Teitelbaum to Didlo, "Escapes from Internment Camp," 8 Jan 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I. While concerned, Teitelbaum indicated that in his view "the escape rate is not higher than it was when the camp was under the administration of the American Army."

⁴³⁹ Statistischer Kürzbericht für die Zeit vom 1.11.46 bis 28.2.47 (Gesamtübersicht), 1 Mar 47, HHStAW 501/814. This report reflected the large population transfer underway between *Länder*, with other zones, and between German and American authorities: 4,065 detainees had exited the camp since the handover, for example, but 4,418 had been newly admitted. Of those who exited, only 857 were releases. See also Letter, Teitelbaum to Didlo, "Transmittal of TWX" 22 Jan 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I. Teitelbaum directed Didlo to notify camp authorities to prepare for an influx of transfers from Dachau (of those cleared of war crimes, but who still met automatic arrest criteria).

⁴⁴⁰ In Yakoubian's view, the disconnect between rhetoric and reality included representations of the Liberation Law as "a German law to be administered by Germans in order to clean their own house of those undesirable Germans who had made possible the terror of the Nazi regime." According to him, after receiving a German proposal, OMGUS drafted the version that was promulgated. Yakoubian, 91-92, incl. n. 28.

queries reflected the keen desire to know whether and when heavily incriminated Nazis would be prevented from regaining positions of influence. An exchange between OMGH Director Newman and the Roman Catholic Bishop of Mainz, also demonstrates, however, that local criticisms had begun to include convictions similar to those expressed by Adenauer; namely that the time had come to consider reintegration. On 25 January, after providing church services in the enclosure during the Advent season, the Most Reverend Albert Stohr co-signed a letter with the President of the Protestant Church in Hesse raising concerns about the impacts of difficult living conditions, particularly on the severely injured and sick. In addition, the two alleged a breakdown in machinery for releasing those internees cleared by tribunals as well as others who were not subject to provisions of the Liberation Law. Some, they indicated, had not even been members of the Nazi Party. Furthermore, a number of the internees they encountered had not only turned away from “fascist spirit and thoughts,” but were also ready to “participate in a new German life.”⁴⁴¹

While pleading for Darmstadt’s civilian internees offered a prime opportunity for members of the clergy to further criticize denazification, Stohr’s letter nevertheless voiced concerns shared by several Hessian officials.⁴⁴² For the most part, Newman’s response reveals that Schmidt had not been completely off base when he wryly observed in his November 1946 *New York Times* article that the Americans had distanced themselves from

⁴⁴¹ Letter, Bishop of Mainz and President of the Protestant Church in Hesse to Col. Newman, “Deutsches Internierungslager zu Darmstadt” with translation, 25 Jan 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

⁴⁴² The request that OMGH expedite conversion of structures in the recently dissolved American section was one concern shared by Hessian officials. On the clergy’s criticisms of denazification, see for example, Victoria Barnett, *For the Soul of the People: Protestant Protest Against Hitler* (New York, 1992), 217-230. Articles such as “Germany; Bewildered Herrenvolk,” *The Tuscaloosa News*, 8 Feb 48 show the persistence of these criticisms. The article described a pastoral letter in which Martin Niemöller emphasized that, “The methods of punishing an entire family for the guilt of one of its members remind us only too much of former times.”

civilian internment. Newman challenged several of the details raised in Stohr's letter, yet also made it quite clear that the American Military Government had transferred the enclosure to Hessian authorities. "Most of the points you raise in your letter," Newman replied, "are problems of general administration which are entirely in the hands of the German Ministry for Political Liberation." Moreover, the issue of purported changes of heart was a matter to be handled via the Liberation Law: "As to your statement that various internees have now indicated a change of mentality which liberates them from fascist spirit and thoughts, when they appear before tribunals to have their cases determined, any such matter will be given full consideration."⁴⁴³

Newman's carefully crafted statement avoided judging the extent to which such professed willingness to support democracy could be believed. Amid overarching concerns about circumstances in the camp, however, lay persistent doubts about that very question. In the meantime, military government officials were increasingly pulled between the goals of closely scrutinizing Ministry handling of cases and establishing forward momentum.⁴⁴⁴ On 21 January 1947, Teitelbaum instructed camp liaison Raymond O. Didlo to expeditiously authorize the release of internees "in those cases where the prosecutor has determined that the individuals do not fall under the law or after decision of a tribunal." Significantly, Teitelbaum acknowledged instances of internees being improperly held: "It is my

⁴⁴³ Letter, Newman to the Most Rev. Dr. Stohr, Bishop of Mainz, 10 Feb 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I. Newman wrote, for example, that in spite of reports by different agencies, there were not 2,000 internees in the enclosure "whose physical condition makes it too painful to be retained in the camp."

⁴⁴⁴ The tension between rigorous oversight and empowering German officials to carry out the Liberation Law is clearly discernible in written guidance. In practice, the program was still very much geared toward the former. In early 1947, for example, OMGUS established procedures whereby Public Prosecutors would notify Liaison & Security Offices of intended release 15 days in advance. In the event the L & S office objected, the internee would be held pending *Land* MG decision. OMGH Letter, Wallach, "Release of Internees from Darmstadt Internment Camp," 20 Jan 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

understanding...that 53 individuals have been found by the public prosecutor not to fall under the law. I have noted myself in the last list of persons to be transferred for reasons of health, that one is being interned in the camp because he entered the American zone from the Russian zone illegally.” He also stressed the importance of not retaining internees after trial solely on the basis of procedural errors. These, whenever possible, should be “corrected by a re-trial in their home communities.”⁴⁴⁵

The chain of reactions to a 7 February 1947 letter in which the International Red Cross notified USFET G-5 of “unsatisfactory conditions” in *Internierungslager Darmstadt* provides several insights into diverging agendas between Military Government and Hessian officials with regard to civilian internment. In the American case, the letter prompted a tightening of reigns that began with verbal notifications, quickly followed by a set of cables directing that IRC representatives not be permitted access to the enclosures.⁴⁴⁶ A later dissection of events by Chief of OMGUS Public Safety O.W. Wilson shows that the IRC’s ability to gain entry into any of the camps, which essentially contravened Clay’s guidance, brought to light differing conceptions regarding the boundary between American and German authority. According to Wilson, after meeting with USFET Deputy Chief of Staff Major General M.G. White during the previous fall, IRC representatives had understood they were cleared to coordinate directly with German officials and did so in order to visit

⁴⁴⁵ Letter, Teitelbaum to Didlo, “Approval of Release of Internees,” 21 Jan 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

⁴⁴⁶ These cables originated at OMGUS Public Safety, signed by Clay, and were forwarded by the Denazification Division through Hessian and American channels. See Letter, O.W. Wilson to OMGUS Chief of Staff (Brig. Gen. Charles K. Gailey, Jr.), “Denying Access of I.R.C. to G.C.I.Es” (with attachments), 21 Feb 47; and Letter, Teitelbaum to Minister for Political Liberation, Hesse, “Inspections of Internment Enclosures” (copy), 24 Feb 47, NARA RG 260 OMGUS, Records of the Civil Affairs Division, Public Safety Branch: Records Related to Denazification, 1945-49, Box 329, F: Civilian Internment Enclosures 18. See also Letter, Teitelbaum to Capt Didlo, 24 Feb 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

Bavarian enclosures at Moosburg and Göggingen roughly one month later. The following January, when the IRC called on Colonel Speidel at USFET G-5 to request permission to enter the camp at Darmstadt, he in turn contacted Teitelbaum, who “stated he had no objection to their visiting the enclosure if they had permission from German authorities.”⁴⁴⁷

Beginning with the issue of authority, Gottlob Binder promptly raised several objections upon receiving the order to deny future IRC access to labor and civilian internment camps. “The camp at Darmstadt was handed over to me on 1.11.46 with the instruction that the whole camp administration should be an exclusively German matter and that I should only receive orders from the Occupation Authorities with regard to the release of internees. I must consider the prohibition for Delegates of the International Red Cross to enter the camp as an infringement on the German Camp Administration.” Binder was undoubtedly concerned by the public attention that, stoked by rumors about conditions at *Internierungslager Darmstadt*, had begun to increasingly turn toward the camp. IRC inspections, he wrote, would not only provide those outside Germany with a clearer picture of circumstances in the enclosure, but would enable the German public to better identify baseless claims. Much as the IRC representatives had done when speaking with Major General White at USFET, he cautioned that the order prohibiting IRC entry would generate

⁴⁴⁷ Wilson forwarded two memos for record sent to him by Chief of USFET G-5 CI Branch Colonel Wm. H. Speidel, detailing White’s conversation with IRC representatives. While IRC entry into the camps showed a breakdown in communications between USFET and OMGUS, White’s notes indicate that in addition to requesting permission from German authorities, he still expected a formal request to come through American channels as well. Letter, O.W. Wilson to OMGUS Chief of Staff, 24 Feb 47 (with attachments), NARA RG 260 OMGUS, Records of the Civil Affairs Division, Public Safety Branch: Records Related to Denazification, 1945-49, Box 329, F: Civilian Internment Enclosures 18.

“unreliable comparisons” to the National Socialist period “by ill-disposed elements” since it was widely known that the IRC was not allowed in the Nazi camps.⁴⁴⁸

In contrast to his other points, which in many ways stemmed from ideological and procedural disagreements, Binder stressed a decidedly practical issue that was very likely a key motive behind his objections. “Besides I also have great interest,” he wrote, “that the International Red Cross takes care of the Darmstädter Camp because I hope that the Committee may be in a position and is willing to organize relief supplies of such goods which are no longer at the disposal of German offices and are not furnished by the other side.” His deputy, *Ministerialdirektor* Knappstein, later thanked the IRC Delegation in Frankfurt for the visit to the camp, relayed the OMGUS order prohibiting future access, and assured the representatives that both he and Minister Binder had duly protested. In addition, Knappstein emphasized his personal interest in ensuring that the international community was “regularly informed of conditions in the camps,” indicating that he would make every effort to have the prohibition removed and that he would request the matter be placed on the next meeting agenda of the *Denazifizierungsausschuss des Länderrates* (German Ministerial Denazification Committee) in Stuttgart.⁴⁴⁹

Thus, by the spring of 1947 a lively debate with both ideological and practical components was underway that was driven by increased public interest in the purposes and operation of civilian internment camps. While on the one hand, the very process of negotiating the contention surrounding the problem of how to effectively root out Nazism

⁴⁴⁸ Letter, Binder to the Military Government Wiesbaden (translated copy), 24 Feb 47, NARA RG 260 OMGUS, Records of the Civil Affairs Division, Public Safety Branch: Records Related to Denazification, 1945-49, Box 329, F: Civilian Internment Enclosures 18.

⁴⁴⁹ Letter, Binder to the Military Government Wiesbaden, 24 Feb 47; Letter, Knappstein to the Delegation of the International Committee of the Red Cross (translated copy), 10 May 47, NARA RG 260 OMGUS, Records of the Civil Affairs Division, Public Safety Branch: Records Related to Denazification, 1945-49, Box 329, F: Civilian Internment Enclosures 18.

arguably contributed to democratization in several important ways; on the other, the resulting exchanges only buffered the belief that both the denazification and civilian internment programs were ineffective.

‘The Brightest Light of Scrutiny’: Efforts to Address Perceptions of *Lager Darmstadt*

As head of the Ministry for Political Liberation, Gottlob Binder was especially attuned to the fact that *Internierungslager Darmstadt* was actively regarded through multiple, often contending, lenses. “It is very telling,” he observed during remarks at 4 July 1947 parliamentary debates over denazification reforms, “that accusations concerning the conditions in this internment camp are of an altogether contradictory nature.” Some, he continued, depicted the confinement as a “stay at a primitive health resort” (*primitiven Kuraufenthalts*) in which, although internees couldn’t come and go as they pleased, they were relatively well cared for; others claimed that conditions were not that far from those in Nazi concentration camps. “As is often the case,” Binder stressed, “the truth lies in the middle.” It was in an effort to locate that middle ground that he had invited Buchenwald survivor Eugen Kogon to inspect the enclosure.⁴⁵⁰

In the resulting report’s foreword, Binder emphasized that he welcomed the opportunity to cast “the brightest light of scrutiny on conditions in the camp at Darmstadt.” As such, he had requested the visit within just three months of the handover and turned to Kogon—author of the first systematic examination of Nazi concentration camps—instead of officials within his own ministry. Furthermore, he invited the *Landtag* to establish a special

⁴⁵⁰ Kropat, *Hessische Landtagsdebatten*, 4 Jul 47, 252-274, especially 257-259.

investigative committee (*Sonderkommission*) to verify the document's findings.⁴⁵¹ That he addressed such points in his foreword illustrates the extent to which heightened politicization had become a palpable feature of the landscape within which the Ministry operated.⁴⁵² More than this, particularly when viewed in light of his previous push for transparency through IRC visits, Binder's approach demonstrates that he hoped to use the inspection as a way to influence ongoing debates.

In his remarks before the *Landtag*, Binder not only placed *Internierungslager Darmstadt* at the very center of the large collection of problems associated with denazification, but also explicitly addressed key chafing points such as internees' comparatively high calorie rations and lack of productive work. The emphasis he placed on these issues reflects the high degree of public interest in civilian internment—in the press, over the airwaves, and in political discourse—that became especially apparent during the first half of 1947.⁴⁵³ As Binder aptly noted, on the surface this conversation was replete with juxtaposed images and contrasting depictions. Yet, within this constellation of differing viewpoints, discussions were clustered around a core set of fundamental questions with which the Ministry had already been grappling for some time; namely: who was in the

⁴⁵¹ Gottlob Binder, Foreword to Kogon/Römhild Report, HHStAW 501/808.

⁴⁵² Military Government may have unintentionally stoked the political fires by compelling parties to support the program. See, for example Montgomery, 62-63 and Gimbel, *Marburg*, 154. Montgomery described American attempts to keep politics out of denazification by requiring political parties to jointly pledge to "participate proportionally" in administering the program. Gimbel noted that with implementation of the Liberation Law, political parties were called upon to submit lists, subject to Military Government approval, from which the Minister for Political Liberation appointed tribunal chairmen, public prosecutors and assessors (*Beizitser*).

⁴⁵³ These were particularly hot-button issues given recent highly charged reactions to food shortages. The situation became so pressing that Newman announced in a speech via radio that, if necessary, OMGH would resort to stern measures to prevent hoarding, strikes, or other agitations. He reportedly removed references to invoking martial law after being instructed by Clay to moderate his address. On this, see: "Germans Warned of Death Penalty," *NYT*, 17 May 47, 1; Delbert Clark, "'Get-Tough' Policy in Germany Begins," *NYT*, 18 May 47, 42; and "Clay Softens Talk of Hesse Governor," *NYT*, 18 May 47, 41.

camp and why; how did conditions inside compare with those outside; and what were the internees doing on a day-to-day basis? Amid these concerns, one question had bubbled very visibly and undeniably to the surface—what was the way forward?

A *New York Times* article by journalist Shepard Stone, who had experienced Germany during Hitler's rise to power as a doctoral student in History and served in the US Army from 1942 to 1946, typified the American tendency to also concentrate on these questions.⁴⁵⁴ Published only two months after the transfer, the short blurb was accompanied by four prominent photographs depicting various facets of camp life and conveyed a strikingly positive tone reminiscent of Schmidt's November 1946 account. "With the amnesty proclaimed Christmas Eve for 800,000 'little' Nazis in the American Zone of Germany," Stone began, "it is expected that more vigorous action will be taken against the 'big' fry, thousands of whom are interned in American and German civilian internment camps." He explained that internees were those suspected of war crimes or of posing a threat to occupation forces, along with "so-called 'automatic arrests,' persons who held high office in the Nazi hierarchy, members of the Gestapo, SS and other Nazi organizations. Among those detained," he continued, "are industrialists who are expected to go on trial at Nuremberg next month." Of Darmstadt, he noted quite simply: "There are two camps

⁴⁵⁴ On Stone, see Volker Berghahn, *America and the Intellectual Cold Wars in Europe: Shepard Stone between Philanthropy, Academy, and Diplomacy* (Princeton, 2001), especially, 6-11; 32-33; 284-295. Stone, who began working at the *New York Times* in 1933, had experienced Germany (primarily Berlin) during the latter years of the Weimar Republic. After the war, he helped reestablish a democratic press in the Western Military District before returning to the *New York Times* in January 1946. He would later serve as HICOG Director of Public Affairs and, through such positions as director of the Ford Foundation's International Affairs Program and Berlin Aspen Institute, play a pivotal role in re-forging transatlantic intellectual and cultural ties.

here—the American controlled enclosure, with the more important Nazis and war criminals, and a German camp for the less important.”⁴⁵⁵

Stone provided only the briefest of glimpses into the enclosure and offered little in the way of specific detail, as evidenced by his response to widespread comparisons with concentration camps. “Although there have been cases of bad treatment and some innocent persons have been detained,” he wrote, “Camp 91 at Darmstadt is a rest home compared with Buchenwald and Dachau in the days of Hitler.” His account reflects the inclination—still exhibited especially in the American press—to depict internees as a large amorphous group, using phrases such as “once arrogant Nazis.”⁴⁵⁶ The conversation that surrounded *Internierungslager Darmstadt* in 1947, however, illustrates that the German public’s desire to know more about the camps and those held in them had outpaced such broad-brush depictions. Moreover, although American and German authorities’ responses to the increasing scrutiny reveal different priorities in negotiating specific issues, they also reflect unmistakable anxiety over the incongruity between civilian internment and democratization.

While the Military Government focused much of its attention on mechanics—finding ways to accelerate the processing of cases, for example, Hessian officials became progressively concerned about the effects of long-term internment. They were particularly troubled about the atmosphere that had taken hold in the enclosure and a number of them

⁴⁵⁵ Shepard Stone, “Camp 91, Darmstadt,” *NYT*, 5 Jan 47, SM8. When considered in light of Ministry reports, Stone’s account, which featured the American compound, suggests a disparity of conditions between it and the German section of the enclosure. The caption below a picture of one of the tents used as living quarters, for example, read “wood-burning stoves and floor boards keep the crowded tents warm.”

⁴⁵⁶ Shepard Stone, “Camp 91, Darmstadt.” See also Berghahn, 38-51. By examining Stone’s disagreements with *New York Times* Sunday editor Lester Markel, Berghahn placed Stone at the forefront of reporters who otherwise depicted Germans from a more sympathetic viewpoint. These exchanges took place as early as December 1944, while Stone served with Military Government.

shared the belief that automatic arrest criteria had cast much too wide a net.⁴⁵⁷ In addition, varied assertions within the press that the *Landesamt* had been relying too heavily on the *Lagerselbstverwaltung* opened the door to the question of whether the internees, or even worse Nazi elements, had undue influence in the camp. Beyond this, the issue of whether internees could be expected to support democracy was one of several on the minds of the public and local officials alike. Faced with such concerns, key Ministry officials became acutely aware of the distance separating the postwar communities that had formed on each side of the barbed wire.⁴⁵⁸

In early February, Robert Werner documented his impressions on these and other points following a cursory inspection of *Internierungslager Darmstadt* that consisted of visiting numerous tents and speaking with twelve internees whose credibility, he wrote, had been vouched for by persons known to him. Although certainly not the only public official to describe conditions in the camp, his reports clearly suggest that Werner viewed speaking for the internees as a major component of his task. Moreover, by virtue of his ministerial role as head of *Information und Erziehung*, in many ways Werner served as an intermediary between those in the enclosure and the local community. In his report, he repeatedly stressed that conditions in the camp were at least as good, and in some ways better, than those experienced by the population at large. He thus rejected the parallels that were popular among internees and in some local circles between the *Internierungslager* and concentration camps, noting: “The provisions in the camp are clearly sufficient. On

⁴⁵⁷ See, for example, Dr. von Brentano’s remarks during the 4 July deliberations over denazification reforms in Kropat, *Hessische Landtagsdebatten*, 4 Jul 47, 269.

⁴⁵⁸ This notion of becoming aware of the separateness is reinforced by reports from various visits to the camp, such as from a group of SPD officials in early January. See, “Bericht eines Besuches des Interniertenlagers in Darmstadt am Montag den 20. Januar 1947,” HHStAW 501/814.

average, the internees appear to be less undernourished than the people in our city streets.”⁴⁵⁹

The shortage of clothing and footwear, Werner wrote, was something the internees had in common with the rest of the population. The same could be said for medical care, which suffered from insufficient facilities as well as a general lack of instruments and medications. While dismissing accusations that the internees were not adequately cared for, particularly in light of difficulties outside the barbed wire, in several cases Werner nevertheless also indicated that internee grievances were not baseless. At the time of his writing, the camp still suffered under many of the same shortcomings described by the Interior Ministry’s medical branch following inspections in the previous December. He noted pointedly, for example, that the use of tents as housing—an interim measure still in place after two years—was “utterly insufficient and questionable, especially in winter.” With a considerable number of buildings in the American sector now empty, he observed, the continued reliance on tents was even more unfathomable. Speaking about how detainees were treated, Werner wrote, “I haven’t heard a single complaint in this regard, but much appreciation for the German administration’s efforts to eliminate shortages.”⁴⁶⁰

⁴⁵⁹ Robert Werner, “Bericht betr. Lager Darmstadt,” 9 Feb 47, HHStAW 501/814. Werner had already begun his assessment in late 1946. File notes from 28 December, for example, indicate he spoke with a resident of Edingen (*Kreis Wetzlar*) who had been interned for four months and been told that, “aside from a small inconvincible minority, awareness of the NS leadership’s failure and gross deception was universalized.” Werner noted his personal impression of the information as credible. On top of providing names from his circle of acquaintances in the camp, the former detainee offered to take part in a future visit to facilitate contact. He did accompany Werner roughly two months later, and spoke to younger internees about his experiences after release. Abt. VIII, Akt. Not, 28.12.46; and Abt. VIII “Ergebnisse der Besprechungen in Darmstadt am 27/28.2.47,” 1 Mar 47, HHStAW 501/814.

⁴⁶⁰ Robert Werner, “Bericht betr. Lager Darmstadt,” 9 Feb 47, HHStAW 501/814. See also HQ USFET Cable (signed McNarney) to Third Army, SC-12166, 21 Jan 47, NARA RG 260 OMGUS Legal Division, Records of the Prison Branch: Administrative Records, 1945-49, Box 139, F: Internment Camps. USFET directed 3rd Army to transfer the US compound to Military Government on 21 Jan 47. As part of this process, OMGUS and 3rd Army G-4 (supply) had to agree upon the equipment to remain.

Because of widely varying comments on the subject of the *Lagerselbstverwaltung*, Werner's impression was more ambivalent. He found indications of what he described as a "ruling stratum" (*herrschende Schicht*), but observed that without further information it was not possible to say whether it stemmed from "deliberate choice according to political criteria or a natural selection based on abilities without conspiratorial character." He suggested that comments on the daily agenda such as "Darmstadt is firmly in the hands of the SS" didn't necessarily imply the formation of dangerous cliques but might instead be "customary grandiloquence." Werner's remarks indicate he was less alarmed by the significance of such statements than at what he viewed to be a much more pressing concern, the instance of internees being held without justification.⁴⁶¹

A 7-page press release forwarded by *Landesamtsdirektor* Jakob Weyand to Binder unmistakably shows that by late February 1947 the enclosure at Darmstadt had become a magnet for substantial interest and criticism. In an accompanying personal note, Weyand wrote that he had prepared the article as a response to the "latest press attacks related to circumstances in the Darmstadt camp," and requested its release to Hessian newspapers. Indeed, the level of scrutiny had built up to the point that Weyand, in his view, needed to publicly set the record straight on several issues. Moreover, members of the *Landesamt* (and in some cases the internees themselves) had begun to use the term *Presseangriffe*, which literally translates as "press attacks," to collectively refer to the ongoing coverage. "The substance and form of recent varied press reports about allegedly insupportable circumstances in *Lager Darmstadt* bring me, in my responsibility as head of the Hessian

⁴⁶¹ Robert Werner, "Bericht betr. Lager Darmstadt," 9 Feb 47.

State Office for Internment and Labor Camps,” Weyand began the article, “to correct false claims and to put the facts that are unclearly represented here in their true light.”⁴⁶²

Coupled with a mid-March 1947 exchange with press chief of the State Chancellery Fritz Bartsch, Weyand’s article provides an effective means to pinpoint the onset of heightened media interest in the camp. “Recently,” he wrote to Bartsch, “the instance of representatives from various newspapers showing up by themselves and unannounced asking for entry into the camp in order to prepare reports for their publications has risen.” This situation was not only creating disturbances, he claimed, but also interfering with effective operation of the enclosure and could not be allowed to continue. “Without wishing to limit freedom of the press or disclosure of camp affairs in any way, it must nevertheless be noted, that a minimum of three days notice needs to be given.” Weyand appealed for assistance in regulating the flow of encounters with correspondents. In his brief reply, Bartsch expressed understanding, suggested that media requests be referred to him, and agreed to contact Weyand to arrange specified times for future visits.⁴⁶³

Both the tenor and language of Weyand’s writing convey a sense of feeling embattled by the heightened scrutiny. “Out of the large number of attacks,” he indicated in the press release, he directed his comments toward what he viewed as the “most substantial” criticisms levied against *Internierungslager Darmstadt*. The resulting list of allegations is unattributed and offers little explanation as to the selection criteria Weyand used. The document is nonetheless quite instructive because eight of nine points he chose to rebut

⁴⁶² Jakob Weyand, “Das Interniertenlager Darmstadt und eine amtliche Richtigstellung,” 24 Feb 47 with cover letter to Binder, HHStAW 501/814 [hereafter: Weyand, “Official Correction”].

⁴⁶³ Letter Exchange, Weyand to Press Chief of the State Chancellery Fritz Bartsch, “Besichtigung der Internierten- und Arbeitslager im Lande Hessen durch Pressevertreter,” 10 Mar 47; and Pressereferent, Hessischen Staatsministerium an den Chef des Landesamtes für Internierungs- und Arbeitslager, 21 Mar 47, HHStAW 521/14. The *Landesamt* files contain an unsigned copy of the State Press Office reply.

project an image of the internees as manipulative, obstructive, or both—suggesting that, particularly from Weyand’s perspective, this was one of the predominant lenses through which the camp was perceived. In response to the idea that *Lager Darmstadt* held heavily incriminated activists (*schwerbelastete Aktivisten*) for whom any concession would be a weakness, for example, he explained that the internees transferred to German authorities had been screened by the CIC and cleared of suspicion of war crimes or perpetrating atrocities.⁴⁶⁴

Several of the assertions described by Weyand derived from concerns that internees had undue influence over day-to-day operations inside the enclosure. The scope of activities carried out by the *Lagerselbstverwaltung*, coupled with some of its members’ substantially better living conditions, only reinforced such misgivings. Weyand dismissed claims that internees had access to confidential files, held the keys to gates, and carried identification cards. He emphasized the sheer difficulty that would be involved in running such a large enclosure without the assistance of the internees; that the apparatus had been established when the camp was under American control; and that the *Oberbürgermeister* and head of the internee administration were appointed by German authorities while the remaining positions were democratically elected. Furthermore, these elections were renewed every four months. Concerns that “the SS had seized the camp and exerted a complete system of terror,” he pointed out, had not been verified by any factual examination. Moreover, 55.3% of the internee population had belonged to the SS, many after having been involuntarily pulled over from other organizations and holding adjusted rank (*Angleichungsdienstgrad*). It would thus be virtually impossible to bar them from participating in the self-administration. The “elements of the self-administration have provided ample proof of their

⁴⁶⁴ Weyand, “Official Correction,” 1-2.

genuine cooperation since the takeover of *Lager Darmstadt*,” Weyand insisted, “such that I cannot cast doubt on either their discipline or goodwill.”⁴⁶⁵

Weyand countered claims that news of recent violence in the Stuttgart area had been celebrated in the camp by pointing out that the *Lagerselbstverwaltung* issued a statement condemning this act of violence “immediately upon learning of it.”⁴⁶⁶ The resolution to which he referred was passed during a special session of the *Stadtrat* (camp council) on the afternoon of 13 February 1947. In addition to expressing emphatic disapproval of the bombings against tribunal and other facilities, the resolution attributed such attacks to the type of people who acted out of the “irresponsible or pathological need for self-aggrandizement.” Moreover, it reiterated internees’ “genuine willingness” to do their part in reconstruction, insisting: “We condemn such violent deeds even more so, as they are used to create the greatest possible unrest among the German population and to disrupt much-needed rebuilding.”⁴⁶⁷ In a letter announcing the resolution to Binder, the camp *Oberbürgermeister* and *Stadtrat* Chairman expressed concern over the press campaign that had been waged against the camp and *Lagerselbstverwaltung* after the attack on SPD offices in Nuremberg. They suggested the press had been relying on information from former internees whose subjective views and descriptions, they insisted, were partly distorted and untrue. Further, they declared themselves ready to provide any clarification necessary.⁴⁶⁸

⁴⁶⁵ Weyand, “Official Correction,” 3-4; 6.

⁴⁶⁶ Ibid., 2. See also Stephen G. Fritz, *Endkampf: Soldiers, Civilians and the Death of the Third Reich* (Lexington, KY, 2004), 219-220, which describes events surrounding attacks on *Spruchkammern* in the Stuttgart area during the fall of 1946, followed by attacks in Nuremberg on 7 January and, in the case of Sachs’ office, 1 February.

⁴⁶⁷ Oberbürgermeister an den Lagervorsteher Hütter, “Resolution des Lagers,” 13 Feb 47, HHStAW 501/814.

⁴⁶⁸ Oberbürgermeister an den Herrn Minister Binder, 13 Feb 47, HHStAW 501/814.

While no doubt troubled by media allegations that implied the *Landesamt* was not fully in control of circumstances inside the enclosure, Weyand took particular issue with the assertion that internees were wholly unreceptive to democratic concepts. According to this view, he wrote, “anyone [in the camp] who dares to utter such thoughts can count on being on the receiving end of a beating. There isn’t any discussion regarding the nature of democracy. The internees put their political hopes on parliamentarism’s collapse. They all seek revenge.” Countering with an equally all-encompassing characterization, he averred: “In countless personal conversations, I have received the exact opposite impression.” According to Weyand, “the majority of internees were anxious to attain a new world-view and to mentally bring themselves into a life according to democratic requirements.” Most, he insisted, wanted only to return to their families, to actively participate in reconstruction, and to refrain from any political activity.⁴⁶⁹

A weekly report filed two days later by the Officer in Charge of the G-2 liaison detachment assigned to *Lager Darmstadt*, First Lieutenant Martin H. Weik, not only corroborates parts of Weyand’s claim, but also demonstrates the consistency with which those being held in the camp invoked key points. The internees, Weik wrote, were “very bitter against the campaign in many German newspapers and radio which [did] not give the real picture of conditions and activities in the enclosure particularly the SS being accused with underground activities in camp. Their daily topic is to get released, rejoin their families, and to help provide for them.” Weik also wrote of internees’ frustrations with the

⁴⁶⁹ Weyand, “Official Correction,” 2-4.

slowness of tribunal operations and that they could “not understand why men who have never committed any crimes have been interned for almost two years.”⁴⁷⁰

Behind the scenes, American intelligence officials were keeping close tabs on various communications related to civilian internment camps, including *Internierungslager Darmstadt*. A flag raised by USFET G-2 Assistant Chief of Staff Major General Withers A. Burress shows that by February 1947 they were becoming increasingly concerned—from the standpoint of security as well as internees’ wellbeing. Burress suggested (through USFET channels) that OMGUS be notified to look into circumstances in the enclosures. “The attached censorship submissions together with observations made by other intelligence agencies indicate that present conditions in German internment camps and the guarding thereof by the German authorities may not be entirely satisfactory and should be made the subject of an overt investigation by Military Government,” Burress wrote. He went on to say, “These submissions in themselves are not of course conclusive evidence of the conditions described; however, it is felt that there is enough ‘smoke’ to indicate that the present situation constitutes a security threat as well as an inhumane condition that should not go unnoticed.” The handful of examples he offered, such as a 10 January 1947 communication from an internee previously held at Dachau, suggested worse conditions in the enclosure at Darmstadt than elsewhere:

Darling, the whole of my captivity I have never been housed as badly as I am here in the German camp. One has almost to crawl into the tent. The walls are covered with ice. Everybody is crowding around the stove made of tin cans. The wet wood gives little heat, but all the more smoke instead so that one gets inflamed eyes. We are covered with dirt and soot. We cannot think of doing our washing because the stuff would get dirty before it is dry. The wood the ten of us burn every day would

⁴⁷⁰ Weekly G-2 Security Report, 1 Lt. Martin H. Weik to OMGUS Public Safety, Chief IA & C Division, 26 Feb 47, NARA RG 260 OMGUS, Records of the Civil Affairs Division, Public Safety Branch: Records Related to Denazification, 1945-49, Box 329, F: Civilian Internment Enclosures 18. On the subject of security, Weik relayed Hessian authorities’ plans to transfer to the camp members of the border police no longer being employed on the border between American and British zones.

suffice to keep ten homes warm...We have to sleep in our clothes or else, one freezes. We slowly deteriorate and become weak of mind. Many get sick and die. There is no chance for release. What the papers write on this subject is mere eyewash...in every respect it was better in Dachau.

On 21 February 1947, OMGUS Chief of Staff Brigadier General C.K. Gailey forwarded Burress's letter and attached censorship submissions to the Information and Control Division, along with Clay's instructions that Public Safety, in coordination with the Office of the Director of Intelligence, work with Land Military Government offices to thoroughly investigate "the Civil Internment problem."⁴⁷¹ Less than two weeks later and with media coverage on the upswing, Radio Frankfurt political commentator Fritz Fay broadcasted a detailed description of *Internierungslager Darmstadt* on the evening of 3 March. His remarks, along with the substance of Kogon's report, clearly suggest that amid the widely varying allegations concerning conditions in the enclosure, the view had gained traction among German authorities that the civilian internment camp should be drawn down.

‘We Didn’t Lose A Single Minute’: Circumstances Surrounding Kogon’s Inspection

Fay, an SPD member, began his broadcast with a somewhat oft-used introductory device: "*Internierungslager Darmstadt* is one of the most heavily talked about subjects in Hesse. Anyone who asks around will consistently hear completely contradictory opinions and descriptions." He announced that, because of what he described as recent biased newspaper reports, he had spent an entire day at the camp speaking with the German administration, guards, *Lagerselbstverwaltung*, and other internees. While his address

⁴⁷¹ USFET Letter, Major General W.A. Burress (AC of S, G-2) to CoS, "Condition of Civilian Internment Enclosures" (with 3 incl., censorship submissions), 21 Feb 47; and OMGUS Letter, Brig. Gen. C.K. Gailey (CoS) to IA & C Division and Office of Director of Intelligence, 21 Feb 47, NARA RG 260 OMGUS, Records of the Civil Affairs Division, Public Safety Branch: Records Related to Denazification, 1945-49, Box 329, F: Civilian Internment Enclosures 18.

comes across as an earnest attempt to enlighten the public about the enclosure, it also exudes support for the Ministry on a number of points.⁴⁷² He emphasized, for example, that arrests had been carried out under Military Government orders and that, although the camp had since been turned over to German administration, the authority to grant releases had not. He also addressed the rate of escapes over the past two-to-three months explaining, among other things, that the limited number of available camp guards “had only just recently been reinforced by a small group of better trained police officials.”⁴⁷³

With roughly 11,000 internees and as the only civilian internment camp in Hesse, Fay described the span of *Internierungslager Darmstadt* as “its decisive limitation.” In his view, this made well-planned employment of those willing and capable of working virtually impossible. “The situation had inevitably developed,” he confirmed, “in which the majority of internees had spent several months, even more than a year, idle.” Rather than focus on the fact that a fairly large potential workforce was not being effectively tapped to rebuild local communities, however, Fay went straight to the issue of preparing detainees to be reintegrated. Their inactivity, he criticized, was “not in the least desirable, because the purpose of the camp after all [was] also to have an educational impact on the internees.”⁴⁷⁴

⁴⁷² Fritz Fay, “Bericht über das Lager Darmstadt,” 3 Mar 47 (with cover letter to Binder, 6 Mar 47), HHStAW 501/814. It is unclear whether Binder, also SPD, asked Fay to visit the camp; Fay did, however, forward him a copy of the transcript three days later, with an extra “in the event any of his colleagues found it of interest.” For a very similar introduction, see transcribed copy of “‘GERMANISIERUNG DES CHRISTENTUMS’; Unser Besuch im Lager Darmstadt,” *Kasseler Zeitung*, 2 May 47, HHStAW 501/814. Among other things, this article criticized education efforts in the camp.

⁴⁷³ Fay, “Bericht über das Lager Darmstadt.” A later ISD Personnel Control report on political commentators at Radio Frankfurt described Fay as “SPD member; supports SPD; attitude toward MG dependent on party standpoint.” See “Special Report (EEI) on Political Commentators at Radio Frankfurt,” 2 Aug 49, to Chief Intelligence Division, OMGH, from Gerald Sola; OMGUS 348/3/5 cited in Larry Hartenian, *Controlling Information in U.S. Occupied Germany, 1945-1949: Media Manipulation and Propaganda* (Lewiston, NY, 2003), 332, n. 138.

⁴⁷⁴ Fay, “Bericht über das Lager Darmstadt.”

As Weyand had done in his press release, Fay indicated that the enclosure's size made relying on the internees in running the camp a virtual necessity. Ultimately, his overall impression of the *Lagerselbstverwaltung* was nevertheless somewhat mixed. He found that some of those in key positions were genuinely willing to cooperate; "however," he elaborated, "one cannot say this of everyone." Moreover, recognizing that influence within the camp did not necessarily only derive from formal positions, he recommended changes among those who held various functional responsibilities. "It comes with the territory, as is very nearly almost always also the case with the military, that those who fulfill some functions in such a group can wield a certain amount of power."⁴⁷⁵ Fay drew a handful of parallels, including mess sergeants in the army and trustees in prisons. Although he acknowledged the potential for grievances, he stressed the negative impacts that would result from trying to pull the internee self-administration from the camp organizational structure.⁴⁷⁶

The primary thrust of Fay's broadcast was directed toward making the point that the camp's population was not a homogeneous group. Throughout his remarks he constructed a dichotomous representation consisting of, on the one hand former active and very powerful party functionaries and, on the other a large collection of members from various organizations who had been detained on the basis of "general criteria"—a reference to the scope of automatic arrests. He imbued the resulting image with a sense of urgency by contrasting the attitudes of those who still had hopes of eventually leaving *Internierungslager Darmstadt* with "old fighters" who were only too aware that their release from civilian internment would mean transfer to labor camps. Among the first group, Fay

⁴⁷⁵ Fay, "Bericht über das Lager Darmstadt."

⁴⁷⁶ Ibid.

called attention to the significant number of younger internees who “really fell under the criteria for the youth amnesty,” but remained in the enclosure because the “necessary instructions had not yet been issued.” Likewise he pointed out that, based on the way legal guidelines had unfolded, a number of internees who had been involuntarily transferred from the army to the *Waffen-SS* no longer fell under the Liberation Law’s provisions. What he did not mention, however, was that differing interpretations related to both of these issues had generated substantial disagreement between American officials and the Ministry.⁴⁷⁷

On the whole, Fay’s broadcast comes across as an attempt to debunk claims about *Internierungslager Darmstadt* swirling around in public and political circles while also intimating dissatisfaction with military government policies. Beyond this, it was an effort to illustrate the sheer difficulty in running an operation of the camp’s magnitude and to argue the need to reduce its scope—elements that would also feature prominently in Eugen Kogon’s inspection report. Fay closed by describing the situation as “precarious” and cautioning that the camp held “irreconcilable opponents of democracy and human rights” alongside many who were “by all means of goodwill.” He suggested that as soon as possible those willing and capable of labor be placed in satellite camps in order to avoid the need to transport them to work sites. In addition, he urged that severely incriminated internees, especially former high-ranking Nazi Party functionaries and SS leaders, be excluded from electing members to, and participating in, the self-administration. He reiterated the need for frequent turnover in key positions to avoid the danger of an internee

⁴⁷⁷ Fay, “Bericht über das Lager Darmstadt.” On disagreement between American and German officials regarding these issues, see: “Hesse Governor Replies to Critic,” *NYT*, 31 Mar 47, 7.

bureaucracy that only too easily might lead to a sinister spirit in the camp, signs of which he urged, were already apparent.⁴⁷⁸

On the heels of Fay's broadcast, Eugen Kogon and fellow Buchenwald survivor Ferdinand Römhild entered *Internierungslager Darmstadt* at 2:00 p.m. on Tuesday, 4 March 1947, armed with access letters signed by Binder that called upon administrators to cooperate fully with their fact-finding mission. In addition, they carried a list of 25 questions based upon their years of concentration camp experience. The two remained until 5 p.m. on Thursday, 6 March. "During this time," Kogon wrote in the first section of the 37-page report, "we didn't lose a single minute." He went to great lengths to set the document apart from the "widespread and contradictory opinions" being bandied about. "Accounts that have been produced by individuals or committees and that have partially reached the public," he wrote, "convey very different impressions; none of them is detailed and comprehensive."⁴⁷⁹

The report consists of several segments that vary in length, ranging from a half-page snapshot of daily routine to a roughly six-page rundown of living conditions. Although Kogon and Römhild acknowledged that their time in the camp was limited, they nevertheless pointed out that they did not find evidence of an underground movement or organized efforts to propagate National Socialism.⁴⁸⁰ Their description of the internee population reflects the cumulative effects of American policy adjustments beginning in the fall of 1945. "The only people found in the camp," the report stated, "are those who fall

⁴⁷⁸ Fay, "Bericht über das Lager Darmstadt."

⁴⁷⁹ Kogon/Römhild Report, 1.

⁴⁸⁰ Ibid., 28-29. "Naturally, this does not rule out," they wrote, "the isolated actor here and there in the camp and that a portion of those who count on long duration labor camp sentences hatches adventurous schemes."

under automatic arrest provisions as determined by the Military Government.” Internees were brought to Darmstadt from various other enclosures throughout the US Zone, transferred from prisoner of war camps, or arrested after the war had ended. Residents of the American zone comprised roughly 68 per cent of the camp’s population. The remaining 32 percent were from the British, Russian and French zones as well as Greater Berlin.⁴⁸¹

Moving more directly to the issue of political incrimination, the report described the successive reviews carried out prior to handover: “Over the course of the year 1946, internees were repeatedly screened from a variety of standpoints.” Where deemed warranted by the CIC and War Crimes Commission, those of war crimes interest were removed to camps at Ludwigsburg, Dachau, and Fürth or to the prison at Nuremberg. Moreover, while the enclosure was under American control, internees no longer falling under automatic arrest criteria were released. “Thus, what remains in *Internierungslager Darmstadt* today is a middle category that has been sifted many times over, in which both the highest and lowest echelons are absent.”⁴⁸²

A critique that was intended to include liberal Catholic, Socialist, and Communist perspectives, Kogon and Römhild’s report is best appreciated when placed in the context of disagreements between Hessian and Military Government officials, in particular over whether to release the lesser incriminated for *Spruchkammer* proceedings in their home communities in order to concentrate on those who had wielded more influence in the Nazi Party.⁴⁸³ The camp described in the document stands in stark contrast to the one featured in

⁴⁸¹ Kogon/Römhild Report, 3; 6.

⁴⁸² Ibid., 3 (Emphasis in original). The report also indicated that with the transfer of internees between states underway, the US Zone residents would soon be limited to those from Hesse.

⁴⁸³ Ibid., 1. Kogon made a point not only of mentioning that Römhild was a Socialist, but that he had also invited a Communist (and fellow Buchenwald survivor) who did not take part in the visit.

Schmidt's November 1946 *New York Times* article, which had used the occasion of the transfer to evoke images of progress. Visiting the enclosure at the end of a long and difficult winter, the overarching impression portrayed by Kogon and Römhild was one of pervasive stagnation—a message that is quite adeptly reinforced, for example, through repeated references to internees they felt should have already been released; details on the sheer length of time needed to process tribunal cases at the present completion rate; emphasis on internees' lack of productive activity; and concerns about the fleeting opportunity to reorient those who were receptive to democratic ideas.⁴⁸⁴

At the time of the visit, the German portion of the enclosure was subdivided into four areas, three of which were in use. A small section of Camp I had been cordoned off to segregate those sentenced to labor camps and awaiting transfer. The majority of the population, or roughly 7,500 of the over 11,300 internees, lived in 904 various-sized tents. At the center of the compound, the American sector with its workshops and large soccer field was in the process of becoming available to German authorities. Well over half of the internees, Kogon and Römhild noted, had been previously detained as POWs. Statistics from the end of February, in fact, showed that over 10,000 had been interned for 18 months or longer.⁴⁸⁵ In a very brief, but highly critical description of day-to-day conduct, they wrote that the camp had neither roll call nor compulsory labor. "Because only about one third of the camp inmates work, the daily routine is completely unregulated and the internee

⁴⁸⁴ See, for example, Kogon/Römhild Report, 5; 10-12; 21-22; 26; 28-29. Much like Fay, Kogon and Römhild emphasized that quite a number of the internees were open to democratic ideas and expressed concern about the negative impacts that continued internment would have on their receptivity.

⁴⁸⁵ Ibid., 2, 6. The report indicates that the American sector was vacated after the visit (as of the middle of March); the workshops were no longer there, and stone buildings were being renovated. On the cumulative length of confinement, by far, most of the internees (9,224) had been held at least 21 months. The shortest duration was three months (47 internees) and the longest over 24 months (260 internees).

left on his own.” Referring to the camp’s atmosphere, they characterized the vast majority of internees as “severely depressed, downright apathetic, and full of resentments.”⁴⁸⁶

According to the report, the machinery for effecting releases—if not broken down—was severely clogged up. Kogon and Römhild attributed the logjam at least in part to the transfer interrupting administrative processes for reviewing cases. Their description of tribunal proceedings makes it very clear, however that like many others, they viewed the vast number of pending cases to be the decisive issue. This “problem of mass,” as they called it, not only mirrored the struggle afflicting denazification officials elsewhere, but “in light of the long duration of detention and particular conditions” described in the report, was “intensified in the camp.”⁴⁸⁷ Although the ten tribunals were technically able to handle on the order of 400 cases monthly, roughly 10-15 percent had to be omitted for various reasons such as the failure of witnesses to appear. In the four to five months since the tribunals had begun operating, they had decided 1,321 cases. “At this rate of completion,” the report indicated, “the entire process would take roughly three years to bring to a close.”⁴⁸⁸

While Kogon and Römhild addressed ways to improve daily operations, their detailed recommendations began with a recipe for drawing down the civilian internment enclosure—a proposal that they made more pressing through a summary of expenses associated with the camp. According to the report, when tallied, various aspects of operations and maintenance were costing the Hessian taxpayer roughly RM 1.680.000

⁴⁸⁶ Kogon/Römhild Report, 20, 27-28. Kogon and Römhild also warned that present realities led “the facts from the National Socialist period to not be believed.”

⁴⁸⁷ Ibid., 5, 10. Among those they described as eligible but awaiting release, for example, were roughly 250 members of the Political Leadership category who no longer fell under Automatic Arrest criteria. On this, see also Chapter 3. Third Army Commanding General, Lieutenant General Geoffrey Keyes had cautioned that a rush to transfer might cause the administrative review process to lapse.

⁴⁸⁸ Ibid., 8.

monthly. Moreover, “in the month of February,” they emphatically pointed out, “*Lager Darmstadt* required no less than 46.000 liters of fuel!” Particularly in light of such drains in resources, they argued, continuing to hold a substantial portion of the internees was “neither justifiable nor objectively or subjectively purposeful.” They called for immediate release of all persons who did not fall (or no longer fell) under Automatic Arrest criteria as well as those unfit to remain in the camp. In addition, they suggested that a special commissioner be charged with accelerating proceedings involving those who had previously been politically persecuted and all younger internees (defined as those born after 1919). These measures, they argued, would already reduce the camp’s population by 2,000 to 2,500.⁴⁸⁹

In tandem with identifying persons in the categories described above, Kogon and Römhild urged singling out those who appeared to be especially incriminated based on having held high rank, having been a long-standing Party member who belonged to several organizations, or having been affiliated with the Gestapo or SD. This group, they estimated, would consist of roughly 3,000-4,000. Those remaining, they suggested, should be considered for release for tribunal proceedings in their home communities, provided the local mayor (*Ortsbürgermeister*) and council (*Gemeinderat*) did not object on the grounds of “public security” or that it might cause “significant political unrest.” Internees released according to this process, they emphasized, would not differ from the large number of those

⁴⁸⁹ Kogon/Römhild Report, 30-32. A letter from Weik to the German administration shortly after the handover bears out the likelihood that there were such cases in the camp. Weik indicated that because of the camp’s separation, a number of release requests had not been processed. In addition to those who claimed to have been politically persecuted or were not Party members, Weik wrote that these cases included, for example, administrators from the Railway and post office security (*Postschutz*). Letter, Weik to Deutsche Internierungslager Darmstadt (translation), 21 Nov 46, HHStAW 501/51.

“likewise regarded as Nazi activists but presently not in confinement...with the exception that these others had not already been in extended custody.”⁴⁹⁰

A letter to Newman from Deputy Military Governor Major General Frank A. Keating reveals that OMGUS officials shared Hessian authorities’ concerns over the lack of progress in trying cases as well as the inconsistencies between civilian internment and democratization. Importantly, however, it also displays a distinct insistence on dealing with the cases of those remaining in the camp via tribunal:

The internment of a large number of civilians who have been held under unsatisfactory physical conditions and without trial for nearly two years is repugnant to American concepts of justice and humanity and presents a problem which requires your personal attention. Since experience to date indicates that two-thirds of the inmates will be released by tribunal verdict the unsatisfactory conditions of detention may be greatly improved by immediate trial. This will also correct the injustice of long-time detention without due process of law.⁴⁹¹

Keating’s sternly written letter makes it very clear that, from the OMGUS perspective, the Liberation Ministry’s lack of success in establishing the specified number of *Lagerspruchkammern* was the root cause of the logjam. Moreover, American Military Government authorities were not only becoming increasingly sensitive to representations of civilian internment in the press, but had also begun to suspect that inadequate conditions in the camp might be used as leverage:

The failure of German officials to provide adequate machinery for the speedy trial of the most serious offenders under the Law for Liberation may result in the present unsatisfactory and unjust situation becoming so aggravated as to become a “cause célèbre” to the discredit of the U.S. Occupational forces. There is danger that the present Military Government policy of requiring the trial of these offenders in the camps will be circumvented by permitting conditions to become so bad that Military

⁴⁹⁰ Kogon/Römhild Report, 32. Kogon and Römhild suggested the information needed to identify those most incriminated could be “easily ascertained from *Meldebogen*,” questionnaires required under denazification legislation in which an individual supplied information about his or her activities during the Nazi period.

⁴⁹¹ Letter, Keating to Director, OMGH, “Speed-up of Trials in Internment Camps,” 25 Mar 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1114, F: OMGUS thru Field Instructions Aug-Dec 1947.

Government will be forced to accede to the demands that the internees be released to their home communities for trial.⁴⁹²

The letter confirms Fritz Fay's observations regarding the particular difficulties posed by the scope of the civilian internment program in Hesse. "While your Land has disposed of many more internment cases than the other two Laender combined and is to be congratulated for having done so," Keating wrote, "several years will be required to dispose of all internment camp cases at the present rate." He rebuked the Denazification Division for not having ensured the establishment of 23 tribunals as instructed and closed by directing Newman to meet with Hessian officials to discuss the situation:

This office is becoming increasingly dissatisfied with the tardiness of German officials in providing adequate processing machinery. It is desired that you hold a conference with Minister President Stock regarding the failure of German officials to comply with Military Government instructions in this respect, and that your denazification officers be instructed to assist the representative of the Minister for Political Liberation in providing the required number of tribunals in accordance with the provisions of cable this Headquarters V-14252, dated 13 February 1947.⁴⁹³

Conclusion

Grappling with the cumulative consequences of denazification policies, along with the politicization that quickly surrounded the program, by March 1947 American and German authorities were well aware that the progress they had hoped for toward quickly processing internee cases had proved rather elusive. As officials contended with this lack of forward movement, and with their own disagreements over how best to translate the goal of

⁴⁹² Letter, Keating to Director, OMGH, "Speed-up of Trials in Internment Camps," 25 Mar 47.

⁴⁹³ Ibid. Even establishing ten tribunals had proven problematic. In January 1947, Teitelbaum wrote to Binder after Didlo reported there were only eight tribunals operating and that the camp lacked a Chief Prosecutor. Not only did plans call for two additional tribunals, Teitelbaum crisply pointed out, but based on information received from the Ministry, he had already notified OMGUS that all ten were in operation: Letter, Teitelbaum to Minister for Political Liberation, Hesse, "Tribunals in Internment Camp," 6 January 1947, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

eliminating Nazism into a coherent plan of action, it is not necessarily surprising that they were confronted by growing public scrutiny centered on what was happening inside civilian internment enclosures located throughout the zone. Beyond the strong impetus to follow high profile cases, the camps were in many ways physical and symbolic reminders of Nazi criminality. The case of Hesse illustrates, however, that as the society outside the barbed wire began to transform, American and German officials found it increasingly difficult to navigate the inherent contradictions between internment and democracy. While comparisons with concentration camps emanated most strongly from the right as a way to cast doubt on nascent democratization efforts and the liberal critique focused on the lack of reeducation efforts, on the whole, the discourse surrounding the camp paralleled—and was propelled by—broader debates regarding denazification.

Closely examining Military Government and Liberation Ministry responses to the paradox of detaining a significant segment of the population while initiating democratic reforms is instructive for a number of reasons. Keating's letter to Newman makes clear, for example, the extent to which OMGUS linked the pursuit of justice in internee cases to *Lagerspruchkammer* proceedings. The circumstances surrounding Binder's request that Kogon inspect the camp, on the other hand, suggest the crystallization of a much different perspective. After a year of administering the provisions of the Liberation Law under the watchful eye of Military Government authorities, and with just under six months of experience running the camp at Darmstadt, by the spring of 1947 Hessian officials were convinced of the need to draw down the camp and to reform the denazification program.

Beyond a host of practical concerns associated with running *Internierungslager Darmstadt*, authorities in the Ministry had become particularly aware of the gap separating

the communities that had formed on each side of the barbed wire. In many ways, their deliberations about the camp thus reflected a larger recognition of the need to effectively reconstitute German society as part of the process of effecting an enduring transformation. Along with efforts to convince Military Government to prioritize *Lagerspruchkammer* operations toward those presumed to be most heavily incriminated and to establish mechanisms for accelerating the processing of cases, as the next chapter will show, Hessian officials took several concrete measures to assist younger internees in reentering the society that had begun to form around the enclosure.

Importantly, the recognition that continuing to isolate internees might somehow endanger nascent reform efforts had by this time also begun to receive coverage in the American press. Indeed, roughly four months after he had visited *Internierungslager Darmstadt* with OMGH Director Newman and described the transfer of the camp to German authorities in order to evoke an overarching image of progress, Dana Adams Schmidt posted a summary of Kogon's report. Schmidt emphasized that, "whereas a year ago there was a preparedness to replace Nazi ideology with new ideas," signs of Nazism were becoming apparent. Noting that the Ministry for Political Liberation had requested the examination, and that Kogon found conditions to be "unpleasant but 'not so frightful' as Germans have whispered," he seized on the overarching image of stagnation. "What shocked Dr. Kogon, however, was that in two years 'as good as nothing has been done toward their [internees] political re-education or reorientation'."⁴⁹⁴

⁴⁹⁴ Dana Adams Schmidt, "German Surveys Camp in U.S. Zone; Buchenwald Veteran Deplores Lack of Effort to Make Nazis into Democrats," *NYT*, 25 Mar 47, 3.

Chapter 5:

A CONTENTIOUS WAY FORWARD: THE 'RACE' TO END DENAZIFICATION AND CIVILIAN INTERNMENT, MARCH 1947-OCTOBER 1948

“In granting amnesty to ‘nominal Nazis’ Russia may touch off a race by the four occupying powers to wind up denazification.” A news summary in the 21 September 1947 *Washington Post* unmistakably depicted recent developments in Germany through the prism of deteriorating Four Power relations and suggested a strategic sea change in Allied policymakers’ stances toward eradicating Nazism. “The Soviet step, under which nominal party members may hold office,” the article continued, “is interpreted as intended to put the Russians in a favored position to win German support. Other powers are expected to follow suit—if not by granting amnesties, then by speeding up denazification and closing it out except for outright war criminals.”⁴⁹⁵ Less than a month later and against the backdrop of an already very perceptible breakdown in quadripartite cooperation, the newspaper confirmed its prediction that officials in other zones would take similar measures by announcing Clay’s approval of key amendments to the Liberation Law.⁴⁹⁶

According to the *Washington Post*, this “simplification of the American program [would] let the great mass of passive Nazi followers escape with mere payment of a fine,” but was unavoidable in light of the previously reported general amnesty in the Soviet zone. While editorializing on these points, however, the article also suggested that there were

⁴⁹⁵ “Denazification Race is Likely,” *The Washington Post*, 21 Sep 47, B3.

⁴⁹⁶ “Denazification,” *The Washington Post*, 13 Oct 47, 8.

distinct advantages to be gained through the new approach to denazification. “Apart from the obvious danger of this sort of rivalry in dealing with the Germans, the modified program seems a thoroughly sensible one, inevitable in any case now that the emphasis of American rule in Germany is being placed upon democratic reconstruction rather than upon deindustrialization.” Because of the revisions, the denazification process would likely be “completed by early spring instead of dragging on through the whole summer, and this,” the newspaper asserted, “will help materially in getting Germany back to work.”⁴⁹⁷ By considering Germany’s future within a very broad framework, the *Washington Post* essentially glossed over potential ramifications of abbreviating the denazification program.

These and similar articles appeared in the American press during a period when a number of key developments had swung the pendulum of public and Congressional interest in the occupation back toward its crest. The impasse over reparations at the April 1947 Council of Foreign Ministers (CFM) Conference in Moscow, for example, portended the unlikelihood of achieving either economic unity or a German settlement and increased the palpable sense that Europe was becoming the physical and ideological front line in a struggle between two different brands of “democracy.” The merging of American and British zones, eventual extension of Marshall Plan aid to Germany, and implementation of a new level-of-industry plan reinforced the sense of a deepening east-west division, and demonstrated the Western allies’ unequivocal shift toward economic reconstruction.⁴⁹⁸

⁴⁹⁷ “Denazification,” *The Washington Post*, 13 Oct 47, 8. The newspaper’s viewpoint is particularly telling. Of 750,000 pending cases, the article noted, “Only those persons who were members of the organizations declared criminal at Nuremberg or who were active Nazis will still have to be judged and punished. This is a leniency which will, in our judgment, have a healing effect beneficial to Europe in general as well as to the Germans.”

⁴⁹⁸ On these and related developments, see for example, Gimbel, *The American Occupation of Germany*, 163-169 and Jarausch, 74-84.

During this timeframe, increased pressure from Washington had a great deal to do with Clay's acceptance of the persistent German position that the denazification program be fundamentally changed. The turning point occurred in August 1947, almost immediately after what Gimbel described as a "long and bitter closed session" in which the Military Governor had stood his ground against the minister-presidents. Secretary of the Army Kenneth Royall personally delivered instructions to complete the denazification process by 1 April 1948, prompting Clay to agree to concessions that became the basis for the October 1947 amendments.⁴⁹⁹ The associated turnabout in American denazification policy—from painstaking scrutiny and insistence on a wide, thoroughgoing purge to emphasis on rapidly completing the program—has understandably captured historians' interest and prompted criticisms not only that efforts to eradicate Nazism were truncated largely due to Cold War considerations, but also that the tribunal process became devoid of meaning.⁵⁰⁰

What circumstances surrounded the conclusion of civilian internment? This chapter examines *Internierungslager Darmstadt* against the backdrop of the breakdown in Allied coordination, briefly considering key factors behind denazification policy revisions as well as the primary contours and repercussions of change. Situating civilian internment within the altered strategic framework, the chapter argues that in spite of disagreements regarding how to go about it, American and German officials were united by early 1947 in pushing to

⁴⁹⁹ Gimbel, *The American Occupation of Germany*, 160-162. A 9 Sep 47 meeting in which Clay agreed to concede on several long-standing points of contention followed the 5 Aug 47 session. Gimbel noted the process was so abrupt that OMGUS personnel who negotiated with German officials on 23 Sep 47 "were unaware of Clay's September 9 memorandum of concessions until they got to the meeting."

⁵⁰⁰ This view is typified by Niethammer's revisionist interpretation that tribunals became "follower factories" (*Mitläuferfabrik*) to rehabilitate a much-needed workforce: *Die Mitläuferfabrik: Entnazifizierung am Beispiel Bayerns* (Berlin, 1982). More recently, Harold Marcuse wrote that by 1947 denazification "was no longer taken seriously" and that by 1948, after the Military Government received orders to empty civilian internment camps, tribunals began "rubber stamping" cases. Harold Marcuse, *Legacies of Dachau: The Uses and Abuses of a Concentration Camp, 1933-2001*, Cambridge: Cambridge University Press, 2001), 94.

draw the enclosures down. Moreover, once the logjam in processing internee cases broke, events moved surprisingly quickly. By October 1948—less than two years after Denazification Minister Gottlob Binder signed Military Government documents accepting responsibility for 11,001 detainees—the civilian internment camp at Darmstadt was closed.⁵⁰¹

In tracing the drawdown and subsequent closure of *Internierungslager Darmstadt*, the chapter also details Hessian officials' attempts to prepare internees for reintegration into society. These efforts came together under the guidance of Head of *Information und Erziehung* Robert Werner in the spring of 1947, just before the camp's population began once again to markedly decline. Rather than an outgrowth of a well-planned, long intended process on the part of American authorities, these initiatives are thus best understood as a pragmatic set of educational and vocational measures put in place by Ministry officials based on their observations after taking responsibility for the enclosure.

‘Wholesale Extenuation’ or Denazification Reform? The October 1947 Amendment

To contemporary observers, the question of how to interpret the October 1947 amendment not only fueled the already orthodox view of denazification as a failure, but also heightened polarized positions regarding causes and consequences. From its title onward, for example, John H. Herz's pointed December 1948 *Political Science Quarterly* article, “The Fiasco of Denazification in Germany,” exuded frustration at what arguably amounted to unraveling the Liberation Law. On the one hand, he wrote, critics charged that efforts to

⁵⁰¹ Weekly Reportt., Eugene L. Weyland to Denazification Division, 30 Sep 48, NARA RG 260 OMGUS, OMGH CAD: Rpts & OTR Recs of the Denazification Branch, 1946-1948, Box 1115, F: Weekly Diary. Weyland moved from the Denazification Division to replace Didlo as camp liaison in May 1948. After the civilian internment program ended, the enclosure at Darmstadt continued to serve as a labor camp.

eliminate Nazis from public influence had been carried to an “extreme” and jeopardized German recovery. On the other, and in Herz’s own view, the program that “began with a bang, [had] since died with a whimper,” opening the door to “renewed control of German public, social, economic and cultural life by forces which only partially and temporarily had been deprived of the influence they had exerted under the Nazi regime.” He described the Liberation Law amendment, and the two amnesties that had preceded it, as part of “the ever growing tendency to terminate denazification by wholesale extenuation.”⁵⁰²

At bottom, Herz sought to convey concerns over what he characterized as a lack of resolve in carrying out an effective purge and to issue a solemn warning about the danger of resurgent Nazism. His conclusion makes abundantly clear that he was reacting to Western powers’ growing inclination to frame German and European affairs within an emerging bipolar landscape.⁵⁰³ Nevertheless, his critique also points to the complexities associated with considering Germans’ cases individually based on their actions during the Third Reich. It highlights the cluster of competing imperatives—both external and internal to the American zone—behind the decision to revise the Liberation Law. As the following will show, Cold War and economic calculations factored heavily in the decision to revise denazification. The amendment also stemmed, however, from officials’ efforts to relieve the backlog in cases while attempting to direct the program toward those believed most incriminated.

⁵⁰² John H. Herz, “The Fiasco of Denazification in Germany,” *Political Science Quarterly* 63, No. 4 (1948), 569, 573-574. A Jewish émigré who had trained in public law at the University of Cologne, Herz left Germany for Switzerland in 1935 and began his career in the US at the Institute of Advanced Studies in Princeton, NJ. He later served as a political analyst in the OSS. See also Kormann, 113-114, which offers a similar argument.

⁵⁰³ *Ibid.*, 574. 593-594. Herz wrote that the amendment had thwarted the chance to consider cases individually.

Among the principal external inducements for the changes in 1947, those that bear particular mention are: deteriorating quadripartite relations; the Moscow CFM resolution to accelerate denazification; and the American public's increasing view that German and European recovery were intrinsically linked. Scholars who have stressed the Western allies' unequivocal shift toward economic reconstruction in explaining the underpinnings of denazification policy revisions have rightly pointed to quadripartite inability to implement Potsdam provisions and US policymakers' desire to cultivate anti-Communist alliances.⁵⁰⁴ It is also important to note however, that although the widening chasm between east and west was the most visible crack in Four Power relations by early 1947, it was certainly not the only one. In a December 1946 editorial, Ernest O. Hauser tellingly described the ACC as "[r]esting on the quicksands of the Potsdam Agreement." Given the array of deliberations, he observed sardonically, "Each of the four powers has found itself, at one time or another, on the lonely side of the fence."⁵⁰⁵ Differing objectives had long since become increasingly difficult to navigate.

In general, the most divisive and paralyzing debates stemmed from the issues of economic unity and reparations. Moreover, impasses related to both—French unwillingness to yield on the disposition of the Rhineland and Ruhr, for example—revealed the starkly different experiences and agendas of the occupying powers. Beyond this, however, the latitude enjoyed by the four commanders-in-chief to exercise unilateral control over their respective geographic areas, coupled with their veto authority in quadripartite negotiations,

⁵⁰⁴ For example, Biddiscombe, 74-76 and Boehling, 18-19, incl. n. 13. Boehling traced State Department desires to "rehabilitate Germany as an economically strong bastion of anti-Communist capitalism," to EAC proposals by U.S. representative John G. Winant. She noted that George F. Kennan, one of Winant's assistants, "was even wary of denazification because of the time that would be lost in finding new German leadership."

⁵⁰⁵ Ernest O. Hauser, "Where the Russians Like Us, But—," *Saturday Evening Post* 219, no. 25 (1946), 20, 37. As Hauser put it, "all the really important issues, thus far, have died of acute veto."

significantly hampered the ACC's ability to issue coordinating directives.⁵⁰⁶ Continued food shortages in the wake of the severe winter of 1946/47 made economic concerns particularly pressing and, in many ways, brought the internal inconsistencies of the Potsdam agreement to light.⁵⁰⁷ While historians have alternatively deemed Clay's decision to halt industrial dismantling and subsequent economic fusion with the British zone as maneuvers toward key Potsdam provisions and early signs of the fissure between US and Soviet policies, these measures nonetheless ultimately derived from the basic need to provide for the population.⁵⁰⁸

The theme of Allied discord permeated Secretary of State George C. Marshall's report on the fourth CFM meeting, as evidenced by his introductory remark that, "The Conference dealt with the very heart of the peace for which we are struggling." He went on to say, "In a statement such as this, it is not practicable to discuss the numerous issues which continued in disagreement at the Conference. It will suffice, I think, to call attention to the fundamental problems whose solution would probably lead to quick adjustment of many other differences." Held in Moscow from 10 March to 24 April 1947, the series of deliberations failed to produce appreciable progress toward a peace treaty for Austria or in overcoming substantial disagreements related to Germany. As with the ACC, key sticking

⁵⁰⁶ Gunther Mai stressed the ACC's dual construction in "The United States in the Allied Control Council; From Dualism to Temporary Division," trans. Edward Fichtner, in *The United States and Germany in the Era of the Cold War, 1945-1990: A Handbook*, ed. Detlef Junker, 50-51. Carolyn Woods Eisenberg, *Drawing the Line: The American Decision to Divide Germany, 1944-1949* (Cambridge, 1996) detailed Allied pre- and postwar agendas. See also Thacker, 19 for a convincing argument that, in spite of its limitations, historians have often overlooked the ACC's role in favor of examining the four zones separately.

⁵⁰⁷ Biddiscombe, 74-75. While Biddiscombe stressed the threat of starvation and shortage of heating fuel, he portrayed OMGUS as "thrashing around for a solution" to the lack of agricultural products from the east.

⁵⁰⁸ Clay, *Decision in Germany*, 163; and Gimbel, *The American Occupation of Germany*, 54-56. Gimbel rejected "liberal and leftist" criticisms that the dismantling halt derived from "anti-Morgenthau" impulses toward soft-peace as well as that it was "the first manifestation of the cold war in Germany," arguing instead that it was an attempt to force French delegates' hands on the issues of "economic unity, a balanced economy, and central administrations."

points included how to achieve economic unity and the question of reparations. “The issue of the degree of centralization of the future German state,” Marshall emphasized, was “of greatest importance.”⁵⁰⁹ Against this backdrop of disunity, however, the CFM issued a Four Power Agreement on denazification, directing the ACC:

- (1) To take all appropriate measures to hasten the process of Denazification throughout Germany in accordance with Control Council Directive Nos. 24 and 38.
- (2) To complete as soon as possible the removal of former active Nazis and militarists from public and semi-public office and from positions of responsibility in important private undertakings and to study the possibility of fixing a date for the completion of this process.
- (3) To take all measures necessary to ensure that only those individuals are employed in a judicial capacity or as public prosecutors who are considered by reason of their political and moral qualities to be capable of assisting the development of genuine democratic institutions in Germany.
- (4) To concentrate upon and to hasten the bringing to trial of war criminals, members of Nazi criminal organizations and of active supporters of the Nazi regime, without requiring the indiscriminate trial of the mass of nominal members of the Nazi Party.
- (5) To take action in the near future through Zone Commanders to devolve upon the appropriate German authorities responsibility for carrying out Control Council Directives No. 24 and 38, by passing the necessary German legislation and to ensure through the Zone Commanders that the effect of the legislation passed is such as to produce uniform treatment of all former Nazis and militarists corresponding to their degree of responsibility, while at the same time giving the German authorities discretion as to the precise methods by which they carry out this task.⁵¹⁰

This succinct, five-point directive belied the fact that denazification had become the source of substantial jockeying among the Four Powers, whose respective criticisms of one another were embedded within stipulations such as the need to avoid “indiscriminate trials,”

⁵⁰⁹ George C. Marshall, “Fourth Meeting of the Council of Foreign Ministers, Moscow, March 10 to April 24, 1947,” 28 Apr 47. For a copy of the text, see: The Avalon Project at Yale Law School, A Decade of American Foreign Policy, 1941-1949, http://avalon.law.yale.edu/20th_century/decade23.asp. The impasses were likely not surprising as evidenced by ACC inability to even agree on the economic and reparations section of the report to be sent to the CFM. CC 7759, Clay to War Dept., 21 Jan 47 in Smith, Clay Papers, Vol. I, 304.

⁵¹⁰ OMGUS, CAD Rpt, “Denazification, Cumulative Review, 1 April 1947-30 April 1948,” No. 34 (1948), Annex M, Four Power Agreement Denazification, 137, <http://digital.library.wisc.edu/1711.dl/History.Denazi>.

a disapproving reference to the Liberation Law.⁵¹¹ According to a cable from Marshall to Truman, American emphasis was on the need for uniformity. After Marshall initiated discussions along those lines, Soviet Foreign Minister Molotov “launched a lengthy attack against U.S. and British procedures” and introduced the recommendation for acceleration.⁵¹² In a summary of ensuing developments, OMGUS CAD tersely noted that the ACC could not even agree upon uniform instructions for putting the new guidelines into effect. “Each of the delegations,” the report stated, “presented a proposal for implementing the Council of Foreign Ministers’ agreement in light of its own interpretation.”⁵¹³ Significantly, however, the directive’s emphasis on quickly completing the purge, expressed in an environment in which American public interest was again on the upswing, tipped a number of OMGUS officials toward being more receptive to the idea of revising denazification policy.⁵¹⁴

It would be difficult to overstate the impact that US public opinion had on occupation policy over the course of 1947. In particular, portrayals of denazification as an impediment to moving forward, amplified by Cold War concerns, had by mid-year begun to resonate with the American media. Echoing the *Mitläufer* thesis, for example, a 12 July

⁵¹¹ Cf. Biddiscombe, 76. In preconference correspondence, US Ambassador to the Soviet Union Walter Bedell Smith wrote that Russian representatives would publicly demand a level of denazification that they themselves had “no intention of applying.” Telegram, The Ambassador of the Soviet Union (Smith) to the Secretary of State, 7 Jan 47, *FRUS*, 1947, Vol. II, *Council of Foreign Ministers: Germany and Austria*, 139-142, esp. 140.

⁵¹² Telegram, Marshall to Truman and Acheson, Fourth CFM Meeting, 13 Mar 47, *FRUS*, 1947, Vol. II, *Council of Foreign Ministers: Germany and Austria*, 248-251. For text of US resolution, see 250, n. 16. Vogt described the Moscow CFM as “a turning point in the relationship among the Allies” noting that Molotov sought to use criticisms of denazification to gain leverage in debates regarding reparations. Vogt, 94-95.

⁵¹³ OMGUS, CAD Rpt, “Denazification, Cumulative Review, 1 April 1947-30 April 1948,” No. 34 (1948), 11, <http://digital.library.wisc.edu/1711.dl/History.Denazi>.

⁵¹⁴ OMGUS, IA&C Div., “Desirable Changes in the Law for Liberation from National Socialism and Militarism in Denazification Procedures in the U.S. Zone,” 1 Apr 47; and OMGUS, Political Affairs Memorandum, “The Crisis in Denazification and Need for Change,” 2 May 47, cited in Gimbel, *The American Occupation of Germany*, 160, n. 32. Gimbel suggested that some OMGUS officials became increasingly concerned about being the last zone to complete the process.

1947 *Saturday Evening Post* editorial drew on the case of Hessen to charge that the program was causing reconstruction to “move at a snail’s pace, while the individual German listens more and more receptively to the blaring broadcasts from the other side of the iron curtain.” Of 4 million Hessians, the article averred, “800,000 are barred from all but the most menial tasks because they are waiting for trial for having been, at one time or another, members of the Nazi Party. The vast majority, of course, had no part in the atrocities and massacres of which their leaders were guilty. Like the mass of people in other countries we could mention, they just went along.”⁵¹⁵

The extent to which American industrialists by this time came to perceive a new approach toward Germany as the linchpin in West European recovery is typified by writings such as Lewis H. Brown’s *Report on Germany* in which he stressed the need “to get German industry on its feet and off the backs of the American taxpayer as soon as possible.”⁵¹⁶ Brown, who had served as a consultant during the war to Army Chief of Ordnance Lieutenant General Levin H. Campbell, Jr., summarized his proposals in a *Collier’s Weekly* piece, stressing that the “real problem [was] to bring about the economic reconstruction of Europe as a whole.” In addition to inviting Germany to take part in Marshall Plan discussions, he called for establishing a central government in the west, focusing on availability of consumer goods, and instituting a new currency with sufficient purchasing power. Brown insisted that Military Government should “[b]ring to an immediate and early

⁵¹⁵ “How Does Denazification Work in Germany?” *Saturday Evening Post*, 12 Jul 47, 148. The article asked, “Is the best way to educate a people in the ways of democracy to arraign their whole middle class, not for individual crimes, but for association with a political party?” On American public opinion, see also for example, Yakoubian, 96; Gimbel, *The American Occupation of Germany*, 163-185.

⁵¹⁶ Lewis H. Brown, *A Report on Germany* (New York, 1947), v. On the whole, by framing his recommendations as a move away from the punitive approach advocated by Morgenthau, Brown overstated the extent to which he proposed a departure in occupation policy.

end the process of denazification except for the 80,000 top Nazis.” The German people, he emphasized, not only needed a diet above 1200 calories, but also to get back to work.⁵¹⁷

A late August 1947 telegram to Royall and Under Secretary of the War Department William H. Draper illustrates that Clay had considered the forthcoming Liberation Law amendment not only within the broader context of the American public’s increased interest in denazification, but also deteriorating quadripartite relations and growing competition with the east. He cautioned, for example, against proceeding too closely after Soviet modifications, which were “obviously aimed at political popularity.” More importantly, however, his comments also show that the substance of the changes stemmed from a deliberate attempt to reconcile longstanding procedural disagreements between Military Government and German officials that had played out in various forums including the *Länderrat*.⁵¹⁸ These exchanges highlighted mounting administrative and logistical difficulties, nascent state governments’ concerns about legitimacy, and the dilemma of

⁵¹⁷ Lewis H. Brown, “Let’s Get Germany off our Back!,” *Collier’s Weekly*, 1 Nov 47, 16, 5pp. Brown’s use of phrases such as “enemies of the American way of life” reflected a Cold War inspired point-of-view. Moreover, claims such as “Today the German industrialist is debarred, through the extreme denazification program, from access to the best brains of Germany, and therefore suffers from a severe shortage of technical, supervisory, and executive help” suggest the extent to which he placed economic recovery above coming to terms with the Nazi past. According to *Report on Germany*, 86, the phrase “80,000 top Nazis” appears to have been a reference to civilian internees in the west, those “of the first rank who are in prison or concentration camps and are being processed through the denazification courts as rapidly as this can be done thoroughly.”

⁵¹⁸ For more detailed examination of these procedural disputes than can be provided here, see Griffith, 337-355; and Gimbel, *The American Occupation of Germany*, 158-160. See also Karl Heinrich Knappstein, “Die versäumte Revolution,” *Die Wandlung* 2 (1947), 663-677. In describing the anticipated amendment, the *Chicago Daily Tribune* reported that the Minister Presidents had proposed thirteen changes to make the handling of cases against minor offenders less strict while invoking heavier sentences on prominent Nazis. “Propose 13 Changes in Denazification Laws,” *Chicago Daily Tribune*, 6 Aug 47, 14.

reconciling denazification with reconstruction.⁵¹⁹ The revisions, Clay wrote, “will accomplish our objectives and at the same time prevent denazification from taking years.”⁵²⁰

Under the October 1947 amendment, efforts to relieve the backlog in cases while directing the program toward those believed most incriminated took two primary forms. First, with the exception of former members of the organizations deemed criminal by IMT verdict (Gestapo, SS, SD, and Leadership Corps of the NSDAP), the changes increased public prosecutors’ discretion in basing charges on the actual evidence, as opposed to mandatory provision of the law. Second, to reduce the number of respondents calling for early trial in the hopes of being cleared for employment, those individuals placed in the presumptive category of followers were permitted to “resume positions other than ordinary labor pending trial.”⁵²¹ According to Clay, OMGUS “estimated that this procedure would cut the load of major offenders and offenders from 700,000 to perhaps as low as 300,000.” He went on to say that “this reduction of load should enable the program as a whole to be brought to an end sometime around 1 April 1948 as originally contemplated.”⁵²²

According to Military Government records, American authorities viewed enabling tribunals “to concentrate their efforts against the more highly incriminated and influential Nazis, militarists, and profiteers” as the primary purpose of Liberation Law revisions. It is also very clear, however, that OMGUS exerted pressure to quickly conclude these

⁵¹⁹ Broad employment restrictions that were directly tied to individual status under denazification had, in many ways, placed the two efforts in opposition to one another.

⁵²⁰ Cable CC 1460, Clay “Eyes only” for Royal and Draper, 31 Aug 47 in Smith, *Clay Papers*, Vol. I, 415-416.

⁵²¹ OMGUS, CAD Rpt, “Denazification, Cumulative Review, 1 April 1947-30 April 1948,” No. 34 (1948), 8-9, <http://digital.library.wisc.edu/1711.dl/History.Denazi>; Kormann 127-128; Hayse, 156; and Gimbel, *The American Occupation of Germany*, 161-162. The amendment also permitted discretion in setting probation terms for lesser offenders.

⁵²² Cable CC 1460, Clay “Eyes only” for Royal and Draper, 31 Aug 47 in Smith, *Clay Papers*, Vol. I, 415-416.

proceedings. On 2 December 1947 Adjutant General Lieutenant Colonel G.H. Garde issued instructions, via the respective Offices of Military Government, that Ministers of Political Liberation were to require public prosecutors to develop court calendars by 15 January. “The period of time required to dispose of such cases will vary with each community,” the letter stated, “but should not be permitted to exceed 30 May 1948.”⁵²³ In relaying this guidance, OMGH Assistant Executive Officer Robert W. Bruce urged L&S offices to promptly correct any omissions and ensure “no dilatory tactics are used by either public prosecutors or tribunals subsequent to publication of the calendars.”⁵²⁴

Gaining momentum in processing civilian internee cases was also essential to the broader goal of concluding denazification efforts. The severity of the backlog in enclosures, however, had by this time become quite apparent. On 31 March 1947, German administered camps in Bavaria, Württemberg-Baden and Hesse held a total of 50,747 internees. Of these, 50,485 were either awaiting trial or the result of an appeal.⁵²⁵ Eugen Kogon had rightly concluded during his visit to *Internierungslager Darmstadt* that many of the difficulties facing *Lagerspruchkammern*—the lack of qualified personnel and sheer workload, for example—paralleled those plaguing tribunals in nearby communities. Yet, the camps also posed particular challenges, such as the need to screen the internee population in light of

⁵²³ The letter shows that OMGUS perceived tribunals as tending to “give priority to the disposition of unimportant cases and to postpone the investigation and trial of the principal offenders.” The revisions were thus intended to provide a separate process for handling cases against lesser-incriminated individuals. Letter, G.H. Garde to Directors, Offices of Military Government for Bavaria, Württemberg-Baden, Hesse and Bremen (For information to OMG for Berlin Sector), Priority of Trials Involving Highly Incriminated and Influential Nazis, Militarists and Profiteers, 2 Dec 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1114, F: Field Instructions Aug-Dec 47.

⁵²⁴ OMGH Letter, Bruce to various addressees, Priority of Trials Involving Highly Incriminated and Influential Nazis, Militarists and Profiteers, 16 Dec 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1114, F: Field Instructions Aug-Dec 47.

⁵²⁵ OMGUS, CAD Rpt, “Denazification, Cumulative Review, 1 April 1947-30 April 1948,” No. 34 (1948), 7, <http://digital.library.wisc.edu/1711.dl/History.Denazi>. The other 262 were listed as serving a sentence after having received a final tribunal decision.

IMT verdicts. As the following will show, although American and German officials were agreed by the spring of 1947 about the goal of drawing down civilian internment enclosures, working through the logjam required negotiating several thorny and interrelated issues.

Negotiating the Draw Down of Civilian Internment Enclosures

“In a civilian internment camp in Regensburg some 8,000 men have been vegetating for two years.” A crisp item in the 10 July 1947 *New York Times* oozed a pervading sense of futility along with persistent doubts about civilian internment by emphasizing the slowness of tribunal proceedings: “The five denazification courts inside the area dispose of only fifteen cases daily including those of many Elite guards and secondary war criminals. But a further reduction of the population through a constant trickle of escapes rouses no excitement among the German guards.” The article claimed that as “former comrades in arms of the prisoners,” those charged with preventing internees from leaving were instead abetting them. Because of this, “prisoners’ letters describing the guards’ ‘brutalities’ [were] laughed off” by American officials as “calculated propaganda.”⁵²⁶ The following month, the US Constabulary reported allegations in Augsburg’s *Schwäbische Landeszeitung* that, among other things, former high-ranking Nazis in the camp nearby received preferential treatment and guards routinely asked internees for letters of endorsement.⁵²⁷

⁵²⁶ “2,000 Germans Loaf in Internment Camp,” *NYT*, 10 Jul 47, 8.

⁵²⁷ Letter, Colonel A.R. Reeves (AC of S US Constabulary G-2) to Deputy Director of Intelligence, EUCOM, “German Newspaper article on Unfavorable Situation in Civilian Internee Camp in US Zone,” (with translation of 1 Aug 47 *Schwäbische Landeszeitung* article), 12 Aug 47, NARA RG 260 OMGUS, Records of the CAD, PS Branch, Records Related to Denazification, 1945-49, Box 329, F: Civilian Internment Enclosures 18. See also Letter, Benno H. Selcke, Jr. (Deputy Director Evidence Division, Office of Chief of Counsel for War Crimes) to EUCOM Deputy Director of Intelligence, “Certificates Obtained from Internees by German Guards” (with cover letter), 22 Sep 47, NARA RG 260 OMGUS, Records of CAD, PS Branch, Records Relating to CIEs, 1946-48, Box 305, F: 50. Interrogations at Nuremberg revealed guards collected proof they had treated internees well “against the day when former internees are again in positions of importance.”

In many ways, these criticisms were symptomatic of the very perceptible lack of forward movement that plagued civilian internment enclosures in the spring and summer of 1947. Indeed, the camps under German administration had become veritable magnets for disapproval in both the American and German press on issues ranging from lapses in security to the fact that the calorie allotment for internees was higher than that of the population at large.⁵²⁸ With the east-west competition becoming more pronounced, similar topics provided sensational grist for Soviet propaganda, leading to attention-grabbing headlines such as “Russians on Tour Cite Nazi Coddling.”⁵²⁹

Against this backdrop, American authorities continued to harbor concerns about the overall adequacy of conditions in the camps and that internees might somehow endanger ongoing reform efforts. In April 1947, Clay directed contingency planning for US forces to resume control of civilian internment enclosures. The language in the resulting draft directive suggests that, should the procedures be put into effect, OMGUS officials’ mindset was based on the potential need to move in quickly and quell a disturbance. In a section titled “Preliminary Seizure of Camps,” for example, the plan read:

When it has been determined that Military Government will assume control of German civilian internment enclosures, security conditions may require that one or more of the camps be seized immediately. Under these conditions, the US Constabulary, utilizing a Land rural police force requisitioned through the Director of the Land Office of Military Government, will assume control of the designated camp or camps pending the final transfer to the Land Director of Military Government as described in paragraph 4 below. If more than one camp is to be

⁵²⁸ The currents and timing of German and American public interest varied. The key point here is that scrutiny was again becoming much more active in the American press and had taken a distinct turn toward varying degrees of doubt, coupled with impatience. For more on German press scrutiny, see Chapter 4.

⁵²⁹ Jack Raymond, “Russians on Tour Cite Nazi Coddling,” *NYT*, 27 Apr 47, 46. According to Raymond, the Tass correspondents accused American Military Government of “tragically mishandling denazification.”

seized by the US Constabulary the operation will be coordinated so that all are seized on the same day.⁵³⁰

During roughly the same timeframe, American authorities stood their ground against continued IRC pressure for access to German run enclosures. After a recent meeting, Keating wrote to Dr. Meyer in May 1947 that IRC personnel would be permitted to “visit Civilian Internment Enclosures under American military control.” He went on to say however that, “Enclosures under German control come within the purview of German law and are national in character. As the International Red Cross, or other international agencies, is not as yet authorized to deal with the German government, there is no basis for the investigation of the German Civilian Internment Enclosures, and permission to visit these camps cannot be granted.” Meanwhile, Keating privately advised Clay that Meyer had requested access to determine what relief might be provided to detainees and solicited Clay’s view as to whether he was “correct in maintaining [their] former position.”⁵³¹

Taken together, the contingency planning and denial of IRC access to German enclosures highlight the Military Government’s generalized anxiety about state officials’ capabilities to effectively administer the camps. Although to differing degrees, weekly reports from throughout the zone had been replete with troublesome issues caused by scarcity of resources, deficient training, and improper procedures. Among the more striking

⁵³⁰ OMGUS sent a draft of the resulting directive to Land Military Governors for comment on 29 April 1947. See, for example, Lt Col G.H. Garde (Adjutant General) to Director, OMGH, “Operation of German Civilian Internment Enclosures by Military Government (with inclosure), 29 Apr 47, NARA RG 260 OMGUS, Records of CAD, PS Branch, Records Related to CIEs, 1946-48, Box 305, Folder 53.

⁵³¹ Letter, Keating to Meyer, 10 May 47, NARA RG 260 OMGUS, Records of the CAD, PS Branch: Records Related to Denazification, 1945-1949, Box 329, F: Civilian Internment Enclosures 18; see also personal memo Keating to Clay, 1 May 47, NARA RG 260 OMGUS, Records of the Executive Office, The Chief of Staff, Correspondence and Recs Maintained by Maj Gen Frank Keating, 1946-47, Box 26, F: 1-15 May 47. Keating advised Clay that Meyer left excerpts from IRC statutes “to prove the basis for his statement that it was within their competence to visit such camps, and reiterated several times that it was purely on a humanitarian basis.”

examples, on 10 February 1947 Chief of OMGUS Public Safety forwarded the following excerpt (from a USFET Weekly Intelligence Summary) to OMGB Special Branch, and directed an investigation of “lax security” in the enclosure at Moosburg:

24 prisoners escaped from Arbeitslager at Moosburg during period 13-15 January, one of whom was on personal staff of Hitler. War Crimes Judge Advocate in Nuremberg had requested the lager commandant to place this man in close confinement preparatory to trial as war criminal; instead the individual was allowed freedom of camp for two days, during which time he escaped. Because of apparent lack of checking system or prisoner head count at camp, lager authorities are of opinion that the number of escapes may be larger than that given [sic].⁵³²

Roughly a month-and-a half later, *New York Times* correspondent Delbert Clark posted what he touted as “[a]n amazing story of counterfeiting, passport forgery and bribery” in the camp at Moosburg, based on “a word-of-mouth account by a leader of the interned men.” According to Clark internees enjoyed “a comfortable, even luxurious life” and for the most part sought to avoid “organized violence on the part of fanatics, which would bring an investigation and tighter restrictions.” Moreover, he wrote, “highly illegal industries” flourished in the camp, where German and Polish guards were very susceptible to bribery.⁵³³ Responding to OMGUS about the allegations, OMGB Executive Officer Lieutenant Colonel Paul Hamilton indicated that several of them, particularly those “regarding a comfortable and luxurious life [were] greatly exaggerated.” He did, however, grant that some of the claims had a basis. Incidences of passport forgery and bribery did take place, for example, but to a much more limited degree than Clark had suggested. “The

⁵³² Letter, OW Wilson to OMGB Special Branch, Lax Security at Civilian Internment Enclosure Moosburg, 10 Feb 47, NARA RG 260 OMGUS, Records of the CAD, PS Branch, Records Relating to CIEs 1946-48, Box 307, F: 68 - Civilian Internment Enclosure No. 6 Moosburg II.

⁵³³ Delbert Clark, “High Life of Nazis in ‘Jail’ Reported,” *NYT*, 17 Mar 47, 6. The article’s provocative subtitle read “Guards Wink at Forgery and Counterfeiting—Inmates Hate to Leave.” According to Clark’s account, the details were relayed to him second hand, by an individual who had heard the story from “one Dr. Segler, an instructor before the war in the University of Cologne and a colonel in the Elite Guard.

internees,” Hamilton admitted, “occasionally manipulate escapes through the use of forged identification credentials usually in the form of a Kennkarte.”⁵³⁴

In a letter to Keating, denazification adviser Dr. Walter L. Dorn emphasized that lack of American involvement in day-to-day activities within the enclosures was a contributing factor in such persistent problems. After stating that he had just concurred with Public Safety’s contingency plans for the potential resumption of US control, Dorn not only reminded Keating of Military Government responsibilities under JCS 1067 and the Potsdam Protocol, but also emphasized the importance of taking every possible action to prevent a takeover from becoming necessary. “Since the transfer of these enclosures to German administration,” he wrote, “their supervision by Military Government has been inadequate and ineffective. Outside the representatives of C.I., whose status is still undetermined since the dissolution of Third Army, only a single member of the OMGUS Special Branch unit and the local Liaison Officer in which the enclosure lies, have taken an immediate supervisory interest in the administration of these enclosures.” Using *Internierungslager Darmstadt* as an example of the difference that could be made by a permanent Military Government presence in the camps, Dorn proposed that a Special Branch representative be assigned to each.⁵³⁵

⁵³⁴ Letter, Lt Col Paul Hamilton (OMGB Executive Officer) to Director, OMGUS, Conditions in Internment Camps, 11 Apr 47, NARA RG 260 OMGUS, Records of the CAD, PS Branch, Records Relating to CIEs 1946-48, Box 307, F: 68 - Civilian Internment Enclosure No. 6 Moosburg II.

⁵³⁵ Letter, Walter L. Dorn to Deputy Military Governor Major General Frank A. Keating, “Need of a Special Branch Officer in the German Civilian Internment Enclosures,” 18 Mar 47, NARA RG 260 OMGUS, Records of the Executive Office, The Chief of Staff, Correspondence and Recs Maintained by Maj Gen Frank Keating, 1946-1947, Box 26, F: Mar 47. Dorn also proposed that C.I. personnel currently in enclosures be transferred to Military Government under Special Branch supervision. According to the OMGB response to Clark’s article (cited above), by April arrangements had been made to allocate one Military Government officer to each camp. Security issues were not confined to Bavaria. In the fall of 1947, for example, Intelligence officials notified OMGUS CAD of the possibility that students from a technical school in Darmstadt had been periodically taking internees’ places in the camp for days at a time. Letter, Capt. A.F. Hennings to CAD, Information

In the face of mounting concerns, OMGB surveyed the five civilian internment camps in Bavaria—Augsburg, Moosburg, Regensburg, Hammelburg, and Nürnberg—from 20 to 27 March 1947.⁵³⁶ Inspectors documented a number of prevalent security problems, but their findings also provide insight into the logistical and procedural challenges associated with attempting to draw down civilian internment enclosures. They noted that at Moosburg, for example, 428 internees “on the amnesty list of sick and crippled” still remained in the camp. Moreover, of 110 cases that had been “found in categories III, IV, or V in which no prison or labor sentences were involved, only seven [had] been released.” In addition to the Moscow Conference and tribunal proceedings, internees at Hammelburg, they wrote, were following progress toward releasing “the old and disabled internees” with great interest. An especially biting general comment read, “Even when tried and found eligible for release, internees often experience unnecessary waiting while incompetent personnel attempt to summon sufficient courage or initiative to sign the release order.”⁵³⁷

Correspondence between the Hessian Ministry for Political Liberation and OMGH during the early months of 1947 suggests that there was more behind the circumstances

Regarding Internment Camp Near Darmstadt (with attachment), 4 Sep 47, NARA RG 260 OMGUS, CAD, PS Branch, Records Related to Denazification, 1945-49, Box 329, F: Civilian Internment Enclosures 18.

⁵³⁶ Report of Survey and Investigation of the Five Civilian Internment Inclosures [sic] in Bavaria by OMGB (with cover letter, signed Brig. Gen. Walter J. Muller) [hereafter Bavarian Report of Survey], NARA RG 260 OMGUS, Records of CAD, PS Branch, Records Related to CIEs, 1946-48, Box 305, Folder 50. According to the report, 207 escapes had occurred between 1 January and 28 February 1947, with the greatest number from Moosburg (67), Nuremberg (49) and Regensburg (42). The majority of escapees (158) were from other zones. Muller stated that, among steps taken to improve security, a guard school had been established at Moosburg.

⁵³⁷ Bavarian Report of Survey. Persistent security issues included sporadic roll call procedures, inadequate fencing and perimeter lighting, and frequent escapes. Inspectors found, for example, that there had not been a roll call at Moosburg for eight days. The report also noted, “many escapees return of their own free will after several days of liberty. This is attributed to existing living standards outside of the camp.” The number of issues discovered reinforces Dorn’s point regarding MG’s lack of day-to-day involvement. Also worth noting, in contrast to the other two *Länder*, the systems of internee self-administration were “abolished in Bavaria.” On this, see Letter, Brig. Gen. Walter J. Muller (Director, OMGB), to Director OMGUS, 29 Apr 47, NARA RG 260 OMGUS, Records of CAD, PS Branch, Records Relating to CIEs, 1946-48, Box 305, F: 53.

described than indicated in the OMGB report. In short, German officials' efforts to reduce camp populations were complicated by the inability, in practice, to grant releases. OMGUS criteria permitted release of civilian internees in several instances, primarily: in accordance with tribunal findings; when determined by the public prosecutor not to be incriminated under the Liberation Law; and for transfer to zone or *Land* of residence. In addition, with appropriate approval, release was permitted for proceedings by home tribunal in the cases of certain politically important internees provided the security risk was slight and Military Government objectives were not endangered; and internees who were deemed physically unfit or mentally incapacitated such that "continued detention would involve undue hardships and an unnecessary burden upon the facilities available for their care." In exceptional circumstances, compassionate leave was also permitted. These guidelines had been in place since January, but time consuming and cumbersome procedures required public prosecutors to notify Liaison and Security offices fifteen days in advance of intended releases on the grounds of non-incrimination or in accordance with tribunal findings. In the event the L&S office objected, the individual was to be detained pending decision by the regional office of Military Government.⁵³⁸

In general, local military government personnel examined proposed releases very closely, often kicking them back to the Ministries for Political Liberation for justification.⁵³⁹

⁵³⁸ Letter, Robert Wallach (Asst Executive Officer, OMGH), "Release of Internees from Darmstadt Internment Camp," 20 Jan 47, NARA RG 260 OMGUS, OMGH CAD: Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Field Instructions Oct 1946-Jan 47 thru Draft Directives. On releases of politically important internees, which required Deputy Military Governor approval, see Letter, Robert W. Bruce, Transfer of Politically Important Internees to Home Community for Trial, 2 Dec 47 (with attachment), HHStAW 501/53.

⁵³⁹ Griffith, 751-753. Griffith also noted the complexity of various directives regarding releases and that the D&E process initially compounded the logjam. Until German officials strenuously objected, they were not permitted to release internees in cases where a report had been filed, even if the point raised was a technicality.

This high degree oversight is particularly evident in the case of internees deemed to be unfit to remain in the camps, a group for which German officials had pushed early and hard to secure approval for release to home tribunal.⁵⁴⁰ While American authorities eventually agreed to such a policy, their stance toward the issue was both firm and skeptical.⁵⁴¹ On 15 February 1947, for example, OMGH Assistant Executive Officer Robert Wallach notified field offices that those internees deemed to be so ill as to cause a strain on the camp at Darmstadt were soon to “be transferred to their homes.” In the event any of these individuals were to leave their local communities or accept any sort of employment, they would be immediately returned to the camp. “In effect,” Wallach wrote, “these persons will be under town arrest pending decision of the tribunal.”⁵⁴² Teitelbaum meanwhile advised Binder that he had sent a list of proposed medical releases dated 13 February back to Didlo for further review, reminding the Liberation Minister that these were only to be granted in instances where continued internment would place an undue burden on the camp, “and not for the comfort of the person in question.”⁵⁴³

⁵⁴⁰ Among several documents pertaining to medical releases, including reports by internee physicians, see for example, CIE 91 Versehrtenbetreuung an die Deutsche Lagerführung, Bevorzugte Entlassung von Schwerversehrten, 18 Aug 46, HHStAW 521/65; and Unheilbar Kranke des Internierungslagers Darmstadt (with 2 attachments), 1 Mar 47, HHStAW 501/254. A June 1947 intelligence report complained that OMGH Denazification Division was unduly delaying release of those medically unfit, a measure Binder had announced roughly seven months earlier. Letter, Deputy Director Intelligence (A.C. Moe) to Director Civil Affairs, General Conditions CIE #91 Darmstadt (with attachment dated 1 Jun 47), 29 Jul 47, NARA RG 260 OMGUS, Records of CAD, PS Branch, Records Relating to CIEs, 1946-48, Box 306, F: 56.

⁵⁴¹ OMGUS authorized *Land* MG headquarters to approve such releases on 13 December 1946. Teitelbaum notified the Ministry the following day. Letter, Teitelbaum to Minister for Political Liberation, Release of Internees (with translation), 14 Dec 46, HHStAW 501/51.

⁵⁴² Letter, Wallach, Release from Darmstadt Internment Enclosure, 15 Feb 47, Wallach stressed that local police and tribunals were to be informed of the transfer. NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Field Instructions Oct 1946-Jan 47 thru Draft Directives.

⁵⁴³ Letter, Militärregierung für Gross-Hessen an den Minister für politische Befreiung, Entlassung von kranken Personen des Interniertenlagers Darmstadt, 15 Feb 47, HHStAW 501/53. Among the types of cases Teitelbaum

While American authorities' scrutiny undoubtedly exacerbated the logjam in the camps, OMGH Denazification Division correspondence reveals distinct concerns about preventing the misuse of release procedures, especially those for medical reasons. The complexity of the situation was also evident in community reactions to such releases, once they did begin to occur. On 9 May 1947, for example, the commander of the Darmstadt Liaison and Security Office, Lieutenant Colonel Arthur Skarry, relayed local dissatisfaction about the fact that 11 internees found physically unfit to remain in the enclosure had been transferred to a home for war invalids established in Brandau by the Hessian Red Cross.⁵⁴⁴

In many ways, Military Government intractability toward releases derived from denazification officials' insistence that those remaining in the camps appear before *Lagerspruchkammern*, and was a reaction to the overarching trend toward leniency in tribunal proceedings.⁵⁴⁵ Under OMGUS pressure to process more cases, officials in Hesse and Württemberg-Baden took important logistical steps toward significantly increasing tribunal capacity.⁵⁴⁶ On 26 February 1947, the Officer-in-Charge of the CIC staff at Darmstadt reported that 20 tribunals would be operating by 1 March.⁵⁴⁷ The following May,

questioned were amputees and individuals with "neurological symptoms." Of the latter, he wrote, "once again this raises the question as to what extent such individuals are an undue burden on the camp."

⁵⁴⁴ Letter, Lt. Col. Arthur Skarry to OMGUS (Attn: Mr. Hall), "CCD Intercept /47/8755 Darm – 482" (with attachment), 9 May 47, NARA RG 260 OMGUS, Records of the CAD, PS Branch, Records Related to Denazification, 1945-49, Box 329, F: Civilian Internment Enclosures 18.

⁵⁴⁵ Griffith, 752.

⁵⁴⁶ OMGH also instituted procedures at Darmstadt whereby internment would not take effect until 72 hours after new arrestees' arrival, following a case review. Indicative of OMGUS pressure to increase tribunals, on 13 February a TWX directed that Minister Presidents take steps to essentially compel support. Letters, Robert Wallach, "Erroneous Arrestees," 17 Mar 47; and "Drafting of Tribunal Personnel and Requisitioning of Facilities and Equipment," 14 Feb 47, NARA RG 260 OMGUS, OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Field Instructions Oct 1946-Jan 47 thru Draft Directives.

⁵⁴⁷ 1Lt Martin K. Weik, Weekly Security Report on the German Internment Camp Darmstadt, 26 Feb 47, RG 260 OMGUS, Records of the CAD, PS Branch: Records Related to Denazification, 1945-49, Box 329, F: Civilian Internment Enclosures 18. It is worth noting that (especially initial) tribunal findings at Darmstadt

Director of OMGWB Sumner Sewell notified Keating that the Minister President, Dr. Maier, had assured him that 11 additional tribunals would be put into operation by mid-June. Sewell also reported that in the meantime, two American medical officers were screening internees to identify those who were unfit for continued internment. He expected them to release roughly 10% to home communities for trial, reducing the number in the Württemberg-Baden camps to approximately 11,000.⁵⁴⁸

According to the OMGB inspection report, the lack of *Spruchkammer* activity was particularly pervasive in the Bavarian enclosures. In spite of the fact that the tribunal had been in place at Augsburg since the previous August, for example, “not one single case” had been tried, although the first was scheduled for 27 March 1947. The *Lagerspruchkammer* at Nuremberg was established in November, but had not begun operating until the last week of January. Moreover, of the 42 cases thus far completed, 29 had resulted in a finding of Class V. Only two of the remaining 13 were deemed Class II and none of the internees were determined to be Class I. The reasons cited for the slowness in instituting proceedings and processing cases varied. The field Special Branch office attributed the problem at Augsburg, for example, to the need for support from the Bavarian Ministry. At Hammelburg, where tribunal operations had been underway since 15 January but were also

appear to have been more stringent than elsewhere. As of 26 February, for example, of 797 decisions, 68 were found in Group I; 390 in Group II; 280 in Group III; and 57 in Group IV. Only 2 were placed in Group V.

⁵⁴⁸ Letter, Sewell to Keating, “Speed-up of Trials in Internment Camps,” 14 May 47, NARA RG 260 OMGUS, Records of the Executive Office, The Chief of Staff, Correspondence and Recs Maintained by Maj Gen Frank Keating, 1946-47, Box 26, F: 1-15 May 47. As in the case of Hesse, Keating had exerted pressure to increase the number of tribunals and directed Sewell to hold the conference. For a description of Keating’s letter to OMGH Director Newman, see Chapter 4.

proceeding slowly, the issues cited were lack of personnel, serviceable typewriters, and vehicles needed to “travel considerable distances for evidence.”⁵⁴⁹

In addition to the inconsistent Military Government supervision emphasized by Dorn, however, political turmoil had much to do with the lack of progress toward establishing tribunals in the Bavarian camps. The degree of organizational disarray characterizing the southernmost state’s denazification machinery is evidenced by the fact that no fewer than four ministers headed the apparatus. This turbulence—at least inasmuch as the denazification program was concerned—did not begin to subside until July 1947, when Minister President Hans Erhard appointed Dr. Ludwig Hagenauer (Christian Social Union) to the position. Hagenauer, along with Camille Sachs, who by this time had been appointed state secretary, implemented many of the logistical and administrative measures that had already been set in place in the other two *Länder*.⁵⁵⁰

Negotiating the logjam in internee cases also involved the arduous task of applying mechanisms such as amnesties to individual circumstances. In mid-February 1947 OMGUS instructed local Special Branch offices to restrict use of D&E reports to situations involving heavily incriminated respondents and to assist public prosecutors in identifying persons falling under amnesty criteria.⁵⁵¹ By early March 1947 German officials were poised to begin determining the applicability of the Youth and Christmas Amnesties to internee

⁵⁴⁹ Bavarian Report of Survey. In the case of Hammelburg, the inspectors also wrote, “The Chairman and Public Prosecutor are inclined to be lenient, and 15 cases have been appealed so far.” The Public Prosecutor at Regensburg, whom the inspectors described as “slow but conscientious,” had just assumed his responsibilities after his predecessor was relieved for being “inclined to let everyone off without preparing his cases.”

⁵⁵⁰ For more on the political machinations in Bavaria (as related to the denazification program) than can be provided here, see Griffith, 726-741.

⁵⁵¹ OMGH Letter (signed Wallach), Implementation of Christmas- and Youth Amnesty, 18 Feb 47, NARA RG 260 OMGUS, OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Field Instructions Oct 1946-Jan 47 thru Draft Directives. This move reflects MG acknowledgement of the enormity of the task, which in addition to internee cases, applied to registrants throughout the zone.

cases.⁵⁵² The former was announced roughly nine months earlier and, in general, applied to persons who were younger than 25 years old in 1945. The criteria for the Christmas Amnesty, which was granted in December 1946, were quite specific. According to February 1947 implementing instructions, in addition to cases of significant disability (defined as 50 percent or more), the amnesty was to include persons whose taxable income during the calendar years 1943 and 1945 was less than RM 3600 and whose property as of 1 January 1945 did not exceed RM 20,000. Importantly, neither amnesty was to be applied to cases in which the respondents fell within the presumptive classes I (major offender), or II (lesser offender). If either amnesty did apply, however, public prosecutors were not to file charges. Moreover, “any proceedings already initiated [were] to be quashed.”⁵⁵³

During the spring and summer of 1947, public prosecutors also received the necessary guidance to begin applying IMT verdicts to internee cases. Most notably, in early May 1947, the Ministry for Political Liberation in Württemberg-Baden released a six-page document relaying OMGUS instructions regarding the applicability of IMT decisions. In addition to an overview of the tribunal process and findings, the document provided four examples dealing with whether the Youth Amnesty or Christmas Amnesty would apply to former SS members.⁵⁵⁴ As illustrated by an exchange between Teitelbaum and the MPL

⁵⁵² A letter from the supervising Chairman directing that camp tribunals at Darmstadt use a Ministry provided format to record specific details to justify their determinations illustrates that such reviews were about to get underway. Der dienstaufsichtsführende Vorsitzende an die Herren Vorsitzenden der Spruchkammern Darmstadt-Lager, 4 Mar 47, HHStAW 501/254. In giving the instructions related to the Youth Amnesty, the letter also referenced a Ministry circular (Rundverfügung Nr. 70, Amtsblatt Nr. 6, Seite 22).

⁵⁵³ Hayse, 149, incl. n 40; Implementation Regulation for Christmas Amnesty (translation), 5 Feb 47, NARA RG 260 OMGUS, OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Field Instructions Oct 1946-Jan 47 thru Draft Directives. Disability determination criteria were also quite specific and to be based on social welfare or pension legislation, or disability classification (II, III, or IV).

⁵⁵⁴ “Mitteilungen an die Kammern,” Nr 38, 8 May 47, Stuttgart, herausgegeben vom Ministerium für politische Befreiung Württemberg-Baden, HHStAW 521/19. The document noted Military Government’s decision that members of organizations deemed criminal would be handled under the Liberation Law. See also Letter,

two-and-a-half months later, the issue of how to apply the IMT verdicts to specific situations remained open for quite some time.⁵⁵⁵

Drawing down civilian internment enclosures also required establishing labor camps (*Arbeitslager*) to house those who received such sentences. This issue was more logistically complex in Hesse than the other *Länder*, which had multiple, smaller civilian internment enclosures where officials could simply designate segregated areas for that purpose. This step had already been taken at *Internierungslager Darmstadt*, but as tribunals processed more cases, additional *Arbeitslager* would be needed. Beginning in the months leading up to the handover, Ministry officials had run into a number of challenges in finding suitable facilities.⁵⁵⁶ As late as 18 February 1947, Weyand pointed out to Binder that almost all of the available barracks were being “allocated either to the American Army, UNRRA, or the Commissioner for Refugees.” In spite of this, he notified the Liberation Minister that the first labor camp (outside the compound at Darmstadt) was in operation at Kassel-Niederzwehren and already had a population of 200. Those whose tribunal sentences were final would be put to productive work within the week. In addition, smaller camps of roughly 50 to 150 were in place at Offenbach and Frankfurt am Main.⁵⁵⁷

In March 1947, the Hessian MPL set up a labor camp with a projected capacity of approximately 300 in Wetzlar at a former POW enclosure already being used as a refugee

“Clarification of Arrest Categories of Members of Organizations Found Criminal by the International Military Tribunal,” NARA RG 260 OMGUS, PS Branch Records Related to Denazification, Box 329, F: Arrest, 55b.

⁵⁵⁵ Letter, Teitelbaum to Minister for Political Liberation, Hessen, 24 Jun 47, HHStAW 501/53. Teitelbaum’s letter was in response to a Ministry letter, “Auslegung des Nürnberger Urteils,” dated 13 Jun 47.

⁵⁵⁶ See, for example, Aktennotiz betr. Fulda, 28 Sept 46, HHStAW 521/168.

⁵⁵⁷ Letter, Weyand to Minister for Political Liberation (Binder), *Arbeitslager*, 18 Feb 47, HHStAW 521/168. According to Weyand, the capacity at Kassel-Niederzwehren was 500. Two additional smaller camps were planned for Frankfurt am Main, to be put in place within the month.

camp.⁵⁵⁸ The following June, Binder signed an implementing order with standard operating procedures for Hessian labor camps, which stated that “in order to pay restitution for their complicity [*Mitschuld*] in the misery caused by National Socialism, Major Offenders and Offenders (activists, militarists, and profiteers) [would] be transferred on the basis of tribunal sentence to labor camps to carry out reconstruction work in accordance with the Law for Liberation from National Socialism and Militarism.” Describing the labor camps’ purpose, the document went on to say that “those who are guilty should have the opportunity to find their way back from National Socialist ideologies to a peaceful community,” and that “labor camps are not penal institutions.”⁵⁵⁹ Head of *Information und Erziehung* Robert Werner developed these instructions, in coordination with Weyand as well as Bavarian and Württemberg-Baden officials. As the next section will show, Werner meanwhile orchestrated several measures aimed at preparing internees to enter into democratic society.

From ‘Die-Hard Nazi’ to ‘Convinced Democrat’? (Re)education in *Lager Darmstadt*

“Germany was betrayed.” In early March 1947, American journalist Edwin Hartrich sought to convey his views regarding the mentality of a 26-year old former first sergeant of the *Waffen-SS Totenkopf* (Death’s Head) Division who, along with the roughly 11,000 other internees, was being held in the enclosure at Darmstadt. “Until cleared by a denazification tribunal,” Hartrich explained, “they must wait behind the barbed wire as proven Nazis,

⁵⁵⁸ Bericht über den Stand der Arbeitslager in Hessen, 21 Mar 47, HHStAW 521/168. The report listed a handful of other possible locations for camps (with capacities ranging from 100 to 3000).

⁵⁵⁹ Hessian MPL, *Vollzugsordnung* [sic.] für die Hessischen Arbeitslager (with translation), 23 Jun 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps II. Teitelbaum forwarded the English version to OMGUS PS. See Letter, Teitelbaum to OMGUS PS Branch, SPO for Hessian Labor Camps (with attachment), 11 Aug 47, NARA RG 260 OMGUS, Records of CAD, PS Branch, Records Relating to CIEs, 1946-48, Box 306, F: 56. Rather than “guilt” as in the English version, I have translated *Mitschuld* as “complicity.”

hence dangerous to postwar Germany.” The sergeant, named Albers, had joined the Hitler Youth in 1933 at the age of thirteen. He now lived in a US Army tent with other former SS sergeants for whom the daily monotony was broken only by meals. Hartrich wrote that many of the camp’s prisoners “wander up and down the dirt walks of the tent city as restless lions pace their cages.” Albers eschewed politics, stating that he simply wanted to return to his wife and child and to have a job. “He and other prisoners repeated almost parrot-like,” Hartrich observed, “their willingness to ‘rebuild and reconstruct Germany.’”⁵⁶⁰

The reporter made it quite clear that he did not believe the young sergeant’s claims of not knowing about the “war crimes and other acts which made his division stink in the nostrils of military men.” In spite of his conviction regarding the likelihood that Albers was complicit in his unit’s activities, however, Hartrich’s overarching message had less to do with whether the former first sergeant might be brought to account than with what was being done to prepare him to eventually join the society reconstituting outside the barbed wire. “Left to stew in their own ideological juices,” Hartrich cautioned, “Albers and his cohorts may prove to be far more dangerous when released. Sergeant Albers is the prototype of the embittered, harshly trained, narrowly educated young men, who are beginning to think of themselves and defeated Germany as martyrs.” Hartrich went on to emphasize what he perceived as internees’ ignorance of the nascent transition outside the camp. “If their

⁵⁶⁰ Edwin Hartrich, “S.S. Prisoner Explains Defeat of Germany,” *The Washington Post*, 2 Mar 47, B7. Hartrich’s observations reinforce the point that internees deployed rhetorical strategies such as the desire to participate in reconstruction. While this article was published in the *Washington Post*, Hartrich reported on postwar Germany for the *New York Herald Tribune* and *Wall Street Journal*. He later wrote *The Fourth and Richest Reich: How the Germans Conquered the Postwar World* (New York, 1980) criticizing the FRG.

remarks are true,” he concluded, “to them ‘postwar democracy’ is what keeps them behind barbed wire and threatens them with prison terms if they were Nazi advocates.”⁵⁶¹

A highly impressionistic account, Hartrich’s article nevertheless raised important questions regarding what, if anything, was done to prepare internees to at some point be reintegrated into a society that was itself on the cusp of transformation. Hessian ministerial records show that these sorts of initiatives were implemented in *Internierungslager Darmstadt* at roughly the same time Hartrich interviewed Albers. Among several immediate steps, for example, Head of *Information und Erziehung* Robert Werner called for placement of “suitable” books and newspapers in the camp along with establishment of small discussion groups involving internees, ministry officials and “prominent democratic figures from all walks of life.”⁵⁶² In addition, he supported internees’ ongoing attempts to rebuild elements of the vocational and technical training that had been actively attended during the previous summer. A 21 February 1947 report from the self-administration’s culture department indicated that instructors for agriculture and horticulture related fields (*Landbau, Landwirtschaft, Gartenbau*) as well as chemistry and accounting had already resumed teaching while others were available for retraining internees in trades such as blacksmith,

⁵⁶¹ Ibid. Like others who had visited the camp, Hartrich detected a distinct hierarchy among the internees, observing that, “All the important Nazis or higher ranking officers occupy first-class quarters and get better food.” He noted, for example, that Prince Philipp had managed to eke out a certain degree of privilege. In Hartrich’s view, because nothing had been done to reorient Albers, he had “resolved his own primitive rationalization” not only to understand past events but to also cope with present developments.

⁵⁶² Werner, “Bericht betr. Lager Darmstadt,” 9 Feb 47. By this time, Werner had gone into the camp a number of times in order to determine how to structure such a program. On earlier visits, see Chapter 4. The frequency of Werner’s contact with internees is suggested by the fact that, in at least one instance, the Chief Prosecutor, Dr. Schlesinger, felt the need to remind Werner that he didn’t have input into accelerating the processing of cases. Letter, Chief Prosecutor to Werner (in house), 19 Mar 47, HHStAW 501/22.

plumber, cabinetmaker, carpenter, and bricklayer. In addition, courses in construction, engineering and business were slated to begin in the spring.⁵⁶³

According to Werner's initial progress update, forwarded through Binder to OMGH, his department's work in the camp began formally on 1 March 1947, guided by five overarching objectives. First, internees were to be informed of actual conditions in Germany, without any sort of glossing-over of difficulties. Through interaction with prominent public leaders, they would receive both theoretical and practical exposure to the problems involved in "building an honest and true democracy." Second, internees needed to understand the causes of Germany's predicament and that National Socialism had not only failed, but also inevitably led to collapse. Third, by explaining the nature and effects of National Socialism, the program sought to clarify the reasons for internment. Fourth, open discussions would offer a way to dispel existing tensions and foster tolerance for other points of view. Fifth, in conjunction with promoting understanding of very real difficulties associated with the ongoing democratic transition, the program was geared toward the principle that work offered a means to be reintegrated and connected into economic life.⁵⁶⁴

On 25 March 1947, Knappstein relayed Teitelbaum's request that lectures be initiated in the camp as soon as possible.⁵⁶⁵ Scheduled talks began in the large 1000-capacity theater in early April and featured leading figures of democratic life as well as from

⁵⁶³ For a snapshot of in-place courses and future plans, see *Lagerselbstverwaltung* (Kulturabteilung), *Schulungsplanung für Fachschulen und handwerkliche Umschulung*, 21 Feb 47; and *Aufstellung über die im Lager Darmstadt z. Zeit laufenden Schulen und Kurse*. Stichtag: 20.2.47, 21 Feb 47, HHStAW 501/21.

⁵⁶⁴ Werner laid out (and reiterated) these principles in two consolidated updates. See "1. Bericht über die Umerziehungsarbeit im Interniertenlager Darmstadt in der Zeit vom 1.3 – 31.5.47," 7 Jun 47; and "2. Bericht über die Aufklärungs- und Bildungsarbeit in hessischen Internierungs- und Arbeitslagern 1.6. – 30.9.1947," 15 Oct 47 (both were signed by Werner and approved by Binder), HHStAW 501/20.

⁵⁶⁵ Knappstein to Werner (in House), 25 Mar 47, Abt 501/22. Knappstein's note indicated that Teitelbaum stressed the pressing need for "prominent people from public life to speak" in the camp.

specific fields of activity (*Arbeitsgebiete*). In this way, for example, a 10 April presentation titled, “The Functions and Work of a *Landrat*” was followed the next day by “Problems of the Job Market.” Other lectures included “Basic Questions of Personal and Political Life” (6 May) and “Christianity and Socialism” (30 May). Voluntary attendance at the first session was roughly 400, but grew to capacity by the second. Each lecture was followed by questions and discussion during which Werner noted that “subjective opposition” was expressed but that the majority of listeners refrained from such things.⁵⁶⁶

According to capsule summaries in the ministry files, internees not only asked questions, but in some instances also used them to voice criticisms of denazification, political developments, and ongoing reforms.⁵⁶⁷ On 22 April 1947, for example, a prominent local community member presented a lecture titled “Do We Have a Future?” in which he considered issues ranging from the need to come to terms with Germany’s loss of power, to the significance of Christianity to Western civilization [*abendländische Kultur*]. During the discussion period, an internee asked, “Why is it that in spite of proclaiming religious freedom, the CDU has allowed secession from the church to be considered as incriminating in tribunal proceedings?” On 29 April 1947 *Oberbürgermeister* Kolb (Frankfurt) spoke in the “jam-packed theater” about the “Duties and Responsibilities of Local Self-Government in this Day and Age” before an audience of roughly 1600 internees. According to the memorandum for record, internees thanked Kolb for speaking and mentioned that since important individuals had begun making appearances in the camp,

⁵⁶⁶ Letter, Werner to Weyand, 7 Mar 47, HHStAW 501/22; and Bericht über die Umerziehungsarbeit im Interniertenlager Darmstadt in der Zeit vom 1.3 – 31.5.47, 3-4. Landrat Dr. Wagenback of Hofheim/Taunus gave the 10 April lecture. Präsident Sauer of the Landesarbeitsamt Frankfurt, Prof. Dr. Erbbinghaus of Marburg/Lahn, and Oberbürgermeister Metzger of Darmstadt gave the other three.

⁵⁶⁷ It is unclear who compiled them these summaries, which range in length and are among Werner’s files; however, they provide brief details on the lectures as well as a broad sense for what was discussed.

“they no longer had the impression of being viewed by the outside world as second class people.” Among the questions asked was why, if the Constitution expressly provided due process of law to every prisoner, this did not apply to internees.⁵⁶⁸

Werner’s files suggest a fairly active schedule of these sorts of lectures throughout the summer of 1947, but his progress updates show in particular the educational emphasis that the Ministry placed on younger internees. In documenting his first impressions, Werner had singled out the camp’s 21 and 22-year old *Waffen-SS* troops, who struck him as impressionable but without direction and purpose. “It would be irresponsible,” he wrote, “to cast these youths unprepared out on the street.” He went on to say that these young internees “didn’t have the slightest idea” what they were in for vocationally or economically, and that they didn’t have clear plans in this regard. Nor, for that matter, did they understand either the historical causes of the Third Reich’s collapse or the political requirements of the new state.⁵⁶⁹ Among the most noteworthy measures that the Ministry directed primarily toward younger internees, officials arranged for career counselors to come into the camp from nearby communities to discuss vocational possibilities.⁵⁷⁰

One such adviser, Dr. Hecht from the state employment office (*Landesarbeitsamt*) in Frankfurt, described this opportunity during a talk on the topic “Economic Structure and Guiding New Careers” (*Wirtschaftsstruktur und Berufsnachwuchslenkung*) on 18 April

⁵⁶⁸ Aktennotizen, Abt. VIII, 24.4.47 and 30.4.47, HHStAW 501/22. The examples above demonstrate the extent to which internees followed developments outside the enclosure. In some cases, the questions also clearly come across as intellectual sparring. The ideas expressed in the earlier lecture were from a Christian-Catholic perspective that had its highpoint in the 1950s under Adenauer.

⁵⁶⁹ Werner, “Bericht betr. Lager Darmstadt,” 9 Feb 47.

⁵⁷⁰ Präsident des Landesarbeitsamt Hessen an den Herrn Minister Binder (with attachment Aktennotiz, “Umschulungsmassnahmen und Betreuung Jugendlicher im Interniertenlager Darmstadt”), 24 Apr 47, HHStAW 501/21. According to this memorandum for record, in order to assist with career counseling, internees were asked to fill out a questionnaire. The files also include a 12-item template asking for basic personal history. On this, see “Fragebogen zur Berufsberatung,” HHStAW 501/22.

1947. According to notes encapsulating the lecture, in addition to describing economic uncertainties and the scarcity of consumer goods, Hecht explained that current trends favored small and medium sized enterprises built around skilled labor. He noted that occupational retraining (*Umschulung*) in the enclosure would “soon be deepened and expanded.” Boards of Examiners would issue certifications “that would also be valid after release” to internees who completed the necessary requirements. “In this way,” the record indicated, “time spent in the camp would not be lost (*verloren*).”⁵⁷¹

Werner’s characterization of these career-counseling efforts in his initial progress update made clear that they were intended to benefit internees, but in a way that would also support reconstruction needs. This is born out by a *Landesarbeitsamt* memorandum for record, in which Hecht documented various sorts of coordination, including a 1 April 1947 meeting with elected representatives of the younger internees as well as discussions with Werner and camp administrators.⁵⁷² In a list of points summarizing main principles for the retraining, Hecht noted that the measures would “primarily encompass the understaffed building trade and related occupations.” He also indicated that theoretical lessons would take place in the camp and that, as needed, groups would be taken to training and rebuilding sites for practical instruction. In addition to mentioning plans for certification testing, Hecht made a point of noting that after release those trained in the camp should not “in any way experience handicaps in the practice of their new profession because of their political

⁵⁷¹ Aktennotiz, Abt. VIII, 19 Apr 47, HHStAW 501/22. The summary indicated that when Hecht was asked about the rating of testing according to labor laws, he replied it would be “as a journeyman’s examination.”

⁵⁷² Präsident des Landesarbeitsamt Hessen an den Herrn Minister Binder (with attachment Aktennotiz, “Umschulungsmassnahmen und Betreuung Jugendlicher im Interniertenlager Darmstadt”), 24 Apr 47, HHStAW 501/21. According to Hecht’s memorandum, on 18 April 1947 *Präsident* Sauer of the *Landesarbeitsamt Hessen* met with Binder. Sauer had just recently given a lecture (on 11 April) in the camp on the “general economic situation.” On 24 April, Hecht and the *Landesarbeitsamt* member in charge of retraining provided an update on preparations to the self-administration, in the presence of Werner and another Ministry official. Hecht noted that the camp administration was not represented.

past.”⁵⁷³ According to Ministry records, 17 internees trained as bricklayers and carpenters did in fact participate in intermediate-level skilled worker (*Facharbeiter*) tests, along with 86 individuals from outside the camp.⁵⁷⁴

Werner reported that by the end of May 1947 advisers from Frankfurt, Kassel and Giessen had counseled 60 internees. In the meantime, he had arranged with camp administrators to establish a youth barracks—a dedicated space to read books and newspapers. The reading room, he wrote, received roughly 300 visits daily and held books on subjects such as the new Hessian constitution, American history, and matters related to reconstruction. The youth barracks also served as a meeting area for working groups to discuss cultural and economic issues.⁵⁷⁵ By the end of September 1947, Werner indicated that, due to numerous transfers and releases, the circumstances under which his department operated had greatly changed. In June, the main camp at Darmstadt had held over 10,000 internees. At the time of his writing, however, the number at *Internierungslager Darmstadt* had “sunk to 4,000 while over 2,500 had been placed in newly established and equipped camps at Frankfurt/Main, Wiesbaden, Weilburg, and Wegscheide.” In addition to these enclosures, his department’s responsibilities now included education efforts in the labor

⁵⁷³ Ibid.

⁵⁷⁴ Werner, “1. Bericht über die Umerziehungsarbeit im Interniertenlager Darmstadt in der Zeit vom 1.3 – 31.5.47,” 7 Jun 47, esp. 3, 5-6; On testing held on 21 and 22 May, including brief comparisons of internee preparedness with those trained outside the camp, see Prüfungs-Kommission des Fachausschusses für berufliche Umschulung beim Arbeitsamt Frankfurt/Main (with attachment), 27 May 47, HHStAW 501/21.

⁵⁷⁵ Werner, “1. Bericht über die Umerziehungsarbeit im Interniertenlager Darmstadt in der Zeit vom 1.3 – 31.5.47,” 7 Jun 47, 3. The reading room also held copies of Hessian newspapers, as well as Munich-based *Die Neue Zeitung* and 6 youth magazines.

camps at Kassel, Wetzlar, and Hersfeld, as well as the separate women's compound at Darmstadt, which served the dual purpose as both an internment and labor camp.⁵⁷⁶

Werner's remarks not only highlight the difficulties associated with establishing programs at multiple locations, but also clearly show the extent to which education initiatives at *Internierungslager Darmstadt* were gearing up as the camp was drawing down. While it would be difficult to assess the individual effectiveness of democratization efforts undertaken in the spring and summer of 1947, Werner's reports demonstrate that they are best understood as one facet of a pragmatic reorientation effort put in place by Hessian officials after taking responsibility for the enclosure.⁵⁷⁷ Two key aspects of that approach were first, to recognize that, while important, the benefits of lectures and discussions about democracy were limited; and second, that in the case of those open to democratic ideas, continued internment would likely be counterproductive. The realism with which the Ministry approached the matter is evident in Binder's comments at the same 4 July parliamentary deliberations over denazification reforms in which he admitted the need to speed up camp tribunal proceedings. "I know that we are not going to be able to make a convinced democrat out of a die-hard Nazi overnight," he acknowledged. Binder stressed, however, that Ministry officials' experiences had been that a number of internees, particularly the younger ones, "were quite receptive to democratic considerations."⁵⁷⁸

⁵⁷⁶ Werner, "2. Bericht über die Aufklärungs- und Bildungsarbeit in hessischen Internierungs- und Arbeitslagern 1.6. – 30.9.1947," 15 Oct 47, HHStAW 501/20. In this second report, Werner explained he had stopped using the term "reeducation" [*Umerziehung*], which had generated resistance rather than cooperation. He also provided progress updates on certification testing.

⁵⁷⁷ Werner's comments in his second report indicate he had given at least some thought to this. "We do not presume to be able to 'educate' adults," he wrote, going on to say that each individual would have to arrive at meaningful change and that it had to go beyond "opportunistic lip service."

⁵⁷⁸ Kropat, *Hessische Landtagsdebatten*, 4 Jul 47, 259.

The period during which education efforts were carried out at *Internierungslager Darmstadt* was characterized by an increased awareness of ideological competition, the visible indications of which varied in enclosures throughout the zone. In April 1947, the Camp Supervisor addressed this issue in a report in which he also described an overall improvement in the camp morale. By his assessment, propaganda for the Soviet zone (*besetzte Ostgebiet*) had not assumed a large scope. Moreover, the atmosphere “had improved substantially” due to four factors: those unfit to remain in the camp were soon to be released; tribunals were operating more smoothly and faster; internees had the opportunity to undertake actual work in smaller camps thereby obtaining better living conditions; and the warmer time of the year had begun.⁵⁷⁹ A July 1947 *Washington Post* article suggested, however, that internees were well aware that mention of communism would evoke reactions among American and German officials. According to the report, the Hessian Ministry for Political Liberation was investigating claims that agents of the Moscow-Directed Free German Committee had surreptitiously gained access into the enclosure at Darmstadt in an attempt to incite unrest and recruit members. An unidentified ministry official, the article noted, suspected internees had planted the letter that prompted the investigation in an effort to create discord between German and American officials.⁵⁸⁰

Finally, it bears mentioning that the OMGH Denazification Division exercised a form of indirect supervision over Ministry educational initiatives. On 18 November 1947, for example, Teitelbaum notified Didlo that he concurred with an agreement that Werner would approve the schedule of lectures in the internment enclosure and labor camps while

⁵⁷⁹ Hütter, “Bericht über die Stimmung im Lager Darmstadt, 23 Apr 47, HHStAW 501/814. The Camp Supervisor made a point of indicating that the first two were due to the German administration’s efforts.

⁵⁸⁰ “Internment Camp Proselting Rumor is Investigated, *The Washington Post*, 27 Jul 47, C5.

keeping Didlo informed. Teitelbaum explicitly indicated, however, that he expected Didlo to stay on top of the situation and, if necessary, issue guidance concerning anticipated speakers and subjects. “As to lectures by internees, it should not be our intention to prohibit [them] from speaking their opinions, even though we may disagree with such opinion,” he stressed. “However,” Teitelbaum continued, “internees do not have higher rights than those outside internment camps. They may not make addresses to groups advocating Nazism or Nazi ideology. This would be contrary to American Military Government policies.” He agreed that internees could be permitted to educate others on technical subjects, but drew the line on allowing them to give lectures on social, political, or economic issues. “Needless to say,” he stressed, “internees may not give instruction on religious subjects.” Teitelbaum emphasized the necessity of these guidelines “in view of the fact that there are young internees in the camps who may be rehabilitated by proper education.”⁵⁸¹

‘To Be the First in the Race’: The Push to Wind Up Denazification

Beginning in the fall of 1947, Military Government authorities made a number of very rapid policy adjustments that not only placed increased discretion in the hands of German authorities, but also reduced the denazification program’s imprint on daily life outside the enclosure. On 19 September 1947, for example, regulations governing the marking of *Kennkarten* were amended such that—with the exception of major offenders, offenders and lesser offenders—cards would no longer be punched but instead stamped

⁵⁸¹ Letter, Teitelbaum to Didlo, 18 Nov 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1116, F: Internment Camps I.

“politically screened.” According to OMGH Executive Officer E.K. Neumann, a person with such a stamp would not be “subject to any labor restrictions.”⁵⁸²

Correspondence between the OMGH Denazification Division and Ministry for Political Liberation during the latter months of 1947 reveals a discernibly changing power dynamic. To be sure, OMGH continued to exert influence over issues pertaining to the camps. As late as 14 October, for example Teitelbaum reminded MPL officials that internees who did not receive labor sentences were not to be released immediately following tribunal proceedings because the judgment needed to be validated.⁵⁸³ Less than two weeks later, he expressed dissatisfaction over female internees’ cases being handled before a separate “special tribunal” (*Sondertribunal*). “It would be more advisable,” he wrote, “if the women were dealt with by all of the tribunals along with the other internees. This system should be put in place immediately.” On the other hand, as evidenced by a Ministry-internal document dealing with the latter issue, MPL officials were less quick to respond than previously. This memorandum for record noted that, at the latest, the Public Prosecutor would be finished with the remaining cases of the Women’s Tribunal by Christmas. “As a result,” it read, “pursuing the suggestion of the *Land* Military Government is moot.”⁵⁸⁴

On 20 January 1948 Sheehan notified Hessian Minister President Christian Stock that he was authorized to refer internee proceedings to home tribunals that had cleared

⁵⁸² Letter, E.K. Neumann (OMGH Ex O), “Marking of Kennkarte,” 13 Oct 47, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1114, F: Field Instructions August 1947-December 1947.

⁵⁸³ Letter, Teitelbaum to Hessian MPL, Entlassung aus dem Internierungslager, 14 Oct 47, HHStAW 501/53. Teitelbaum again stressed that the individual was to be held for 30 days after which release could be granted provided the Public Prosecutor confirmed that none of the parties involved had filed an appeal and as long as the Military Government liaison officer had not filed a D&E report.

⁵⁸⁴ Aktennotiz, Abt. IV (Hi/Rr.), Betr: “Verhandlung von weibliche Internierten,” 6.Dezember 1947 (with attachment (translated copy of letter, Teitelbaum to MPL, same subject, 27 Oct 47), HHStAW 501/1205.

pending cases.⁵⁸⁵ By March, Captain E. E. Griswold Jr., a Special Branch officer assigned to the L&S office responsible for overseeing the *Darmstadt-Stadt* and *-Land* tribunals, alerted the OMGH Denazification Division that public prosecutors were misusing recently instituted Liberation Law revisions in an attempt to quickly clear overloaded dockets. The mechanism to which he referred, known as the “B II Procedure,” was intended to expedite proceedings in specified presumptive Class II (offender) cases. According to Griswold, however, public prosecutors had been employing the new process much too broadly, indeed in his view “automatically” and without adequate investigation into respondents’ actions during the Nazi period. “It appears quite evident that the main object of all public prosecutors and of the tribunals,” he concluded, “is to dispose of the whole backlog of cases they still have as quickly as possible by means of this new speed-up procedure, and to be if possible the ones who can as the first in the race report completion of their task.”⁵⁸⁶

Griswold’s reference to a “race” to wrap up tribunal proceedings bears out critiques that policy changes in the American zone substantially undercut denazification efforts.⁵⁸⁷

⁵⁸⁵ Letter, F.E. Sheehan to Minister President of Hesse, Verfahren gegen internierte vor Spruchkammern ihres Wohnsitzes (translated copy), 20 Jan 48, HHStAW 501/1205. Sheehan suggested that implementation authority be delegated to the Minister for Political Liberation. In the event of a labor camp sentence, however, the affected individual was to be returned to the camp at Darmstadt. See also Letter, Teitelbaum to Oppenheimer, “Transferring Internees to Home Tribunals for Trial,” 29 Apr 48, HHStAW 501/739.

⁵⁸⁶ Letter, Griswold to OMGH Denazification Division, “Revised B II Procedures as carried out by Public Prosecutors,” 2 Mar 48, NARA RG 260 OMGUS, OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1118, F: Darmstadt Field Advisor Report. On B II Procedure, see also Letter, Robert W. Bruce (OMGH Asst. Executive Officer), “Revised Procedure under Amendments to the Law for Liberation from National Socialism and Militarism,” 20 Jan 48, NARA RG 260 OMGUS, OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Field Instructions Jan 48-Dec 48 (5).

⁵⁸⁷ MG had actually recently expanded the BII-Procedure “in order to complete the denazification program...without further delay.” Anyone in presumptive Class II was now eligible to be charged in Class IV regardless of date of entry, ranks or positions held in the NSDAP, with the exception of members of organizations deemed criminal by IMT and those against whom specific incriminating evidence warranted higher classification under the Liberation Law. Letter, Robert W. Bruce, Revised Denazification Procedures under Amendments to the Law for Liberation from National Socialism and Militarism, 20 Jan 48, NARA RG 260 OMGUS, OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Field Instructions Jan 48-Dec 48 (5).

His cautions clearly indicate the extent to which, in many ways, the push to complete the program eclipsed the entire process. On 24 March 1948, in fact, Yakoubian reported to Newman that, “the rate of completion of trials for the first half of March already shows a 250% increase over the rate of the month of January. However, the rate of progress being made is still insufficient to accomplish a new deadline sought by OMGUS.” Yakoubian advised Newman that the Denazification Division was about to introduce “a further expedited procedure” in order to decrease internee cases from the current total of 2,600 to 1,250; Class I cases from 2,580 to 1,800; and normal Class II cases from 31,000 to 4,500—by the target date of 1 May 1948. “The unusual pressure being exerted on denazification at present is well shown by the fact that a growing resistance has arisen on the part of Germans to further white-wash incriminated Nazis.”⁵⁸⁸

Proposed by the *Länderrat* and enacted on 25 March 1948, the second amendment to the Liberation Law permitted Public Prosecutors discretion to “allocate to the group of lesser offenders or followers those persons against whom the evidence does not appear to suffice to sustain a [higher] charge.” In addition, the new provisions enabled tribunals to suspend the impositions of sanctions or period of probation if warranted by the respondent’s conduct. This option was also available in the event that “the sanctions which must be imposed in accordance with the finding [were] disproportionate to the personal and economic sanctions to which the respondent [had] been previously subjected.” In promulgating these new guidelines, OMGUS Adjutant General Lieutenant Colonel G.H. Garde emphasized that a

⁵⁸⁸ Letter, Yakoubian to Newman, Status of Denazification Program, 24 Mar 48, NARA RG 260 OMGUS, OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1114, F: Office Memorandum. Speaking of the expedited procedures already underway, Yakoubian indicated that the “B2 procedure included approximately 128,000 presumptive Class II persons. If present plans continue,” he further noted, “this number should increase by an additional 26,000.”

rapid conclusion to denazification was “essential” to meeting Military Government objectives. Moreover, he relayed Clay’s direction that L&S offices contact public prosecutors and tribunals to assist in selecting the “relatively few heavily incriminated cases to be tried formally and the disposition of the remainder under the expedited procedure.”⁵⁸⁹

The additional acceleration process Yakoubian had mentioned to Newman was released to Special Branches on 25 March 1948. OMGH Assistant Executive Officer Robert W. Bruce outlined a number of particularly sweeping changes, but began by pointing out that Hesse was “authorized to retain a limited number of unprocessed cases of heavy incrimination as of 1 May 1948.” These quotas, he continued, were to be allocated among the various *Kreise* (counties). Additionally, the recently completed calendars of more heavily incriminated cases were to be used “as a guide from which to select cases warranting trial.” The remaining proceedings, Bruce instructed, “should be made eligible for the expedited procedure.” Effectively, the concurrent processes of establishing quotas and segregating cases, which were to be worked out down to the tribunal level, placed a limit on the number of proceedings that could be initiated against community members who had been influential Nazis or were otherwise heavily incriminated. The singling out of cases to be pursued was to take precedence over other activities and, once this was done, “all emphasis [was to] be placed upon clearing up the cases not segregated for trial.”⁵⁹⁰

⁵⁸⁹ For text of the amendment, see OMGUS Letter (signed Garde), “Expediting Completion of Denazification Trials in the US Zone (with attachments), 27 Mar 48, NARA RG 260 OMGUS, OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Field Instructions Jan 48-Dec 48 (5). For a brief description of the changes, see OMGUS, CAD Rpt, “Denazification, Cumulative Review, 1 April 1947-30 April 1948,” No. 34 (1948), 10, <http://digital.library.wisc.edu/1711.dl/History.Denazi>.

⁵⁹⁰ Letter, Robert W. Bruce, Revised Special Branch Procedure, 25 Mar 48, NARA RG 260 OMGUS, OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Field Instructions Jan 48-Dec 48 (5). Coupled with Yakoubian’s 24 March 1948 letter, Bruce’s instructions suggest that OMGUS precipitated the “race” to complete proceedings.

According to Bruce's letter, Special Branch Offices, such as the one where Griswold was assigned, were to assist OMGH Field Advisors and tribunals in clearing up cases. Until 1 May 1948, in fact, the offices were to refrain from conducting any investigations. Thereafter, inquiries would be restricted to the segregated cases described above. The D&E system was henceforth suspended. The Ministry for Political Liberation would handle any such reports remaining in the pipeline, "without the necessity of returning them to the originating Special Branch Office." In addition, German officials now had the authority to overturn previously disapproved downgrade proposals. Erroneous amnesty decisions would not be corrected except in cases of heavy incrimination. Bruce made clear that the provisions detailed in the letter applied to internees. Moreover, public prosecutors now had the authority to downgrade cases involving members of organizations declared criminal by the IMT to Lesser Offender or Follower without seeking approval. "No objections to the charge or decision," Bruce wrote, "will be raised by Military Government."⁵⁹¹ On 5 April 1948, Bruce announced that those members of organizations declared criminal by the IMT not already detained were no longer subject to automatic arrest. Public prosecutors and tribunals could, however, intern them on the basis of Article 40 of the Liberation Law.⁵⁹²

In a move that unquestionably signaled to Hessian officials the American pullback from denazification efforts, on 7 May 1948 Newman advised Minister President Stock that

⁵⁹¹ Ibid. A hand-written comment indicated that Class I cases were not subject to such downgrading.

⁵⁹² Letter, Robert W. Bruce, Revised Internment and Labor Camp Procedure, 5 Apr 48, NARA RG 260 OMGUS, OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Field Instructions Jan 48-Dec 48 (5). Selective withdrawal of automatic arrest criteria did not apply to those already confined. Among other changes relayed by Bruce, persons sentenced to labor camp were no longer required to be immediately transferred. This could wait until the sentence became final, and longer in the event of an appeal. Article 40 of the Liberation Law empowered tribunals to issue interlocutory orders and, in particular, to order the arrest and confinement of the respondent. See Law for Liberation from National Socialism and Militarism (annotated version), 5 Mar 46, OMGUS, CAD Rpt, "Denazification, Cumulative Review, 1 April 1947-30 April 1948," No. 34 (1948), 72-72, <http://digital.library.wisc.edu/1711.dl/History.Denazi>.

Military Government Law No. 8 was rescinded. Moreover, with the number of chargeable cases yet to be tried under the Liberation Law reduced to the “proportionally few heavily incriminated and leading Nazis,” the D&E system was terminated. OMGH would no longer reassess tribunal decisions, except in situations where new evidence became available or that involved significant errors. Such instances would be brought to the MPL’s attention in writing. Newman closed by stressing that German authorities would handle—and that Military Government would not examine—remaining cases.⁵⁹³

Military Government correspondence during this timeframe, particularly with regard to the *Lagerspruchkammern*, shows a clear tension between desire to speed up cases and concerns of being too lenient. Among several items described in the OMGH Denazification Division’s weekly diary from 18-24 June 1948, for example, Deputy Division Chief Roger E. Reynolds wrote that, “[r]eview of the recent decisions made by the tribunals in the Darmstadt Camp has revealed that several chairmen and Public Prosecutors seem to be extremely lenient in the disposition of cases before tribunals. As the MPL contemplates a large reduction in personnel in the near future, they are strongly advised that use of such persons in future operations should not be considered in the interest of efficiency.”⁵⁹⁴

In mid-June 1948, Teitelbaum reported to OMGH Director Newman that 3,113,423 individuals in Hesse had registered under the Liberation Law and that 899,321 of them had been deemed incriminated. The majority of these persons fell under provisions of the

⁵⁹³ Letter, Newman to the Minister for Political Liberation, Politik der Militärregierung in Entnazifizierungsangelegenheiten (translation), 7 May 48, HHStAW 501/53.

⁵⁹⁴ Roger E. Reynolds, “Week of 18-24 June 1948,” NARA RG 260 OMGUS, OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Weekly Diary. Teitelbaum voiced these concerns to the Ministry soon thereafter, at a time when the number of camp tribunals had been reduced to eight and further downsizing was in the offing. In particular, he stressed the need “for getting rid of some of the weak men and appointing to positions men who have proved their caliber.” Letter, Teitelbaum to MPL, Status of Darmstadt Camp Tribunal Personnel, 30 Jul 48, HHStAW 501/19.

amnesty granted by General McNarney in December 1946, leaving 162,000 cases to be tried by *Spruchkammern*. “Thus,” Teitelbaum continued, “5.33% of the adults in Hesse were required to be tried and placed under employment sanctions. It would appear, therefore, that the claims made that industrial recovery was held up by denazification, are certainly gross exaggerations.” Such conclusions reflected an effort to address key criticisms of denazification, take stock of what had been accomplished, and come to terms with the program’s limitations. According to Teitelbaum’s assessment, for example, many of the 1.19% of Hessian adults subject to labor sanctions “were never more than ordinary laborers. A summary of their experiences and employment prior to the Nazi seizure of power shows that the vast majority of active Nazis were never more than common laborers or at best lower middle class employees.” In spite of noting that more individuals charged under the Liberation Law had been placed in Class V than I or II, he indicated that “undoubtedly many of the leading activists in the Nazi Party movement had been punished.”⁵⁹⁵

The increasing momentum and concomitant inequities of the push to wind up denazification were immediately evident at *Internierungslager Darmstadt*, where by mid-1948 the number of internees had dropped to less than one thousand. On 14 May Denazification Field Supervisor Eugene L. Weyland wrote, “The Darmstadt Camp Trial Tribunals are now in a period of transition. The expedited phase is now virtually completed with a ‘hard core’ of approximately 870 persons left to be tried.” He also described the deleterious impacts of accelerated procedures on internee cases:

⁵⁹⁵ Letter, Teitelbaum to Newman, 15 Jun 48, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1114, F: Office Memorandum. Significantly, he advised Newman that 10,000 trials—against those “more highly incriminated”—were still pending.

The fact that Military Government no longer exercises close supervision over tribunals [sic] decisions and the fact that cases involving less formal incrimination were permitted to be disposed of quickly through very cursory written and oral hearings without witnesses, has had a markedly deteriorating effect on the quality of the Spruchkammer results. There were some cases jammed through in the past few weeks which were entirely inequitable.⁵⁹⁶

As of 12 July 1948, the combined population of the civilian internment and labor camps in Hesse was 1,039 (470 internees and 569 serving labor camp sentences).⁵⁹⁷ Over the next several days (12-17 July), camp tribunals finalized a total of twelve cases: 1 was found to be in Group I; 8 in Group II; 2 in Group III; and 1 in Group IV.⁵⁹⁸ In a telling statement that underscored one of several ways inequities crept into *Lagerspruchkammer* proceedings, Weyland reported that tribunals had begun routinely taking length of internment, which often exceeded the duration of labor camp sentences, into account. “Thus,” he explained, “a decision ordering a labor camp sentence may be less severe than a decision ordering *Sonderarbeit*.”⁵⁹⁹ The latter, which literally translates as “special work,” was a form of prescribed service toward reconstruction similar to work performed by those in labor camps, but with the intended lesser severity associated with not being confined. Weyland gave the following example to illustrate his point:

⁵⁹⁶ Letter, Eugene L. Weyland to Roger E. Reynolds, “Weekly Report on Denazification, 14 May 48, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Weekly Diary. The figure of 870 refers to civilian internees and does not include labor camp population.

⁵⁹⁷ Eugene L. Weyland, Weekly Report to Denazification Division, 15 Jul 48 [Hereafter Weyland Weekly Report to Denazification Division with date], NARA RG 260 OMGUS, OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Weekly Diary. Weyland participated in a course at the Military Intelligence Training Center at Ft Ritchie from July 1944 to February 1945 and was subsequently assigned to the Intelligence Division of Seventh Army. He moved to the OMGH Denazification Division in October 1946. In late April/early May 1948, he replaced Didlo as liaison in the camp. Teitelbaum to Didlo (through Sheehan), “Letter on Separation,” 24 May 48 and Letter, Reynolds to Acting Director OMGH Personnel Division, 30 Apr 48, NARA RG 260 OMGUS, OMGH Civil Administration Division, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1114, F: Office Memorandum.

⁵⁹⁸ Weyland, Weekly Report to Denazification Division, 23 Jul 48.

⁵⁹⁹ Weyland, Weekly Report to Denazification Division, 15 Jul 48.

This internee was given a two year labor camp sentence, but his confinement from 8 May 1945 more than cancelled this sanction, leaving him with a DM 100.— fine and the usual sanctions provided by Paragraphs 4-10 of Article 16.” This person was a member of the NSDAP since 1930, and was an OGL, Oberabschnittsleiter, HJ Bahnnfuehrer from 1943-1945, Kreisjaegermeister, Gauschulungsleiter, Gauredner, Reichsstosstruppredner, and member of the NSLB since 1931 (Reichshauptstellenleiter 1934-1941). He was a teacher by profession and held the position of Oberstudiendirektor and held the rank of Oberregierungsrat. In 1933 he was the Leiter of the Thueringische Staatsschule fuer Fuehrertum und Politik. There are some local statements which indicate estrangement with the local Gauleiter but this person’s political activities are sufficient evidence for the insignificance of his enmity. He is characterized by the Antifa-Block of Bad Berka as one of the original Nazi founders and as an active Nazi big wheel (Erster Motor!)

The activities of this ardent Nazi were largely confined to the institutions and organizations which propagandized Nazi philosophy and doctrines to the German youth and he is undoubtedly responsible for the indoctrination of many young persons. It does not seem fair that this person should be released without any considerable disadvantages [sic] while others are asked to perform Sonderarbeit or continue their stay in an Arbeitslager.⁶⁰⁰

The dissolution of *Internierungslager Darmstadt* was completed two-and-a-half months later, via a sequence of steps that fell within the parameters that had been set by OMGUS, and after several exchanges between Teitelbaum and the Ministry’s Chief Public Prosecutor, *Oberregierungsrat* Oppenheimer. On 30 August 1948, Oppenheimer notified *Berufungskammern* in eight locations that he had ordered the transfer of a large number of civilian internees from the camp at Darmstadt to their home communities for trial. With the camp slated to close at the end of September, these cases were to take precedence over those against other respondents. Oppenheimer directed the tribunals to promptly notify him of the number of proceedings against internees that would not be decided by 30 September and to

⁶⁰⁰ Weyland, Weekly Report to Denazification Division, 15 Jul 48. In the same report, Weyland indicated that he had met “with the president of the camp tribunals to inform him that several recent decisions have been too lenient and to object to certain administrative practices that have been left in the hands of internees.” He also highlighted the tribunals’ practice of accepting “letters and other mitigating documents” certified by “internee ‘judges’” as true copies of originals.

identify individuals whose continued detention appeared appropriate.⁶⁰¹ On 6 September, Oppenheimer proposed to the Denazification Division that, along with the closure of *Internierungslager Darmstadt*, automatic arrest be fully revoked at month's end. Internees whose continued detention was warranted would be held under Article 40 of the Liberation Law. All others would be released. Teitelbaum responded three days later, indicating that he was "completely in accordance with [Oppenheimer's] proposal."⁶⁰²

By 12 September 1948, Hesse's combined civilian internment and labor camp population had dropped to 714 and included: 220 internees, 323 individuals with finalized labor camp sentences, and 171 who were being held under Article 40. Weyland notified the Denazification Division of the Kassel Labor Camp's planned dissolution on 1 November 1948. The enclosure at Darmstadt would remain "as the only labor camp in Hesse. This move," he continued, was "contemplated to reduce the costs of maintenance. An agreement has definitely been reached with the Darmstadt city government to employ the labor camp inmates for rubble removal." The labor camp administration was to "be turned over to the Ministry of the Interior about 1 December 1948."⁶⁰³

⁶⁰¹ Oppenheimer an den öffentlichen Kläger der Berufungskammer (Dst., Ffm., Wbd., Fulda, Giessen, Marburg, Kassel, Fritzlar), 30 Aug 48, HHStAW 501/739. One week earlier, Oppenheimer had secured Teitelbaum's agreement that previous automatic arrestees who had been sentenced to labor sanctions "should be released unless they [were] held under interlocutory orders." Letter exchange, Oppenheimer and Teitelbaum, Automatic Arrest/Automatischer Arrest, 16 and 23 Sep 48, HHStAW 501/739.

⁶⁰² Letter exchange, Oppenheimer to Denazification Division, 6 Sep 48; and Teitelbaum to Oppenheimer, Termination of Darmstadt Internment Enclosure (with translation), 9 Sep 48, HHStAW 501/739. Oppenheimer notified the lead public prosecutor at *Internierungslager Darmstadt*, the *Landesamt für Arbeits- und Internierungslager*, Hessian tribunals, and other departments in the Ministry for Political Liberation that effective 1 October 1948, individuals would no longer be held on the basis of automatic arrest. He reiterated that in cases of flight risk or where evidence might be suppressed (*Flucht- oder Verdunklungsgefahr*), the responsible public prosecutor should order continued detention under article 40. See Oppenheimer, Automatischer Arrest, 13 Sep 48, HHStAW 501/739.

⁶⁰³ Weyland, Weekly Report to Denazification Division, 16 Sep 48. Weyland further noted that, "51 persons were released in the week 6-12 September of which 31 were released without trial, and 20 with trial."

Weyland announced the closure of *Internierungslager Darmstadt* in his 30 September 1948 weekly report. “Effective 2400 hours this date the internment phase of Land Hesse will be concluded.” Remaining internees would be released, with the exception of 95 who would be “held on request of Hesse Appellate Tribunals under the provisions of Article 40.”⁶⁰⁴ On 1 October 1948, Special Branch offices in Hessen were closed. With this, the denazification functions of Military Government were officially scaled back to observing and reporting.⁶⁰⁵ Meanwhile, the Ministry dissolved the *Landesamt für Arbeits- und Internierungslager*, creating instead a section charged with overseeing labor camps known as *Referat VII, Lagerleitung der Arbeitslager*.⁶⁰⁶

Distilling the efforts of the last twenty-three months to two tabular numerical snapshots, Weyland compared actual findings with classifications originally requested in the 9882 cases considered by Darmstadt camp tribunals (Tables 7 and 8). Over 85% of respondents were initially placed in the first two categories, thus illustrating the extent to which the presumption of guilt applied to internees’ cases. As in tribunals elsewhere, however, the results otherwise show a clear trend toward downgrading cases. Over 44% of findings were Group III (Lesser Offender), for example, in spite of the fact that only 7% of internees were originally charged in that category.

⁶⁰⁴ Weekly Report, Eugene L. Weyland to OMGH Denazification Division, 30 Sep 48, NARA RG 260 OMGUS, OMGH CAD, Rpts & OTR Recs of the Denazification Branch, 1946-48, Box 1115, F: Weekly Diary.

⁶⁰⁵ For mention of this upcoming change, OMGH Denazification Division Weekly Diary, 23 July through 29 July, OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115, F: Weekly Diary.

⁶⁰⁶ Weekly Report, Eugene L. Weyland to OMGH Denazification Division, 26 Aug 48, NARA RG 260 OMGUS, OMGH CAD, Rpts & OTR Recs of the Denazification Branch, 1946-48, Box 1115, F: Weekly Diary.

Table 7: Classifications Requested by Prosecutors, *Internierungslager Darmstadt*

Category	Number	Percentage of Total
Group I	1938	20.1
Group II	6504	65.8
Group III	692	7.0
Group IV	84	.9
Group V	9	.1
Not Affected by Law	610	6.2
Total	9882	100

Source: Weekly Report, Eugene L. Weyland to OMGH Denazification Division, 30 Sep 48
OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115,
F: Weekly Diary.

Table 8: Summary of Camp Tribunal Findings, *Internierungslager Darmstadt*

Category	Number	Percentage of Total
Group I	178	1.8
Group II	1505	15.5
Group III	4401	44.6
Group IV	1164	11.8
Group V	142	1.4
Christmas Amnesty	167	1.7
Youth Amnesty	666	6.8
Not Affected by Law	622	6.3
<i>Suehnebescheide</i>	1037	10.5
Total	9882	100

Source: Weekly Report, Eugene L. Weyland to OMGH Denazification Division, 30 Sep 48
OMGH CAD, Rpts and OTR Recs of the Denazification Branch 1946-48, Box 1115,
F: Weekly Diary.

Conclusion

During an address over Munich radio on 7 August 1947, Chief of OMGB Special Branch William E. Griffith spoke to the German public about the need to accelerate denazification. Interestingly, his remarks took place within two days of the closed-door meeting during which Clay agreed to concessions upon which the October 1947 amendment was later based. *New York Times* correspondent Kathleen McLaughlin described the speech, which Griffith delivered in German, in an article titled “Germans Spurred to Try ‘Big

Nazis.”” According to her report, without question, the tandem thrusts of the remarks were, first, that denazification must be completed “at the earliest possible moment” and, second, that the main responsibility for the program rested in German hands. In order to move forward, state officials needed to increase tribunal staffs as well as the rate of processing cases. “Only thus,” Griffith stressed, “could a reasonably prompt conclusion be brought to the task facing the German people—of ridding its budding democracy of ‘the political and social ruins of National Socialism and militarism.’”⁶⁰⁷

Griffith’s speech articulated the Military Government viewpoint on a number of issues with which American and German authorities grappled beginning in the spring of 1947. He explained, for example, that the high incidence of escapes from civilian internment camps had made “assignment of a Military Government supervising officer” necessary. He sought to debunk the popular belief that Military Government wanted to prolong the denazification program as a way “to harass and persecute the German people.” Rather than lesser ranking party members, he insisted, “we are interested in catching the big Nazis, the activists, those who enthusiastically furthered and supported the Nazi tyranny.” Moreover, consistent with the goals laid out by the CFM in Moscow, American officials stood ready to “assist the German authorities to concentrate their efforts on these cases.”⁶⁰⁸

Closely examining developments surrounding the wind up of denazification reinforces the point that Cold War considerations played a key role in the decision to accelerate the program. Moreover, the trajectory of policy changes from mid-1947 to late 1948 reveals the extent to which Military Government simultaneously pushed toward the two pillars of Griffith’s address—rapidly completing the program and placing more

⁶⁰⁷ Kathleen McLaughlin, “Germans Spurred to Try ‘Big Nazis,’” *NYT*, 8 Aug 47, 4.

⁶⁰⁸ *Ibid.*

responsibility in the hands of German authorities. In the case of Hessen, this is especially clear from the fact that denazification was being drawn down even as the Ministry was still ramping up to meet the demands of the program. Although key revisions such as the October 1947 amendment reflected the resolution of longstanding disagreements between American and German authorities, on the whole, this breakthrough was eclipsed by the increasing speed with which policy adjustments were carried out.

Conclusion:

THE CAMP WILL ‘FINALLY BE ERASED FROM THE VIEW OF OUR CITY’: SHORT- AND LONG-TERM LEGACIES OF ARREST POLICIES

In mid-September 1949, a local newspaper announced that the *Frauenarbeitslager* at Darmstadt was about to be dissolved, following impending release of three women who had served their sentences. The two remaining female detainees would be moved inside the men’s compound. Moreover, the barracks that “for some time” had been occupied by these last five women would soon be handed over to the Protestant Relief Organization, which had already begun using the other quarters to set up a refugee camp for expellees from Hungary. “With that,” the *Darmstädter Echo* proclaimed, “the women’s labor camp...will finally be erased from the view of our city.” The newspaper also explained that “widely circulating rumors about alleged closure of the men’s labor camp” were inaccurate. This area would, however, be further reduced through accelerated probationary parole of those who were close to completing their sentences and deemed eligible.⁶⁰⁹

Printed just days before newly elected Chancellor Konrad Adenauer’s first *Regierungserklärung* (policy statement to parliament), this countdown to ultimate erasure of the barbed wire compound reflected an unmistakable forward-looking inclination that accompanied the Federal Republic’s founding and end of military occupation.⁶¹⁰ The staff of

⁶⁰⁹ “Frauenlager verschwindet endgültig,” *Darmstädter Echo*, 16 Sep 49. A clipping of this article can be found in HHStAW 501/19.

⁶¹⁰ Herf noted that the summer 1949 federal elections “produced a Bundestag with a solid majority in favor of launching democracy in post-Nazi Germany without careful scrutiny of Nazi-era crimes.” Herf, 270-271.

the *Darmstädter Echo* was not alone in anticipating the enclosure's complete shutdown. On the whole, developments during the preceding year-and-a-half were characterized by local and state officials' strong belief that *Lager Darmstadt* had outlived its purpose. This manifested itself in a number of ways, most notably, through close scrutiny of resource expenditures and a concerted push to reduce personnel as well as the compound's physical footprint.⁶¹¹ Ironically, after June 1948 currency reforms, administrators' unsuccessful attempts to keep inmates gainfully employed at wages comparable to those prevalent in the German economy heightened the camp's perceived and actual inefficacies. Expressing his dissatisfaction on the matter to the Ministry for Political Liberation in August 1948 Teitelbaum wrote, "I am sure that you will agree that even unpaid work from which the Ministry derives no income would be better than idleness for these individuals."⁶¹²

By early 1949, Hessian officials had not only set plans in motion to repurpose the facilities in the compound for activities such as the Ministries of Finance and Justice as well as local government offices, but also briefly considered the option of moving the labor camp to the former ordnance works (*Munitions-Anstalten*) in Allendorf.⁶¹³ At year's end, administrators reported a total population of 128, but indicated that through early releases they expected to have that number down to 108 in roughly four months.⁶¹⁴ Meanwhile,

⁶¹¹ For example, Hessisches Staatsministerium, Der Minister der Finanzen an den Herrn Minister für politische Befreiung, Betr: Interniertenlager Darmstadt, 8.10.1948 and Ref. VII Lagerleitung d. Arbeitslager to Minister for Political Liberation, Im Lager vorhandene Werte an Geräten, Kfz. usw., 8.10.1948, HHStAW 501/19.

⁶¹² Letter, Teitelbaum to MPL, Kassel Labor Camp, 23 Aug 48 HHStAW 501/19. Teitelbaum noted that only 55 out of 190 inmates from the labor camp at Kassel, which was closed the following December, had been employed on labor projects that day.

⁶¹³ Ref. C – VI – Lagerleitung des Arbeitslagers an die Abtlg. C/IV Min. f. pol. Befr., Interniertenlager Darmstadt, 22 Mar 49, HHStAW 501/19; and 2a Haushalt and das Staatsbauamt, Darmstadt, Projekt Allendorf, 8 May 49, HHStAW 501/739.

⁶¹⁴ Abt C VI - Lager Darmstadt an das Min. f. pol. Befr., Der Oberste Kläger, Zahlenmäßiger Stand der Arbeitsinsassen am 1.5.50, HHStAW 501/19. The releases described in this letter were roughly 3 months early.

officials in Württemberg-Baden had already closed that state's last labor camp. The small number of persons serving sentences in Bavaria had been moved to a prison at Eichstätt.⁶¹⁵

During the Hessian enclosure's final months, the *Kasseler Post* featured remarks from one of the fifty inmates left—prefaced by editorial comments that read, “today we remember those who are forgotten at Darmstadt by reproducing a letter sent to us by an internee.” The individual in question deployed many of the same rhetorical strategies used in earlier internee correspondence, such as emphasizing that few of the inmates had been high-ranking Party members. Making references to human rights, he attempted to cast himself and his fellow internees as victims. More tellingly, he sought to associate the topic of release for remaining labor camp inmates with ongoing political debates over issues related to denazification and transitional justice. Those still inside the barbed wire at *Lager Darmstadt*, he stressed, awaited the end to “the dark chapter of denazification” and the possibility to be set free.⁶¹⁶ That opportunity came when the compound was officially dissolved on 31 October 1950, thus removing the camp from the local landscape.⁶¹⁷

The fact that the Federal Republic was able to withstand pressures such as those associated with the heated parliamentary debates described above, even during its embryonic phases, stands in stark contrast to the highly fractured political culture of the late Weimar period. To what extent, however, did the mass arrests carried out in the aftermath of the

⁶¹⁵ Griffith, 760.

⁶¹⁶ “Ein Notruf aus dem Lager Darmstadt. Auch hier: Warum sitzen sie noch?” *Kasseler Post*, 23 Jun 50, HHStAW 501/739. See also Frei, 141. Frei described the “high degree of rhetorical and legislative confusion” that by 1950 resulted from “the German effort to help war prisoners, ‘Germans imprisoned abroad,’ war criminals in Allied military prisons, persons condemned in *Spruchgerichte*, interned persons, ‘fellow travelers,’ and ‘minor Nazis.’”

⁶¹⁷ Schuster, 390-391.

Third Reich's collapse contribute to occupation aims and West Germany's transition from the Nazi dictatorship to a functional, pluralistic democracy?

A Necessary Quarantine

The civilian internment program was part of a specific Allied response in the first postwar years to an array of interrelated challenges associated with embarking on the occupation as well as creating the environment for enduring political, social, and cultural change. These difficult tasks included restoring order and quashing potential threats to Allied forces as well as the populations under their control; meting out punishment to those deemed responsible for the gruesome crimes committed under the Nazi dictatorship; and, in time, putting a web of rehabilitative mechanisms in place. In spite of significant interdepartmental and interallied disagreements over issues such as how to delimit arrest criteria, from the outset American policymakers conceived of the expansive detention of presumably ardent Nazis as necessary to achieving all three of these objectives. Indeed, the use of arrests as a transformative mechanism was clearly and openly discussed as early as April 1945 during final deliberations over JCS 1067—the post-defeat policy directive that, along with Morgenthau, has come to embody the punitive approach in postwar scholarship.

The wide-scale arrests in 1945 contributed to the success of the occupation and the Federal Republic's postwar transition by establishing security, ensuring some degree of punishment, and helping to open space in which a new system could take hold. One aspect of a set of processes that Hans Woller described as a “political-moral quarantine...during the first, very uncertain years after Hitler,” this drastic measure served important functions

within and beyond Germany.⁶¹⁸ From the perspective of the occupiers, bringing the reality of defeat home to the German people was certainly a key component of this, especially given initial perceptions that innate propensities toward nationalism and militarism had led to a second devastating war and needed—once and for all—to be stamped out. Moreover, the search-and-screening operations conducted in the months immediately surrounding German surrender leave little doubt that, as they undertook the occupation, American military leaders afforded very heavy weight to locating war crimes suspects and ensuring security. Their concerns were motivated by the possibility of resistance, and on a broader level, by potential vulnerabilities associated with the transition from combat to a military government structure. The dragnets isolated many of those most likely to disrupt this critical endeavor and inhibited others who managed to evade arrest from openly supporting resurgent Nazism or militarism.

American authorities' move away from thoroughgoing sweeps to more selective use of arrests in the fall of 1945 reflected their assessment that organized resistance was not likely and that security, while an ever-present consideration, had become less of an overriding concern. This alteration coincided with several key policy adjustments that signaled a distinct change in occupation priorities toward laying the foundations for the revival of democracy. Organizationally, these included the establishment of the three *Länder*, the October 1945 installation of OMGUS and military government detachments' phased pullback from directly supervising local administrations.

While the arrests helped open space for democratic reform by temporarily isolating significant numbers of those who comprised core segments of the Third Reich, they were clearly inequitable. Moreover, the civilian internment program itself created a number of

⁶¹⁸ Hans Woller, "Germany in Transition from Stalingrad (1943) to Currency Reform (1948)," in *America and the Shaping of German Society, 1945-1955*, Michael Ermath ed. (Providence, 1993), 34.

daunting challenges for American authorities as well as the Germans who entered the postwar political arena. In terms of logistical problems, this is most easily discernible first, during the fall of 1945, when detentions quickly outpaced Army abilities to establish camps; and second, during the severe winter of 1946, after German officials took control of the enclosures and struggled to meet the demands associated with running them. The repercussions of these issues alone would be enough to help explain the frustrations that surrounded the program, but it was persistent logjams in effecting releases—coupled with the fact that arrest categories did not adequately discern between individual degrees of sympathy for the Nazi Party—that proved to be most problematic. Indeed, by the time Clay signed the March 1946 legislation approving the transfer of denazification and civilian internment to German officials, experience had begun to reveal the many defects of arrest categories.

On an individual level, the short-term legacies of the arrests were largely a matter of perspective and experience—conditioned by factors such as reason for and length of internment as well as difficulties in reestablishing oneself in the society that had begun to coalesce on the other side of the barbed wire. On a wider scale, the immediate response was one of frustration and disappointment—as illustrated by the fact that public support for the broader denazification program had plummeted by the end of the occupation, not to mention the chord struck by Ernst von Salomon’s semiautobiographical representation, *Der Fragebogen*.⁶¹⁹ Published in 1951, the deliberately provocative and accusatory book sold a somewhat surprising 200,000-plus copies. As the title suggests, Salomon sought to criticize denazification and the formulaic notion that a series of 131 questions could be used as an indicator of degree of support to the Third Reich. However, it was the book’s final 200-page section in which he recounted his “automatic arrest” and internment that, in the words of

⁶¹⁹ On the sharp drop in support for denazification, see Merritt, *Democracy Imposed*, 198.

literary scholar Gregor Streim, elicited “the most violent public reaction.”⁶²⁰ While this response did not necessarily signify approval of Salomon’s general evaluation, his polemic did include mention of specific details that sparked resentment, such as association of the counterintelligence corps with the Gestapo.

Owing to its inequities, not to mention the many administrative and practical failings described in this study, contemporary frustrations over the way civilian internment was carried out have overshadowed recognition of the program’s long-term benefits. The case of Hessen illustrates that the process of confronting large groups of people for their activities during the Third Reich prompted changes in discourse and behavior toward at least outward acceptance of reforms. Internee correspondence, for example, repeatedly invoked the language of democracy and human rights, stressed a willingness to support reconstruction, and sought to establish distance from the Nazi regime. Disagreements with American authorities and political debates surrounding the camps meanwhile served as both catalysts and mechanisms for German officials to begin making their own assessments regarding how to strike a difficult balance between dealing with the past in order to shape the future. While debates centered on the extent to which socio-economic status or Party rank should factor into denazification efforts, Hessian officials also considered circumstances such as degree of exposure to Nazi indoctrination and adaptability to a liberal democratic society. These sorts of concerns, in particular, led them to focus on the need to prepare younger internees to be reintegrated into the society being reconstructed outside the barbed wire.

⁶²⁰ Streim, 33-34. Streim also noted, however, that unlike “the theme of war captivity...[internment] hardly played any role at all both in historiography and in the public discourse of the later Federal Republic...The memory of internment became a domain of military and National Socialist memoirs and their reception by right wing radicals.”

The quasi-judicial proceedings established under the Liberation Law provided a means for reintegration into society. Moreover, although camp tribunals became log jammed, as the program unfolded, civilian internment forced a continual process of review that included: the security boards charged with determining whether individuals were being incorrectly held; determinations made prior to the handover to German authorities to segregate those suspected of war crimes; identification of cases in which amnesties applied; assessments prompted by the IMT verdicts, and in the case of Hessen, Chief Public Prosecutor Oppenheimer's instructions upon termination of automatic arrest that tribunal staffs examine cases to determine instances in which continued detention was warranted. The extent to which successive reviews had been carried out, in fact, struck Kogon and Römhild during their inspection of *Internierungslager Darmstadt*, and led them to remark that the camp population had been "sifted many times over."⁶²¹

The trials of the 1950s and 1960s, and decades of *Vergangenheitsbewältigung*, attest to the limitations of such reviews. Moreover, they illustrate that events during the occupation should be viewed as one aspect of a much longer-term undertaking. In describing this period, Woller was certainly right in using the imagery of "seedlings" that, while starting "to grow here and there," needed to be "protected from the very beginning." Acknowledging factors such as American idealism and German resistance to occupation measures, Woller nevertheless stressed that "many of the positive possibilities inherent in the complex 'incubation' period, many of the promising starts that did not develop because of negative conditions, were still fostered by the American military government and in most cases put on

⁶²¹ Kogon/Römhild Report, 3.

the right track.”⁶²² This characterization not only reinforces the need for both American and German participation in the postwar transformative project, but also points to the fact that the period of military occupation was merely the beginning of that multifaceted undertaking.

For scholars of post-1945 Germany, particularly historians investigating the immediate postwar period, this dissertation suggests the importance of deconstructing the standard narrative of the American occupation, which holds that it was initially punitive and then as a result of a number of factors, transitioned to a rehabilitative strategy.⁶²³ Rather than sequential, these impulses overlapped and operated in tension with one another throughout the entire period under study. Indeed, the lines between them were frequently blurred. The extent to which Military Government authorities understood this at the time is certainly debatable, however, the handover of civilian internment camps to German authorities was an administrative attempt at the theater policy level to distinguish between the very different processes of ensuring security, pursuing justice, and fostering regime change.

In addition, detailed examination of state authorities’ efforts to assume responsibility for the camps offers a window into a host of underappreciated intricacies that confronted the Germans who entered the postwar political arena. While American authorities focused on establishing a democratic framework for processing tribunal cases, for example, state officials’ deliberations suggest that from their perspective the crux of the matter went much further than this to include the larger issue of when and how to reconstitute German society as part of the process of effecting an enduring transformation. Moreover, the writings of

⁶²² Hans Woller, “Germany in Transition from Stalingrad (1943) to Currency Reform (1948),” in *America and the Shaping of German Society, 1945-1955*, Michael Ermath ed. (Providence, 1993), 33-34.

⁶²³ In addition to Secretary of State James F. Byrnes’ September 1946 speech in Stuttgart, this view is based in particular on developments such as the July 1947 release of JCS 1779, which replaced JCS 1067.

those American Military Government participants such as Harold Zink who openly critiqued the denazification program during and after the occupation, coupled with internal debates over how to structure arrest policies, provide important counterpoints to Niethammer's Cold War inspired criticisms that automatic arrest criteria were a knee-jerk reaction to the possibility of resistance and the political purge a repressive military action on the part of the victors.⁶²⁴ Events that played out in the aftermath of the Third Reich's collapse, in the critical period before the Federal Republic's founding, were much less clear-cut than that.

Clearly a blunt, inequitable instrument when examined on a case-by-case basis, the wide scale arrests in late 1945 nevertheless collectively interrupted sociopolitical continuity at a critical juncture, creating the space in which democracy could take hold. Moreover, the debates that surrounded the camps spurred necessary deliberations regarding how to begin moving forward in the wake of a twelve-year fascist dictatorship. Therefore, the story of civilian internment is an essential supplement to the literature on denazification and to recent scholarship on postwar trials. It not only deserves more sustained and systematic study, but also larger space within the literature of the origins of the "democratic miracle" after 1945.

Ultimately, Alfred Strauss's November 1947 weekly report in which he cautioned that the camps might become the "last reservoirs of National Socialism" reflected the uncertainties—for Americans and Germans alike—of this fragile beginning. On the other hand, the fact that by this time his focus was already on the question of how to reintegrate those inside the enclosure at Augsburg into the democratic society that was beginning to take shape on the other side of the barbed wire is, in itself, quite remarkable.

⁶²⁴ Niethammer, *Die Mitläuferfabrik*, 258-259, 653-655; see also Horn, *Die Internierungs- und Arbeitslager in Bayern*, 241.

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