

UNIVERSITY OF SOUTHAMPTON
FACULTY OF LAW, ARTS & SOCIAL SCIENCES
School of Humanities

**A Liberal Turn? War Crimes Trials and West German Public Opinion
in the 1960s**

by

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ABSTRACT

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This dissertation focuses on the Nazi war crimes trials conducted in the Federal Republic of Germany during the late 1950s and 1960s as a medium for exploring popular West German responses to the legacy of National Socialism. Such trials offered important opportunities for people to confront the crimes of the Third Reich and enter into a more critical engagement with their recent past. This study, though, goes beyond highly-publicised acts of atonement conveyed by leading West German figures and explores instead the extent to which such sentiments were shared by 'ordinary' people at the grass roots level of society, drawing upon press reports and opinion poll data, as well as gaining unique access to examples of letters written by members of the public to the courts and public prosecutors. While war crimes trials were able to resonate far beyond the courtroom, attracting a vast degree of media attention, inspiring a host of cultural and commemorative activities and encouraging more people to speak out and relay their own memories of National Socialism, I contend that linear narratives of ever-greater engagement over time are too simplistic. Indeed, there remained a popular desire, as characterised by ongoing debates over the Statute of Limitations, to actually draw a final line under the whole Nazi era. Earlier post-war evasions and distortions persisted, with continuing tendencies to attribute Nazi atrocities to a radical sadistic few - distinct from the rest of the West German population - and to place a greater emphasis on German suffering rather than on the fate of Jews, Poles and other groups. Similarly, I demonstrate how generational responses were rather more complex than has been traditionally allowed, and highlight, through a series of regional case studies, how varying local political traditions also affected the ways in which people viewed the recent past.

CONTENTS

List of Illustrations.....	2
Author's Declaration.....	3
Acknowledgements.....	4
Introduction.....	5
Chapter One: <i>High Profile Trials: The Eichmann and Auschwitz Proceedings of the 1960s</i>	38
Chapter Two: <i>The 1958 Ulm Einsatzkommando Trial</i>	77
Chapter Three: <i>The Prosecution of Martin Sommer</i>	116
Chapter Four: <i>The Prosecution of Martin Fellenz</i>	155
Chapter Five: <i>War Crimes Trials in North Rhine Westphalia</i>	191
Conclusion.....	224
Bibliography.....	230

LIST OF ILLUSTRATIONS

Fig. 1: Graph to Show West German Attitudes to the Statute of Limitations and the Continuance of Nazi War Crimes Trials, 1958-1969.....	26
Fig. 2: Graph to Show the Placement of Articles on the Eichmann and Auschwitz Trials within West German Newspapers.....	43
Fig. 3: Graph to Show West German Public Opinion on the Eichmann Trial.....	67
Fig. 4: Graph to Show the Number of War Crimes Trials in West Germany in the 1950s.....	78
Fig. 5: Chart to Show the Results of West German War Crimes Trials, 1950-1957.....	79
Fig. 6: Chart to Show the Results of West German War Crimes Trials held in 1958.....	81
Fig. 7: Graph to Show Broad Local Responses to the Ulm Einsatzkommando Trial.....	102
Fig. 8: Graph to Show Responses to the Sommer Trial Based on Gender.....	135
Fig. 9: Graph to Show Popular Responses to the Nazi Past Based Upon Knowledge of the Sommer Case.....	136
Fig. 10: Graph to Show Popular Responses to the Nazi Past Based on Gender.....	137
Fig. 11: Graph to Show Responses to the Sommer Sentence Based on Wider Attitudes to the Nazi Past.....	138
Fig. 12: Graph to Show Responses to the Sommer Sentence Based on Present Political Affiliation.....	139
Fig. 13: Graph to Show Attitudes to the Nazi Past Based on Present Political Affiliation.....	140

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A Liberal Turn? War Crimes Trials and West German Public Opinion in the 1960s.

INTRODUCTION

The unceasing popularity of memory studies within academia has fostered an enormous volume of literature on the legacy of the Third Reich. Now, over sixty years after the collapse of National Socialism, virtually every aspect of post-war West German life has come under the scholarly microscope.

For many historians, the chief interest has lain with the physical legacy of Nazi rule. James Young has analysed the design, construction and meaning of Holocaust memorials within both German states, as well as in former Nazi-occupied countries such as Austria and Poland. His work underlines how different nations recall the past according to their own political traditions and experiences, and the way in which memories of the Holocaust have evolved over time.¹ Alongside this have come several explorations of the post-war history of some of the most infamous sites associated with the Nazi regime. Harold Marcuse's recent examination of how the former concentration camp at Dachau has become a centre for commemoration and education

¹ J.E. Young, *The Texture of Memory: Holocaust Memorials and Meaning* (New Haven, Connecticut: Yale University Press, 1993). See also: J. Spielmann, "Steine des Anstoßes: Denkmal in der Bundesrepublik Deutschland", *Kritische Berichte*, vol. 3 (1988) pp. 5-16; U. Borsdorf & H.T. Grüter eds., *Orte der Erinnerung: Denkmal, Gedenkstätte, Museum* (Frankfurt am Main: Campus, 1999); P. Carrier, *Holocaust Monuments and National Memory Cultures in France and Germany since 1989: The Origins and Political Function of the Vél d'Hiv in Paris and the Holocaust Monument in Berlin* (New York & Oxford: Berghahn, 2004); S. Milton, *In Fitting Memory: The Art and Politics of Holocaust Memorials* (Detroit, Michigan: Wayne State University Press, 1991); K. Nevermann, "Holocaust-Mahnmal und Gedenkstätten als Kristallisierungspunkte für die Erinnerungskultur in Deutschland", *Gedenkstätten Rundbrief*, vol. 96/8 (2000) pp. 3-10; C.A. Wiedmer, *The Claims of Memory: Representations of the Holocaust in Contemporary Germany and France* (Ithaca: Cornell University Press, 1999). For example of research on Holocaust memorials at a more local level, see H. Walden, "Das Schweigen der Denkmäler: Wie sich Hamburg des Kriegs entsinnnt", in P. Reichel ed., *Das Gedächtnis der Stadt: Hamburg im Umgang mit seiner nationalsozialistischen Vergangenheit* (Hamburg: Dölling & Galitz Verlag, 1997) pp. 29-46. More recently, there has been a spate of publications focussing on the construction of the Berlin Holocaust Memorial which has been dogged by controversy. Located between the Brandenburg gate and the site of Hitler's wartime bunker, the debates over this memorial have highlighted the way in which the very landscape of post-war Germany has become highly politicised and contested - see, for example, C. Leggewie & E. Meyer eds., 'Ein Ort, an den man gerne geht': *Das Holocaust-Mahnmal und die deutsche Geschichtspolitik nach 1989* (Munich: Hanser, 2005) and M. Haardt, *Zwischen Schandmal und nationaler Sinnstiftung: die Debatte um das Holocaust-Mahnmal in Berlin* (Bremen: Universität Bremen, 2001).

is a particularly pertinent example of this trend.² Other scholars, meanwhile, such as Gavriel Rosenfeld and Rudy Koshar, have analysed the reconstruction of various West German towns and cities after 1945, recording the highly politicised debates that arose with regard to the style of architecture to be adopted, the (re)naming of roads and important buildings and the very use of the physical space within local communities.³

The cultural legacy of the Third Reich has also been the subject of immense academic interest. Contemporary West German plays which sought to engage with the history of National Socialism during the 1950s and 1960s - such as Peter Weiss's *The Investigation* - have, in turn, spawned a canon of literature which seeks to place these compositions within a wider post-war theatrical context.⁴ Other examples of West German literature on the Nazi past such as the publication of survivor memoirs and Holocaust novels have received their own share of scholarly attention, as has the reception of some of the leading academic books of the immediate post-war period.⁵

² H. Marcuse, *Legacies of Dachau: The Uses and Abuses of a Concentration Camp, 1933-2001* (Cambridge: Cambridge University Press, 2001). See also: D. Hoffmann, *Das Gedächtnis der Dinge: KZ-Relikte und KZ-Denkäler, 1945-1995* (Frankfurt am Main: Campus, 1998) and J. Reilly, D. Ceserani, T. Kushner & C. Richmond eds., *Belsen in History and Memory* (London: Frank Cass, 1997). In a similar vein, the post-war history of sites closely associated with Nazi propaganda has also been studied. See, for instance, references to the former Nazi rally grounds in Nuremberg in N. Gregor, “‘The Illusion of Remembrance’: The Karl Diehl Affair and the Memory of National Socialism in Nuremberg, 1945-1999”, *Journal of Modern History*, vol. 75/3 (2003) pp. 628-630; and S. MacDonald, “Words in Stone? Agency and Identity in a Nazi Landscape”, *Journal of Material Culture*, vol. 11/1-2 (2006) pp. 105-126.

³ G.D. Rosenfeld, *Munich and Memory: Architecture, Monuments and the Legacy of the Third Reich* (Berkeley: University of California Press, 2000); R. Koshar, *From Monuments to Traces: Artifacts of German Memory, 1870-1990* (Berkeley: University of California Press, 2000). See also: B. Ladd, *The Ghosts of Berlin: Confronting German History in the Urban Landscape* (London: University of Chicago, 1997); S. Schama, *Landscape and Memory* (London: Harper Collins, 1995); M.Z. Wise, *Capital Dilemma: Germany’s Search for a New Architecture of Democracy* (New York: Princeton Architectural Press, 1998).

⁴ See, for example, R. Cohen, “The Political Aesthetics of Holocaust Literature: Peter Weiss’s *The Investigation* and Its Critics”, *History and Memory* vol. 10/2 (199) pp. 43-67; and C. Weiss, *Auschwitz in der geteilten Welt: Peter Weiss und Die Ermittlung im kalten Krieg* (St. Ingbert: Röhrg, 2000). For more general accounts of post-war German theatre and the Nazi past, see: A. Feinberg, *Wiedergutmachung im Programm: jüdisches Schicksal im deutschen Nachkriegsdrama* (Cologne: Prometh, 1988); E.R. Isser, *Stages of Annihilation: Theatrical Representations of the Holocaust* (Madison, New Jersey: Fairleigh Dickinson University Press, 1997); C. Schumacher, *Staging the Holocaust: The Shoah in Drama and Performance* (Cambridge: Cambridge University Press, 1998).

⁵ For an overview on the place of the Nazi past within post-war literature, see: S. Braese, *Deutsche Nachkriegsliteratur und der Holocaust* (Frankfurt am Main: Campus, 1998); S.E. Cernyak-Spatz, *German Holocaust Literature* (New York: Peter Lang, 1985); P. Demetz, *Postwar German Literature: A Critical Introduction* (New York: Western Publishing

Another popular field of historical research has rested with the West German film industry. For the most part, it has been shown how cinematic reflections on the Third Reich during the late 1940s and early 1950s dwelt almost exclusively on German suffering. Robert Moeller, for example, has highlighted the use of film during the early 1950s to draw attention to the plight of the German soldiers still being held captive as prisoners of war in the Soviet Union, while Robert Shandley has analysed the “rubble films” of the late 1940s and early 1950s - productions in which the physical scars wreaked upon the German landscape by the Second World War remained all too clear.⁶ Other scholars such as John von Moltke have traced the rapid rise of *Heimat* films after 1945 which sought to move away from the post-war present and emphasise instead healthy German traditions, a return to past values that could enable the terrors of the Nazi regime to be glossed over or presented as an aberration in the nation’s history.⁷ An engagement with alternative and more critical representations of the recent past within West German cinema is provided by Ulrich Brochhagen who has emphasised how two films in particular, *The Murderers Among*

Company, 1970); A. Reiter, *Auf dass sie entsteigen der Dunkelheit: die literarische Bewältigung von KZ-Erfahrung* (Vienna: Löcker, 1995); E. Schlant, *The Language of Silence: West German Literature and the Holocaust* (New York: Routledge, 1999); H. Wagener, *Gegenwartsliteratur und Dritte Reich: Deutsche Autoren in der Auseinandersetzung mit der Vergangenheit* (Stuttgart: Reclam, 1977). For a more critical consideration of how the Holocaust can be put into words, see S. Friedlander, *Probing the Limits of Representation: Nazism and the Final Solution* (Cambridge, Massachusetts: Harvard University Press, 1992); B. Lang, *Writing and the Holocaust* (New York: Holmes & Meier, 1988) and L.L. Langer, *Admitting the Holocaust: Collected Essays* (New York: Oxford University Press, 1995). On the reception of academic books, see G.D. Rosenfeld, “The Reception of William L. Shirer’s The Rise and Fall of the Third Reich in the United States and West Germany”, *Journal of Contemporary History*, vol. 29/1 (1994) pp. 95-128.

⁶ R.G. Moeller, “Geschichte aus der ‘Stacheldrahtuniversität’: Kriegsgefangene auf Zelluloid in der Bundesrepublik Deutschland”, *Amsterdamer Beiträge zur neueren Germanistik*, vol. 50/1 (2001) pp. 57-65; R.R. Shandley, *Rubble Films: German Cinema in the Shadow of the Third Reich* (Philadelphia, Pennsylvania: Temple University Press, 2001). For an overview on West German cinema and the legacy of the Nazi past see also: H.R. Blum, *10 Jahre danach: Dokumentation zur Auseinandersetzung mit dem Nationalsozialismus in Film, 1945-1975* (Cologne: Freie Filmkritik, 1975); B. Greffrath, *Gesellschaftsbilder der Nachkriegszeit: Deutsche Spielfilme, 1945-1949* (Pfaffenweiler: Centaurus, 1995); F.P. Kahlenberg, “Der Film der Ära Adenauer”, U. Bessen ed., *Trümmer und Träume: Nachkriegszeit und fünfziger Jahre auf Zelluloid* (Bochum: Brockmeyer, 1989) pp. 236-247; R.C. Reimer, *Nazi-Retro Film: How German Narrative Cinema Remembers the Past* (New York: Twayne, 1992).

⁷ J. Von Moltke, *No Place Like Home: Locations of Heimat in German Cinema* (Berkeley, California: University of California Press, 2005) and “Evergreens: The *Heimat* Genre”, T. Bergfelder, E. Carter & D. Göktürk eds., *The German Cinema Book* (London: British Film Institute, 2002); A. Kaes, *From Hitler to Heimat: The Return of History as Film* (Cambridge, Massachusetts: Harvard University Press, 1989).

Us (1946) and *Roses for the State Prosecutor* (1958) attempted to confront the crimes of the Third Reich and the number of former Nazis who remained in public West German life.⁸ Similarly, a number of works have also emerged highlighting the impact that the growing medium of television played in disseminating information about the Nazi era during the 1960s and 1970s. Wolf Kansteiner, Christoph Classen and Christopher Wickham have all engaged with this theme, with two television series in particular - *Das Dritte Reich* (1961) and *Holocaust* (1979) - dominating historical research in this field.⁹

Another significant proportion of historiography has concentrated on the rituals and commemorative activities that have characterised post-war West German responses to National Socialism. Y. Michael Bodemann, for example, has studied the varying treatment that the anniversary of the Kristallnacht pogrom of November 1938 has received over the years, demonstrating how it was not until 1978 that the date became an occasion for widespread reflection within the Federal Republic.¹⁰ Other scholars have examined the popular commemoration of the 1944 Bomb Plot to assassinate Hitler, as well as the various veterans' reunions that were staged after 1945.¹¹

⁸ U. Brochhagen, *Nach Nürnberg: Vergangenheitsbewältigung und Westintegration in der Ära Adenauer* (Berlin: Ullstein, 1999) pp. 259-261. For further details on the latter film, see: R. McCormick, "Memory and Commerce, Gender and Restoration: Wolfgang Staudt's *Roses for the State Prosecutor* (1959) and West German Film in the 1950s", H. Schissler ed., *The Miracle Years: A Cultural History of West Germany, 1949-1968* (Princeton: Princeton University Press, 2001) pp. 281-300.

⁹ W. Kansteiner, "Nazis, Viewers and Statistics: Television History, Television Audience Research and Collective Memory in West Germany", *Journal of Contemporary History*, vol. 39 (2004) pp. 575-598; C. Classen, *Bilder der Vergangenheit: Die Zeit des Nationalsozialismus im Fernsehen der Bundesrepublik Deutschland, 1955-1965* (Cologne: Böhlau Verlag, 1999); B.A. Murray & C.J. Wickham eds., *Framing the Past: The Historiography of German Cinema and Television* (Carbondale, Illinois: Southern Illinois University Press, 1992). The impact of the 1979 television series, *Holocaust*, is also discussed in A. Lüdtke, "Coming to Terms with the Past": Illusions of Remembering, Ways of Forgetting Nazism in West Germany", *Journal of Modern History* vol. 65 (1993) pp. 543-546; and S. Zielinski, "History as Entertainment and Provocation: The TV Series 'Holocaust' in West Germany", A. Rabinbach & J. Zipes eds., *Germans and Jews since the Holocaust: The Ongoing Situation in West Germany* (New York: Holmes & Meier, 1986) pp. 258-283.

¹⁰ Y.M. Bodemann, "Reconstructions of History: From Jewish Memory to Nationalised Commemoration of Kristallnacht in Germany", *Jews, Germans, Memory: Reconstructions of Jewish Life in Germany* (Ann Arbor, Michigan: University of Michigan Press, 1996) pp. 184-210.

¹¹ Lüdtke, "Coming to Terms with the Past", pp. 554-556; J-H. Kirsch, 'Wir haben aus der Geschichte gelernt': der 8 Mai als politischer Gedenktag in Deutschland (Vienna: Böhlau,

However, despite this enormous array of publications, there remain some significant gaps within the existing secondary literature. Too often, general works persist in following a similar narrative pattern to one another, a pattern that simplistically paints memories of Nazism as black or white, casting them in terms of periods of public silence or critical engagement, of reactionary or liberal responses to the legacy of the past. All too often there has been a failure to acknowledge the shades of grey or layers of opinion that existed inbetween, or to provide any detailed analysis of the ways in which the “ordinary” West German population recalled the past after 1945. Instead, there is an uncomplicated linear narrative of ever greater engagement over time. More recently, there have been some significant exceptions to this trend, with a growing number of works painting a more complete picture of post-war West German responses to the Nazi past, yet there remains some work to be done before the prevailing historical narratives are sufficiently challenged.¹²

The prosecution of Nazi war criminals is a key issue within the history of *Vergangenheitsbewältigung* (the overcoming of the past), but their impact upon the popular West German consciousness has generally been assumed rather than studied in depth. Utilising the Nazi war crimes trials of the late 1950s and 1960s as a medium for tracing changing public attitudes to the past, this project challenges some of the

1999); G. Knischewski & U. Spittler, “Memories of the Second World War and National Identity in Germany”, M. Evans & K. Lunn eds., *War and Memory in the Twentieth Century* (Oxford: Berg, 1997) pp. 241-243; D.C. Large, “Uses of the Past: The Anti-Nazi Resistance Legacy in the Federal Republic of Germany”, *Contending with Hitler: Varieties of German Resistance in the Third Reich*, (Cambridge: Cambridge University Press, 1991) pp. 163-182; D. Peifer, “Commemoration of Mutiny, Rebellion and Resistance in Post-war Germany: Public Memory, History and the Formation of ‘Memory Beacons’”, *The Journal of Military History*, vol. 65/4 (2001) pp. 1028-1044.

¹² For revised accounts of the 1950s, see: Large, “Uses of the Past”; Y.M. Bodemann, “Eclipse of Memory: German Representations of Auschwitz in the Early Post-War Period”, *New German Critique*, vol. 75 (Autumn 1998) pp. 57-89; A. Confino, “Travelling as a Culture of Remembrance: Traces of National Socialism in West Germany, 1945-1960”, *History and Memory*, vol. 12/2 (2000) pp. 92-121 and “Collective Memory and Cultural History: Problems of Method”, *American Historical Review*, vol. 102/5 (1997) pp. 1386-1403; J. Herf, *Divided Memory: The Nazi Past in the Two Germanys* (Cambridge, Massachusetts: Harvard University Press, 1997); R.G. Moeller, *War Stories: The Search for a Usable Past in the Federal Republic of Germany* (Berkeley & Los Angeles, California: University of California Press, 2001); C.H. Müller, “Football, The Nazis and *Vergangenheitsbewältigung*”, *Bulletin*, vol. xxvi/1 (London: German Historical Institute, 2004) pp. 63-78; K. Nauman ed., *Nachkrieg in Deutschland* (Hamburg: Hamburger Edition, 2001); A. Schildt, D. Siegfried & K.C. Lammers eds., *Dynamische Zeiten: Die 60er Jahre in den beiden deutschen Gesellschaften* (Hamburg: Christians, 2000); P. Steinbach, “Zur Auseinandersetzung mit nationalsozialistischen Gewaltverbrechen in der Bundesrepublik Deutschland”, *Geschichte in Wissenschaft und Unterricht*, vol. 35/2 (1984) pp. 65-85.

traditional wisdom surrounding the memory cultures of the Federal Republic.

Drawing upon a series of regional case studies from right across the country, and using unique source material that enables us to get closer to the thoughts and feelings of the “ordinary” population”, this study moves the history of war crimes trials out of the courtroom and examines their impact on the local community, the generational divide, popular culture, educational initiatives and commemorative activities at the grass roots of West German society.

Conventional historical narratives tend to characterise the early history of the Federal Republic as passing through two distinct phases: firstly, an era of silence and reticence towards any discussion of the past during the late 1940s and 1950s; then, according to standard accounts, a sudden willingness to address and atone for Nazi atrocities amid much national soul-searching in the 1960s. This rather simplistic overview tends to incorporate a checklist of important factors that can be used to pinpoint this: the growth of the Anne Frank “phenomenon” from 1955, the attacks on the Cologne synagogues in the winter of 1959-60, the 1961 prosecution of Adolf Eichmann, the 1963-5 Frankfurt Auschwitz trial and the 1968 student protests as well as the debates over the Statute of Limitations (*Verjährungsdebatte*) that ran throughout the decade, - each one quickly ticked off as a means of reducing the complexities of *Vergangenheitsbewältigung* to a matter of sentences.¹³ That these key events were

¹³ Typical of these conventional narratives are: W. Benz, “Nachkriegsgesellschaft und Nationalsozialismus: Erinnerung, Amnesie, Abwehr”, in Dachauer Hefte 6, *Erinnern oder Verweigern* (Dachau: Verlag Dachauer Hefte, 1990) pp. 12-24 and “The Persecution and Extermination of the Jews in the German Consciousness”, J. Milfull ed., *Why Germany? National Socialist Anti-Semitism and the European Context* (Providence, Rhode Island: Berg, 1993) pp. 91-104; W. Bergmann, “Die Reaktion auf den Holocaust in Westdeutschland von 1945 bis 1989”, *Geschichte in Wissenschaft und Unterricht*, vol. 43 (1992) pp. 327-350; I. Buruma, *The Wages of Guilt: Memories of War in Germany and Japan* (London: Vintage, 1995), A. Haas, *The Aftermath: Living with the Holocaust* (Cambridge: Cambridge University Press, 1995); S. Kattago, *Ambiguous Memory: The Nazi Past and German National Identity* (Westport, Connecticut: Praeger, 2001); G. Knischewski & U. Spittler, “Memories of the Second World War” pp. 239-254; H. König, “Das Erbe der Diktatur: Der Nationalsozialismus im politischen Bewußtsein der Bundesrepublik”, H. König, W. Kuhlmann & K. Schwahe eds., *Vertuschte Vergangenheit: Der Fall Schwerre und die NS-Vergangenheit der deutscher Hochschulen* (C.H. Beck, 1997) pp. 301-316; C. Koonz, “Between Memory and Oblivion: Concentration Camps in German Memory”, J.R. Gillis ed., *Commemorations: The Politics of National Identity* (Princeton, New Jersey: Princeton University Press, 1994) pp. 258-280; J.

able to make themselves felt within West Germany is rendered explicable through changing political and social circumstances in the country. Indeed, within secondary literature, the perceived shift in public attitudes has generally been accounted for in one of three ways.

Firstly, it is possible to place these changes within the wider context of the Cold War. By 1945, the relationship between the wartime Allies had become increasingly strained and the Soviet takeovers in Eastern Europe fostered the American adherence to the “Domino Theory”: the notion that countries around the globe would continue to fall, one by one, under the USSR’s sphere of influence. Throughout the 1950s, Communism replaced National Socialism as the ideological enemy of Britain and the United States. In such a climate, the contemplation of Nazi crimes was deemed inexpedient in the face of the more pressing needs for Western integration and West German rearmament. Far from being a pariah state, the Federal Republic was seen as a necessary ally in the fight against Communism, a much-needed bulwark against the perceived Soviet threat to the rest of Western Europe. Similarly, any criticism of West German elites during this period - many of whom had managed to preserve their position in public life since the days of the Third Reich - was denounced as being little more than Communist agitation.¹⁴

Such discussions as there were on the Holocaust during this period emphasised the mounds of corpses and skeletal survivors that had been discovered in the overcrowded, disease-ridden concentration camps liberated by British and American forces in Western Europe. The names Bergen-Belsen and Dachau thus quickly became synonymous with the “very worst” of Nazi atrocities and, as a result, early

Miller, *One By One By One: Facing the Holocaust* (New York: Simon & Schuster, 1990); E. Wolfrum, “Die beiden Deutschland”, V. Knigge & N. Frei eds., *Verbrechen erinnern: Die Auseinandersetzung mit Holocaust und Völkermord* (Munich: Beck, 2002) pp. 133-149. For an overview of *Vergangenheitspolitik* historiography, see C.M. Clark, “West Germany Confronts the Nazi Past: Some Recent Debates on the Early Post-War Era, 1945-1960”, *The European Legacy*, vol. 4/1 (1999) pp. 113-130.

¹⁴ D. Bloxham, *Genocide on Trial: War Crimes Trials and the Formation of Holocaust History and Memory* (Oxford: Oxford University Press, 2001) pp. 131-132; E. Domansky, “A Lost War: World War II in Post-War German Memory”, A.H. Rosenfeld ed., *Thinking About the Holocaust after Half a Century* (Bloomington, Indiana: Indiana University Press, 1997) p. 248; D.C. Large, *Germans to the Front: West German Rearmament in the Adenauer Era* (Chapel Hill, North Carolina: University of North Carolina Press, 1996); G. Niedhardt, “Ostpolitik: The Role of the Federal Republic of Germany in the Process of Détente”, C. Fink, P. Gassert & D. Junker eds., *1968: The World Transformed* (Cambridge: Cambridge University Press, 1998) pp. 173-192; C.A. Wurm, *Western Europe and Germany: The Beginning of European Integration, 1945-1960* (Oxford: Berg, 1995).

representations of the Holocaust proved somewhat misleading, failing to recognise both the peculiar nature of the Jews within the Nazis' murderous ideology and the industrial nature of the Third Reich's genocidal programme.¹⁵ In the wake of the 1962 Cuban Missile Crisis, though, earlier Cold War tensions began to give way to an era of détente, creating a political climate that was more conducive to the consideration of crimes perpetrated during the Nazi invasion of the Soviet Union, and enabling a freer exchange of information between legal teams in East and West Germany, as well as in the USSR, that would facilitate the prosecution of more Nazi criminals.¹⁶

Secondly, domestic political changes have also been seen as encouraging the emergence of a more critical West German response to the Nazi past.¹⁷ 1949 saw Konrad Adenauer, the former mayor of Cologne, becoming the first Chancellor of the new Federal Republic, representing the conservative CDU. Indeed, far from 1945 being the "Zero Hour" described by some scholars, post-war West Germany saw a number of continuities from the recent past, not least in terms of personnel. Hermann Lübbe and Norbert Frei have argued that retaining familiar figures in the civil service after the Second World War facilitated national recovery, offering a welcome sense of stability in a time of great social upheaval and staffing the new West German state with people whose expertise and experience could help soothe the transition to democracy.¹⁸ For such continuities to work, though, any discussion of these people's

¹⁵ Marcuse, *Legacies of Dachau*; J. Reilly *et al.*, *Belsen in History and Memory*; O. Bartov, "Defining Enemies, Making Victims: Germans, Jews and the Holocaust", *American Historical Review*, vol. 103/3 (1998) pp. 771-816; Bloxham, *Genocide on Trial*, pp. 57-59, 124ff; Bodemann, "Eclipse of Memory" pp. 63-71; T. Kushner, *The Holocaust and the Liberal Imagination: A Social and Cultural History* (Oxford: Blackwell, 1994) p. 216ff; J. Reilly, *Belsen: The Liberation of a Concentration Camp* (London: Routledge, 1998) p.51.

¹⁶ Marcuse, *Legacies of Dachau*, p. 199; N. Gregor ed., *Nazism* (Oxford: Oxford University Press, 2000) p. 336; J. Herf, "The Holocaust and the Competition of Memories in Germany, 1945-1999", D. Michman ed., *Remembering the Holocaust in Germany, 1945-2000: German Strategies and Jewish Responses* (New York: Peter Lang Publishing, 2002) pp. 18-19; Steinbach, "Zur Auseinandersetzung mit nationalsozialistischen Gewaltverbrechen", p. 67.

¹⁷ See: Domansky, "A Lost War", pp. 233-276; D.E. Rogers, "The Chancellors of the Federal Republic and the Political Legacy of the Holocaust", A.E. Steinweiss & D.E. Rogers eds., *The Impact of Nazism: New Perspectives on the Third Reich and its Legacy* (Lincoln, Nebraska & London: University of Nebraska Press, 2003) pp. 231-247.

¹⁸ N. Frei, 'The Nazi Elite in Post-war Germany', *Paper delivered as part of the Wiener Library Lecture Series* (London, 4 November 2002); H. Lübbe, "Der Nationalsozialismus im Deutschen Nachkriegsbewusstsein", *Historische Zeitschrift*, vol. 236 (1983) pp. 585-587. See also: U. Herbert, "Deutsche Eliten nach Hitler", *Mittelweg* vol. 36/8 (1999) pp. 66-82; W. Loth & B.A. Rusinek, *Verwandlungspolitik: NS-Eliten in der Westdeutschen Nachkriegsgesellschaft* (Frankfurt am Main: Campus, 1998); I. Müller, *Furchtbare Juristen: Die unbewältigte Vergangenheit unsere Justiz* (Munich: Kindler, 1987); W.H. Pehle & P.

activities during the Third Reich needed to be avoided and the circle of Nazi perpetrators drawn as small as possible. The presence of former Nazis within public office - especially within the judiciary - thus further contributed to the crimes of the Third Reich being swept under the carpet.

Throughout the 1960s, however, the number of ex-Nazis who had been able to retain prominent positions in public life became the subject of increasing scandal. During the late 1950s and early 1960s, there were regular exposés within the West German media of former Nazis who were now operating peacefully as police officers, judges, doctors, teachers and other persons in positions of responsibility, as well as frequent East German campaigns which drew attention to the Federal Republic's failure to enact an effective purge of former National Socialist elements from society.¹⁹ Between 1956 and 1964, the GDR produced lists of 1,310 former Nazi lawyers who were still active in the West German legal system while publications such as the *Brown Book* named numerous other West German public figures as former Nazis.²⁰

Sillem, *Wissenschaft in geteilten Deutschland: Restauration oder Neubeginn nach 1945?* (Frankfurt am Main: Fischer Taschenbuch, 1992); T.A. Schlemmer, "Grenzen der Integration: Die CSU und der Umgang mit der nationalsozialistischen Vergangenheit - der Fall Dr. Max Frauendorfer", *Vierteljahreshefte für Zeitgeschichte*, vol. 48 (2000) pp. 675-721.

¹⁹ The presence of former Nazi judges within the West German legal system proved to be a particular cause for concern, and was seen as the reason for the handing down of so many lenient sentences within war crimes trials. See: M. von Miquel, *Ahnden oder amnestieren? Westdeutsche Justiz und Vergangenheitspolitik in den sechziger Jahren* (Göttingen: Wallstein, 2004) pp. 23-142. On the exposure of former Nazi medical personnel see in particular K. Detlev & G. Schüttke, *Die Heyde/Sawade-Affäre: Wie Juristen und Mediziner den NS-Euthanasieprofessor Heyde nach 1945 deckten und straflos blieben* (Baden-Baden: Nino Verlagsgesellschaft, 1998); on police officers: S. Noethen, *Alter Kameraden und neue Kollegen: Polizei in Nordrhein-Westfalen, 1945-1953* (Essen: Klartext, 2003) and on teachers: H. König *et al* eds., *Vertuschte Vergangenheit*.

²⁰ J. Gorzkowska & E. Zakowska, *Nazi Criminals Before West German Courts* (Warsaw: Western Press Agency, 1965) pp. 37-38; National Council of the National Front of Democratic Germany, *The Brown Book: War and Nazi Criminals in West German State, Economy, Administration, Army, Justice, Science* (Dresden: Zeit im Bild, 1965). See also: Brochhagen, *Nach Nürnberg*, pp. 264-268; K. Bästlein, "Nazi-Blutrich als Stützen des Adenauers Regimes: Die DDR Kampagnen gegen NS-Richter und Staatsanwälte, die Reaktionen der bundesdeutschen Justiz und ihre gescheiterte 'Selbstreinigung' 1957-1968", H. Grabitz, K. Bästlein & J. Tuchel eds., *Normalität des Verbrechens: Bilanz und Perspektiven der Forschung zu den nationalsozialistischen Gewaltverbrechen* (Berlin: Edition Hentrich, 1994) pp. 408-443. The West German judiciary, however, did not remain silent in the face of such attacks. In 1962, the Ministry for Justice hit back with its own publication which sought to defend the Federal Republic's record for the prosecution of Nazi crimes. In addition to detailing the number of war crimes proceedings which had been staged since the start of the 1950s, the book also placed the blame for any delays firmly on the fact that many vital witnesses, documents and suspects were still being held in Russia. See: Federal Ministry of Justice, *The Prosecution since 1945 of National Socialist Crimes by Public Prosecutors and Courts in the Territory of the Federal Republic of Germany*

At the highest level of West German society, Konrad Adenauer's own government was tainted by growing revelations concerning the Nazi pasts of both his State Secretary Hans Globke, and his Minister for Refugees, Theodor Oberländer. Globke had worked in the Ministry of the Interior during the Third Reich and was responsible for penning the commentary to the 1935 Nuremberg Laws which had curtailed Jewish freedoms. Oberländer, meanwhile, had headed a battalion of Ukrainian volunteers in Eastern Europe during the Second World War. Both figures prompted a wave of damning publications from the German Democratic Republic.²¹ Although such scandals did not prove sufficient to prevent Kurt Georg Kiesinger, a former employee in the propaganda department of the Nazi Foreign Office, becoming Chancellor in December 1966, Kiesinger's election could nevertheless be seen as a crucial turning point in West German attitudes to the legacy of the Nazi past.

Concerns for the health of West German democracy had already been raised in 1962 when police raided the Hamburg offices of *Der Spiegel* after the publication had produced a highly critical cover story on NATO defence capabilities. Several employees, including editor Rudolf Augstein, were arrested for treason in a move that was widely seen as an attack on both the rule of law and the freedom of the press, prompting students and readers alike to take to the streets in protest. The scandal

(Düsseldorf: Oskar Lerner-Duick, 1962).

²¹ See, for example: Ausschuss für Deutsche Einheit, *Neue Beweise für Globkes Verbrechen gegen die Juden* (East Berlin: Ausschuss für Deutsche Einheit, 1960), *Globke und die Ausrottung der Juden: über der verbrecherische Vergangenheit des Staatssekretärs im Amt des Bundeskanzlers Adenauer* (East Berlin: Ausschuss für Deutsche Einheit, 1960) and *Globke: Der Bürokrat des Todes. Eine Dokumentation über die Blutschuld des höchsten Bonner Staatsbeamten bei der Ausrottung der Juden* (East Berlin: Ausschuss für Deutsche Einheit, 1963); J. Zaborowski, *Dr. Hans Globke, The Good Clerk* (Poznan: Zachodnia Agencja Prasowa, 1962); Ausschuss für Deutsche Einheit, *The Truth About Theodor Oberländer: Brown Book on the Criminal Fascist Past of Adenauer's Minister* (East Berlin: Ausschuss für Deutsche Einheit, 1960).

For further details on the Globke scandal, see: J. Boulier ed., *Der Prozess gegen Dr. Hans Globke* (Dresden: Verlag Zeit im Bild, 1963); K. Gotto ed., *Der Staatssekretär Adenauers: Persönlichkeit und politisches Wirken Hans Globkes* (Stuttgart: Klett-Cotta, 1980); R.M. Strecker, *Dr. Hans Globke: Aktenauszüge: Dokumente* (Hamburg: Rütten & Loening, 1961); Vereinigung Demokratischer Juristen, *Dr. Hans Maria Globke: Tatsachen und Dokumente* (Berlin: Vereinigung Demokratischer Juristen, 1963).

For further details on the Oberländer scandal, see: Brochhagen, *Nach Nürnberg*, p.436; P. H. Raschhofer, *Der Fall Oberländer: Eine vergleichende Rechtsanalyse der Verfahren in Pankow und Bonn* (Tübingen: Schlichtenmazer, 1962); S. Schütt, *Theodor Oberländer: Eine dokumentarische Untersuchung* (Munich: Langen Müller, 1995); C. Wachs, *Der Fall Theodor Oberländer (1905-1998): Ein Lehrstück deutscher Geschichte* (Frankfurt am Main: Campus, 2000).

eventually prompted the resignation of the West German Defence Minister, Josef Strauss in 1963.²² The creation of the 1966 Grand Coalition between Kiesinger's CDU and the Social Democrats, meanwhile, raised further fears of a threat to effective parliamentary democracy and led to the formation of the Extra Parliamentary Opposition by students, trade unionists, writers and other concerned groups. This, combined with the women's movement, the anti-war campaign over Vietnam and the desire to shatter some of the continuing silences surrounding the Nazi past fuelled the protest movements that would come to a head in 1968. The latter part of the decade was subsequently characterised by the coming of age of a new, more questioning generation free from the constraints of the Nazi past, and a move towards a more liberal political culture, enabling 1960s West Germany to be seen as progressing from a society of conservative "restoration" to the establishment of a Left-wing government in October 1969 headed by Willy Brandt who himself had been an active resistance fighter in Norway during the war.²³

Finally, West Germany's delayed confrontation with the Nazi past has been further explained in psychological terms, the result of a society struggling to deal with the successive experiences of war, defeat, occupation and division. In 1969, Alexander and Margarete Mitscherlich paved the way for such narratives, insisting that the West German nation was suffering from a collective neurosis, the result of a failure to understand their previous level of support for Adolf Hitler and,

²² For further details on the Spiegel Affair, see: R.F. Bunn, "The Spiegel Affair and the West German Press: The Initial Phase", *Public Opinion Quarterly*, vol. 30/1 (1966) pp. 54-68; S.J. Hilwig, "The Revolt Against the Establishment: Students Versus the Press in West Germany and Italy", C. Fink *et al* eds., 1968: *The World Transformed*, p.324.

²³ A. Schildt *et al* eds., *Dynamische Zeiten*; R. Burns, *Protest and Democracy in West Germany: Extra-Parliamentary Opposition and the Democratic Agenda* (Basingstoke: MacMillan, 1988); S. von Dirke, 'All Power to the Imagination': *The West German Counterculture from the Student Movement to the Greens* (Lincoln, Nebraska: University of Nebraska Press, 1997); G. Eley, "Protest Movements in 1960s West Germany: A Social History of Dissent and Democracy", *Journal of Social History* vol. 38/3 (2005) pp. 776-780; R. Fraser, 1968: *A Student Generation in Revolt* (London: Chatto & Windus, 1988); B. Klarsfeld, *Wherever They May Be!* Translated by M. Stearns & N. Gerardi (New York: Vanguard Press, 1975); M.C. Krueger, *Authors and the Opposition: West German Writers and the Social Democratic Party from 1945 to 1969* (Stuttgart: Hans-Dieter Heinz, 1982); M. Roseman, *Generations in Conflict: Youth Revolt and Generation Formation in Germany, 1770-1968* (Cambridge: Cambridge University Press, 1995); H. Schissler "Rebels in Search of a Cause", *The Miracle Years*, pp. 459-468; K. Schönhoven, "Aufbruch in die sozialliberale Ära: Zur Bedeutung der 60er Jahre in der Geschichte der Bundesrepublik", *Geschichte und Gesellschaft*, vol. 25/1 (1999) pp. 123-145.

consequently, to “mourn” the collapse of the National Socialist regime.²⁴ While some of the Mitscherlichs’ arguments have now been challenged, the general image of the 1940s and 1950s as constituting an era of collective “forgetfulness” has continued to hold sway; Neil Gregor notes that “scholars have been reluctant to explore the connections between the traumatising impact of war on German society and its collective inability to contemplate the crimes of National Socialism in the immediate post-war years for fear of appearing to reproduce the relativising ‘victim’ rhetorics of the apologetic right”.²⁵ The victim narratives that did circulate during this period were, however, firmly rooted in genuinely traumatic experiences. The West German people themselves had not emerged from the war unscathed: many had been attacked, raped and expelled from their homes in the East by the advancing Red Army, bombed out of their houses or held as prisoners of war, and many had lost close family members in the fighting.²⁶ Events were simply too raw after the war’s end for them to be able to bear the revelations about the horrific nature of Nazism. Instead, they took refuge in the more immediate need for reconstruction, concentrating on rebuilding

²⁴ A. & M. Mitscherlich, *Die Unfähigkeit zu trauen: Grundlagen kollektiven Verhaltens* (Munich: Piper, 1967). For a critical overview of the Mitscherlichs’ thesis, see: F. Wielenga, “An Inability to Mourn? The German Federal Republic and the Nazi Past” *European Review*, vol. 11/4 (2001) pp. 551-572. Recent years have also seen historians producing psychological studies on the younger West German generation, and the ways in which they dealt with their parents’ silences towards the end of the 1960s - see, for example, Clark, “West Germany Confronts the Nazi Past”, p.118; D.L. Bark & D.R. Gress, *Democracy and its Discontents, 1963-1988* (Oxford: Blackwell, 1989) and P. Sichrovsky, *Born Guilty: Children of Nazi Families*, translated by J. Steinberg (London: I.B. Tauris & Co., 1988).

²⁵ Gregor, “The Illusion of Remembrance”, p.615.

²⁶ Nauman ed., *Nachkrieg in Deutschland*; F. Biess, “Survivors of Totalitarianism: Returning PoWs and the Reconstruction of Masculine Citizenship in West Germany, 1945-1955”, Schissler ed., *The Miracle Years*, pp. 57-82; N. Gregor, “Is he still alive, or long since dead?: Loss, Absence and Remembrance in Nuremberg, 1945-1956”, *German History*, vol. 21/2 (2003) pp. 183-203; A. Grossmann, “A Question of Silence: The Rape of German Women by Occupation Soldiers”, R.G. Moeller ed., *West Germany under Construction: Politics, Society and Culture in the Adenauer Era* (Ann Arbor, Michigan: University of Michigan Press, 1997) pp. 33-52; E. Heineman, “The Hour of the Woman: Memories of Germany’s ‘Crisis Years’ and West German National Identity”, *American Historical Review*, vol. 101/2 (1996) pp. 354-395; M.L. Hughes, “Through No Fault of Our Own”: West Germans Remember Their War Losses”, *German History*, vol. 18/2 (2000) pp. 193-213; A-M. De Zayas, *The German Expellees: Victims in War and Peace* (Basingstoke: MacMillan, 1993); D. Barnouw, *The War in the Empty Air: Victims, Perpetrators and Post-war Germans* (Bloomington, Indiana: Indiana University Press, 2003); A.L. Smith, *Heimkehr aus dem Zweiten Weltkrieg: Die Entlassung der Deutschen Kriegsgefangenen* (Stuttgart: Deutsche Verlags-Anstalt, 1985); A. Kaminsky ed., *Heimkehr 1948: Geschichte und Schicksale deutscher Kriegsgefangener* (Munich: Beck 1998); M. Schornstheimer & E. Stölting, *Bombenstimmung und Katzenjammer Vergangenheit: Quick und Stern in der 50er Jahren* (Cologne: Pahl-Rugenstein, 1989).

their own shattered lives and looking towards the future, rather than dwelling on uncomfortable reminders of the Nazi past. A greater sense of distance was required before they could look back on the Third Reich with more critical eyes.

It is the contention of this thesis, however, that these conventional representations of the 1950s as a decade of silence and the 1960s as a decade of confrontation are far too simplistic. Too often, there has been a failure to question just how far these prevailing assumptions about West German attitudes were actually shared by the “ordinary” people. At the same time, an emphasis on highly-publicised events of the late 1960s, such as the student protests, ignores some of the earlier initiatives that had attempted to foster a more critical engagement with the legacy of the Nazi past. Indeed, 1968 was not even the first example of generational conflict over this issue. In 1959, a group of Karlsruhe students mounted their own assault on some of the silences surrounding the recent past, targeting the number of ex-Nazis who had retained positions of authority in the Federal Republic. An exhibition entitled *Ungesühnte Nazijustiz* toured Karlsruhe, West Berlin and Tübingen, detailing 100 cases where people had fallen foul of the National Socialist concept of justice, and listing the current whereabouts of 206 judges and prosecutors who had worked in the former People’s Courts - many of whom were still employed in the West German judiciary. One of the organisers behind the exhibition was himself the son of a former Nazi judge, suggesting that younger, more critical voices were already making themselves heard before the start of the 1960s.²⁷

There is now a growing group of historians who are challenging some of the traditional assumptions about the 1950s as a decade of widespread silence and advocating instead the need to view this period as an era still heavily overshadowed by the spectre of the Third Reich, not only in terms of the physical landscape, but also within the political, cultural and domestic spheres of post-war life. The lingering scars of Hitler’s war remained for all to see: the physical ruins of Germany’s bombed out cities and the construction of war memorials to fallen soldiers played out against a background of political debates over welfare payments to disabled veterans and the

²⁷ W. Koppel ed., *Ungesühnte Nazijustiz: Hundert Urteile klagen ihre Richter an* (Karlsruhe: Organisationskomitee der Dokumentenausstellung ‘Ungesühnte Nazijustiz’ in Karlsruhe, 1960). The exhibition did gain a fleeting reference in Bästlein, “Nazi-Blutrich als Stützen des Adenauers Regimes”, p.415, and Knischewski & Spittler, “Memories of the Second World War”, p.243.

war widowed.²⁸ At the start of the 1950s, the question of reparation payments to the fledgling state of Israel was similarly debated within the West German parliament.²⁹ There were also continued campaigns during the early part of the decade to secure the release of thousands of German prisoners of war still held in Soviet captivity.³⁰ These factors, combined with a plethora of expellee and prisoner of war films and memoirs, ensured that at least some aspects of the recent past were being placed at the forefront of the public consciousness.

Rather than completely forgetting the past, different social groups, institutions and political parties selectively recalled or repressed different aspects of the past to suit their needs in the present. The new Conservative government under Konrad Adenauer mythologised the extent of the German resistance against Nazism and elevated the executed conspirators of the July 1944 bomb Plot into heroic, patriotic martyrs. The CDU was thus able to underscore its own legitimacy in the post-war era and create a refreshing moral foundation on which to develop the new West German state, although the public rhetoric quietly overlooked the role that the conservative elites had played in easing the Nazi consolidation of power during the 1930s.³¹ The early post-war years did, therefore, witness a public discussion of the Nazi past, albeit a rather one-sided conversation that focussed on the Second World War as if it had

²⁸ J.M. Diehl, *The Thanks of the Fatherland: German Veterans after the Second World War* (Chapel Hill, North Carolina: University of North Carolina Press, 1993); M. Krause, *Flucht vor dem Bombenkrieg: 'Umquartierungen' im Zweiten Weltkrieg und die Wiedereingliederung der Evakuierten in Deutschland, 1943-1963* (Düsseldorf: Droste, 1997).

²⁹ C. Goschler, *Wiedergutmachung: Westdeutschland und die Verfolgten des Nationalsozialismus, 1945-1954* (Munich: Oldenbourg, 1992); L. Herbst, *Wiedergutmachung in der Bundesrepublik Deutschland* (Munich: Oldenbourg, 1989); H.G. Hocketers, "Wiedergutmachung in Deutschland: Eine historische Bilanz, 1945-2000", *Vierteljahrsshefte für Zeitgeschichte*, vol. 49 (2001) pp. 167-214; C. Pross, *Paying for the Past: The Struggle over Reparations for Surviving Victims of the Nazi Terror* (Baltimore, Maryland: John Hopkins University Press, 1998); M. Wolffsohn, "Das Deutsch-Israelische wiedergutmachungsabkommen von 1952 im internationalen Zusammenhang", *Vierteljahrsshefte für Zeitgeschichte*, vol. 36 (1988) pp. 691-731.

³⁰ Brochhagen, *Nach Nürnberg*, p. 278-290; R.G. Moeller, "War Stories: The Search for a Usable Past in the Federal Republic of Germany", *American Historical Review*, vol. 101/4 (1996) pp. 1008-1048.

³¹ J.P. Bier, "The Holocaust, West Germany and Strategies of Oblivion 1947-1979", A. Rabinbach & J. Zipes eds., *Germans and Jews since the Holocaust*, p.187. See also: Herf, *Divided Memory* and "Multiple Restorations: German Political Traditions and the Interpretation of Nazism, 1945-1946", *Central European History*, vol. 26/1 (1993) pp. 21-55; Large, "Uses of the Past", pp. 163-182 and "A Beacon in the German Darkness: The Anti-Nazi Resistance Legacy in West German Politics", *Journal of Modern History* (1992) pp. 173-186.

been a “normal” military campaign, accentuated German losses and ignored the peculiar racial dimensions of the conflict.

At the same time, though, there were elements of the West German population, most notably among survivors’ groups and the political Left, who were determined to tackle the problematic legacy of the Nazi regime. The Social Democratic Party had enjoyed its finest historical moment with the decision to vote against the Enabling Act on 23 March 1933, the law that effectively destroyed the last vestiges of parliamentary democracy in Germany and handed Adolf Hitler dictatorial powers. During the immediate post-war era, the SPD played a central role in forcing Adenauer to account for the number of former Nazis occupying privileged positions in public life, condemning any instances of Right-wing extremism or antisemitism and passing the 1952 Reparations Treaty with Israel through the Bundestag.³² Saul Friedlander, meanwhile, has emphasised how members of the intellectual elite began to wrestle with the enormity of Nazi crimes almost immediately after the war’s end, with Eugen Kogon’s *Der SS-Staat* and Karl Jaspers’s *Die Schuldfrage* both being published in 1946.³³

There were also individuals among the “ordinary” population during the 1950s who were prepared to take a stand against the predominant modes of thinking about the recent experiences of war and occupation. Alf Lüdtke has insisted that, “under the surface of public or silent comment, divergent undertones reverberated”, with some people accepting that the bombing of their city may have been a small price to pay in view of the atrocities committed by the Nazis.³⁴ Similarly, Barbara Marshall and Lutz Niethammer have attempted to redress popular presumptions about the Allied denazification process, arguing that there were some who criticised the scheme not for being unfair, but for not going far enough in its treatment of former Nazis.³⁵

³² F.M. Buscher, “Kurt Schumacher, German Social Democracy and the Punishment of Nazi Crimes”, *Holocaust and Genocide Studies*, vol. 5/3 (1990) p.262; Herf, “Multiple Restorations”, pp. 27-32.

³³ S. Friedlander, “Some Struggles with German Memory” G.H. Hartman ed., *Bitburg in Moral and Political Perspective* (Bloomington, Indiana: Indiana University Press, 1986) pp. 28-9. See also: Bergmann, “Die Reaktion auf den Holocaust”, pp. 341-343.

³⁴ Lüdtke, “Coming to Terms with the Past”, p.348.

³⁵ B. Marshall, “German Attitudes to British Military Government, 1945-7”, *Journal of Contemporary History*, vol. 15/4 (1980) p.672; L. Niethammer, *Die Mitläufersfabrik: Die Entnazifizierung am Beispiel Bayerns* (Berlin & Bonn: J.H.W. Dietz, 1982).

Just as the 1950s have proved to be much more complicated than conventional historical narratives would suggest, so the dawning of the 1960s should not be characterised simply by the overnight disappearance of popular claims for resistance and German victimhood. Instead, this decade must be recognised as a far more complex era in which competing memories of National Socialism continued to hold sway - a theme which, as this thesis shall demonstrate, can be exemplified through an analysis of popular responses to Nazi war crimes trials.

The Prosecution of Nazi War Criminals

The Allies had announced their decision to bring Nazi criminals to justice while the Second World War was still raging, with the 1943 Moscow Declaration. The resulting International Military Tribunal prosecuted some of the biggest names of the Third Reich for crimes against peace and humanity in Nuremberg between 1945 and 1946. This was followed by a series of other legal proceedings conducted by the Allies within their respective occupation zones in the newly divided Germany.³⁶ From late

³⁶ For an overview of the Allies' plans for war crimes trials, and an account of proceedings conducted in the immediate aftermath of the Second World War, see: Brochhagen, *Nach Nürnberg*, pp. 23-34; M. Broszat, "Siegerjustiz oder Strafrechtliche 'Selbstreinigung': Aspekte der Vergangenheitsbewältigung der deutschen Justiz während der Besatzungszeit, 1945-1949", *Vierteljahrshefte für Zeitgeschichte*, vol. 4 (1981) pp. 477-544; H. Friedlander, "The Trials of the Nazi Criminals: Law, Justice and History", *Dimensions: A Journal of Holocaust Studies*, vol. 2/1 (1986) pp. 4-10 and "The Judiciary and Nazi Crimes in Post-War Germany", *Simon Wiesenthal Center Annual*, vol. 1 (1984) pp. 27-44; J. Friedrich, *Die kalte Amnestie. NS-Täter in der Bundesrepublik* (Frankfurt am Main: Fischer Taschenbuch, 1984) pp. 35-44; R. Gellately ed., *The Nuremberg Interviews* (New York: Alfred A. Knopf, 2004); B. Hey, "Die NS-Prozesse - Versuch einer juristischen Vergangenheitsbewältigung", *Geschichte in Wissenschaft und Unterricht*, vol. 6 (1981) pp. 336-338; A.J. Kochavi, *Prelude to Nuremberg: Allied War Crimes Policy and the Question of Punishment* (Chapel Hill, North Carolina: University of North Carolina Press, 1998); H. Langbein, *In Namen des deutschen Volkes: Zwischenbilanz der Prozesse wegen nationalsozialistischer Verbrechen* (Vienna: Europa Verlags-AG, 1963); M.R. Marrus, "The Holocaust at Nuremberg", *Yad Vashem Studies*, vol. 26 (1998) pp. 5-41; A.S. Rosenbaum, *Prosecuting Nazi War Criminals* (Boulder, Colorado & Oxford: Westview Press, 1993); A. Rückerl, *The Investigation of Nazi Crimes, 1945-1978: A Documentation*, translated by D. Rutter (Karlsruhe: C.F. Müller, 1979); B.F. Smith, *The Road to Nuremberg* (London: A. Deutsch, 1981); Steinbach, "Zur Auseinandersetzung mit nationalsozialistischen Gewaltverbrechen", pp. 65-85; U. Weckel & E. Wolfrum eds., "Bestien" und "Befehlsempfänger": *Frauen und Männer in NS-Prozessen nach 1945* (Göttingen: Vandenhoeck & Ruprecht, 2003). See also: H. Friedlander, "The Deportation of the German Jews: Post-war German Trials of Nazi Criminals", and A. Rückerl, "Nazi Crimes" in M.R. Marrus ed., *The Nazi Holocaust: Historical Articles on the Destruction of the European Jews. Vol. 9: The End of the Holocaust* (Westport, Connecticut & London: Meckler, 1989) pp. 635-664 and pp. 621-634 respectively.

1945, Allied Control Council Law No. 10 granted permission to restored courts in the Western zones of Germany to try Nazi perpetrators for themselves, although they could only deal with those crimes that had been committed against German nationals inside Germany itself. Pre-war concentration camp murders, “Kristallnacht” brutalities and the “euthanasia” scheme all fell within this remit, allowing German suffering to be elevated above that of the Jews and other ethnic groups.³⁷

The nature of these early war crimes trials in Western Germany consequently created a partial understanding of Nazi criminality and fuelled confusion over the precise nature of the Nazi concentration camp system. The Germans, recalling newspaper reports surrounding places such as Bergen-Belsen and Dachau during the 1930s, were able to claim that they had “always known” about these places while failing to comprehend how they had evolved in the interim into a finely tuned instrument for industrialised mass murder. By the beginning of the 1950s, the very term “war criminal” had become hotly contested. Many West Germans clung to traditional notions of the honourable German soldier, a factor which, combined with the fact that the most of crimes under discussion were not directly related to the military campaign itself, fostered a growing preference among the West German population to employ the term “Nazi criminal” instead.³⁸ The distinction between these two phrases imposed a sense of distance between the atrocities and the majority of the West German people, and helped safeguard the reputation of the armed services, precluding any discussion of their complicity in the crimes of the Third Reich.

In keeping with the conventional historical narratives of *Vergangenheitspolitik*, historians have regularly pointed to the apparent reluctance of the West German people to engage critically with these early war crimes proceedings, emphasising how the prosecution of former Nazi personnel was generally regarded as little more than a means for the winning powers to humiliate and exact revenge upon the defeated Germans - an example of victors’ justice.³⁹ The denazification process imposed by the Allies was similarly attacked as unfair. Under this programme, the population was divided into five categories according to their level of involvement with the Nazi

³⁷ For details on these early trials before German courts, see Friedlander, “The Trials of the Nazi Criminals” p.7; and “The Judiciary and Nazi Crimes in Post-War Germany” p. 32; Hey, “Die NS-Prozesse”, p.347.

³⁸ N. Frei, *Adenauer’s Germany and the Nazi Past: The Politics of Amnesty and Integration*, translated by J. Golb (New York: Columbia University Press, 2002) p.94.

³⁹ Broszat, “Siegersjustiz”, pp. 477-544.

regime, ranging from major offenders to fellow travellers and exonerated individuals, but the occupying powers then bestowed what were perceived as uneven sentences upon these different categories of war criminals. The Allies had originally set aside complex cases surrounding major Nazi figures, preferring to concentrate primarily on the more straightforward handling of “smaller” criminals. However, as the onset of the Cold War continued to raise fears about the rapid spread of Communism across the continent, Britain and the United States became increasingly disposed towards a programme of West German reconstruction rather than continued punitive action in order to “contain” the perceived Soviet threat to the rest of Western Europe. Denazification was thus curtailed prematurely, allowing many “larger” Nazi perpetrators to receive much more lenient treatment.⁴⁰

Scholars have also pointed to the very number of war crimes proceedings conducted during the late 1940s and 1950s as further evidence of an initial reluctance to confront with the legacy of the past.⁴¹ The Federal Republic of Germany gained its sovereignty - and thereby the right to conduct war crimes trials as it felt fit - in 1949. Hermann Langbein records that between 8 May 1945 and 15 March 1961, a total of 12,715 people were charged with Nazi crimes before West German courts. However, only 42% of these defendants were ever actually sentenced, and most of these punishments were handed down by 1948. By 1950, a sense of trial fatigue had set in, and the early part of the decade saw only isolated trials, often the result of external impulses or chance discoveries.⁴² Between 1947 and 1950, the Allies rendered 5,006 convictions, of which 794 had resulted in the death penalty. While life imprisonment replaced capital punishment as the maximum penalty afforded under West German law, the conviction rate nevertheless declined sharply once the Federal Republic came into being. In 1950, there were a total of 809 convictions for war crimes. In 1953, this figure fell to 123 and, by 1954, to just 44. The prevailing attitude towards Nazi criminals during this period was one that favoured a general pardoning of suspected individuals, rather than the initiation of further legal proceedings.⁴³

⁴⁰ For details on the denazification programme, see: Niethammer, *Die Mitläufersfabrik*; Marcuse, *Legacies of Dachau*, pp. 91-94; and C. Vollnhals & T. Schlemmer, *Entnazifizierung, politische Säuberung und Rehabilitierung in den vier Besatzungszonen, 1945-1949* (Munich: Deutscher Taschenbuch Verlag, 1991).

⁴¹ H. Grabitz, “Die Verfolgung von NS-Gewaltverbrechen in Hamburg in der Zeit von 1945 bis heute”, Grabitz *et al* eds., *Die Normalität des Verbrechens*, pp. 300-304.

⁴² Langbein, *Im Namen deutschen Volkes*, pp. 27-8.

⁴³ Statistics taken from Clark, “West Germany Confronts the Nazi Past”, p.122. For an

The place of war crimes trials within existing historiography is heavily biased towards accounts of “high profile” proceedings: the Nuremberg, Eichmann, Auschwitz and, more recently, the Majdanek proceedings.⁴⁴ This pattern again fits firmly into wider historical narratives, comparing as it does the limitations of the first wave of prosecutions undertaken at the end of the war, and the measures unleashed by a rejuvenated prosecution service after 1958. In the wake of the 1958 Einsatzkommando trial in the town of Ulm, the *Zentrale Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Verbrechen* was established in Ludwigsburg to launch more co-ordinated investigations into alleged criminals and to ensure that this new found vigour would be no mere flash in the pan.⁴⁵ There was thus a significant upturn in the number of trials being staged in the Federal Republic at the beginning of the 1960s, a move which could seem indicative of a wider, more critical engagement then being fostered among the West German population with the National Socialist legacy.

Once again, though, tracing the history of *Vergangenheitsbewältigung* is much more complicated than merely pointing to the rising number of trials, or seizing upon the much publicised prosecution of leading Nazi figures like Adolf Eichmann, as evidence of changing attitudes among the West German people. Nazi war crimes

account of the amnesty campaign that dominated discussions over the treatment of war criminals during this period, see Miquel, *Ahnden oder amnestieren?*; Brochhagen, *Nach Nürnberg*, pp. 36-63; Frei, *Adenauer's Germany*, pp. 203-233; Friedrich, *Die kalte Amnestie*, pp. 250-257; Hey, “Die NS-Prozesse”, pp. 340-342; Steinbach, “Zur Auseinandersetzung mit nationalsozialistischen Gewaltverbrechen”, pp. 66-67; T.A. Schwartz, “Die Begnadigung deutscher Kriegsverbrecher: John J. McCloy und die Häftlinge von Landsberg”, *Vierteljahrshefte für Zeitgeschichte*, vol. 38 (1990) pp. 375-414.

⁴⁴ On the latter proceedings in particular see: Weckel & Wolfrum eds., “*Bestien*” und “*Befehlsempfänger*”; V. Zimmermann, *NS-Täter vor Gericht: Düsseldorf und die Strafprozesse wegen nationalsozialistischer Gewaltverbrechen* (Düsseldorf: Justizministerium des Landes NRW, 2001).

⁴⁵ References to the trials conducted at the end of the 1950s tend to be fleeting within existing historiography, but see Bier, “The Holocaust, West Germany and Strategies of Oblivion” p.189; Marcuse, “Legacies of Dachau” pp. 206-209; J.P. Teschke, *Hitler's Legacy: West Germany Confronts the Aftermath of the Third Reich* (New York: Peter Lang, 1999); D. de Mildt, *In the Name of the People: Perpetrators of Genocide in the Reflection of their Post-war Prosecution in West Germany. The 'Euthanasia' and 'Aktion Reinhard' Trial Cases* (The Hague: Martinus Nijhoff Publishers, 1996) pp. 22-35. For further details on the Ludwigsburg Zentralstelle, see: R. Fleiter, “Die Ludwigsburger Zentrale Stelle und ihr politisches und gesellschaftliches Umfeld”, *Geschichte in Wissenschaft und Unterricht*, vol. 53/1 (2002) pp. 32-50; Brochhagen, *Nach Nürnberg*, pp.290-298; Miquel, *Ahnden oder amnestieren?* pp. 162-185; Hey, “Die NS-Prozesse”, pp. 342-344; Steinbach, “Zur Auseinandersetzung mit nationalsozialistischen Gewaltverbrechen”, p.68, 75. The impact of the Ulm Einsatzkommando trial is explored in Chapter Two of this thesis.

trials remained explosive, controversial events throughout this period. On the one hand, they offered a literal moment of confrontation with the crimes of the Third Reich, at least for those people inside the courtroom, as well as the opportunity to bring the past to the forefront of public discussions in the present. On the other hand, though, some sense of reticence towards continued war crimes proceedings persisted throughout the 1960s, as exemplified by an ongoing debate over a possible extension to the Statute of Limitations.

In accordance with West German law, the prosecution of Nazi manslaughter and murder cases could only be conducted within a particular time frame. While the Statute of Limitations was able to come quietly into effect for the former in 1960, the sudden realisation at the start of the decade that many Nazi mass murderers might be able to go unpunished after May 1965 provoked much dismay and anger among some sections of the West German population. A number of high profile challenges were consequently launched against the Statute of Limitations by the SPD, survivors' groups and crusading members of the state prosecution service before a compromise solution was finally reached with the Federal government. After prolonged parliamentary discussions, the Statute was extended to 1969, resetting the clock to start its twenty year countdown from the moment of the Federal Republic's foundation in 1949, rather than the war's end in 1945 as had previously been the case.⁴⁶ This decision granted West German prosecutors another four years to conduct their investigations into suspected individuals and to initiate more legal proceedings, but the

⁴⁶ Details of the debates surrounding the Statute of Limitations during the 1960s can be found in J. Baumann, *Der Aufstand des schlechten Gewissens: ein Diskussionsbeitrag zur Verjährung der NS-Gewaltverbrechen* (Bielefeld: Giesecking, 1965); H. Dubiel, *Niemand ist frei von der Geschichte: Die nationalsozialistische Herrschaft in den Debatten des Deutschen Bundestages* (Munich: Carl Hanser Verlag, 1999) pp. 103-110; Gorzkowska & Zakowska, *Nazi Criminals Before West German Courts*, pp. 78-103; Herf, *Divided Memory*, pp. 337-342; Hey, "Die NS-Prozesse", pp. 338-340, 345; C. Hoffmann, *Stunden Null? Vergangenheitsbewältigung in Deutschland, 1945 und 1989* (Bonn: Bouvier Verlag, 1992) pp. 167-169; Institute of Jewish Affairs, *Statute of Limitations and the Prosecution of the Nazi Crimes in the Federal German Republic* (London: Institute of Jewish Affairs Background Paper No. 14, 1969); K. Jaspers, *Die Schuldfrage: Für Völkermord gibt es keine Verjährung* (Munich: Piper, 1979); Marcuse, *Legacies of Dachau*, pp. 214-216; Miquel, *Ahnden oder amnestieren?*, pp. 186-362; Steinbach, "Zur Auseinandersetzung mit nationalsozialistischen Gewaltverbrechen", pp. 54-68; R. Vogel & R.M.W. Kempner, *Ein Weg aus der Vergangenheit: Eine Dokumentation zur Verjährungsfrage und zu den NS-Prozessen* (Frankfurt am Main: Ullstein, 1969); S. Wiesenthal, *Verjährung? 200 Persönlichkeiten des öffentlichen Lebens sagen nein: eine Dokumentation* (Frankfurt am Main: Europäische Verlagsanstalt, 1965).

adjustments to the Statute also included a tightening up of the distinction between murder and complicity in murder under the Third Reich.

Under Clause 50 of the West German Penal Code, the maximum penalty facing those accused of being accessory to murder was liable to be the same as that for the chief offender. In September 1968, though, the clause was amended so that if the court was not satisfied that the defendant had acted out of “base motives”, he could no longer even be considered an accessory to murder, and thus the maximum penalty to which he could be liable would only be equal to the fifteen year prison sentence afforded to manslaughter cases. The Statute of Limitations for the latter crime, though, had already come into effect in May 1960 and thus many “desk murderers” who had not actually physically killed anyone themselves would be able to evade punishment. The chief beneficiaries of this proved to be the middle class, professional perpetrator, thus again enabling the circle of Nazi criminals to be drawn as small as possible, and the blame for the atrocities to be placed on more radical figures at the highest level of the Nazi regime.⁴⁷ The end of the 1960s, meanwhile, was marked by further controversial attempts to prevent the Statute from coming into effect and it was eventually abolished on 3 July 1979 by 253 to 228 votes in the Bundestag.⁴⁸

On the surface then, the debates over the Statute of Limitations would suggest a new impetus within West Germany for staging war crimes trials, but in the midst of these campaigns opinion poll research conducted by the Allensbach Institut für Demoskopie revealed how a significant proportion of the West German population continued to hope that a final line (*Schlußstrich*) could soon be drawn under the whole Nazi era. The results of this research is illustrated in the graph below.⁴⁹ In August 1958, as a new era of war crimes proceedings was being ushered in by the events in Ulm, 54% of those questioned by the Institut für Demoskopie claimed to be in favour

⁴⁷ For further explanation of the changes to definition of “accessory to murder”, see the Institute of Jewish Affairs, *Statute of Limitations and the Prosecution of Nazi Crimes in the Federal German Republic. Background Paper No. 14* (London: Institute of Jewish Affairs, July 1969).

⁴⁸ Herf, *Divided Memory*, p. 342.

⁴⁹ The data illustrated in the graph represents the results of five different opinion surveys conducted during this period, the details of which can be found in:

E. Noelle & E.P. Neumann eds., *Jahrbuch der öffentlich Meinung, 1958-1964* (Institut für Demoskopie) p.221;

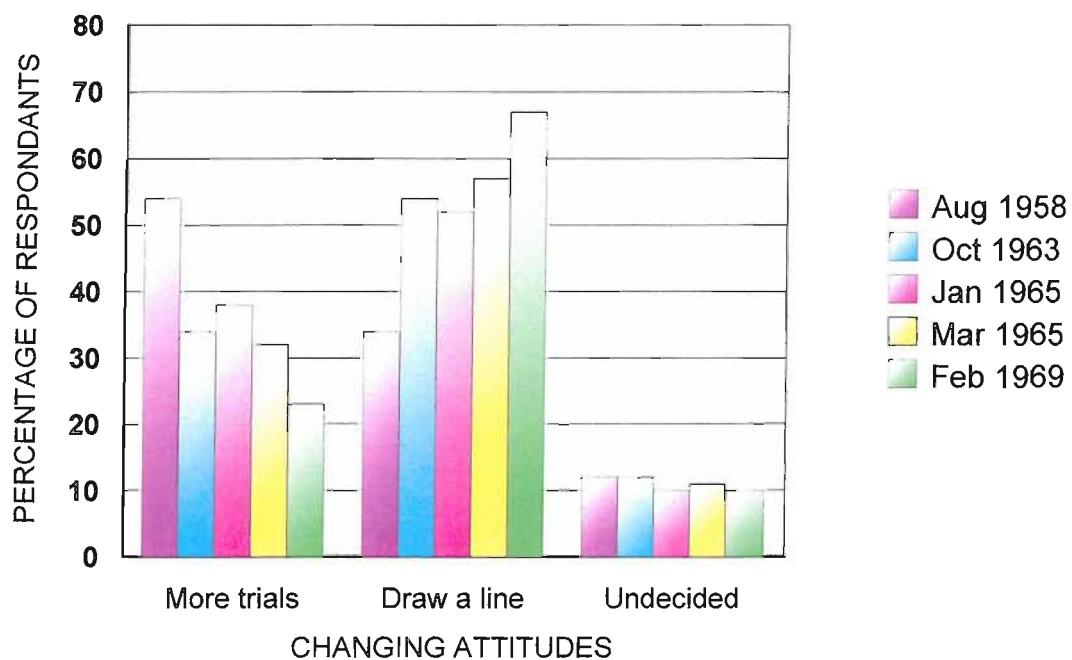
E. Noelle & E.P. Neumann eds., *Jahrbuch der öffentlich Meinung, 1965-1967* (Institut für Demoskopie) p.165;

Institut für Demoskopie, *Verjährung von NS-Verbrechen* (May, 1965);

Institut für Demoskopie, *Verjährung von NS-Verbrechen* (February, 1969).

of such trials, as oppose to 34% who would have preferred to see a line drawn under the recent past. By February 1969, though, as debates over the Statute of Limitations were revived in the Bundestag, the weight of public opinion had swung the other way. A mere 23% of respondents now agreed with the necessity of continued war crimes trials, with an overwhelming majority - 67% - calling for an end to such matters.⁵⁰

Fig. 1: Graph to Show West German Attitudes to the Statute of Limitations and the Continuance of Nazi War Crimes Trials, 1958-1969.



There were, of course, legitimate concerns surrounding the decision to continue war crimes prosecutions into the late 1960s and 1970s. The reliability of witness and defendant memories so long after the commission of the crimes, combined with the prospect of placing ageing men and women in the dock, was increasingly questionable. Many West Germans also felt angry at what they perceived to be foreign interference in the Federal Republic's internal political workings, as other nations and international organisations sought to sway the government on the issue.⁵¹ A survey

⁵⁰ Institut für Demoskopie, *Verjährung von NS-Verbrechen* (February, 1969).

⁵¹ Evidence that international bodies were trying to influence the issue can be found among the Papers of the Institute of Jewish Affairs which reveal an extensive correspondence with countries around the world in an attempt to determine how many nations were similarly governed by a Statute of Limitations. See MS239/T3/45: *War Crimes - Statute of Limitations*, held in the archives of the University of Southampton. Similarly, references to a

conducted by the Institut für Demoskopie in 1965, meanwhile, found that the majority of those opposed to further trials based their conviction on the grounds that other (Allied) war crimes had also been committed and subsequently ignored and that the Germans should stop “dirtying their own nest”.⁵²

A reluctance to address the past did not, therefore, disappear overnight. Instead the example of the Statute of Limitations debates clearly underlines how we need to look much more closely at the different views and opinions being articulated during the 1960s and reassess some of the popular assumptions that have been levied about the legacy of the Nazi past during that time. Far from being a straightforward shift towards a period of intense, critical engagement, it would appear that the question of the recent past and war crimes trials remained a tense and divisive issue throughout the 1960s.

Exploring Popular Memories of the Past

War crimes trials offer a valuable medium for tracing popular perceptions of the recent past, not least because of their ability to make themselves felt within wider spheres of popular culture and commemorative activities.⁵³ They can command a vast degree of public attention, evoke a highly emotional response from observers and are often bound up in a prosecutor or politician’s larger didactic aim of raising awareness about the lessons of the past. Indeed, during the 1960s, many people appeared to share the belief that such legal proceedings could play a crucial role in teaching others about the dangers of intolerance. Several towns and cities across West Germany marked the opening of a war crimes proceeding in their vicinity by staging exhibitions relating to persecution of the Jews, or conducting research projects into the fate of their own local Jewish population under the Nazi regime - public events designed to foster a wider discussion of these crimes.

petition signed by 49 British MPs asking the Foreign Office to intimate to the Federal Republic that an extension to the Statute would both help the country strengthen its democratic institutions and prove popular with British public opinion can be found in the National Archives, London, FO371/154294: War Criminals 1960 WG 1662/8: Report from the Foreign Office, London to Bonn (5 May, 1960).

⁵² Institut für Demoskopie, *Verjährung von NS-Verbrechen* (May, 1965).

⁵³ N. Frei, D. van Haak & M. Stolleis eds., *Geschichte vor Gericht: Historiker, Richter und die Suche nach Gerechtigkeit* (Munich: Beck, 2000).

Schools across the Federal Republic organised trips to their local court so that pupils might observe the trials firsthand. Such journeys played out against a background of ongoing educational debates over the best method for informing new generations about the Nazi past, and the belief, popular in the early 1960s, that young people were still largely ignorant of the Nazi era.⁵⁴ At the start of the decade, the West German press carried several stories on this theme. The *Frankfurter Rundschau* was typical: having surveyed 344 Munich schoolchildren aged 13-14 in 1960, it found two thirds disapproved of compensation being paid to the Jews, arguing if it was not for that, “our parents would not have to pay such high taxes”. A 14 year old boy was quoted as saying, “my father has said that the Jews started the war therefore they had to be punished”.⁵⁵ Although it is questionable as to how far such sporadic trips may have fostered a better understanding of the Third Reich among these children, the efforts of their teachers are suggestive of a determination among some sectors of the population to engage with Nazi criminality during this period. In addition, the revelations encountered in the courtroom encouraged these younger people to question some of the silences pervading these events up to that point, unleashing the early stirrings of a generational conflict over the past that would culminate in the student protests of 1968.

How far, though, did the “ordinary” West German population support such efforts to engage more critically with the legacy of the Nazi past? Much has been written on what constitutes memory, and the ways in which it is shaped and reshaped according to the passage of time, changing political climates and interaction with other people who have experienced similar events.⁵⁶ Within any study of historical memory,

⁵⁴ Marcuse, *Legacies of Dachau*, pp. 304-307; D. Siegfried, “‘Don’t Trust Anyone Older Than 30?’ Voices of Conflict and Consensus between Generations in 1960s West Germany”, *Journal of Contemporary History*, vol. 40/4 (2005) pp. 727-744.

⁵⁵ Reported in *AJR Information*, “Children’s Ignorance”, vol. xv/6 (1960) p.2. The following year, the journal noted how 530 youngsters aged 15-18 in Lower Saxony, Hamburg and Bremen had been surveyed about the legacy of the Nazi past, most of whom condemned the persecution of the Jews and deplored adults for failing to answer their questions about the Third Reich - *AJR Information*, “Schoolchildren Condemn Nazism”, vol. xvi/1 (1961) p.2.

⁵⁶ See, for example: T.W. Adorno, “What does Coming to Terms with the Past Mean?”, translated by T. Bahti & G.H. Hartman, G.H. Hartman ed., *Bitburg in Moral and Political Perspective* (Bloomington: Indiana University Press, 1986) pp. 114-129; T.G. Ashplant, *The Politics of War Memory and Commemoration* (London: Routledge, 2000); A. Confino, “Collective Memory and Cultural History”, pp. 1386-1403; P. Connerton, *How Societies Remember* (Cambridge; Cambridge University Press, 1987); N. Gedi & Y. Elam, “Collective Memory - What Is It?”, *History and Memory*, vol. 8/1 (1996) pp. 30-50; P. Gray & K. Oliver, *The Memory of Catastrophe* (Manchester: Manchester University Press, 2004); K. Hodgkin,

though, there is also an important distinction to be made between public and private spheres of remembrance. Chancellor Adenauer's diplomatic overtures to Israel during the 1950s, or the symbolic sight of Willy Brandt kneeling before the Warsaw Ghetto Memorial during his official visit to Poland in 1979, while constituting important moments in the history of the Federal Republic, did not necessarily mean that the rest of the West German population shared these attitudes to the past. Indeed, as Irwin-Zarecka has noted,

The 'realities of the past' as they pertain to individuals are not carbon copies of publicly available accounts. They are often worked out within smaller and larger communities of memory, their shape and texture reflecting a complex mixture of history and biography... How people attend to the past, if at all, how they make sense of it is very much grounded in their experience.⁵⁷

Likewise, we cannot take the enormous amount of media attention granted to high profile trials such as the Eichmann case as evidence of a close engagement with the past taking place at the grass roots level of West German society. Instead, we need to go beyond the symbolic overtures enacted by political heads of state and the simple assertion that one particular trial had a big impact upon the people, to examine much more closely the reactions of the "ordinary" members of the West German population.

Determining how "ordinary" people felt about these events, however, is fraught with difficulty. Wolfgang Benz argues that after the Second World War, it was generally considered taboo in West Germany to articulate Neo-Nazi or anti-Semitic viewpoints in public, anyone wishing to express such ideas was confined to daubing anonymous graffiti on walls, or conducting cautious conversations among like-minded individuals within the privacy of their own home if they did not wish to run the risk of prosecution.⁵⁸ That echoes of the old ideology continued to be uttered, though, is

Contested Past: The Politics of Memory (London: Routledge, 2003); I. Irwin-Zarecka, *Frames of Remembrance: The Dynamics of Collective Memory* (New Brunswick, New Jersey: Transaction Publishers, 1994); Kattago, *Ambiguous Memory*; K.L. Klein, "On The Emergence of Memory in Historical Discourse", *Representations* vol. 69 (2000) pp. 127-150; G. Klingenstein, "Über Herrkunft und Verwendung des Wortes Vergangenheitsbewältigung", *Geschichte und Gegenwart*, vol. 4 (1988) pp. 301-312.

⁵⁷ Irwin-Zarecka, *Frames of Remembrance*, p.56. See also T.W. Adorno, "Opinion Research and Publicness", translated by A.J. Perrin & L. Jarkko, *Sociological Theory*, vol. 23/1 (2005) pp. 116-123; A. Confino, "Travelling as a Culture of Remembrance", pp. 92-121; Domansky, "A Lost War", pp. 238-239.

⁵⁸ Benz, "The Persecution and Extermination of the Jews", p.94.

evidenced by the regular news reports in the German and Anglo-Jewish press on the desecration of Jewish cemeteries and the various legal actions taken against those bemoaning the number of Jews who had managed to escape the “Final Solution”.⁵⁹ Claudia Koonz, meanwhile, has described how she personally witnessed members of a Bavarian *Stammtisch* reminiscing about the “good old days” of the Third Reich when “the riffraff got what was coming to them”.⁶⁰ Similar thoughts may well have been aired among the delegates at veterans’ reunions - staged regularly during this period - or the slightly inebriated former soldiers in local beer halls. Alternatively, such occasions may have seen some sort of shame being expressed for what had happened under Adolf Hitler.

Throughout this period, external observers among foreign governments, the international press, survivors’ groups and opinion poll organisations kept a close eye on the ways in which the West German people were responding to the legacy of the past. In the midst of several war crimes trials West German newspapers and foreign media representatives went out onto the streets to try and gauge reactions from the “ordinary” passer-by.⁶¹ The results compiled by these groups constitute an important historical source for this project, although there are obvious issues at stake when relying on opinion poll data as an insight into personal thoughts and feelings. Aside from the problem of leading questions that may guide responses, there is also the

⁵⁹ In 1959, amid a rising number of antisemitic incidents and the posting of antisemitic letters to newspapers, state prosecutors and local government ministers in West Germany, the *Jewish Chronicle* reported on how the West German government was initiating legal proceedings against those believed to be instigating racism - “Combating Racial Hatred” (23 January, 1959) p.13. The threat of legal action, though, did not seem to act as a deterrent and, in the midst of the Frankfurt Auschwitz trial, the newspaper recorded how a total of 115 people had been arrested over the course of 1963 for Neo-Nazi or anti-Semitic incidents - see *Jewish Chronicle*, “10,445 Sentenced for War Crimes” (26 June, 1964) p.20.

⁶⁰ Koonz, “Between Memory and Oblivion”, p.265. See also C. Goschler, “The Attitude Towards Jews in Bavaria after the Second World War”, *Leo Baeck Yearbook*, vol. 36 (1991) pp. 443-458; F. Stern, “German-Jewish Relations in the Post-war Period: The Ambiguities of Antisemitic and Philosemitic Discourse”, Y.M. Bodenmann ed., *Jews, Germans, Memory: Reconstructions of Jewish Life in Germany* (Ann Arbor, Michigan: University of Michigan Press, 1996) pp. 89-90; and F. Weil, “The Imperfectly Mastered Past: Antisemitism in West Germany since the Holocaust”, *New German Critique*, vol. 20 (1980) pp. 135-153;

⁶¹ Such surveys were conducted during the 1958 Ulm trial in the local *Schwäbische Donau-Zeitung*, “‘Sühne für tausendfachen Mord’ im Urteil des Volkes” (1 September, 1958); and during the Auschwitz trial in *Die Zeit*, “Kennen Sie Wilhelm Boger?” (23 April, 1965). The BBC and ITV also adopted this technique in producing special editions of *Panorama* and *This Week* respectively on the Eichmann trial of 1961 - see: *Jewish Chronicle*, “Young Germans Approve Trial” (14 April 1961) p.17 and *AJR Information*, “The Eichmann Case”, vol. xvi/3 (1961) p.5.

concern that people may have felt obliged to respond in a particular way, to give what they knew to be the moral, politically correct response in a climate where National Socialism had been totally discredited. It would therefore be much “easier” for people, when approached in the street by a journalist, to quickly affirm their support for continued war crimes trials, their horror at Nazi crimes and their fierce condemnation of those involved in their perpetration, thereby presenting themselves in a better light and imposing a sense of distance from the crimes of the Third Reich.

In addition, throughout this period there were ongoing concerns for the effect that war crimes trials were having on the Federal Republic’s standing in the world. Against the background of the Eichmann trial, for example, the *Frankfurter Rundschau* took a particular interest in the fact that the United States was polling its own citizens on what they thought of the German people, summarising the results for its readers:

What do Americans today think about the Germans? The American GALLUP institute investigated this question and its colleagues in the USA asked a representative cross-section of the adult population about the positive and negative characteristics of the Germans. According to these results, the Germans today are primarily designated in the USA as industrious, intelligent and forward-looking. These attributes represent a large reversal in opinion compared with the results of a similar investigation in 1942, when the most common characteristics the Germans were labelled with were: warlike, industrious, cruel and treacherous.⁶²

In the new post-war political climate, West Germany needed to be regarded as a trustworthy partner in international affairs - a factor that again may have encouraged people to respond publicly to the war crimes trials in what they perceived to be the “correct” manner.

To circumvent some of these problems, this thesis has managed to gain unique access to a number of letters that were penned by “ordinary” members of the West German population to courts, prosecutors or, in one case, to a war crimes defendant himself. The sample is, admittedly, relatively small given the scale of war crimes proceedings during this period, although this owes much to the way in which such letters have, or have not, been preserved over the years. Some collections still remain

⁶² *Frankfurter Rundschau*, “Amerikaner über Deutsche” (5 May, 1961). For further details on this survey and American responses to the Eichmann case, see: I. Crespi, “Public reaction to the Eichmann Trial”, *Public Opinion Quarterly*, vol. 28/1 (1964) pp. 91-103.

with the local court that originally heard the case concerned and are fairly easy to locate, others have been transferred to regional or state archives. Many more, though, were destroyed after a period of five or ten years. This thesis relies on three key depositories: the Landgericht Bayreuth, the Landesarchiv Schleswig and the Hauptstaatsarchiv Düsseldorf. The former received a total of 280 letters during the 1958 trial of former *SS-Hauptscharführer* Martin Sommer. Many of these, though, came from abroad and, as a result, this study confines itself to a much smaller sample which originated within Bayreuth itself. In addition, it is worth noting that the Data Protection Act remains in force for these items. For this particular trial, I was unable to view the original letters for myself, but was reliant upon the staff of the chief prosecutor of Bayreuth, Herr Janovksy, to supply me with anonymised copies of a cross-section of local responses to the trial. 21 such letters were subsequently made available for the purposes of this thesis.⁶³ In other areas of the country, I was able to view the original files for myself, although care is taken that no personal information relating to the letter writers is revealed in this study. Individual letters are referenced instead by the author's surname initial. The Landesarchiv Schleswig yielded a total of 13 letters relating to the 1962-3 trial of former *SS-Stabsführer* Martin Fellenz, while the files relating to the 1966 prosecution of Sonderkommando 7a in Essen, now held in the Hauptstaatsarchiv Düsseldorf, contained just 3 examples of the resulting correspondence from the "ordinary" population.⁶⁴ Nevertheless, this material provides us with an unprecedented insight into the opinions being formed among some of the rank and file of West German society. Throughout the 1960s, war crimes trials appear to have unleashed an outpouring of popular interest in the proceedings ensuring that letter writing was not confined to a few isolated individuals, but became an unusually common occurrence in trials staged right across the Federal Republic.

At the same time, this study moves away from the more obvious "high profile" trials that occurred during this period - the big events where some sort of response was generally anticipated by a watchful world media - to look instead at the smaller proceedings staged in people's own towns where the accused often transpired to be a

⁶³ Letters on the Sommer trial, which is explored in Chapter 3 of this thesis, originated from the Landgericht Bayreuth, Ks3/1957.

⁶⁴ Letters on the Fellenz trial, explored in Chapter 4 of this thesis, originated from the Landesarchiv Schleswig, Abt. 354 Nos.11419, 11523-11528. Letters on the Essen Sonderkommando trial - the subject of Chapter 5 - can be found in the Haupstaatsarchiv Düsseldorf, Rep. 299 No. 794.

prominent member of the local community. In this way it is, again, hoped to get closer to events at the grass roots of West German society, while offering valuable new insights into how different areas of the country may have dealt with the legacy of National Socialism after 1945.

Local studies have certainly become popular among historians amid a wider trend towards the writing of “history from below”. Celia Applegate and Alon Confino have both written at length on the issue of *Heimat* - the nostalgic construction of an idyllic local community in which past cultural achievements were celebrated and traditional modes of life carefully preserved.⁶⁵ The ideal had its origins in the rapid process of social change and industrial upheaval that followed Unification in 1870, a means of offering the population “a bridge between a past and a present that looked uniquely dissimilar”.⁶⁶ Following the Second World War, *Heimat* was revived as a way of rediscovering the “other” Germany, a Germany distinct from the horrific revelations then emerging from the liberated camps, and a Germany in which some sense of pride could still be taken. By pointing to evidence of long-standing, healthy customs, people could depict Nazism as an aberration, a destructive but temporary phenomenon that had little to do with the nation itself. Similarly, by concentrating firmly on those localised traditions, Nazism could be portrayed as an alien force imposed from the outside, distinct from the local community. As Alon Confino has argued, “German history became meaningful as the scale of observation grew smaller. Subsumed within the locality, the nation was... portrayed as an innocent victim of the war and of Hitler”.⁶⁷

A number of scholars have already begun to conduct detailed local case studies on post-war West Germany, exploring how different regions, many of whom had been closely linked to the Third Reich, tried to reconcile themselves with their

⁶⁵ C. Applegate, *A Nation of Provincials: The German Idea of Heimat* (Berkeley, California: University of California Press, 1990) and “The Mediated Nation: Regions, Readers and the German Past”, J. Retallack ed., *Saxony in German History: Culture, Society and Politics, 1830-1933* (Ann Arbor, Michigan: University of Michigan Press, 2000) pp. 33-50; A. Confino, “Edgar Reitz’s *Heimat* and German Nationhood: Film, Memory and Understandings of the Past”, *German History*, vol. 16/2 (1998) pp. 185-208 and *The Nation as a Local Metaphor: Wurttemberg, Imperial German and National Memory, 1871-1918* (Chapel Hill, North Carolina: University of North Carolina Press, 1997).

⁶⁶ Confino, *The Nation as a Local Metaphor*, p.98.

⁶⁷ A. Confino & A. Skaria, “The Local Life of Nationhood”, *National Identities*, vol. 4/1 (2002) p.10.

Nazi past after 1945.⁶⁸ This study incorporates a range of case studies drawn from areas right across the Federal Republic of Germany in an effort to get closer to how “ordinary” West German responses to war crimes trials after 1958 fit into prevailing notions of *Vergangenheitspolitik*.

This thesis is divided into three broad sections which examine a series of different war crimes trials staged across the Federal Republic of Germany from 1958.

The first section examines the extent to which high profile trials can serve as effective vehicles of memory. Such proceedings dominate existing historiography amid claims that they were responsible for inspiring a more critical engagement with the Nazi past within West Germany. Chapter One explores the place of the 1961 Eichmann and the 1963-5 Frankfurt Auschwitz trial within existing literature more fully, and sets out to reassess the impact that these proceedings really had upon the West German consciousness.

On the one hand, these two trials undoubtedly had a significant resonance around the world. This chapter surveys the extent and style of the press coverage these proceedings generated in West Germany, and looks at their wider cultural impact, with books, plays, films and exhibitions all following in their wake. The fact that both cases focussed exclusively on the implementation of the “Final Solution” rendered them distinct from the Nuremberg trials at the end of the war, while the Eichmann trial in particular accentuated Jewish suffering under the Third Reich, factors which raised, in some respects at least, new awareness of the nature of the Holocaust.

At the same time, though, this chapter also questions the extent to which the “ordinary” people shared some of the moral sentiments expounded in passionate newspaper editorials, and the degree to which the very nature of these trials may have actually worked against any critical confrontation with Nazi atrocities. While the high

⁶⁸ See, for example: K. Fings, “Kriegsenden, Kriegslegenden: Bewältigungsstrategien in einer deutschen Großstadt”, B-A: Rusinek ed., *Kriegsende 1945: Verbrechen, Katastrophen, Befreiungen in nationaler und internationaler Perspektive* (Dacahu: Wallstein Verlag, 2004) pp. 219-238; N. Gregor, “The Illusion of Remembrance”, pp. 510-633; and “Is He Alive or Long Since Dead?”, pp. 183-203; S. Keller, *Günzburg und der Fall Josef Mengele: Die Heimatstadt und die Jagd nach dem NS-Verbrecher* (Munich: R. Oldenbourg Verlag, 2003); Reichel, *Das Gedächtnis der Stadt; Rosenfeld, Munich and Memory*.

profile nature of some of the defendants, and the monstrosity of their wartime behaviour ensured global media attention, the overwhelming focus on the “excess” perpetrators fuelled existing tendencies to demonise Nazi criminals and to place the blame for all the crimes on a radical few, thereby perpetuating a sense of distance between the men in the dock and the rest of the West German population. In addition to such psychological barriers, the Eichmann trial, being staged in Jerusalem, imposed a literal, geographical sense of distance between the courtroom revelations and the West German people. This chapter thus sets out the case for going beyond the praise generally heaped onto the Eichmann and Auschwitz trials as important turning points in public attitudes to the past, and to consider instead the earlier, smaller judicial initiatives that were conducted on a local level within the Federal Republic as a means for getting closer to the responses of the West German people.

The second section of this thesis, therefore, returns to the late 1950s and examines the extent to which the year 1958 can be viewed as a legitimate starting point for the stirrings of a more critical West German engagement with the legacy of the Third Reich. Two successive chapters focus on two separate trials staged during this year in different areas of the country. Chapter Two looks at the prosecution of ten former members of the Tilsit Einsatzkommando in Ulm, a trial that has, as yet, received little detailed scholarly attention despite being the first major prosecution of Nazi war criminals to take place under the jurisdiction of the Federal Republic. This chapter highlights the previously ad hoc nature of many West German investigations into suspected war criminals, with the chief defendant Bernhard Fischer-Schweder only being discovered by chance, and the extent to which the Ulm trial subsequently inspired a new, more co-ordinated investigative system.

While Chapter Two examines the responses to crimes committed in Eastern Europe, Chapter Three offers an assessment of West German reactions to a trial dealing with crimes committed much closer to home and involving a high proportion of German victims. This part of the project focuses on the Bayreuth trial of former Buchenwald killer Martin Sommer, a man whose name had been linked with Nazi crimes since the immediate aftermath of the war, but who had managed to evade prosecution for thirteen years on the grounds of ill health. This chapter contrasts the reception afforded to the Ulm and Bayreuth proceedings, and traces the ways in which Bayreuth’s own compromised past, as a town associated with Nazified Wagner

festivals, may have influenced local reactions to the Sommer case, drawing upon opinion poll data and letters written by members of the public to the court.

The final section of this thesis returns to the notion of the 1960s being the decade of change with two further case studies examining events at ground level. Chapter Four traces the post-war history of Schleswig-Holstein, another area of West Germany that, like Bayreuth, had its own compromised past to deal with. During the late 1920s and early 1930s, the state had consistently polled a high percentage of the Nazi vote and the region became the setting for a final retreat of leading figures of the crumbling regime in the spring of 1945. During the 1960s, the state was vilified in some sections of the press as an area obstinately refusing to “come to terms” with the Nazi past and persistently harbouring known war criminals in its midst. A series of high-profile scandals exposed a number of former notorious Nazis, such as the “euthanasia” doctor Werner Heyde, who continued to enjoy prominent positions in the state judiciary, parliament, educational establishments and the medical profession, despite their true identities being known to the local authorities. Against this background, this chapter looks at the 1962-3 prosecution in Flensburg of Martin Fellenz, a man responsible for the mass shooting of thousands of Poles and Jews during the war. Fellenz personifies the concept of “the murderers among us”, having been an extremely prominent figure in the community, owning a local bakery, conducting the church choir and representing the Free Democratic Party on the town council. This case study shall explore the ways in which the residents of Flensburg reacted to Fellenz’s arrest in view of his status in the town.

Finally, Chapter Five moves our focus westwards to the Rhineland, examining the cumulative effect of a whole series of war crimes trials in the region during the 1960s and highlighting the role that groups of liberal-minded individuals could play in inspiring a more critical engagement with the past. It explores the impact of the first Treblinka trial held in Düsseldorf between 1964 and 1965 which, again, saw a local man appearing as the chief defendant, as well the resonance of the 1964 Sachsenhausen trial that was conducted in Cologne. Similarly, responses to the 1965-1966 trial of three former Sonderkommando members in Essen will also be examined. The chapter highlights the work of the local Evangelical Church in encouraging greater discussion about the Third Reich, as well as exploring the

initiatives that were being undertaken by local youth groups and schools during this time.

Taken as a whole, this thesis seeks to shed valuable new light on both the West German handling of the Nazi legacy during the 1960s, and the role that war crimes proceedings can play in shaping popular attitudes to the past. It re-examines some of the assertions that have been made for the more high-profile trials of this period, and provides the first detailed analysis of some of the less prominent proceedings taking place in the Federal Republic during this time. In particular, it highlights the way in which courtroom proceedings were able to enjoy a wider, cultural resonance throughout this period - a factor which would place the Nazi genocide at the forefront of public discussion and, theoretically at least, acquaint a wider audience with details of the atrocities. At the same time, this thesis seeks to move away from providing a straightforward, linear narrative of *Vergangenheitsbewältigung* and instead highlights the diversity of opinion which continued to exist into the 1960s. It explores the complexities of generational responses to the past as well as the ongoing tension - as embodied in the highly publicised debates over the Statute of Limitations - between a popular desire to move on, draw a line under the whole Nazi era and focus on the future; and a moral obligation to address more critically the crimes perpetrated under the Third Reich. Similarly, by deliberately focussing on war crimes trials conducted in different areas of the Federal Republic and encompassing a range of criminal types from “sadists” to “decent” German citizens, this study examines how the nature of the accused, the particular crimes under discussion and differing regional political cultures all further combine to complicate existing historical accounts of West German memories of National Socialism.

Chapter One: High Profile Trials. The Eichmann and Auschwitz Proceedings of the 1960s.

The Eichmann and Auschwitz trials - the two most famous Nazi war crimes proceedings of the 1960s - were played out before a global audience, with the trial of Adolf Eichmann opening in Jerusalem on 11 April 1961. The former SS-*Obersturmbannführer* worked in the Jewish Department of the RSHA during the Third Reich and had been the central figure behind various emigration schemes, including the plan in 1940 to deport four million Jews to Madagascar. During the Second World War, Eichmann assumed a leading role in the deportation of over 500,000 Poles and Jews from western Poland and helped to compile the minutes for the Wannsee Conference of January 1942 where plans for a “Final Solution” were discussed. He was subsequently responsible for time-tabling the transportation of European Jews to the extermination camps.¹ In 1960, Eichmann was sensationaly kidnapped from his post-war hiding place in Buenos Aries by Mosad agents acting on information supplied by Holocaust survivor and subsequent Nazi hunter, Simon Wiesenthal.² Eichmann’s name had already cropped up on numerous occasions during the 1945-6 International Military Tribunal at Nuremberg as defendants pointed to his integral role in the organisation of the “Final Solution”, although his real significance was not recognised at the time by the Allied authorities. Seeing Eichmann’s name in the judgement, Justice Francis Biddle had appended a telling annotation, asking, “who was he?”³

Throughout 1961, however, Eichmann’s name gained far greater currency. His role in time-tabling the transportation of Jews to the extermination camps in Eastern Europe was relayed in vivid detail during his prosecution, ensuring that his name now became synonymous with the crimes of the Third Reich. Following a four month deliberation, the judges returned their verdict between 11 and 12 December 1961.

¹ For details on Eichmann’s career in the Third Reich, see D. Ceserani, *Eichmann: His Life and Crimes* (London: William Heinemann, 2004).

² For details on the circumstances leading up to Eichmann’s discovery, see: Ceserani, *Eichmann*, pp. 221-236; and S. Wiesenthal, *The Murderers Are Among Us*, ed. J. Wechsberg (London: Pan Books, 1968).

³ Ceserani, *Eichmann*, p.1.

Eichmann was found guilty and, following an unsuccessful appeal process, was hanged in the grounds of Ramla prison at midnight, 31 May 1962.⁴

While the Eichmann case was occupying the world's attention, the judicial authorities in the Federal Republic of Germany were already laying the foundations for what would become West Germany's biggest war crimes proceeding - the Auschwitz trial. The central figure behind this process was Fritz Bauer, the Attorney General for the State of Hesse. Bauer had spent three years in a Nazi concentration camp before fleeing to Denmark, and later Sweden, where he involved himself in antifascist activity. Returning to West Germany in 1949, he proved a determined supporter of war crimes trials and a fierce critic of the Federal Republic's handling of its recent past. He had already played a significant role in the capture of Adolf Eichmann, passing information as to his whereabouts onto the Israeli authorities and urging them to hunt him down.⁵

Conducted in Frankfurt am Main between December 1963 and August 1965, the Auschwitz case saw twenty former extermination camp personnel prosecuted for crimes committed during the Second World War. Chief among the accused was former SS-*Oberscharführer* Wilhelm Boger, notorious for having devised the so-called "Boger Swing" for the torture of the Auschwitz inmates. The trial lasted over 180 days and saw approximately 400 witnesses being called to the stand. The eventual sentence passed down by the court saw the accused receiving prison terms ranging from life to 14, 10 or just 3½ years.⁶

⁴ For further details of the trial itself, see: *The Trial of Adolf Eichmann: Record of Proceedings in the District Court of Jerusalem* (Jerusalem: Trust for the Publication of the Proceedings of the Eichmann Trial, 1992-1995); H. Gouri, M. Swirsky & A.L. Mintz, *Facing the Glass Booth: The Jerusalem Trial of Adolf Eichmann* (Detroit, Michigan: Wayne State University Press, 2004); B. Nellessen, *Der Prozess von Jerusalem: ein Dokument* (Düsseldorf: Econ, 1964).

⁵ Ceserani, *Eichmann*, pp. 222-225. For further details on Bauer and the preparations for the Auschwitz trial, see: R.E. Wittmann, "The Wheels of Justice Turn Slowly: The Pre-trial Investigations of the Frankfurt Auschwitz Trial, 1963-65", *Central European History*, vol. 35/3 (2002) p.361.

⁶ For details on the Auschwitz trial, see: F. Balzer & W. Renz, *Das Urteil im Frankfurter Auschwitz Prozess 1963-1965: erste selbständige Veröffentlichung* (Bonn: Pahl-Rugenstein, 2004); Fritz Bauer Institut ed., "Auschwitz: Geschichte, Rezeption und Wirkung", *Jahrbuch zur Geschichte und Wirkung des Holocaust* (Frankfurt am Main: Campus, 1996); Fritz Bauer Institut ed., "'Gerichtstag haben über uns selbst...' Geschichte und Wirkungsgeschichte des ersten Frankfurter Auschwitz-Prozesses", *Jahrbuch zur Geschichte und Wirkung des Holocaust* (Frankfurt am Main: Campus, 2001); R. Hirsch, *Um die Endlösung: Prozessberichte über den Lischka-Prozess in Köln und den Auschwitz-Prozess in Frankfurt/Main* (Rudolstadt: Greifenverlag, 1984); H. Langbein, *Der Auschwitz-Prozess*:

Both trials continue to fascinate scholars, although the focus of existing academic studies has tended to rest not so much with the way in which these cases shaped West German interpretations of the past, but with the way in which they (and the Eichmann trial in particular) were received in other countries such as Israel and the United States.⁷ This historiographical gap, however, has not prevented scholars from making great claims for the trials' impact within the Federal Republic. On the contrary, many accounts fleetingly assert that the proceedings had a major part to play in West Germany's ongoing efforts to "come to terms" with its past. Lawrence Douglas argues that the 1961 prosecution of Adolf Eichmann constituted "The Great Holocaust Trial" - a case that "served to *create* the Holocaust" in the public consciousness.⁸ For the first time, the plight of the Jews was at the forefront of public discussion and the Holocaust was being viewed in its own right, rather than just one of a series of crimes committed by the Nazis. Both the Eichmann and Auschwitz proceedings made extensive use of Jewish survivor testimony, a move that enabled the story of the "Final Solution" to be brought to life far more vividly for observers and gave a voice back to the victims of the Nazi regime. This stood in stark contrast to earlier trials conducted by the Allies in the immediate wake of the Second World War that had relied heavily on official documents created by the perpetrators.

Eine Dokumentation (Vienna: Europa Verlag, 1965); B. Naumann, *Auschwitz: A Report on the Proceedings Against Robert Karl Ludwig Mulka and Others Before the Court at Frankfurt*, translated by J. Steinberg (London: Pall Mall Press, 1966); S. Steinbacher, "Auschwitz Before the Courts", *Auschwitz: A History*, translated by S. Whiteside (Munich: C.H. Beck, 2004) pp. 137-152; G. Werle & T. Wandres, *Auschwitz vor Gericht: Völkermord und bundesdeutsche Justiz: mit einer Dokumentation des Auschwitz-Urteiles* (Munich: Beck, 1995); R. Wittmann, *Beyond Justice: The Auschwitz Trial* (Cambridge, Massachusetts: Harvard University Press, 2005).

⁷ See, for instance: I. Crespi, "Public Reaction to the Eichmann Trial", *Public Opinion Quarterly*, vol. 28/1 (1964) pp. 91-103; C.Y. Glock, G.J. Selznick & J.L. Spaeth, *The Apathetic Majority: A Study Based on Public Responses to the Eichmann Trial* (London: Harper & Row, 1966); P. Novak, *The Holocaust and Collective Memory: The American Experience* (London: Bloomsbury, 1999); G. Salomon, "The End of Eichmann: America's Response", *American Jewish Yearbook*, vol. 64 (1963); J. Shandler, "The Man in the Glass Box", *While America Watches: Televising the Holocaust* (Oxford: Oxford University Press, 1999) pp. 83-132; Y. Weitz, "The Holocaust on Trial: The Impact of the Kasztner and Eichmann Trials on Israeli Society", *Israel Studies*, vol. 1/2 (1996) pp. 1-26; H. Yablonka, "The Development of Holocaust Consciousness in Israel: The Nuremberg, Kapos, Kasztner and Eichmann Trials", *Israel Studies*, vol. 8/3 (2003) pp. 1-24. A rare, more detailed insight into German responses to the Eichmann case can be found in U. Brochhagen, "Auch das noch! Der Eichmann-Prozess in Jerusalem", *Nach Nürnberg: Vergangenheitsbewältigung und Westintegration in der Ära Adenauer* (Berlin: Ullstein, 1999) pp. 389-408.

⁸ L. Douglas, *The Memory of Judgement: Making Law and History in the Trials of the Holocaust* (New Haven, Connecticut & London: Yale University Press, 2001) p.6.

Hannah Arendt, meanwhile, attended the Eichmann trial in her capacity as a journalist for the *New Yorker* magazine. In her iconic study, she credits the proceedings with giving the West German judiciary the much-needed impetus to improve its handling of the war crimes issue, noting, “for the first time since the close of the war, German newspapers were full of reports on the trials of Nazi criminals, all of them mass murderers”.⁹ She insists that it was the dramatic and rather controversial arrest of Adolf Eichmann in 1960 that helped inspire the “first serious effort made by Germany to bring to trial at least those directly implicated in murder”. In making this claim she ignores the wave of war crimes investigations and prosecutions that had been set in motion within West Germany since the end of the 1950s.¹⁰ Rudy Koshar argues that the Eichmann trial acted as a “lightning rod for increased historical interest in both Israel and Germany”, seeing this case, together with the Auschwitz trial and a proliferation of books and documentaries on the Nazi era, as helping to create a more critical climate in which West German youth would begin to ask more questions about the past.¹¹ Likewise, Ian Buruma insists that the 1963-5 Auschwitz trial “was the one history lesson that stuck” for the West German people.¹²

But how far was this really the case? What was it that made these particular trials any different from other war crimes investigations launched during this period of West German history? Or are existing accounts too simplistic, concealing a far more complex and ambiguous set of public responses among the West German people? How does one even begin to measure support or pinpoint shifts in people’s attitudes? Arendt concedes that despite the lofty educational ambitions harboured by prosecutor Gideon Hausner, the spectators who filed into the Jerusalem court each day to follow the Eichmann trial firsthand were largely comprised of Holocaust survivors, rather than the envisaged legions of Israeli youth. Despite seeking to appeal to a wider

⁹ H. Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (London: Faber, 1963) p.12.

¹⁰ *Ibid.*, p.11. Arendt’s remarks have been challenged by other scholars - see, for example, J. Robinson, *And The Crooked Shall Be Made Straight: The Eichmann Trial, The Jewish Catastrophe and Hannah Arendt’s Narrative* (New York: MacMillan, 1965) and R.E. Wittmann, “The Wheels of Justice Turn Slowly”. The remainder of this thesis will also examine some of the action taken by the West German judiciary from 1958 - three years prior to the start of the Eichmann trial.

¹¹ R. Koshar, *From Monuments to Traces: Artefacts of German Memory, 1870-1990* (Berkeley, California: University of California Press, 2000) p.235.

¹² I. Buruma, *The Wages of Guilt: Memories of War in Germany and Japan* (London: Vintage, 1995) p.149.

population, the trial consequently found its greatest audience among a group of people who already knew only too well the suffering that the Nazis had wrought upon the Jews.¹³ This chapter will now move towards a closer examination of the Eichmann and Auschwitz trials to see just how far these proceedings resonated within the Federal Republic itself - and to fill in some of the remaining gaps within existing historiography.

Media Coverage of the Eichmann and Auschwitz Proceedings

The response of the West German media to the high profile trials of former Nazi war criminals has recently been the subject of in-depth statistical analysis by Akiba Cohen, who surveyed press coverage of the Eichmann and Auschwitz trials, together with that of the 1945-6 IMT and the 1987 prosecution of John Demjanjuk, over the course of four leading West German newspapers: *Die Welt*, *Frankfurter Allgemeine Zeitung*, *Frankfurter Rundschau* and *Süddeutsche Zeitung*. His findings reveal that those trials staged closer to home seemed to make a greater impression on the West German media, with the Nuremberg and Auschwitz proceedings generating far more press reports than either the Eichmann or, later, the Demjanjuk hearings that were conducted in Israel. "Clearly and understandably," notes Cohen, "the German press and (probably) its public were most interested in the trials that took place in Germany".¹⁴ Of the four newspapers examined by Cohen, *Die Welt* lived up to the international connotations of its name and provided the largest amount of coverage on the Eichmann proceedings in Jerusalem while, unsurprisingly, the two Frankfurt-based publications provided the most writing on the Auschwitz case being heard on their own doorstep.

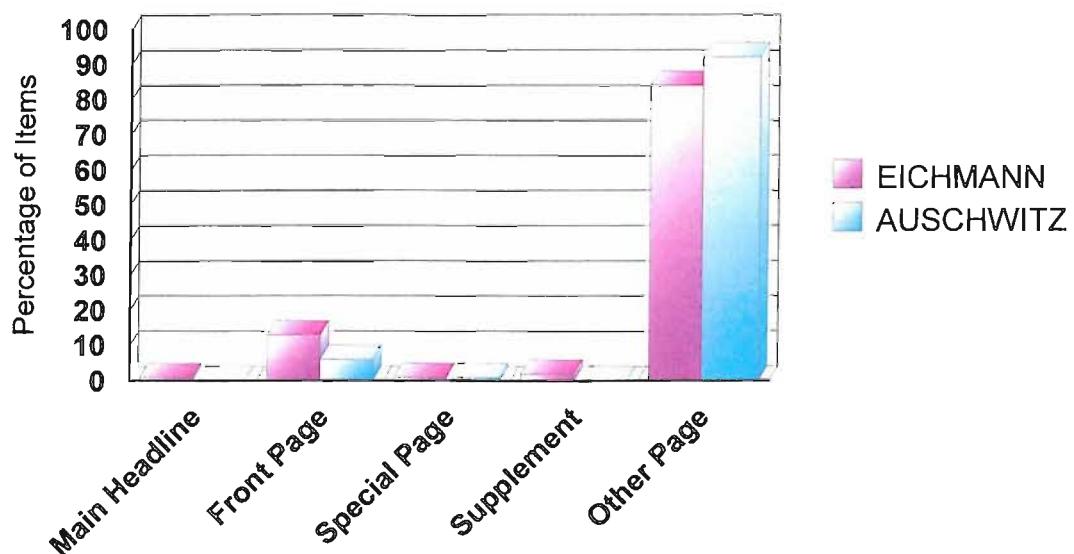
Nevertheless, both the Eichmann and Auschwitz trials commanded a sizeable degree of media attention within West Germany, with most major publications running daily reports from the courts. However, the actual placement of these reports within the newspapers raises some interesting questions over the perceived importance being attached to these events. Just 1% of articles produced on the Eichmann case made

¹³ Arendt, *Eichmann in Jerusalem*, p.6.

¹⁴ A. Cohen, T. Zemach-Marom, J. Wilke & B. Schenk eds., *The Holocaust and the Press: Nazi War Crimes Trials in Germany and Israel* (Cresskill, New Jersey: Hampton Press, 2000) p.58.

headline news, and only 13% ever reached the front page at all. The Auschwitz trial, meanwhile, failed to make the front page headlines at any stage in its proceedings, even within the local Frankfurt newspapers - and just 6% of reports were positioned on the front page.¹⁵ Thus despite the vast number of articles produced on these trials, the overwhelming majority tended to be “buried” within the inner pages of the West German press, perhaps reported more out of obligation rather than any sense that such stories could be crucial, newsworthy events. At the same time, the very manner of reporting varied between the trials. More feature stories were generated by journalists seeking to explain the background to the Auschwitz case, while the Eichmann trial prompted far more readers’ letters, and twice as many editorials than the events in Frankfurt.¹⁶ The resonance of the Eichmann trial among editors and readers alike many owe something to the novelty of the situation they were faced with in 1961. Even aside from the unusual circumstances surrounding his capture, Eichmann constituted the first major war criminal to be tried since immediate post-war years of 1945-6, and the first large scale trial to be conducted in Israel.

Fig. 2: Graph to Show the Placement of Articles on the Eichmann and Auschwitz Trials within West German Newspapers.



¹⁵ Statistics quoted here - and displayed in the graph above - are based on Cohen’s survey of his four leading newspapers in *The Holocaust and the Press*, pp. 75-76. For more details on the coverage afforded to the Eichmann trial, see: H. Lamm, *Der Eichmann Prozeß in der deutschen öffentlichen Meinung* (Frankfurt am Main: Ner-Tamid-Verlag, 1961).

¹⁶ *Ibid.*, pp. 66-68.

A closer examination of the West German media handling of the Eichmann and Auschwitz trials also reveals a number of key themes dominating the coverage. Firstly, there was a popular concern for the effect that such proceedings would have on the Federal Republic's reputation. As was to be expected, radical pronouncements on this theme were expounded by the right-wing press, with the *Soldatenzeitung* predicting, "the opening of the Eichmann trial will mark the beginning of the biggest anti-German hate campaign known for the last five years".¹⁷ *Der Freiwillige*, a publication for former members of the Waffen-SS, was similarly reluctant to concede that there could be any merit in taking legal action against Eichmann and continuing to rake over the past. In a statement that underlined the ongoing post-war efforts of Waffen-SS veterans to style themselves in the mould of the honourable German solider (and thereby distance themselves from the Nazi genocide), the newspaper nonetheless implicitly acknowledged the crimes that had been committed under National Socialism:

"During the Eichmann year, press and film have conspired to defame the honour of the men who served as privates, officers and generals in the Waffen-SS. Nothing has been too absurd or far-fetched to incriminate us and to saddle us with responsibility for some degrading and infamous acts".¹⁸

The mainstream press, by contrast, was more circumspect. The *Frankfurter Illustrierte* set out to investigate what the people of Israel were saying about the trial and, by extension, the (West) German nation. The following exchange with a Jewish cafe owner was held up as being typical of the wholly positive responses encountered:

"‘I have lost my whole family’, said Schmoel, but he said it without hatred. He opined that one could not hold the youth in Germany responsible for the deeds of their parents.”¹⁹

The Eichmann trial, then, raised fears as to the perception of the German people before the rest of the world - fears that were expounded in the run up to the trial

¹⁷ Cited in the *Jewish Chronicle*, “German Reputation” (7 April, 1961) p.36.

¹⁸ *Ibid.* For details on how veterans of the Waffen-SS sought to portray their past after 1945, see D.C. Large, “Reckoning Without the Past: The HIAG of the Waffen-SS and the Politics of Rehabilitation in the Bonn Republic, 1950-1961”, *Journal of Modern History*, vol. 59 (March 1987) pp. 79-113.

¹⁹ *Frankfurter Illustrierte*, “Der Prozeß” (9 April, 1961).

by some of the leading public figures of the Federal Republic. Chancellor Adenauer acknowledged, “I have a certain amount of concern as to the effect... on opinion about us Germans as a whole” and, in a statement revealing how there remained some ignorance or confusion as to real nature of the Holocaust, he urged the world to remember that Nazism had “committed just the same crimes against Germans as Eichmann did against the Jews”.²⁰ Such sentiments, though, were not confined to the political right. The mayor of West Berlin and SPD representative Willy Brandt also issued a statement prior to the Eichmann trial which underscored the distinction between the perpetrators of the Third Reich and the rest of the West German population:

The people of the world must know and be told that Adolf Eichmann does not reflect the thinking of the German people. The crimes he committed do not reflect the basic tenets of the German Federal Republic... A new Germany desiring to live in a democratic community has been born and lives in the hearts of the greatest majority of my people.²¹

The Frankfurt Auschwitz trial, meanwhile, produced its own set of concerns as to the responses of foreign observers. With this case being heard within the Federal Republic itself, there was the added question over how other countries would view the West German justice system and the very manner in which the trial was conducted. At the end of the trial in 1965, the *Stuttgarter Zeitung* took the opportunity to review the comments generated within the international media, while the *Frankfurter Rundschau* hit back at foreign criticisms, levelled primarily by the East German press, over the leniency of the final sentencing. The newspaper noted defiantly, “these people, who suffered so unspeakably under the dictatorship... should be happy that the law is once again being upheld”.²²

When the West German press did return their attention to the actual trial, there was a tendency, as was first visible during the immediate aftermath of the war, to demonise the accused. Adolf Eichmann was frequently described as a “Devil” or

²⁰ Reported in the *Jewish Chronicle*, “Adenauer is Worried” (17 March, 1961) p.19. See also: *The Times*, “Dr. Adenauer’s Misgivings over Eichmann Trial” (11 March, 1961) p.7; and “Eichmann Reviving a Past Still Hard to Face” (7 April, 1961) p.11.

²¹ Reported in the *Jewish Chronicle*, “Berlin Mayor Appeals to World Jewry” (24 March, 1961) p.20.

²² *Stuttgarter Zeitung*, “Lebheftes Pressecho auf das Auschwitz-Urteil” (21 August, 1965); *Frankfurter Rundschau*, “Gegen Mulka und andere” (21 August, 1965).

“monster”, and there were regular references to the glass security booth he was housed in during the proceedings for his own protection. Eichmann’s *Glaskasten* became a trope of trial reports, conveying connotations of a dangerous wild animal being placed on display in a global zoo. The illustrated magazine, *Quick*, even included photographs of the “cage” being constructed in the run up to the start of the trial.²³

A similar discourse ran through the coverage afforded to the Auschwitz proceedings, with much emphasis placed on those members of the camp hierarchy who seemed to have gone beyond the call of duty in order to satisfy their own peculiar bloodlust. While both trials saw newspaper articles reprinting graphic witness testimony, the Auschwitz case produced some particularly gruesome imagery in the press. The local *Frankfurter Allgemeine Zeitung* ran a series of dramatic, macabre headlines declaring “A Mountain of Children’s Bodies” or “25,000 Murdered in 24 Hours”.²⁴ In her recent study of the Auschwitz trial, Rebecca Wittmann, noting this preponderance of horrific imagery, suggests, “it was almost a pornography of the Holocaust, that both sold papers and distanced the general public from the monsters on the stand whose actions were reported in graphic detail”.²⁵ It was subsequently possible to render the criminals of the Third Reich distinct from their fellow countrymen rather than recognising them as “ordinary” human beings. Indeed, Wittmann holds this trend responsible for the failure of the Auschwitz trial to impact upon the public consciousness, arguing “the public felt a lack of interest in the trial and its possible lessons because the press presented the perpetrators as monsters and sadists”.²⁶ The people were unable to relate to the defendants and were thus unable to discern any message or lesson emanating from the proceedings that could be held as relevant for them.

Throughout this period, however, there were several examples of more liberal minded journalists and editors who were prepared to accept a share of responsibility and shame for what had gone before, and who were determined to inspire a wider, more critical engagement with the past among the wider population. Impassioned editorials urged others to reflect on the recent past and recognise the lessons that

²³ *Quick*, “Eichmann soll leben - bis er sterben muss” (12 March, 1961).

²⁴ *Frankfurter Allgemeine Zeitung*, “Ein Berg von Kinderleichen” (7 March, 1964) and “25000 Ermordete in 24 Stunden” (9 October, 1964).

²⁵ Wittmann, *Beyond Justice*, p.176.

²⁶ *Ibid.*

needed to be learned if West Germany, and the world, were to avoid a repeat of such horrors in the future. Reporting on events from Jerusalem, *Die Zeit* argued: “Eichmann is an inescapable fact. He stands for our past, which we will have to accept with as much decency, honesty and dignity as we can muster”.²⁷ Similar sentiments were expressed during the Auschwitz trial. *Die Welt* argued:

The trial will have to be borne by us Germans alone. The indescribable will come alive again for our neighbours, for the survivors and for the relatives of the victims. They will be reminded that there actually happened what no man wanted nor wants to believe. The Germans will not only face the unbelievable as a reality, but they will also be confronted with shame again, shame at crimes that were committed in their name.²⁸

The *Frankfurter Rundschau*, meanwhile, stressed the educational imperative bound up in war crimes proceedings, noting:

“The dark years of dictatorship have left mountains of guilt. No court on this earth can ever remove this burden but it can and must call to justice those who were responsible and guilty, and it can and must erect a warning memorial”.²⁹

Other newspapers, however, retained an apologetic view of the past as they denounced the crimes of the Third Reich. In the midst of the Auschwitz trial, the *Frankfurter Neue Presse*, again drawing upon the popular imagery of the Third Reich as the “darkest” period of German history, echoed the language of the early 1950s with all its talk of the German people as having been misled by Nazi propaganda:

“The trial has its special importance in the enlightenment it can throw on the darkest chapter in German history, but it is also important in serving as a reminder and an appeal to future generations: not only to keep alive abhorrence over the aberrations of the human mind, the disregard of common sense, the denial of all principles of humanity, but also to obtain and preserve the capability and readiness to resist demagogical seduction and seducees better than was done by the German people during the years of barbarity”.³⁰

²⁷ Cited in the *Jewish Chronicle*, “German Reputation” (7 April, 1961) p.36.

²⁸ Cited in the *Jewish Chronicle*, “German Press Says Trials Are Necessary” (3 January, 1964) p.17.

²⁹ *Ibid.* See also, *Welt am Sonntag*, “In Jerusalem spüre ich keinen Haß” (9 April, 1961); and *Tagesspiegel*, “Der Prozeß” (11 April, 1961).

³⁰ Cited in the *Jewish Chronicle*, “German Press Says Trials Are Necessary” (3 January, 1964) p.17.

Meanwhile, writing in relation to the Eichmann case, the *Rhein-Zeitung* asserted apologetically how the majority of the German people had remained ignorant of Nazi crimes. The newspaper also made a clear distinction between “the Germans” as a people, and those who “abused the German name” through the committing of such crimes, declaring:

“Our whole country is sitting in the dock... Though it is a fact that most Germans did not know what was hidden in the phrase ‘Final Solution’, as deceptive as it was perfidious, it is just as much a fact that we know it now and shall have to take account of it down to its last details. We cannot brush aside, with a flick of the hand, the horrors perpetrated under the abuse of the German name. Nor can we do so by the mere assertion, correct though it is in itself, that the Federal Republic is no longer the Third Reich. Instead, we shall have to look things in the eye and make ourselves so strong together with all the forces of the free world, that nothing like this can ever happen again”.³¹

The Eichmann certainly produced a strong sense of disbelief and bewilderment within the West German press as to how such crimes could have been possible. The *Frankfurter Rundschau* posed a series of questions as it sought to grapple with the enormity of the Holocaust:

How was all this possible, how could it happen that six million people could be murdered out of hand, without visible cause or coercion, just because they were Jews? And how was it possible for these crimes to emanate from the leadership of a civilised people that owed a great deal to its Jewish component?³²

Similarly, the *Bonner General-Anzeiger* reflected:

If Eichmann had slain 20, 30 or even 100 Jews these would be figures we could grasp. But what can one make of five or six million dead? Such enormous figures take on a somewhat abstract quality... They tend to belong to the world of statistics. They are incapable of arousing emotions for a lengthy period. If it were otherwise, what human being could bear it?³³

³¹ *Rhein-Zeitung* (12 April, 1961) - cited in J. Carmichael, “Reactions in Germany”, *Midstream*, vol. vii/3 (1961) p.20.

³² *Frankfurter Rundschau* (1 May, 1961) - cited in Carmichael, “Reactions in Germany”, p.17.

³³ *Bonner General-Anzeiger* (17 May, 1961) - cited in Carmichael, “Reactions in Germany”, p.18.

Such comments can be placed alongside the *Rhein-Zeitung*'s profession of popular ignorance, with the implication that the Eichmann trial was providing people with their first insight into the horrors of the Third Reich. At the same time, though, the women's publication *Frau und Politik* rejected out of hand claims that the German people had not known what was happening to the Jews, posing its own set of probing rhetorical questions that suggested at least some knowledge of Nazi crimes had been circulating in the Federal Republic before the "revelations" of the Eichmann case:

No one will believe us when we say we didn't know about all that. And is it really the whole truth? Didn't we know there were concentration camps, which terrible things were reported about? Didn't we know that our Jewish fellow citizens, even before they had to wear the Jewish star, were terrorised in a way that can't bear thinking about? Did we not, for instance, know about the wiping out of so-called inferior lives?³⁴

Other publications used these high profile trials as a chance to ponder the whereabouts of other war criminals, and the need for continued legal action against them. *Revue*, publishing a series of illustrated articles on the Eichmann case under the banner, "The Trial of the Century", clearly felt there was still much work to be done in this matter and questioned what had become of Eichmann's accomplices. Pointing to the number of former Nazis who must still be living peacefully "among us as harmless citizens", the paper printed photographs of many "absent" personalities, such as Martin Bormann and Josef Mengele, together with an overview of their place within the Nazi regime and the crimes associated with their names.³⁵

Newspapers, though, were not the only medium to relay details of these proceedings. West German television and radio ran regular reports on the trials, giving them a major media presence. A daily summary of the Eichmann trial, for example, was screened nightly at prime time in an effort to reach as wide an audience as possible. Jean-Paul Bier has argued that it was the utilisation of the growing medium of television that was "essential" in enhancing the impact of the trials and transforming the Holocaust into "a painful actuality" for the West German people.³⁶

³⁴ *Frau und Politik* (April, 1961) - cited in Carmichael, "Reactions in Germany", p. 20.

³⁵ *Revue*, "Noch sind Mörder unter uns" (16 April, 1961).

³⁶ J-P. Bier, "The Holocaust, West Germany and Strategies of Oblivion, 1947-1979", A. Rabinbach & J. Zipes eds., *Germans and Jews since the Holocaust: The Ongoing Situation in West Germany* (New York: Holmes & Meier, 1986) p.190. Newspapers, though, remained people's primary source of information on the trial. Data gleaned by the Allensbach Institut

People were purchasing televisions for the first time and by the early 1970s, 95% of the population had access to one in their own home. This phenomenon imbued war crimes proceedings with a highly visual quality and consequently enabled the sight of Eichmann in his glass “cage” to become an iconic image.

In several instances, television reports on the trials were juxtaposed with special programmes designed to provide background information on the history of the Nazi regime. In the midst of the Eichmann trial, West German television showed the fourteen part documentary series, *Das Dritte Reich*, which attracted a sizeable audience. 17 million people - 41% of the adult West German population - watched at least one of the eight programmes that made up the series, 30% followed it over the course of several shows and 72% of the population claimed to have spoken about it with other people. The most interested sector of the population was the 30-44 year old age bracket, of whom at least 50% claimed to have seen at least one of the programmes.³⁷

However, Christoph Classen has argued that while the Eichmann case received immense television coverage, the Frankfurt Auschwitz trial, despite being the biggest war crimes proceeding to be conducted on West German soil, failed to produce a similar resonance.³⁸ In contrast to the spectacular circumstances surrounding Eichmann’s arrest and prosecution, the lengthy proceedings against Mulka *et al* lacked drama, and only two television plays were screened during this period relating to war crimes trials as judicial events. In April 1964, Westdeutscher Rundfunk showed *Hund des Generals* which dealt with the problem of establishing guilt in a war crimes trial, and in November that same year, Süddeutscher Rundfunk screened *Dreht euch nicht um!* which depicted concentration camp survivors having to recall their own painful memories to secure the conviction of a perpetrator.³⁹

für Demoskopie in June 1961 found that the majority of West Germans (56%) were following the trial through the press reports, compared with 36% who relied on television coverage and 25% on radio broadcasts. 15% of those surveyed at the time admitted they had not been following the case at all. See: “Prozessberichte” in E. Noelle & E.P. Neumann eds., *Jahrbuch der öffentlichen Meinung, 1958-1964* (Allensbach & Bonn: Institut für Demoskopie, 1964) p.226.

³⁷ Statistics gleaned from J. Carmichael, “Reactions in Germany”, *Midstream*, vol. vii/3 (1961) p.14.

³⁸ C. Classen, *Bilder der Vergangenheit: Die Zeit des Nationalsozialismus im Fernsehen der Bundesrepublik Deutschland, 1955-1965* (Cologne: Böhlau Verlag, 1999) pp. 160-161.

³⁹ *Ibid.*, p. 62. Between the 1960s and early 1970s, ZDF (Zweites Deutsches Fernsehen) screened 1,600 prime time minutes of historical programmes per year - see also W. Kansteiner, “Nazis, Viewers and Statistics: Television History, Television Audience Research

However, despite the screening of such programmes and the statistics relating to *Das Dritte Reich*, it remains difficult to tell how people really responded to the evening television reports on the trials, or how the sudden deluge of special programming affected their own attitudes to the legacy of the Nazi past. Writing in 1961, Jewish writer Joel Carmichael acknowledged the problematic nature of trying to measure people's responses to the trials:

"For all we know, many Germans may simply have switched off their TV sets the moment the Eichmann trial came on. There are individual pockets of Nazi obduracy scattered throughout the country, to say nothing of the broader strata of old-fashioned nationalist, right-wing and patriotic opinion. The older Germany has not, after all, evaporated. Indeed, not only was there a tendency among right-wing extremists... to call the Eichmann trial a 'show trial' designed to 'defame' Germany etc., but in the very midst of the trial, a former top Nazi was elected Bürgermeister of a small town in Lower Saxony and a street was named after Ludendorff... In odd spots, also, some anti-Semitic handbills were circulated and a swastika scrawled here and there; these may be traced to the influence of the Eichmann trial".⁴⁰

While Carmichael admits that such activity was "peripheral", it would seem from his comments, and the manner of newspaper reporting that accompanied both the Eichmann and Auschwitz trials, that there remained some divergent viewpoints in the Federal Republic throughout this period, and some continued doubts as to the wisdom of continually raking over the embers of the Nazi past. Thus, to gain a closer impression of the effects that these high profile proceedings had on the "ordinary" West German population, we need to move away from the realms of the courtroom and the newspaper columns, and examine events that were taking place at the ground level of West German society.

The Nazi Past on Public Display

One of the most interesting features in West Germany during this period saw a growing number of exhibitions being mounted across the country on the theme of the Nazi past. Frankfurt, the location of the 1963-5 Auschwitz trial, was particularly prolific in this trend. Between 23 November 1963 and January 1964, it played host to

and Collective Memory in West Germany", *Journal of Contemporary History*, vol. 39/4 (2004) p. 577, 581.

⁴⁰ *Ibid.*, p.15.

an exhibition on the Warsaw Ghetto, and between 18 November and 20 December 1964 it staged another on Auschwitz itself. Both exhibitions were held in the Paulskirche while the prosecution of the former Auschwitz personnel was ongoing in the local courtroom. The venue was significant in itself having been the seat for the German Parliament in 1848. It thus constituted a powerful symbol of the democratisation of West German society, as well as a reminder of the existence of healthier German political traditions prior to the rise of National Socialism.

The Auschwitz display made a clear link between itself and the war crimes proceedings then in progress, organised jointly by the *Frankfurter Bund für Volksbildung*, Fritz Bauer and two of the trial prosecutors, Henry Ormond and Christian Raabe. It also incorporated photographs of the accused arriving at the courthouse as part of its story, together with excerpts from the indictment. Elsewhere in the exhibition, images of Nazi parades, book burnings and the boycott of Jewish shops sought to trace the evolution of the “Final Solution”. Both Frankfurt exhibitions attracted a large number of visitors, with the Warsaw Ghetto display drawing a crowd totalling some 61,000 people and the Auschwitz exhibition receiving 88,000.⁴¹

The fact that the city of Frankfurt staged exhibitions on the recent past at a time when its name was being indelibly linked to a major war crimes trial may not appear particularly surprising. It is interesting, however, that the geographical distance between the Eichmann trial and the Federal Republic did not prevent this case also being utilised as an opportunity for trying to inspire a wider public engagement with the atrocities perpetrated under the Nazi regime, inspiring its own exhibition in Munich in 1961.

Like the Auschwitz display in the Paulskirche, the very location of the Eichmann exhibition proved significant, being held in the Bürgerbräukeller on Rosenheimer Straße that had been the scene of the NSDAP’s ill-fated putsch against the Weimar government in November 1923. The same venue had also witnessed Georg Elser’s assassination attempt on Adolf Hitler during the Nazis’ commemorations of the putsch on 8 November 1938. The 1961 exhibition was organised by the West German writer Rolf Seeliger, in conjunction with the *Vereinigung der Verfolgten des Naziregimes* (VVN), one of the leading associations of

⁴¹ C. Brink, “Auschwitz in der Paulskirche”: Erinnerungspolitik in Fotoausstellungen der sechziger Jahre (Marburg: Jonas-Verlag, 2000) p.25.

former victims of National Socialism. Both were to prove consistently vocal in their attempts to draw attention to the legacy of the Third Reich throughout the 1960s, a significant factor given that the left-wing VVN had originally been banned amid the anti-Communist climate of the early 1950s.⁴² The exhibition included photographs and documents relating to Eichmann's role in the Nazi machinery and was open daily to the public between 9am and 8pm, with entry costing fifty Pfennig. The show attracted a steady stream of visitors, particularly from the local schools. A teacher from a school in Munich was the first to write in the visitors' book, simply stating, "this is deeply shocking".⁴³

However, for many people, the Eichmann exhibition proved "deeply shocking" for a completely different reason. The show gained notoriety and public attention not so much for its overarching message about Nazi criminality, nor even as a result of the sensationalism attached to the figure of Adolf Eichmann himself. Instead, the resonance of the exhibition rested firmly in its peculiar association with one of the biggest political scandals of this period: the growing questions that were surrounding Konrad Adenauer's choice of State Secretary. The man filling this prominent government position, Hans Globke, had penned the commentary to the infamous Nuremberg Laws of 1935 that had severely curtailed Jewish rights in Nazi Germany. The fact that he was still able to wield much influence over West German politics had subsequently rendered him the subject of much criticism, especially from East Germany.⁴⁴ Certain documents displayed in the Munich exhibition clearly implicated

⁴² Seeliger had take a keen interest in raising awareness of the Nazi past and produced a number of works on this theme throughout the 1960s. See, for instance, his *Braune Universität: Deutsche Hochschullehrer gestern und heute. Dokumentation mit Stellungnahmen III* (Munich: Rolf Seeliger, 1965). For an example of the VVN's work during this period, see *Die unbewältigte Gegenwart: Eine Dokumentation über Rolle und Einfluss ehemals führender Nationalsozialisten in der Bundesrepublik Deutschland* (Frankfurt am Main: Vereinigung der Verfolgten des Naziregimes, 1962).

⁴³ Quoted in the *Süddeutsche Zeitung*, "Blick in eine düstere Vergangenheit" (20 February, 1961).

⁴⁴ For details on the Globke scandal, see: *Globke: Adenauer's State Secretary and the Extermination of the Jews. On the Criminal Past of Dr. Hans Globke, State Secretary in the Office of Federal Chancellor Adenauer* (East Berlin: Committee for German Unity, 1960); *Globke: Der Bürokrat des Todes. Eine Dokumentation über die Blutschuld des höchsten Bonner Staatsbeamten bei der Ausrottung der Juden* (East Berlin: Anschluss für Deutsche Einheit, 1963); K. Gotto ed., *Der Staatssekretär Adenauers: Persönlichkeit und politisches Wirken Hans Globkes* (Stuttgart: Klett-Cotta, 1980); J. Zaborowski, *Dr. Hans Globke: The Good Clerk* (Poznan: Zachodnia Agencja Prasowa, 1962); J. Boulier ed., *Der Prozess gegen Dr. Hans Globke* (Dresden: Verlag Zeit im Bild, 1963).

Globke in the story of Eichmann's crimes. As a result, the first "visitors" to the exhibition were members of the West German security police who removed the offending items before the show could open to the public.

The removal of the controversial documents, though, did not prevent Globke's name from being mentioned in the same breath as that of Adolf Eichmann. Not only did the confiscation receive substantial press comment, but the police themselves left Globke's name indelibly marked on the exhibition by substituting a letter, authorising them to remove the documents, in their place. Visitors to the exhibition could therefore continue to make the connection between their State Secretary and the crimes of the Third Reich, while the official letterhead no doubt served as a reminder of both the continued reluctance among key sectors of West German society to foster a more critical engagement with the Nazi past, and - in an interesting precursor to the *Spiegel Affair* - an apparent police hostility to the practice of free speech. The move caused much excitement within the West German press, and became the talking point of the exhibition. Press coverage provided by the local *Süddeutsche Zeitung* focussed primarily on these events, with a description of the actual exhibition receiving only a paragraph towards the end of the article.⁴⁵

The Eichmann and Auschwitz trials also enjoyed a wider cultural resonance in the form of theatrical representations of the past. The aftermath of Eichmann's prosecution saw Rolf Hochhuth's play, *The Deputy*, unleashing a storm of controversy as it depicted the Papacy's failure to intervene in the face of the atrocities being perpetrated against the Jews. The play was performed in 27 countries and included the figure of Adolf Eichmann within it.⁴⁶ Likewise, the end of the Auschwitz trial saw the production of Peter Weiss's play, *The Investigation*. The author had personally observed the daily sessions in the Frankfurt court and based his work upon the actual dialogue spoken by the defendants and witnesses during the trial, as well as Bernd

⁴⁵ *Süddeutsche Zeitung*, "Blick in eine düstere Vergangenheit" (20 February, 1961). See also: *Abendzeitung*, "Protest gegen Beschlagnahme" (21 February, 1961). The Globke connection also became the focus for Anglo-Jewish reporting on the exhibition - see the *Jewish Chronicle*, "Globke Exhibits Seized" (24 February, 1961).

⁴⁶ R. Hochhuth, *The Representative*, translated by R.D. MacDonald (London: Methuen, 1963). On the controversy surrounding this play, see: E. Bentley, *The Storm Over 'The Deputy'* (New York: Grove, 1964); J. Berg, *Hochhuth's 'Stellvertreter' und die 'Stellvertreter'-Debatte: Vergangenheitsbewältigung in Theater und Presse der sechziger Jahre* (Kronberg im Taunus: Scriptor, 1977); M. Patterson, "'Bewältigung der Vergangenheit' or 'überwältigung der Befangenheit': Nazism and the War in Post-war German Theatre", *Modern Drama*, vol. 33/1 (1990) pp. 125-126.

Naumann's reports in the *Frankfurter Allgemeine Zeitung*. On 19 October 1965, it was performed simultaneously on over twelve stages across the Federal Republic free of charge and broadcast on the radio - a move which granted the play added publicity and enabled a far wider audience to hear its message.⁴⁷

The longer term legacy of the Auschwitz trial, meanwhile, was also ensured with the publication on 20 August 1965 - shortly after the trial's conclusion - of Martin Broszat and Helmut Krausnick's *Anatomy of the SS State*. Both scholars had appeared as expert witnesses during the course of the Auschwitz proceedings, outlining the development of the extermination camps and the nature of the Nazi state. The two volume book enjoyed immense public interest and was out of stock within two months. The title was reissued in the autumn of 1967 as a more affordable paperback and became a best-seller in both the Federal Republic and abroad.⁴⁸

On the face of it, then, the two trials certainly seemed to make their presence felt within West Germany, inspiring a whole spate of cultural and commemorative activities, as well as raising further questions about the number of former war criminals who remained unpunished. How far, though, did these public events translate to a private reflection on the criminality of the Third Reich? How far did people really start to question recent events and engage with the lessons of the past? While numerous historians have identified public activities as a sure sign of a country belatedly "coming to terms" with its past, the reality behind popular responses to the Eichmann and Auschwitz proceedings was rather more complicated.

⁴⁷ P. Weiss, *The Investigation: Oratorio in Eleven Cantos*, translated by A. Gross (London: Calder & Boyous, 1966). For further works relating to this play, see: R. Cohen, "The Political Aesthetics of Holocaust Literature: Peter Weiss's 'The Investigation' and its Critics", *History and Memory*, vol. 10 (1998) pp. 43-67; C. Weiss, *Auschwitz in der geteilten Welt: Peter Weiss und 'Die Ermittlung' im kalten Krieg* (St. Ingbert: Röhrg, 2000); *Der Spiegel*, "Weiss: Gesang vor der Schaukel", vol. 43 (1965). Both plays are studied further in M. Patterson, "Bewältigung der Vergangenheit".

⁴⁸ H. Krausnick, M. Broszat, D. Long & M. Jackson eds., *Anatomy of the SS State*, translated by R. Barry (London: Collins, 1968). For details on its reception see: N. Frei, "Der Frankfurter Auschwitz-Prozeß und die deutsche Zeitgeschichtsforschung", Fritz Bauer Institut ed., *Auschwitz, Geschichte, Rezeption und Wirken* (Frankfurt: Campus Verlag, Jahrbuch 1996) pp. 130-131.

Popular Opinions on the Eichmann and Auschwitz Trials

A) Readers' Letters to West German Newspapers on the Trial of Adolf Eichmann.

Some of the most interesting insights into popular attitudes to these trials can be gleaned from the numerous readers' letters that were sent to West German newspapers in response to the extensive media coverage of the proceedings. The Eichmann trial in particular prompted many people to express their views on the case. Some wrote in response to a specific article, agreeing or taking issue with the statements issued by a particular journalist. Others wrote in response to the unfaltering news coverage as a whole, reacting in the face of the international spotlight that was now being trained upon the Federal Republic. Still others showed signs of having engaged closely with the trial, feeling compelled to put pen to paper by certain arguments or testimonies set forth in the courtroom. Whatever the compunction behind these letter writers, though, it was clear that the prosecution of Adolf Eichmann was striking a chord among the West German population.

The majority of letters reprinted in the newspapers appeared to share the more critical views expressed in countless editorials, a factor which does, of course, raise the issue of editorial control over the selection of material for publication. A letter to *Die Welt* in March 1961 took issue with the fact that debates over Israel's very right to arrest and try Eichmann continued to dominate much of the public thinking about the case. The writer implored:

"Almost half of all Israeli families still mourn relatives who died because there was a Nazi Germany. Must not matters of procedure seem of less than secondary importance in the face of the immediate and constant recollection of the million fold murder that weighs on the people of Israel?"⁴⁹

The use of rhetorical questions was a consistent feature of readers' letters on the Eichmann trial, and it would seem that the editors and journalists were not alone in trying to galvanise public interest in the case. Emotive appeals as to how such crimes could ever have happened, what could be done to prevent a recurrence and what others would do if they had been in a similar position all sought to inspire a serious reflection

⁴⁹ Letter to *Die Welt* (March 1961) cited in J. Carmichael, "Reactions in Germany", *Midstream*, vol. vii/3 (1961) p.23.

upon the legacy of the Nazi past. Much less constrained than professional writers in terms of what they could and could not say, these correspondents embarked upon a far more passionate, dramatic and critical representation of the trial.

A letter to the Hamburg-based newspaper, *Die Zeit* on 31 March 1961 was typical. The newspaper had previously urged people to “follow this case with extreme consciousness... analyse it coldly... and manfully swallow the pain... for the Germans have really never been cowards”.⁵⁰ Now one of its readers rejected out of hand any notion of observing the events in such a clinical and restrained fashion, retorting with a total of five rhetorical questions in the space of a single paragraph:

“Is that all? Shouldn’t a glance into a past like that rather make the entire people leap up with a single shriek? Keeping calm in the face of such atrocities can only be done by characters like Eichmann. And for that matter, what *were* all those ‘Yes, sir!’ and ‘Aye, aye, sir’ characters, and all those countless people on the bandwagon, if not cowards? That’s why I think we should not be so worried about the consequences about our reputation abroad; instead we must ask ourselves over and over again: How could it ever have come to that? What must we do so that it doesn’t happen again?”⁵¹

Other letter writers questioned the failure of the German people and, in particular, the German churches, to prevent the occurrence of the crimes in the first place. A writer to the Munich-based *Süddeutsche Zeitung* acknowledged the failure of any large scale resistance movement against the Nazis, and demonstrated a strong sense of shared responsibility for the atrocities that had been committed:

“It was not the Eichmanns - it was ourselves, and therefore I consider the whole German people guilty... No one said from a pulpit: ‘Remain human!’ Here and there a Catholic priest or a Protestant pastor grew indignant. But what I would like to know is why the entire body of bishops and all the pastors did not rise up and say: ‘We withdraw from all the organs of the state, including the armed forces!’”⁵²

While many pronouncements of shared responsibility were issued during this period by politicians, clergymen, journalists and readers alike, the above letter stands out as having been written by someone who had been closer than most to the crimes

⁵⁰ *Die Zeit* (17 March, 1961), cited in Carmichael, “Reactions in Germany”, p.22.

⁵¹ Letter to *Die Zeit* (31 March, 1961), cited in Carmichael, “Reactions in Germany”, p.24. Original emphasis.

⁵² Letter to *Süddeutsche Zeitung* (27 May, 1961), cited in Carmichael, “Reactions in Germany”, p.24.

scenes. The author revealed in the latter stages of his letter that he had served as a soldier in Poland during the Second World War, although he remained silent as to the precise nature of his duties while in the region. Indeed, a study of readers' letters to West German newspapers during the course of the Eichmann trial reveals a high proportion of letters emanating from ex-military personnel. Some, like the above example, expressed an awareness of their own culpability in Nazi war crimes. Others engaged excitedly in wider legal debates about the ability to refuse an order from a superior officer, while many more described some of the appalling sights that had met their eyes while serving in Eastern Europe. In contrast to the notions of widespread silence that have characterised historical depictions of the 1950s or, indeed, the post-war legacy of the *Wehrmacht*, the staging of war crimes trials at the start of the 1960s became explosive moments, giving rise to a desire by many former soldiers to talk about the past and acknowledge, however implicitly, that criminal activities had taken place.

One correspondent to *Die Welt* during this time was a former Luftwaffe sergeant who considered it part of his good fortune not to have spent the war among the mobile killing units or concentration camp personnel. Nevertheless, the revelations emerging from the Eichmann proceedings seem to have forced him to reconsider past allegiances and subject himself to some serious soul-searching:

"I must speak up, I cannot help myself! I must tell what I felt and what I still feel in reading your reports of the Eichmann trial. Shame, shame, shame! And nothing but a wild and desperate shame!"

... Shattered, I keep asking myself over and over what I really would have done if... I had been ordered to participate in these bestialities. Would I have had enough character, enough humanity, to have turned my gun around and shoot those who were tearing children away from their mothers and simply smashing them? Would I have had the same bad character to shoot down wounded women and children who were painfully and agonisingly dragging themselves out of the mountains of corpses?

My God! It is frightful! I don't know, I cannot say. I can give no binding answer, no convincing one. It is only the shame, the burning shame that remains, no one can extinguish it any more, for I once did call these fellows 'Comrade'! There are still, after all some left of those that did the shooting, of those that obeyed those orders. Were they really ordered to be so bestial? For that matter were they ever soldiers? Do none of those who are still alive and who committed such bestialities stand up - for our honour - beat his breast and confess: 'I was there too, I also let myself be swept along!'

And this Eichmann! Spread everything out in front of him, piece by piece, deed by deed, for he never soiled his fingers, he only gave the orders! He gave the orders, and we obeyed - we idiots!"⁵³

The letter is full of self-condemnation, to the extent that by the end of the piece, the writer has identified himself entirely with those perpetrators who implemented the systematic mass murder of European Jewry. As the letter progresses, the author moves away from simply recounting his overwhelming sense of shame, typical of many other thoughtful readers' letters of this period, and starts to ponder far more deeply on the nature of collaboration and participation in the atrocities. Taken as a whole, the letter reads like the writer was in a close enough position to at least observe, if not commit, the crimes being described. The repeated use of rhetorical questions, combined with the short, sharp dramatic statements, give the impression of a man wrestling with his conscience and trying to deal with the reality of his past participation in the Nazi regime. The whole letter also stands in contrast to the newspaper editorials which claimed most Germans had been ignorant of Nazi crimes. Instead of the Eichmann trial being seen as the provider of brand new information, here we have a sense that the high-profile Jerusalem proceedings actually provided an opportunity for members of the West German population to break their silence and to express publicly the knowledge they had already been harbouring in private.⁵⁴

A closer examination of readers' letters is afforded through a study of the populist Hamburg-based newspaper, *Bild-Zeitung* which, on 1 June 1961, printed extracts from sixty letters it had received over the course of the Adolf Eichmann trial from people all over the Federal Republic. Some had clearly suffered at the hands of the Nazis themselves, with several references to their own imprisonment in concentration camps that illustrated the presence of a counter-memory on the Left. The majority of correspondents, though, appear to have been "ordinary" members of the Third Reich, neither an active member of the resistance, nor a perpetrator at the heart of the Nazi genocide. The views expressed by this section of the population varied enormously, with opinion clearly divided over the merits of having so much

⁵³ Letter to *Die Welt* (17 May, 1961), cited in Carmichael, "Reactions in Germany", p.25.

⁵⁴ On the issue of knowledge about the Nazi crimes, see: N. Frei, "Auschwitz and the Germans: History, Knowledge and Memory", N. Gregor ed., *Nazism, War and Genocide: Essays in Honour of Jeremy Noakes* (Exeter: University of Exeter Press, 2005) pp. 147-165; Steinbacher, *Auschwitz: A History*.

column space in the national press being devoted to a figure like Eichmann. Although *Bild-Zeitung* only published parts of these letters, often amounting to little more than one sentence of exclamation, which prevents us from seeing these comments in context, they nonetheless provide us with an interesting element of the public discourse surrounding the Eichmann trial in West Germany. Taken as a whole, we can again distinguish some key themes emerging from these texts - themes that, as this thesis shall demonstrate, can be seen more generally as tropes of popular West German responses to the Nazi war crimes trials of this period.

An initial look at the letters sent to *Bild-Zeitung* suggests, unsurprisingly, that the majority of its readership wholly approved of its handling on the Eichmann trial. “What you achieve with your Eichmann reporting!” exclaimed a reader from Kreuznach - and he was not alone in this sentiment. One person described *Bild-Zeitung*’s handling on the proceedings as “outstanding”; another proclaimed, “Your Eichmann report should hang from every advertising column!”⁵⁵ There was a keen sense among these readers that such media reports on the trial constituted an important educational tool for generating wider public awareness of the crimes of the Third Reich. Anton Seitz from Geislingen stated:

“Your comments on the Eichmann trial show a love of the truth. It would be good if one was to learn once again how many innocent children were murdered with the six million Jews”.⁵⁶

In Herr Seitz’s view, therefore, many West Germans had already forgotten, or otherwise failed to have taken on board, the details of the Holocaust that had emerged in the immediate aftermath of the Second World War. There is a sense that people needed to be shaken out of their lethargy and that silences still needed to be shattered, with Herr Seitz clearly feeling that emotive reminders of what happened to children during the war might provide the necessary impetus for achieving this.

Not every reader, though, recognised the importance of spreading the trial’s message. Several writers took issue with the sheer volume of press attention currently being afforded to Adolf Eichmann, wary of the dangers of giving him a media platform to expound his ways of thinking. Some felt that he was simply not worthy of

⁵⁵ *Bild-Zeitung*, “BILD-Leser zum Eichmann-Prozeß” (1 June, 1961).

⁵⁶ *Ibid.*

mention and were angered at the level of publicity he was managing to attract. One reader from Ramsdorf bemoaned the fact “Eichmann has become like a celebrity!” Willi Lau from Braunschweig similarly questioned whether “these brutes [are] worth so much fuss as is being made?” Karl Kehrer from Bad Wörishofen, meanwhile, stated bluntly, “much too much is spoken about Eichmann. He deserves to hang.”⁵⁷

The issue of a suitable punishment for Eichmann also became a popular theme within readers’ letters to *Bild-Zeitung*. Kurt Bechtle from Freudenthal stated, “in my view there is only one sentence: the death penalty!”⁵⁸ As is often the case with high profile trials dealing with particularly callous or disturbing acts, such calls for capital punishment became a popular rallying cry throughout the Nazi war crimes trials of the 1960s, despite there being no provision for such a penalty under Federal German law. Other readers, though, felt even this was too good for a figure like Eichmann, arguing that he be made to feel for himself what it was to suffer. Former concentration camp victims were particularly keen to devise ways to give Eichmann a taste of his own medicine. The very news that the defendant was currently able to enjoy the use of comfortable slippers angered one correspondent from Haubersbronn:

“Eichmann’s felt slippers - they remind me of my time in Dachau where we had to wear wooden shoes. Couldn’t one give these to Eichmann as well so he feels at least a little discomfort?”⁵⁹

While Eichmann’s potential punishment excited much debate, the other major theme to dominate the letters printed in *Bild-Zeitung* concerned the accused’s defence counsel, the West German lawyer, Dr. Robert Servatius. Many readers found it outrageous that Eichmann could even warrant a defence lawyer. A woman from Lübeck was typical, declaring, “it is inconceivable that a lawyer was found to defend such a monster”.⁶⁰ Other readers took issue with the tactics being employed by the Defence, accusing Servatius of “whining” and even calling for him to face his own trial after the conclusion of the Eichmann case. The very fact that the lawyer in question was of West German nationality also proved a grave cause for concern. Hugo Janssen from Munich called upon his fellow citizens of the Federal Republic to

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

distance themselves from Servatius, not wishing to be similarly seen as “clients of Eichmann”. Another reader denounced it as “a scandal that a German lawyer volunteers to defend this monster!”⁶¹

Thus, while the majority of comments published in *Bild-Zeitung* revealed how many West Germans were following the events in Jerusalem closely enough to be able to name the lawyers involved, and did recognise the need to deal with Nazi war criminals, there remained a significant proportion of correspondents who continued to focus their concern upon the Federal Republic’s reputation and the desire to separate themselves from the crimes of the Third Reich, rather than any careful consideration of the legacy of the National Socialist past. Johanna Bretschneider from Trillfingen exclaimed passionately, “Eichmann is not the German people!” Max Lindner from Waldrems noted, “our name is becoming disreputable through such Nazi criminals”, while a woman from Munich seemed to rue the fact “one has to shame oneself before the entire world”. Jupp Wollny from Flensburg, meanwhile, insisted that “the German people wanted neither the war nor the persecution of the Jews”.⁶²

Another implicit criticism of the continuing war crimes trials came from Martin Salg of Jügesheim whose letter to *Bild-Zeitung*, asked, “why does one interrogate all the upright people, while one treats brutes like Eichmann like a raw egg?”⁶³ Salg’s reference to “the upright people” bears the implicit sores of the denazification process of the immediate post-war period which West Germans had attacked as unfair - conveying connotations of the honourable, esteemed West German citizen who had “nothing to do” with the crimes of the Third Reich. The defensive tone of this statement also underscores notions of German victimhood, contrasting Eichmann’s apparently comfortable stay in custody with the indignity of the ordinary German people having to be investigated by the winning Allies after 1945. Another reader, Herbert Molner from Berlin-Charlottenburg, took offence at the moralising tone being adopted by *Bild-Zeitung* and its implicit criticism of those who failed to act against the persecutions, issuing the defensive retort: “I ask you: What, then, did you do against Hitler?”⁶⁴

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ *Ibid.*

Evasions, then, persisted among the wider West German population. Hans Mitschke from Kaufbeuren insisted that one of the benefits of the Eichmann trial rested in the fact that it would “show our youth what a dictatorship is”.⁶⁵ Here the problem of not being able to see these letters in their proper context proves frustrating. Herr Mitschke’s comment may have stemmed from a genuine desire to teach younger West Germans about the criminal nature of the Nazi regime. Alternatively, it could also be interpreted as another instance of post-war apologia, the hope that perhaps the younger generation would now cease their questioning and implicit criticism and come to understand their elders’ behaviour during the Third Reich. By stressing the climate of terror and fear that existed under a totalitarian regime, Herr Mitschke could try and counter questions over any failure to intervene against the Nazis’ persecution of the Jews.

At the same time, though, there were readers who welcomed *Bild-Zeitung*’s handling of the trial and criticised the apologetic reactions being displayed among many of their compatriots. Waldemar Baumann was typical, claiming, “today one still encounters everywhere those sayings that try to trivialise the crimes of the Nazis”. Similarly, a woman from Berlin-Charlottenburg emphasised how “just too many [people] deny these shocking crimes today”.⁶⁶ With readers taking issue with those members of the West German public who had hoped to “forget” or distance themselves from Nazi war crimes, we can see the emergence of a more critical engagement with the past. A discussion does seem to be taking place, if only across the pages of *Bild-Zeitung*, as to what constitutes guilt and responsibility for Nazi atrocities. One man from Berlin-Halensee argued that, “everyone who withdrew his head at that time has to feel like an accessory - if they have a conscience!” Another reader from Berlin insisted, “whoever continues to excuse Eichmann today makes himself guilty”.⁶⁷

Another theme to characterise the letters being sent to *Bild-Zeitung* surrounded the popular post-war line of defence adopted by so many war crimes defendants - the issue of following orders imposed from above. Interestingly, those correspondents who did engage with this aspect of the trial all refuted suggestions that it would have been dangerous to try and resist. Once again, there were a number of comments being

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

proffered by ex-service personnel only too keen to demonstrate how they had been able to disobey orders without reprisals. One such reader from Langenfeld also seized the opportunity to criticise the level of popular consensus that had underpinned the Nazi regime:

“I myself denied a Himmler order to shoot an entire village because of partisan activity. Every dictatorship would be finished if it did not find so many willing helpers.”⁶⁸

Another former military figure from Reidlingen was similarly keen to present himself as a “decent” German, refuting any notions that they had been powerless in the face of orders from above and separating himself from criminals like Eichmann:

“As a soldier, I would not have come out so well with my prisoners if I had followed all orders”.⁶⁹

The fact that such comments were offered for publication in the national press says something about the level of security these readers were enjoying, and indeed, had come to expect, in their post-war lives. By pointing to examples where they claimed to have disobeyed orders, or inviting a discussion with former victims, these men presented themselves wholly in accordance with the notion of the honourable German soldier, freely admitting they had been at the scene of some of the crimes but highlighting the small acts of resistance and examples of basic human kindness that could elevate them above their former comrades. There appears to be no question in these men’s minds that their very public admission of being involved in the crimes of the Third Reich closely enough to be able to treat prisoners (however leniently) could leave themselves open for war crimes charges.

There was a sense, though, among the readers’ letters to *Bild-Zeitung* that men like Adolf Eichmann were just the tip of the iceberg and that there may be many more unpunished war criminals in their midst. Three people questioned “how many Eichmanns still walk quietly among us?” Other correspondents expressed their concern about prevailing Nazi sentiments within the Federal Republic. One felt that Eichmann’s performance on the witness stand played to his old comrades - “they are

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

still around”, he noted. Another reader commenting on the trial begged the newspaper not to publish his name, admitting that he feared reprisals from “fanatical ‘Browns’”.⁷⁰

There remained, therefore, a strong sense among several readers that there was still much to be done in bringing remaining perpetrators to account and generating greater public awareness of the crimes of the Third Reich. With many people seizing the opportunity to recall the suffering of German prisoners in German concentration camps, one reader deplored the fact that “no one speaks about the extermination sites in the Baltic”. The peculiarities of the Holocaust thus remained somewhat hazy in the popular West German consciousness. In the midst of all those letters to *Bild-Zeitung* debating the necessity of following orders, a suitable comeuppance for Eichmann and the impact the proceedings were having on the West German name, a question posed by Karl Henkel from Düsseldorf struck a particular chord. As his fellow correspondents confined themselves to discussing legalistic and perpetrator-oriented issues, Henkel stood out as someone who was seemingly engaging with the lessons of the trial, asking simply: “During the Eichmann trial shouldn’t one spend a minute each day remembering the victims?”⁷¹

B) Opinion Poll Data on the Eichmann Trial

Further insights into the way in which the West German people were responding to the trial of Adolf Eichmann can be gleaned from contemporary opinion poll data. A survey by the Institut für Demoskopie in Allensbach in June 1960 found that 90% of those questioned had heard about Eichmann’s arrest.⁷² One year later, as Eichmann’s prosecution was underway in Jerusalem, a similar survey by the Institut found that just 4% had not heard about the case.⁷³ The majority of the West German population therefore had some knowledge of the trial, and in August 1961, the Institut für Demoskopie set out to explore popular responses to the proceedings in more detail. Two thousand West German citizens over the age of sixteen were presented with eighteen statements on Eichmann and the Nazi past and asked to say whether they

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² E. Noelle & E.P. Neumann eds., *Jahrbuch der Öffentlichen Meinung, 1958-1964* (Allensbach & Bonn: Institut für Demoskopie, 1964).

⁷³ *Ibid.*

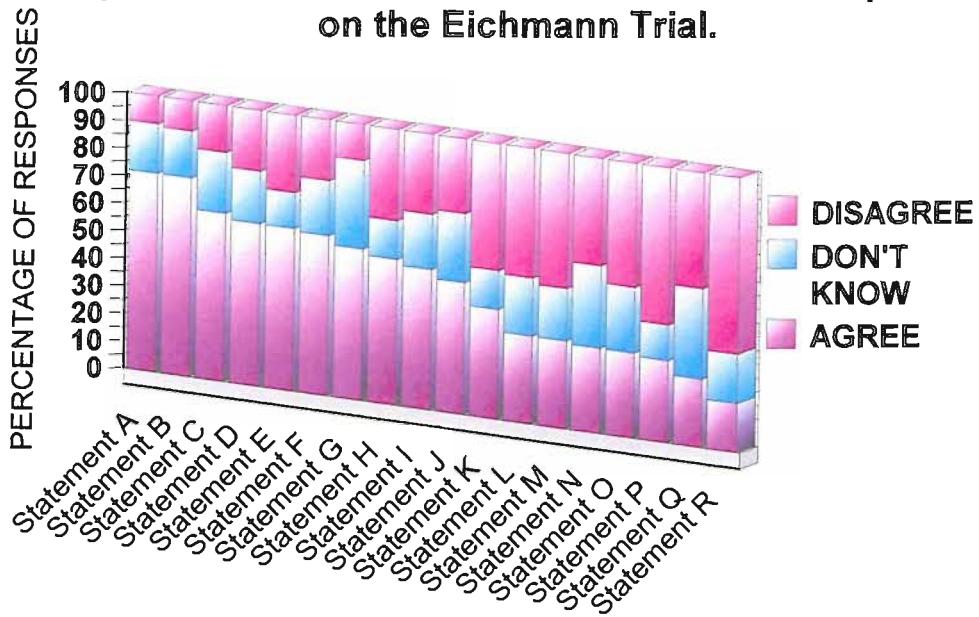
agreed or disagreed with their content. These statements were themselves based upon comments that had previously been offered by members of the public to the Institut on this matter. The results of this survey can be found in the graph overleaf, and reveal the extent to which reactionary, apologetic or defensive viewpoints continued to dominate popular ways of thinking about the legacy of the Third Reich during this period.⁷⁴

One of the main problems associated with the use of opinion poll surveys as an historical source concerns the use of leading questions, and the statements posed by the Institut für Demoskopie would certainly fit into this category, pointing as they do to a morally correct response and, in each case, receiving the obvious answer. The first statement put to the people argued “People like Eichmann have to be punished all the same, whether they were soldiers or not”. A huge majority of respondents - 72% - agreed. The scale of consensus, though, is perhaps not surprising, given that the question was being asked in the midst of one of the most publicised war crimes trials in history. Those participating in the survey were, in all likelihood, aware that the rest of the world was taking a keen interest in how the country was responding to the Eichmann case. Their response to this initial statement may therefore have been automatic, quickly affirming their support for the continued prosecution of Nazi criminals and saying what they believed the interviewer, and the rest of the watching world, wanted to hear from the West German people. Similarly, the majority of people (47%) also rejected any notions of ongoing anti-Semitism when asked whether they thought the word “Jew” was “still a bad sounding word”.⁷⁵ Meanwhile, by referring distinctly to “people like Eichmann”, the accused seems to be bracketed in a separate division along with other notorious members of the National Socialist hierarchy. The statement presupposes that there will be few who could be considered on a par with Eichmann, and thereby imposes a sense of distance between him and the rest of the West German population. It was easy to agree with the continued prosecution of Nazi war criminals if one believed the number of culprits to be small and that, with “people like Eichmann” hard to find, continued war crimes trials would, in the run long, prove unnecessary.

⁷⁴ The results of this survey can be found in E. Noelle & E.P. Neumann eds., *Jahrbuch der Öffentlichen Meinung, 1958-1964* (Allensbach & Bonn: Institut für Demoskopie Allensbach, 1964).

⁷⁵ *Ibid.*

Fig. 3: Graph to Show West German Public Opinion on the Eichmann Trial.



COMMENTS ON THE TRIAL.

Statements Recorded by the Institut für Demoskopie Allensbach on the Eichmann Trial:-

- A. "People like Eichmann have to be punished all the same, whether they were soldiers or not".
- B. "I think that one should defend the German people in this matter and not just apologise - many people knew nothing at all about it."
- C. "What the Communists do today is just as bad, or even worse, than what Eichmann is accused of."
- D. "One has to consider that many people suffered and died during this time, and not just in concentration camps."
- E. "I personally had nothing to do with it and would like to hear no more about it now."
- F. "If Germany learns nothing from all this it can easily still happen again."
- G. "Other countries didn't intervene in those days - they were not so very shocked by it as they want to make people believe today."
- H. "It would be best if one forgets this matter and if we were to concern ourselves exclusively with the present and with the future."
- I. "The worst thing about it is the harming of the German reputation in the world - Eichmann is a symbol."
- J. "If Germany had won the war, we'd needn't witness the moral degradation, to see all this again on the television and in the newspaper."
- K. "I really don't think it is necessary to tell young people about these things."
- L. "In my opinion, the word 'Jew' is still a bad sounding word."
- M. "Such things happen in all wars and everyone knows that."
- N. "Everything is terribly exaggerated, and these exaggerations are in part just propaganda and retaliation."
- O. "It would make a better impression in the world if our government had felt responsible for Eichmann's defence."
- P. "Practically the whole German people stand with Eichmann before the court."
- Q. "Eichmann has lived decently for fifteen years and has shown with that that he is not completely bad."
- R. "All the same, what the people say - everyone already knew what went on in the concentration camps during this time, but they simply overlooked it or were only concerned with themselves."

Once again, concerns for the Federal Republic's standing in the world proved uppermost in the public consciousness, with 51% of those questioned agreeing that the worst thing about the trial was the damage that the proceedings would do to the country's reputation.⁷⁶ Many of those questioned feared that foreign observers would forever associate the (West) German nation with Eichmann, with 57% opposing any claims that the whole of the German people were standing before the court with Eichmann.⁷⁷ 45% of people also opposed the idea of the Federal Republic involving itself in Eichmann's defence. Instead, there was a sense that the interviewees wanted to remind the world of the real Germany, to present the Third Reich as an aberration in an otherwise healthy history and to reject firmly any notion of collective guilt.

The remaining statements employed by the Institut für Demoskopie were also inherently defensive and apologetic, clinging stubbornly to notions of German suffering - as oppose to the suffering of foreign victims - while pointing out the failings of other nations. 55% of the survey participants agreed that "other countries didn't interfere in those days, they were not so very shocked by it as the people today want to believe", while, speaking in the midst of the Cold War and against the background of the construction of the Berlin Wall, 61% of those questioned were only too keen to affirm that "what the Communists do today is just as bad as, or even worse, than what Eichmann is accused of". The resonance that this particular statement produced among the respondents demonstrates how the present political climate influenced responses to the past and allowed a narrative of German suffering to be perpetuated that encompassed the "misleading" and seductive propaganda of the NSDAP and Allied action against Germany during the Second World War, through to the denazification process and the division of the country. There remained some sense that the Federal Republic was being unfairly targeted, the result of victors' justice or wildly exaggerated propaganda stories.⁷⁸ 59% of respondents also agreed that "one has to consider that many people suffered and died during this time, and not just in the concentration camps" - a comment that carried connotations of the fate of the German soldier on the front line, the number of German civilians killed by Allied bombing

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

⁷⁸ *Ibid.* 31% of respondents in this survey felt things were being exaggerated for propaganda and retaliation purposes, while 48% argued that, if Germany had won the war, there would have been no need for the moral degradation of seeing such things continually on the television and in the newspaper.

raids on the cities and the later violent reprisals carried out by the advancing Red Army.⁷⁹

Such statements would not have been out of place within the dominant representations of the immediate post-war period, highlighting as they do the popularity of resistance and victimhood myths among the “ordinary” population, and apparently seeking to maintain some degree of silence over the whole affair. That the majority of respondents during this 1961 survey continued to subscribe to such sentiments complicates claims, offered by numerous historians, that it was the Eichmann trial that constituted the definitive turning point in popular attitudes to the Nazi past.

Finally, a huge majority of the interviewees insisted that they had not learned about Nazi crimes until the end of the war. Such protestations of ignorance enabled people to evade any sense of shared guilt or responsibility for Nazi war crimes, and served as a useful basis for then disassociating themselves from any obligation to address the past. 59% of those questioned concurred with the statement, “I personally had nothing to do with it and would like to hear no more about it now”. Similarly, 53% agreed that “it would be best if one forgets this matter and if we were to concern ourselves exclusively with the present and with the future”.⁸⁰ There thus remained a determination among a large section of the West German population to draw a line under the Nazi era and to concentrate on looking towards a better future, rather than dwelling on uncomfortable and painful reminders of the recent past.

The overwhelming impression gleaned from this opinion survey is, therefore, one of a public continuing to adhere to exculpatory and evasive myths or fictions concerning the legacy of the Third Reich. At the same time, though, it was perhaps possible to identify the stirrings of a more enlightened response to the problems of the past. While most of the statements offered by the Institut für Demoskopie saw respondents agreeing or disagreeing by a large majority (often over 50%), opinion proved to be far more divided over the lessons that could be drawn from a concerted study of the Nazi period. 58% of participants in the survey agreed that Germany needed to learn something from the Eichmann trial in order to prevent any recurrence of such crimes in the future. However, the question of whether the younger generation

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

should actively be taught about the Nazi past proved much more of a sticking point. Just 46% felt it was necessary to “tell young people about these things”, while 40% disagreed.⁸¹

It is this division over this one statement that perhaps most accurately sums up the state of West German opinion during this period. Many citizens remained reluctant to rake over the embers of the Nazi past, with vivid memories of their own sufferings still uppermost in their minds. On the other hand, there was a growing awareness that the nation needed to do more to address the legacy of the Third Reich, and a growing frustration among the younger generation concerning their elders’ silence. It is in this debate over the need to teach younger people about the Holocaust that we can find the long term origins of the student unrest that would come to characterise the latter half of the decade.

C) Popular Interest in the Frankfurt Auschwitz Trial

The Frankfurt Auschwitz trial also provides some interesting insights into the ways in which people responded to the Nazi past during the 1960s. Despite its size and location within the Federal Republic, it would seem that the proceedings did not generate as much public excitement as the Eichmann case. During the course of her series of “Letters from Frankfurt” for the *Jewish Chronicle*, journalist Eleonore Sterling noted how special gates had been erected outside the court to protect the defendants from violent crowds and a police commando unit had been put on standby to deal with any unrest - “but no crowds have appeared”.⁸² Despite having room for sixty observers, the public gallery inside the court also remained relatively empty throughout the proceedings. A popular presence at the trial really only occurred towards the end of the case in the summer of 1965, with the gallery “packed” for the prosecution’s summing up, and crowds “besieging” the entrance to the court on the day of the verdict.⁸³ While the trial had successfully managed to attract around 20,000 younger people to the sessions, a courtroom guard informed Sterling that the few

⁸¹ *Ibid.*

⁸² *Jewish Chronicle*, “Letter from Frankfurt: Twenty Years From Auschwitz” (27 December, 1963) p.6.

⁸³ *Jewish Chronicle*, “Letter from Frankfurt: Auschwitz Trial Nears Its End after Eighteen Months” (18 June, 1965) p.22; and “Letter from Frankfurt: In The Name of the People” (27 August, 1965) p.8.

adults who had decided to watch the proceedings firsthand “were always the same people”.⁸⁴

Not all of the 20,000 younger people, though, appeared to comprehend the seriousness of the charges facing the accused. In her *Auschwitz Trials: Letters from an Eyewitness*, Emmi Bonhoeffer described how there seemed to be an “inner resistance” within the West German people against such proceedings and, referring to the presence of many younger people in the public gallery, she noted:

I am shocked by the apparent callousness with which young people listen in occasionally on the hearings. Quite frequently the judge has to call them to order as they sit there among the audience in shirt sleeves, with legs crossed high and chewing gum as if they were looking at a movie thriller.⁸⁵

Other people continued to try and relativise the crimes committed by the Nazis in Auschwitz, pointing to the failings of other nations as a means of avoiding any closer engagement with the reality of the Holocaust:

Over and over, when I talk to Germans about these SS trials, they come up with the same trite, boring mention of atrocities committed by some other nations; they point to Dresden, to Hiroshima and to the Russian Tscheka massacre, which are supposed to have cost thirty million lives among them... I can only answer them... ‘all that may well be true, but I always say to myself simply that the dirt of others can never be the soap with which I cleanse myself’.⁸⁶

As the trial neared its conclusion in August 1965, Sterling recorded the reception she received when trying to initiate a conversation about the likely verdicts on a “packed” city tram:

Most of the faces round me looked back at me blankly, but a tough-looking working man said: ‘I wonder how many years those fellows will get’, and another man exclaimed: ‘Swine!’.⁸⁷

This response was in keeping with earlier opinion polls conducted between May and June 1964 by the market research institute, Divo, which found that 40% of those

⁸⁴ *Jewish Chronicle*, “Letter from Frankfurt: In The Name of the People” (27 August, 1965) p.8.

⁸⁵ E. Bonhoeffer, *Auschwitz Trials: Letters from an Eyewitness*, translated by U. Stechow (Richmond, Virginia: John Knox Press, 1967) p.15, 20.

⁸⁶ *Ibid.*, p.46.

⁸⁷ *Jewish Chronicle*, “Letter from Frankfurt: In The Name of the People”, p.8.

surveyed had never heard of the Auschwitz trial, although the institute felt this figure may have been inflated by people professing ignorance in the hope of evading any closer reflection or pangs of conscience that might have come with further questions.⁸⁸ Among the 60% who had heard of the trial, though, just over half agreed with the staging of such a case twenty years after the war.⁸⁹

Public opinion during this period did seem to be becoming increasingly opposed to continued war crimes trials, a subject discussed at the time between personnel in the British Embassy in Bonn and the head of the Ludwigsburg Zentralstelle, Dr. Erwin Schüle. The subsequent report further noted the widespread concern existing within the Federal Republic for the country's reputation:

What he [Schüle] did find when addressing public audiences was feelings of uneasiness and shame which translated themselves into the suggestion that such proceedings should be hushed up so as not to drag the name of Germany in the mud; this, of course, was absurd, since justice had to be public.⁹⁰

Similarly, in January 1964, the *Jewish Chronicle* noted how Robert Werda, a chief inspector in Stuttgart, had received letters from members of the public asking that investigations into Nazi war crimes be curtailed. There was a sense among many West Germans that such investigations were being directed mainly against the "small fry" - individuals who felt they had little in common with the sadists on display in Frankfurt.⁹¹

The nature of at least one of the Auschwitz accused, meanwhile, was broached within a special edition of the BBC television programme, *Panorama*, which asked residents in the town of Gruppenberg for their thoughts on the trial. Dr. Viktor Capesius, then being accused of administering lethal injections to Auschwitz prisoners, had run a pharmacy in the town after the war and still appeared to be respected in the local community. Neighbours told the programme how he was a "popular" figure within the town, "a very good businessman, interested in civic affairs", and "a great nature lover". Indeed, the only criticism to be advanced against

⁸⁸ Reported in the *Jewish Chronicle*, "What Germans Know About Nazi Crimes" (13 November, 1964) p.9.

⁸⁹ *Ibid.*

⁹⁰ National Archives, FO1042/254: Nazi Trials in FRG. Report from A.W. Rhodes, British Embassy Bonn, to D.N. Beevor (4 March, 1964).

⁹¹ *Jewish Chronicle*, "Germans Against Trials of Nazis" (17 January, 1964) p.1.

Dr. Capesius was that he was “a social climber”.⁹² One woman, questioned as to whether she felt the trial was right after all this time commented: “it is hard to answer... I do not know what he did in Auschwitz and why he went there”.⁹³

At the same time, though, Hermann Langbein writing for *World Jewry*, argued that the trial was having an impact upon West German society. Indeed, he found it “regrettable” that the first Treblinka trial then underway in Düsseldorf was not being given the same degree of public attention as the Auschwitz case as he stated:

“Opinion polls may reveal the ignorance of many Germans about Auschwitz or the trial, but there is no doubt that the number of those who feel the need to come to terms with the unimaginable horrors of Auschwitz has increased considerably since the trial began”.⁹⁴

With apparently conflicting interpretations of the resonance of the Auschwitz trial appearing in the Jewish press, one of the best available sources into West German public opinion at this time comes from a survey conducted by *Die Zeit* in April 1965 among the people of Frankfurt. With the trial having by then consumed over 150 sessions, the newspaper considered it an apt time to go out onto the streets of Frankfurt to try to see how the case was making itself felt in the local community. At the heart of its investigation lay the query, “is the trial just a part of the daily routine for the citizens of this town, or not even that?”⁹⁵

The responses gleaned by *Die Zeit* would appear to show that the trial had, indeed, failed to generate public interest. A policeman admitted that he did not know anything about the defendants in the case, while a local woman stated quite frankly, “I still haven’t read anything about it”.⁹⁶ During the survey, the very need for continued war crimes trials became a popular discussion point. One man told the paper:

“You know, I no longer read the [press] reports. It is time that one finally stopped with these trials. No one is served by it twenty years after the war”.⁹⁷

⁹² *Jewish Chronicle*, “BBC Examines German Views on Auschwitz” (20 March, 1964) p.14.

⁹³ *Ibid.*

⁹⁴ *World Jewry*, “The Treblinka Trial”, vol. viii/1 (1965) p.9. Chapter Five of this thesis will explore the impact of the Düsseldorf Treblinka trial in more detail.

⁹⁵ *Die Zeit*, “Kennen Sie Wilhelm Boger?” (23 April, 1965).

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

One woman, though, proved to be the exception to the rest of those questioned, seizing the opportunity to launch into a fierce diatribe against the Auschwitz defendants:

“Wilhelm Boger was a Devil. He indiscriminately killed people at the ‘Black Wall’, he drowned a clergyman, he invented the ‘Boger Swing’ and beat numerous people till they were crippled. He killed children, mothers and old men. And Kaduk the Butcher? A wild beast is human compared with him. I have read much - everything that has been written about him. He put a cane over people’s necks and placed it there so long until they were throttled. He indiscriminately killed Jews and Poles. He was worse than an animal. I have read everything - do you want to know more?”⁹⁸

In the wake of so many apathetic responses to his questions, the journalist conducting the survey was clearly taken aback by the woman’s detailed response, exclaiming: “I was amazed. This woman *knew*”.⁹⁹ The reason for her knowledge, her intense interest in the case and the passionate nature of her reply, though, quickly became apparent. This interviewee had herself been the victim of the Nazi regime and had experienced at firsthand the brutality of concentration camp personnel during her time in Thereisenstadt. Thus as Arendt and Douglas have argued in their accounts of the Eichmann trial, the people who seemed to take the greatest notice of the Auschwitz proceedings in Frankfurt were precisely those people who least needed to learn the lessons of the Nazi past: the survivors of Nazi persecution. The remainder of the West German population, by contrast, generally remained indifferent to the trial. They did not devour every bit of information as eagerly as the former Thereisenstadt inmate, but simply seemed to accept the case as a temporary fact of Frankfurt life that need not concern them.

At the same time, though, there were some people - Holocaust survivors and local government officials - who remained determined to ensure that the Auschwitz trial would produce a closer public engagement with the past and serve an important educational purpose, particularly for the younger generation. One year on from the end of the Auschwitz case, a series of school and public lectures were given in Frankfurt by survivor and trial commentator Hermann Langbein. The lectures were part of a wider state programme for political and cultural education and revealed further evidence of a generational divide within West German society. Older people

⁹⁸ *Ibid.*

⁹⁹ *Ibid.* Original emphasis.

who attended the sessions frequently drew upon the popular apologia of the early post-war period, while younger West Germans repeatedly questioned how such crimes could ever have been possible, and what could be done to prevent any recurrence in the future. Rebecca Wittmann has highlighted the significance of these events, stressing how the public debate revealed “the growing dissonance between young and old in West Germany... that would lead to enormous protests later in the same decade”, and underscoring how within the state of Hesse there appeared to be an official policy - at least within the Education Department - for dealing with the Nazi past.¹⁰⁰ Such events therefore helped to ensure that the effects of the Frankfurt Auschwitz continued to resonate long after the conclusion of the courtroom hearings.

As this chapter has suggested, the results of the Eichmann and Auschwitz trials were varied. On the one hand, there were many attempts being made during this period to engage with the legacy of the Nazi past. Exhibitions, books and plays all helped to keep the message of the trials within the public eye. On the other hand, though, ostensibly open responses to the trials were infused with evasive distortions. Earlier post-war mythologies persisted, as did a strong sense of distance between the accused and the rest of the West German population. While such trends continued, it would be easy to dismiss Nazi crimes as the work of a radical, sadistic few and for the people of West Germany to separate themselves from such demonic figures. The perpetrators of the Holocaust were not yet recognised as the “ordinary” men described in subsequent historiography.

Both trials also received wide press coverage, yet surveys of public opinion showed how the majority of West Germans during this time failed to see the necessity of continued war crimes proceedings. Trials remained a highly controversial issue throughout this period, not least due to the ongoing political and legal debates over the Statute of Limitations. The prospect that trials *could* feasibly be brought to a swift end hardly proved conducive to persuading people to support them wholeheartedly in the meantime. We need to go beyond these large scale high profile trials to look instead at how people reacted when events were brought much closer to home, when the

¹⁰⁰ Wittmann, *Beyond Justice*, pp. 261-267.

defendant really was drawn from their own midst and when the trial was conducted in their own backyard.

Chapter Two: The 1958 Ulm Einsatzkommando Trial.¹

In the spring of 1956, the head of the refugee camp in the south west town of Ulm, one “Herr Fischer”, decided to reapply for his pre-war position in the German civil service. His petition was recorded in a small piece in the local newspaper, whereby one reader chanced to recognise this figure as the former *SS-Oberführer* Bernhard Fischer-Schweder, one-time police director of Memel and the head of an Einsatzkommando unit responsible for the mass shooting of Lithuanian Jews and Communists during the summer of 1941. Fischer-Schweder was quickly arrested and subsequent investigations launched by the public prosecutor, Dr. Erwin Schüle, unearthed nine more members of his wartime unit. They had all been living innocuously in post-war West Germany as lawyers, salesman, policemen or, in one case, as an optician.² The resulting four month trial that began in April 1958 has been regarded by many historians as marking the definitive turning point within West German attitudes to both the war crimes issue and the Nazi past as a whole following the silences and evasions that had characterised the earlier part of the decade.³ Is this, though, too straightforward a narrative?

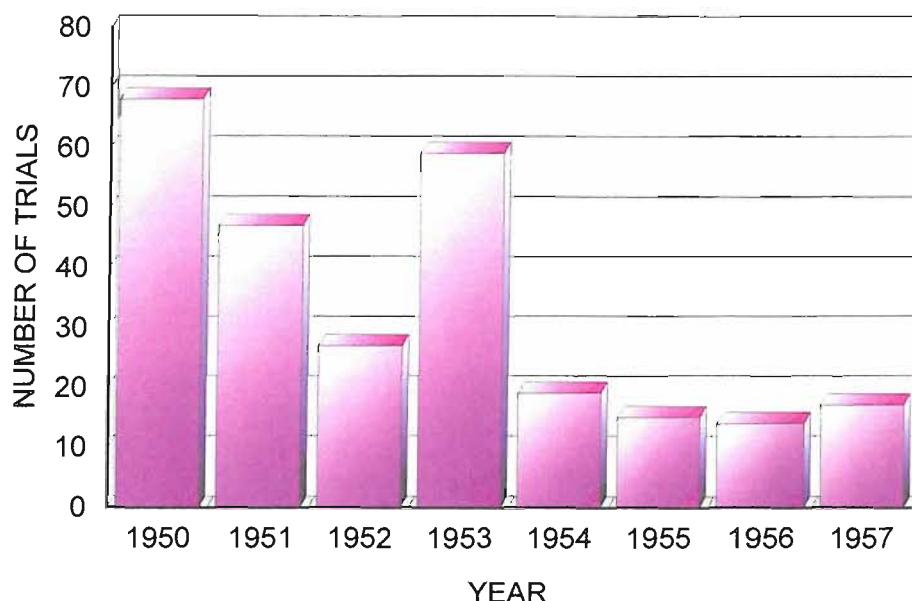
¹ I wish to thank the audience at the Contemporary German History Workshop held at the University of Southampton, 4 February 2004 for their comments on an earlier paper on the impact of this trial.

² For details on Fischer-Schweder's arrest and the investigations leading up to the Ulm trial, see A. Rückerl, *The Investigation of Nazi Crimes, 1945-1978: A Documentation*, translated by D. Rutter (Karlsruhe: C.F. Müller, 1979) p.48.

³ Such narratives are typified by J.-P. Bier, “The Holocaust, West Germany and Strategies of Oblivion, 1947-1979”, A. Rabinbach & J. Zipes eds., *Germans and Jews Since the Holocaust: The Ongoing Situation in West Germany* (New York: Holmes & Meier, 1986) p. 189; U. Brochhagen, *Nach Nürnberg: Vergangenheitsbewältigung und Westintegration in der Ära Adenauer* (Berlin: Ullstein, 1999) p.292; J. Friedrich, *Die Kalte Amnestie: NS Täter in der Bundesrepublik* (Frankfurt am Main: Fischer Taschenbuch, 1984) pp. 324-330; H. Grabitz, “Die Verfolgung von NS-Gewaltverbrechen in Hamburg in der Zeit von 1945 bis heute”, H. Grabitz, K. Bästlein & J. Tuchel eds., *Die Normalität des Verbrechens: Bilanz und Perspektiven der Forschung zu den nationalsozialistischen Gewaltverbrechen* (Berlin: Edition Hentrich, 1994) p.305; E. Haberer, “History and Justice: Paradigms of the Prosecution of Nazi Crimes”, *Holocaust and Genocide Studies*, vol. 19/3 p.495; C. Hoffmann, *Stunden Null? Vergangenheitsbewältigung in Deutschland 1945 und 1989* (Bonn: Bouvier Verlag, 1992) pp. 121-3, 141; H. Marcuse, *Legacies of Dachau: The Uses and Abuses of a Concentration Camp, 1933-2001* (Cambridge: Cambridge University Press, 2001) p.207; P. Steinbach, “Nationalsozialistische Gewaltverbrechen in der deutschen Öffentlichkeit nach 1945” in J. Weber & P. Steinbach eds., *Vergangenheitsbewältigung durch Strafverfahren? NS-Prozesse in der Bundesrepublik Deutschland* (Munich: Günther Olzog, 1984) pp. 15-24.

The prosecution of former Nazi personnel had certainly been in sharp decline since the Federal Republic gained sovereignty at the end of 1949. The *Justiz und NS-Verbrechen* series, compiled by scholars in the Netherlands and now spanning over twenty volumes, records how the number of war crimes trials conducted in West Germany fell from a total of 68 in 1950, to just 17 by 1957 - a factor illustrated in the graph below.⁴

Fig. 4: Graph to Show the Number of War Crimes Trials in West Germany in the 1950s.



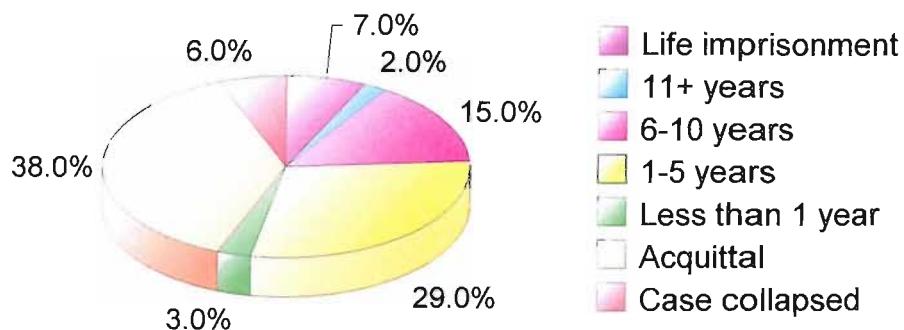
The proceedings that were staged during this period also tended to be relatively small affairs, with just 8% of the cases involving five or more defendants at any one time, and just 7% of the trials conducted between 1950 and 1957 resulted in a life prison sentence for at least one of the accused.⁵ Those that did receive such sentences tended to be the last remaining “big names” of the Third Reich, including Ilse Koch

⁴ *Justiz und NS-Verbrechen: Die Deutschen Strafverfahren wegen NS-Tötungsverbrechen. Inhaltsverzeichnis* (www.jur.uva.nl/junsv - date last accessed 25 May 2006), or in print in C.F. Rüter & D.W. de Mildt eds., *Justiz und NS-Verbrechen: Sammlung deutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen 1945-1966. Register zu den Bänden I-XXII* (Amsterdam: APA - Holland University Press, 1998). Hermann Langbein, *Im Namen des deutschen Volkes: Zwischenbilanz der Prozesse wegen nationalsozialistischer Verbrechen* (Vienna: Europa Verlags-AG, 1963) pp. 147-197 also highlights the number of trials staged during this period, although his list is not as comprehensive as the *Justiz und NS-Verbrechen* series.

⁵ *Ibid.*

who stood trial in 1951.⁶ The majority of cases - 38% - ended in the acquittal of all concerned.⁷

Fig. 5: Chart to Show the Results of West German War Crimes Trials, 1950-1957.



The statistics, then, would certainly seem to support conventional historical narratives of the 1950s as a decade of dwindling judicial action, a tendency to favour leniency or amnesties over the harsh punishment and, seemingly, little popular interest in engaging with the legacy of the Third Reich. The fact remains, though, that whatever the result of these proceedings, such trials were carried out throughout this period and, while a decline in the total number of prosecutions is, perhaps, only to be expected as one moves further away from the end of the Second World War, there remained at least some effort to bring remaining suspects before a court. The trials themselves also encompassed a wide range of criminal activity, from mass shootings or isolated acts of murder, through to the human experiments that were conducted in the concentration camps, ensuring there was some form of public discussion of these atrocities taking place in the 1950s.

⁶ Details on the trial of Ilse Koch can be found in Rüter & de Mildt eds., *Justiz und NS-Verbrechen*, Band VIII Case No. 262. See also A. Przyrembel, “Transfixed by an Image: Ilse Koch, the ‘Kommandeuse of Buchenwald’”, *German History*, vol. 19/3 (2001). Other trials to involve a life prison sentence for at least one of the accused during this period tended to involve crimes committed in extermination camps such as Auschwitz, Sobibor, Treblinka and Neuengamme.

⁷ *Justiz und NS-Verbrechen: Inhaltsverzeichnis*.

These trials of the 1950s, though, have been largely ignored by historiography. The principal exception concerns Alaric Searle's recent research into the prosecution of the former Wehrmacht generals between 1948 and 1960, the public responses to which he roots firmly in the rearmament debates of the 1950s and the history of West Germany's "coming to terms" with its military past.⁸ Indeed, Searle himself takes issue with the assumption, implicit within existing secondary literature, that the declining number of war crimes trials during the 1950s equates to a lack of interest in confronting the past during this period. On the contrary, Searle argues that public opinion was much less responsive to the number of trials, but rather more influenced by the "spectacular" cases. Given that the proceedings during the latter part of the decade no longer had to compete with numerous other trials for column space within the West German press, they were, he argues, actually more likely to become major media events and enjoy a wider resonance among the West German people as a result. Searle's own research, for example, highlights the manner in which the prosecution of Hasso von Manteuffel and Theodor Tolsdorff were able to capture the public imagination, commanding much press attention and even inspiring satirical newspaper cartoons.⁹

The Ulm Einsatzkommando trial, then, did not come out of nowhere and was certainly not an unusual event for 1950s West Germany. In 1958 alone there were 15 other trials held across the Federal Republic - the results of which are illustrated in the chart below.¹⁰ Once again, the majority of cases heard during this year concluded with the acquittal of all concerned. Of the two life sentences handed down (a figure equivalent to the total for 1956 and 1957 combined), one involved Georg Mott, who administered lethal injections to Jewish and Ukrainian prisoners in Innsbruck-Reichenau during the winter of 1944, the other the former Buchenwald guard Martin Sommer, the subject of the next chapter.¹¹ The Ulm trial did, however, constitute one of the largest prosecutions of former Nazi personnel to take place under

⁸ A. Searle, "Revising the 'Myth' of a 'Clean Wehrmacht': Generals' Trials, Public Opinion and the Dynamics of Vergangenheitsbewältigung in West Germany, 1948-60", *German Historical Institute London Bulletin*, vol. XXV/2 (2003) pp. 17-48; and "The Tolsdorff Trials in Traunstein: Public and Judicial Attitudes to the Wehrmacht in the Federal Republic, 1954-60", *German History*, vol. 23/1 (2005) pp. 50-78.

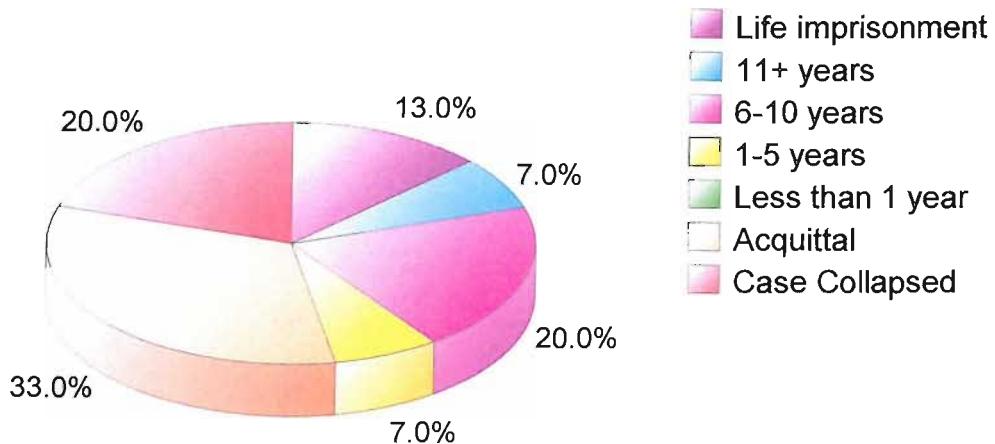
⁹ Searle, "Revising the 'Myth' of a 'Clean Wehrmacht'", p. 40, 44-45.

¹⁰ *Justiz und NS-Verbrechen: Inhaltsverzeichnis*.

¹¹ For details on these trials, see Rüter & de Mildt, *Justiz und NS-Verbrechen*, Band XIV Case No. 457 (Mott) and Case No. 464 (Sommer).

the jurisdiction of the Federal Republic at that time, placing as it did ten former Einsatzkommando members in the dock. It was certainly the largest case to be heard in 1958.

Fig. 6: Chart to Show the Results of West German War Crimes Trials Held in 1958.



The Ulm trial could also be seen as taking place in a very different atmosphere to those cases which had been heard at the start of the decade. The immediate post-war era had now come to an end. The last of the refugee camps had been closed - as exemplified by Fischer-Schweder's attempt to re-enter society - and the last German prisoners of war had now returned from captivity in the Soviet Union, often providing new, incriminating evidence for the prosecuting authorities to work with.¹² The rubble from the bombed-out cities had now been cleared away, homes had been rebuilt and the West German state as a whole was now starting to reap the benefits of the "economic miracle". The West German people themselves also appeared to be in a better physical shape, not least now the food shortages that had characterised the late 1940s had been alleviated.¹³ Put simply, West Germany looked to be a very different place and, now the worst effects of the war were over and the pressing needs for reconstruction had been sated, the rhetoric of the "murderers among us" and the desire

¹² Rückerl, *The Investigation of Nazi Crimes*, pp. 47-48.

¹³ For details on West German reconstruction, see: R.G. Moeller ed., *West Germany Under Construction: Politics, Society and Culture in the Adenauer Era* (Ann Arbor, Michigan: University of Michigan Press, 1997).

to attend to the question of the remaining Nazi criminals gradually became more attractive. How far, though, did this particular trial really influence a more critical public engagement with the crimes of the Third Reich? This chapter draws upon press reports and opinion poll data in an effort to explore further the place that the Ulm proceedings occupied within the popular imagination at this time.

The Background to the Ulm Einsatzkommando Trial

The activities of the Einsatzgruppen during the Second World War have been closely examined by scholars over the years as they form a necessary part in any account of the evolution of the “Final Solution”. The Einsatzgruppen were mobile killing units consisting of four main groups labelled A, B, C and D. These were then subdivided into smaller commandos, all of which followed the Wehrmacht troops into the Soviet Union during Operation Barbarossa and liquidated Jews and Communists rounded up in eastern towns and villages. The mass shootings carried out by these units were a clear indicator that the Nazi regime was now moving towards the physical destruction of the Jews, a move that would culminate in the construction of the extermination camps in Eastern Europe.

The Einsatzkommando Tilsit, which became the subject of the 1958 proceedings in Ulm, was established at the start of the German invasion of the Soviet Union and was attached to Einsatzgruppe A. The head of the Staatspolizeistelle (Stapo) in the East Prussian city of Tilsit - and later one of the chief defendants at Ulm - was *SS-Sturmbannführer* Hans-Joachim Böhme, a man who had long been involved in the plans for Operation Barbarossa and the effect that the invasion would have upon the borders. The Stapo had been authorised to extend its jurisdiction beyond the Reich and was commissioned with the promulgation of executive measures against the civilian population in the border districts. Böhme was effectively granted permission by the RSHA to set up his own mobile killing unit, which then crossed over into Lithuania just after the Wehrmacht had launched its attack.¹⁴

¹⁴ For details on the Einsatzgruppen, and the Einsatzkommando Tilsit in particular, see C. Dieckmann, “The War and the Killing of the Lithuanian Jews”, U. Herbert ed., *National Socialist Extermination Policies: Contemporary German Perspectives and Controversies* (New York & Oxford: Berghahn Books, 2000) pp. 240-275 and K. Kwiet, “Rehearsing for Murder: The Beginning of the Final Solution in Lithuania in June 1941”, *Holocaust and Genocide Studies*, vol. 12/1 (1998) pp. 3-26. See also J. Mendelsohn ed., *The Holocaust*:

In addition to the 54 year old Bernhard Fischer-Schweder and 49 year old Hans-Joachim Böhme, the men who appeared in the dock in Ulm included 51 year old Werner Schmidt-Hammer, 54 year old Werner Hersmann, 66 year old Hans Willms Harms, 46 year old Franz Behrendt and the 58 year old Lithuanian Pranas Lukys along with Edwin Sakuth, Gerhard Carsten and Werner Kreuzmann, all aged 49. Together, they were charged with participating in a series of massacres along the Lithuanian border during the summer and autumn of 1941. These included the murder of 201 Jews in Gargzdai on 24 June 1941 just two days after the start of the Nazi attack on the Soviet Union, 214 people in Kretinga on 25 June and a further 111 people on 27 June in Palanga. The statistics recorded in the indictment illustrate the speed of the Einsatzkommandos' movement through the East European countryside and their unrelenting determination to "cleanse" the area of imagined ideological enemies.¹⁵

Konrad Kwiet has argued that the men who made up the Einsatzkommando Tilsit can be divided into three main groups. The first consisted of those men who demonstrated a particular zeal and brutality for the task in hand, a lust for killing and a certain pride in their "achievements" within the Baltic states. This group included those people who were unwilling to miss any opportunity to do their "duty" to the Fatherland, or to vent what Kwiet terms their anti-Semitic and sadistic inclinations, often hurling physical and verbal abuse at their victims while escorting them to their deaths. The second group consisted of those people who initially experienced some

Selected Documents in Eighteen Volumes. Vol. 10: The Einsatzgruppen or Murder Commandos (New York & London: Garland, 1982); H. Krausnick, *Hitlers Einsatzgruppen: die Truppe des Weltanschauungskriegs, 1938-1942* (Frankfurt am Main: Fischer Taschenbuch, 1985); J. Matthäus, "What About the 'Ordinary Men'?: The German Order Police and the Holocaust in the Occupied Soviet Union", *Holocaust and Genocide Studies*, vol. 10/2 (1996) pp. 134-150; R. Rhodes, *Masters of Death: The SS Einsatzgruppen and the Invention of the Holocaust* (Oxford: Perseus Press, 2002); C.R. Browning, "The Decision Concerning the Final Solution", M.R. Marrus ed., *The Nazi Holocaust: Historical Articles on the Destruction of European Jews. Vol. 3: The "Final Solution": The Implementation of Mass Murder. Vol. I* (Westport, Connecticut & London: Meckler, 1989) pp. 188-216, and A. Streim, "The Tasks of the SS-Einsatzgruppen" and Y. Lozowick, "Rollbahn Mord: The Early Activities of Einsatzgruppe C", both of which are to be found in M.R. Marrus ed., *The Nazi Holocaust: Historical Articles on the Destruction of European Jews. Vol. 3: The "Final Solution": The Implementation of Mass Murder. Vol. II* (Westport, Connecticut & London: Meckler, 1989) pp. 436-455 and 471-491 respectively. For details on Einsatzgruppe A in particular, to whom the Tilsit Einsatzkommando was attached, see H-H. Wilhelm, *Die Einsatzgruppe A der Sicherheitspolizei und des SD 1941/2* (Frankfurt am Main: Lang, 1996).

¹⁵ Full details of the charges against the ten Ulm defendants are reproduced in I. Sagel-Grande, H.H. Fuchs & C.F. Rüter eds., *Justiz und NS-Verbrechen*, Vol. XV, Case No. 465.

discomfort at the task before them and who needed more time to acclimatise themselves to the mass shootings. As with many Nazi perpetrators after the war, the former members of the Tilsit unit drew upon a variety of apologia during their trial to try and justify or explain their behaviour during this period, citing the need to follow orders imposed from above, peer pressure and the need to retain group loyalty. Such claims, though, ignore the existence of the third and final group of people who helped constitute the unit. Kwiet insists that there was a section of the Einsatzkommando, admittedly the smallest of the three groups, which did attempt to excuse themselves from the shootings. Kwiet notes that while these protests came in the face of the prospect of murdering women and children rather than adult male Jews, none of these protesters were ever sentenced to death as a result of their qualms. Instead, those voicing their doubts over the killings were generally demoted, transferred or dismissed elsewhere.¹⁶

The wartime history of the Einsatzgruppen had already been made known to the world amid the early war crimes proceedings conducted by the Allies in the immediate aftermath of the Second World War. Between 3 July 1947 and 10 April 1948, the Americans prosecuted twenty-four Einsatzgruppen members before the Military Tribunal in Nuremberg for crimes against humanity, war crimes and membership of a criminal organisation. Over the course of approximately eight months, the court detailed extensively the structure of the Einsatzgruppen, their place within the Nazi extermination programme and the atrocities that they had perpetrated against Jews, Communists and other “undesirables” in the Baltic States following the invasion of the Soviet Union in June 1941. Fourteen of the accused were sentenced to death for their crimes, although ten of these later succeeded in having their sentences commuted to periods of imprisonment.¹⁷

¹⁶ Kwiet, “Rehearsing for Murder”, p.18. Other studies dealing with the issue of perpetrator mentalities include C.R. Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: Harper Collins, 1992) and the controversial D.J. Goldhagen, *Hitler’s Willing Executioners: Ordinary Germans and the Holocaust* (London: Abacus, 1997). See also G.C. Browder, “Perpetrator Character and Motivation: An Emerging Consensus?”, *Holocaust and Genocide Studies*, vol. 17/3 (2003) pp. 480-497; and Y.R. Büchler, “‘Unworthy Behaviour’: The Case of SS Officer Max Täubner”, *Holocaust and Genocide Studies*, vol. 17/3 (2003) pp. 409-429 and E. Klee, W. Dressen & V. Riess eds., *Those Were The Days: The Holocaust Through the Eyes of the Perpetrators and Bystanders*, translated by D. Burnstone (London: Hamish Hamilton, 1991).

¹⁷ Details of “The Einsatzgruppen Case”, Military Tribunal II, Case No. 9: The United States of America v. Otto Ohlendorf *et al* can be found in *Trials of War Criminals Before the Nuernberg Military Tribunals Under Control Council Law No. 10. Vol. IV: Nuernberg*

However, it was the events in Ulm, a decade after the Nuremberg Einsatzgruppen case, which created the bigger impact upon the West German people. Several West German newspapers heralded the 1958 case as constituting an important learning curve for the population, informing them for the first time about the extent of Nazi criminality and the development of the “Final Solution”. The *Hannoversche Presse* was typical, declaring that the Ulm trial had provided a “startling insight” into the crimes committed in the East, thereby ignoring the findings of the earlier Nuremberg case.¹⁸

A number of reasons could be put forward to explain why it was the Ulm case that produced the greater resonance. Firstly, the very structure of the two trials may have affected how members of the public viewed them. The larger Nuremberg case dealt with representatives from all four of the Einsatzgruppen, as well their subdivisions: Einsatzkommandos, Sonderkommandos and the Vorkommando Moskau. A large chart was drawn up in accordance with details furnished by the chief defendant, former *Gruppenführer* Otto Ohlendorf, to remind the court of the chain of command within this complex hierarchy. To complicate matters still further, some defendants, such as *Brigadeführer* Otto Rasch moved between Einsatzgruppen during the war. The Ulm trial, by contrast, was concerned with the activities of just a single Einsatzkommando unit and, while the prosecution was keen to outline the extent of the Nazi machinery for mass murder, this narrower focus may have made it easier for lay observers to follow the course of the proceedings and come to a better understanding of the crimes under discussion.

Secondly, the Nuremberg Einsatzgruppen trial was just one in a whole series of war crimes trials that were staged in close proximity to one another in a relatively short space of time after the Second World War, the total sum of which seems to have produced a strong sense of trial fatigue among the West German population and may

October 1946-April 1949; and J. Mendelsohn ed., *The Holocaust. Vol. 17: Punishing the Perpetrators of the Holocaust: The Brandt, Pohl and Ohlendorf Cases* and *Vol. 18: The Ohlendorf and von Weizsaecker Cases* (New York & London: Garland, 1982). The twenty-fourth defendant, former SS-Sturmbannführer and officer in Einsatzkommando 12 attached to Einsatzgruppe D, Emil Haussmann, committed suicide in his cell before the trial began. An overview of the Nuremberg trials can be found in D. Bloxham, *Genocide on Trial: War Crimes Trials and the Formation of Holocaust History and Memory* (Oxford: Oxford University Press, 2001); T. Taylor, *The Anatomy of the Nuremberg Trials: A Personal Memoir* (London: Bloomsbury, 1993).

¹⁸ *Hannoversche Presse*, “Späte Scham” (19 August, 1958).

have undermined the lessons that could be drawn from it. Finding the continuing legal proceedings irksome and tedious, many people may have simply closed their eyes to it altogether.¹⁹

Thirdly, the Ulm case may have produced a greater popular resonance owing to the type of men who were appearing in the dock. The earlier trial held before the Nuremberg Military Tribunal involved defendants drawn predominantly from the upper echelons of the Einsatzgruppen hierarchy. In addition to *Gruppenführer* Ohlendorf, there were five *Brigadeführers*, five *Standartenführer*, five *Obersturmbannführer*, four *Sturmbannführer*s and a single representative each from the SS ranks of *Hauptsturmführer*, *Obersturmführer* and *Untersturmführer*. The nature of the accused thus facilitated early post-war mythologies that placed the blame for Nazi crimes firmly on those figures occupying positions at the highest levels of the regime.²⁰ The ten men tried at Ulm, however, included only four who had held an SS rank. The remainder included an *Oberleutnant* of the *Schutzpolizei*, a *Kommissar* with the Tilsit Gestapo, a *Kriminaloberassistent*, a *Kriminalassistent* and, in the case of Lukys, a former Lithuanian police chief. While the defence tactics employed by the accused continued to place the blame on superior officers through an emphasis on “orders from above”, the realisation that seemingly “normal” and down to earth men could have become involved in such crimes had a significant impact upon observers and raised further questions about the number of other former murderers who remained undetected among the West German population.²¹

¹⁹ Much has been written on the failure of the Nuremberg Trials to produce a widespread, West German critical engagement with the Nazi past at the time, but see, for example D. Bloxham, *Genocide on Trial*; T. Kushner, *The Holocaust and the Liberal Imagination: A Social and Cultural History* (Oxford: Blackwell, 1994); U. Weckel & E. Wolfrum eds., *“Bestien” und “Befehlsempfänger”: Frauen und Männer in NS-Prozessen nach 1945* (Göttingen: Vandenhoeck & Ruprecht, 2003).

²⁰ *Trials of War Criminals Before the Nuernberg Military Tribunals Under Control Council Law No. 10. Vol. IV: Nuernberg October 1946-April 1949*, pp. 13-14.

²¹ The predominant mode of thinking about the Nazi past during this period was one that focussed on notions of German victimhood, descriptions of which can be found in N. Frei, *Adenauer’s Germany and the Nazi Past: The Politics of Amnesty and Integration*, translated by J. Golb (New York: Columbia University Press, 2002); N. Gregor, “Is he still alive, or long since dead?: Loss, Absence and Remembrance in Nuremberg, 1945-1956”, *German History*, vol. 21/2 (2003) pp. 183-203; E. Heinemann, “The Hour of the Woman: Memories of Germany’s ‘Crisis Years’ and West German National Identity”, *American Historical Review*, vol. 101/2 (1996) pp. 354-395; J. Herf, *Divided Memory: The Nazi Past in the Two Germanys* (Cambridge, Massachusetts: Harvard University Press, 1997); M.L. Hughes, “‘Through No Fault of Our Own’: West Germans Remember Their War Losses”, *German History*, vol. 18/2 (2000) pp. 193-213; H. Marcuse, *Legacies of Dachau: The Uses and*

Fourthly, the real value of the Ulm trial rested, as the Coburg-based *Neue Presse* pointed out at the time, in the fact that it was a West German court that was now speaking about these crimes. The newspaper ruefully noted:

When most of us were first acquainted with the terrible atrocities that were for years committed in concentration camps in the middle of Germany they seemed incredible... Unfortunately, it was enemy soldiers and offices that had to show us the crimes which were committed by our government in our name. Today, no one can say anymore: 'I don't believe all that!' Today the executioners and murderers... are judged before German courts. German judges attempt to judge crimes of a satanical regime with the standards of democracy...²²

The very fact that it was the Allies who had overseen earlier educational initiatives and staged the first war crimes trial against Einsatzgruppen members may have been sufficient to foster a popular reluctance to accept the extent of National Socialist crimes amid notions of victors' justice and fabricated atrocity stories. The 1958 Ulm trial, by contrast, being staged by the West Germans themselves, could be imbued with a greater legitimacy, leaving little doubt that such crimes really had happened and now merited judicial action. This is certainly one of the main reasons set forth within existing historical narratives for the resonance of this particular war crimes proceeding. Jadwiga Gorzkowska and Elzbieta Zakowska are typical, arguing, "Ulm was the first major indictment by German prosecution authorities in a German court on German soil. Thus there could be no challenge to the authenticity of the facts revealed".²³

Finally, it is striking that this renewed willingness to investigate and engage with Nazi crimes occurred once the initial phase of post-war reconstruction had been completed. The intervening years between the collapse of the Third Reich and the staging of the Ulm trial had given the West German people time to dwell on their own losses, lick their wounds and rebuild their own shattered lives. The greater temporal distance from the events in question helped to create a climate in which it became

Abuses of a Concentration Camp, 1933-2001 (Cambridge: Cambridge University Press, 2001); R.G. Moeller, *War Stories: The Search for a Usable Past in the Federal Republic of Germany* (Berkeley & Los Angeles: University of California Press, 2001).

²² *Neue Presse*, "Lieber Leser" (13 June, 1958).

²³ J. Gorzkowska & E. Zakowska, *Nazi Criminals Before West German Courts* (Warsaw: Western Press Agency, 1965) p.21.

“easier” to reflect upon the suffering that the National Socialist regime had wreaked upon other peoples.

In addition to apparently enjoying a greater resonance than Allied efforts to try former Einsatzgruppen personnel, the Ulm trial has, over the years, remained a common point of reference among historians attempting to trace changing West German attitudes to the Nazi past. For some, Ulm’s real importance rests in the very nature of the crimes being dealt with by the court. While the various Allied proceedings had treated the Holocaust as just one of many criminal acts perpetrated by the Nazis, and placed a greater emphasis on the Western concentration camps liberated by Britain and the United States, Ulm shifted the spotlight to those crimes committed in eastern Europe and exposed some glaring gaps within war crimes prosecutions to date. Adalbert Rückerl argues:

The wide-ranging and meticulous investigations set in motion by his [Fischer-Schweder’s] arrest and culminating in the ‘Ulm Operational Unit Trial’ revealed beyond doubt that many of the gravest Nazi crimes, most notably those perpetrated in the East, had not yet been punished at all.²⁴

Hermann Langbein, meanwhile, underscores the educational impact of the Ulm case, emphasising how the prosecution’s excellent documentation of the crimes meant that the court not only dealt with individual episodes, but also set out the whole organisational system and bureaucratic nature of the killings.²⁵ Jean-Paul Bier similarly argues that the Ulm trial constituted a “moral blow” for the West German people as it revealed how Nazi genocide could no longer be portrayed in terms of individual crimes, the actions of a radical few, but now had to be seen within the wider framework of a large scale machinery specifically designed to commit systematic mass murder.²⁶ The events in Ulm could therefore be said to have had a big psychological impact upon the West German population, highlighting the extent of complicity with the former regime and generating concerns over the number of other notorious criminals that could still be living undetected in their midst. Having described a series of war crimes trials that were conducted in West Germany after 1945, Ulrich

²⁴ Rückerl, *The Investigation of Nazi Crimes*, p.48.

²⁵ Langbein, *Im Namen des deutschen Volkes*, p.36.

²⁶ Bier, “The Holocaust, West Germany and Strategies of Oblivion”, p.189.

Brochhagen concludes it was the Ulm trial “above all” that succeeded in stirring up popular emotions in the Federal Republic.²⁷

Ultimately, the real importance of the Ulm trial lay in the fact that it gave rise to a new judicial impetus. The unmasking of ten former members of the Einsatzkommando Tilsit at the end of the 1950s highlighted the need for stronger action in bringing more war criminals to account, and consequently fostered a brand new series of war crimes proceedings. These new prosecutions, in turn, “made a major contribution to the public and historical knowledge of the Nazi camps”.²⁸ Indeed, Gorzkowska and Zakowska have argued that the Ulm trial constituted a “watershed” in the history of West Germany’s prosecution of Nazi crimes, with the trial highlighting how the actions of the defendants were not an aberration, but part of a general policy of extermination that would be practised across Nazi-occupied Europe.²⁹ However, despite all the praise that has been showered on the Ulm trial within existing historical literature, there has, to date, been little attempt to analyse the impact of this case in detail. This chapter, therefore, aims to redress this balance.

Media Interest in the Ulm Trial

The Ulm trial certainly provoked a large degree of excitement within the West German media. Although the first day of the trial received relatively little coverage, the rest of the proceedings were generally reported faithfully in the national press, with most publications granting the case at least one substantial paragraph.³⁰ There was a keen

²⁷ Brochhagen, *Nach Nürnberg*, p.292.

²⁸ Langbein, *Im Namen des deutschen Volkes*, p.36. For a similar claim, see Marcuse, *Legacies of Dachau*, p.207. Christa Hoffmann has reflected on how, before this, most war crimes proceedings seemed to have been set in motion more or less by chance, often the result - as in the case of Ulm - of some surprising revelations about the true identity of members of the local community. In the wake of the Einsatzkommando proceedings, though, there emerged a far more co-ordinated system for the investigation of Nazi crimes. See Hoffmann, *Stunden Null?* pp. 121-3; 141.

²⁹ Gorzkowska & Zakowska, *Nazi Criminals Before West German Courts*, p.21.

³⁰ Compare, for example, reports on the first day of proceedings in *Schwäbische Donau-Zeitung*, “Der SD war kämpfer gegen die Korruption” and *Frankfurter Allgemeine Zeitung*, “Deutschland und die Welt” (30 April, 1958) - and the extensive coverage of the final sentencing in *Schwäbische Donau-Zeitung*, “Sühne für tausendfachen Mord”; *Düsseldorfer Nachrichten*, “Das dunkelste Kapitel”; *Süddeutsche Zeitung*, “Zuchthausstrafen im Ulmer Einsatzkommando-Prozeß” and “Gespenstische Vergangenheit vor Gericht zitiert”; *Frankfurter Rundschau*, “Hohe Zuchthausstrafen im Ulmer-Prozeß”; *Frankfurter Allgemeine Zeitung*, “Das Bild des Kalten Henkers”; *Stuttgarter Zeitung*, “Wirklich Sühne?” and “Die Gerechtigkeit darf nicht länger vom Zufall abhängen”; *Kölnische Rundschau*, “Zuchthaus für

awareness that this was not the only such trial to be taking place, with regular references being made to the prosecution of the former Buchenwald guard Martin Sommer then underway in Bayreuth. Witness testimonies were reproduced extensively in the newspapers, describing the actions of the Einsatzkommando in all their gory detail. The use of emotive language was common, and although the Einsatzkommando had initially limited itself to the mass shooting of adult male Jews and Communists (it was not until a month after the invasion of the Soviet Union that the elderly, women and children came to be regarded as “useless eaters” by the Nazis and therefore also rendered a target for the Einsatzgruppen), tales of female victims being forced to watch as their children were murdered in front of them quickly became a trope of West German media reporting on the Ulm case. The *Stuttgarter Nachrichten* was clearly outraged as it stressed how the victims of the Einsatzkommando Tilsit had consisted of “men, *women and children* - one must say it twice - men, *women and children*”.³¹

However, despite the sensationalist nature of the trial coverage, the case did not make the front page of the newspapers until the final sentences were handed down four months later in August 1958. The court’s rejection of the life sentences envisaged by the prosecution in favour of prison terms ranging from just three to fifteen years created a scandal across the pages of the West German press with a number of damning editorials consequently being produced on the subject. The *Bild-Zeitung am Abend* was typical, noting that three of the Ulm defendants had been able to go straight home after the trial as the court took into account the length of time already served in custody while awaiting trial. The paper stated ruefully: “they now sit again anywhere in West Germany at a desk and boast about their deeds”.³²

A closer analysis of the press coverage afforded to the Ulm trial reveals a number of key issues and concerns dominating public responses to the proceedings. One such major theme concerned the nature of the ten defendants. Initial press reports on the trials struggled to get past the unnerving discrepancy between the details of the

alle im Ulmer-Prozeß” and “Mord verjährt nicht”, *Weser-Kurier*, “Macht ohne Moral”; *Trierischer Volksfreund*, “Verhängnis voller Gehorsam” (30 August, 1958).

³¹ *Stuttgarter Nachrichten*, “Wirklich Sühne?” (30 August, 1958) - original emphasis.

³² *Bild-Zeitung am Abend*, “Ein Mord - fünf Tage Haft” (4 September, 1958). See also *Süddeutsche Zeitung*, “Gespenstische Vergangenheit vor Gericht zitiert”; *Kölnische Rundschau*, “Mord verjährt nicht”; *Stuttgarter Zeitung*, “Die Gerechtigkeit darf nicht länger vom Zufall abhängen” (30 August, 1958); *Christ und Welt*, *Die Ulmer Urteile* (4 September, 1958).

violent atrocities perpetrated by the Einsatzkommando Tilsit, and the apparent “normality” of the men who had formed the unit and now stood before the Ulm court. At the start of the proceedings, the *Frankfurter Rundschau* remarked how the accused seemed to be “more or less harmless-looking men” drawn from the ranks of the educated middle classes.³³ Similarly, the *Süddeutsche Zeitung*, comparing the charges listed in the indictment to the sight of the grey haired or balding middle-aged men now coming before the court, declared, “their faces do not fit their crimes”.³⁴ It was a cry similar to that which would be expounded in the West German press at the start of the 1961 Adolf Eichmann trial in Jerusalem, a cry that underscored the very ordinariness of these war criminals and the notion, popularised by Hannah Arendt, of the “banality of evil”.

However, despite this recognition of the perpetrators of the Nazi genocide physically appearing as rather unexceptional figures, many newspapers sought to reinforce the notion that these war criminals were somehow distinct from the rest of the West German - and, indeed, human - population. Terms such as “bestial” or “devils” were regularly employed in their characterisations of the accused, while some publications resorted to animal imagery to literally dehumanise the defendants. *Die Welt* likened the physique of chief defendant Bernhard Fischer-Schweder to that of a gorilla.³⁵ Such descriptions can be traced back to the media handling of the Allied war crimes proceedings which had branded concentration camp figures such as Josef Kramer and Ilse Koch as the “Beast of Belsen” and “Bitch of Buchenwald” respectively. There was thus a continuity in the language assigned to describe Nazi war crimes as the demonic discourse that had circulated within popular representations of Nazi war criminals since the end of the Second World War made itself felt within the West German coverage of the Ulm trial, accompanied by a continuing sense of shock, dismay and incredulity when the defendants appearing in the dock were shown to resemble the “ordinary men” described by later historians.³⁶

Having proved unable to seize upon any “monstrous” aspects of the Ulm defendants’ physical appearance, many West German newspapers resorted to

³³ *Frankfurter Rundschau*, “Betrunk aus dem ‘Einsatz’ zurück” (19 June, 1958).

³⁴ *Süddeutsche Zeitung*, “Himmlers Henker hören den Staatsanwalt” (4 August, 1958).

³⁵ *Die Welt*, “Porträt eines Herrenmenschen” (25 July, 1958).

³⁶ See Weckel & Wolfrum, “*Bestien*” und “*Befehlsempfänger*”; H. Caven, “Horror in our Time: Images of the Concentration Camps in the British Media, 1945”, *Historical Journal of Film, Radio and Television*, vol. 21/3 (2001) pp. 230-233.

highlighting their peculiarly calm and detached demeanour in the face of horrific witness testimony. Such tactics enabled the press to present the accused as devoid of basic human feelings - and again, by implication, as having little in common with the rest of the West German people. There was also an effort to contrast the wartime behaviour of concentration camp and Einsatzkommando killers with the persistent notion of the honourable and courageous German soldier valiantly fighting for his country. The *Neue Presse* drew upon this theme as it took issue with the various excuses set forth by the Ulm defendants in an effort to explain their participation in Nazi crimes:

They speak entirely of their so-called duty. They had to follow orders - as far as they had not given the orders for the mass shootings themselves. In these cases, they follow their old language: of inferior human material and potential enemies, that 'extermination' was their duty to the Fatherland and here, as in Bayreuth, they pretend to be soldiers. It has long been clear that these men were no soldiers but common murderers.³⁷

However, while numerous West German newspapers continued to cling to earlier post-war mythologies and sought to differentiate between Nazi war criminals and the rest of the West German people, there also appeared to be a keen awareness, at least among some elements of the press, of the need to engage more critically with the recent past. A series of passionate editorials were produced strenuously denouncing Nazi crimes and hailing the Ulm proceedings as a welcome educational process. The *Neue Presse* declared how "the whole knowledge of the horrors now stands before the court in Ulm for the murder of over 5,000 Jewish men, women and children".³⁸ The Frankfurt-based newspaper, *Die Gegenwart*, also recognised the lessons bound up in the proceedings as it attacked the judiciary's handling of Nazi war criminals, yet continued to adopt an apologetic tone as it underlined the distinction between the "honest" German soldier fighting a wholly normal military battle and the criminals of the Nazi regime:

After the Ulm trial, no one can maintain anymore [that] an imperative compulsion or a quite excusable mistake over the legality of the deeds had, during the war, enabled some harmless citizens to become members of the murder squads. There was the

³⁷ *Neue Presse*, "Lieber Leser" (13 June, 1958).

³⁸ *Ibid.*

possibility of fighting as an honest soldier, to be sure with a higher risk to [one's own] life. If we only now learn so much about what happened then - as in the Ulm case - then one has to rightly ask whether there did not exist - and still exists - a striking disinterest in pursuing such deeds among the judicial authorities. Judges and prosecutors are in office who perhaps not only worked together under Hitler on unjust sentences, but who also did not oppose the injustice but allowed it to happen. Such judges and lawyers today should have scruples vis-a-vis procedures aimed at such people as the Ulm accused.³⁹

The newspaper went on to address the number of other war criminals or collaborators who lived peacefully within West German society and held prominent positions in public life, a factor which limited their willingness to see justice done and engage with the legacy of the Nazi past:

It is no different with many police officers who perhaps performed their duties at that time with closed eyes and who are now supposed to be investigating their former colleagues. But... one has to demand that legislators and executives now finally ensure that the hangmen's accomplices from the concentration camps and Einsatzkommandos are systematically searched out and, with the help of unbiased powers, brought to account. One can no longer undo the terrible injustice, but one can, if one seriously wants to, treat those complicit in murder as called for in the statute book.⁴⁰

The failure of the West German judiciary to tackle Nazi war crimes effectively prior to the Ulm trial was similarly attacked by the *Stuttgarter Nachrichten*, which noted:

In the time since the end of the Third Reich, we have seen all too often that our German lawyers are all too cautious in their treatment of the crimes of the Third Reich.⁴¹

The newspaper continued by exploring the effects such failings, and the leniency of the Ulm sentences, would have upon the Federal Republic's standing before the rest of the world:

Such sentences... increase our red-faced shame and have destroyed much of the confidence that the Federal Republic has been trying to cultivate in the world. The Ulm trial nevertheless has to be accepted as so... because the court showed throughout the proceedings that it was aware of its responsibility.

³⁹ *Die Gegenwart*, "Die Gehilfen" (6 September, 1958).

⁴⁰ *Ibid.*

⁴¹ *Stuttgarter Nachrichten*, "Wirklich Sühne?" (30 August, 1958).

‘The shadows of the past live again and the darkest chapter of German history - indeed a piece of world history - stands before us’, so said the chairman of the court. The pronouncement on the judgement is long and verbose. It has been said that this four month trial and its sentence would be the atonement for the cruel extermination of the Jewish population in the Lithuanian border zone at the start of the Russian campaign of 1941.⁴²

However, despite such claims being made for the impact of the Ulm trial, the *Stuttgarter Nachrichten* itself appeared less convinced, concluding its article with the rhetorical question: “real atonement?”⁴³ In the eyes of this newspaper at least, there was still much to be done within West Germany before some sort of line could really be drawn under the whole National Socialist era.

A close analysis of the press coverage relating to the 1958 Ulm Einsatzkommando trial, therefore, reveals two main responses running through the reports. On the one hand, there were continued attempts to distinguish between the brutal figures now sitting in the dock and the rest of the West German population, utilising the demonic language of the immediate post-war era and presenting the Ulm defendants as peculiarly cold, inhuman creatures to enable the blame for Nazi atrocities still to be placed on a radical few. On the other hand, though, there was also a clear determination within many publications to condemn the atrocities described during the the Ulm trial and to be seen as actively engaging with the problematic legacy of the Nazi regime. There was a growing awareness that little had really been done in the thirteen intervening years since the end of the war and, in particular, in the nine years since the foundation of the Federal Republic itself, to tackle this subject. The majority of the West German population were still held to be ignorant of the details surrounding the Nazi genocide, while many former participants in the crimes remained undetected and unpunished. The Ulm trial was thus presented as providing an urgent wake up call, a necessary event forcing the population into a confrontation with what the *Düsseldorfer Nachrichten* - amongst other publications - termed, “the darkest chapter of our history”.⁴⁴ That such a confrontation was, indeed, now occurring among the ordinary population was seemingly taken for granted.

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ *Düsseldorfer Nachrichten*, “Das dunkelste kapital” (30 August, 1958).

Public Responses to the Ulm Trial

It would be easy to take the moralising rhetoric expounded by the press as evidence of the sentiments shared by the wider West German population and to see, in quite an uncomplicated manner, the Ulm trial as marking an important shift in public attitudes to the Nazi past. One of the main problems at the heart of this study, though, rests in the question as to how we, as historians, can get closer to the ways in which the “ordinary” people at the grass roots of West German society may have felt at the time. While the sheer scale of press reports published on the Ulm case would suggest that the proceedings were indeed regarded as an important event across the Federal Republic, it remains questionable as to how far such media interest translated into personal interest for the proverbial “man on the street”. How do we know how people read these articles? How can we determine when they agreed or disagreed with the pieces they read on the trial? Indeed, at the end of the proceedings, the *Jewish Chronicle*, while pleased at the judicial condemnation of the crimes, reflected that “unfortunately there are other voices in Germany than that of the President of the court at Ulm”.⁴⁵

The existence of divergent voices was apparent on the letters page of the *Müncher Merkur*, to the extent that the newspaper apparently felt compelled to include a disclaimer stating firmly that “letters published on this page give the opinion of the author, not that of the editorship of the *Müncher Merkur*”.⁴⁶ On 13 September 1958, the newspaper printed two examples of readers’ responses to the Ulm trial, examples which demonstrate how the editor tried to print a range of opinions on the subject. One echoed much of the sentiments being expressed at the time within the liberal press, dismissing any claims that a new wave of war crimes trials constituted a new denazification process, rejecting arguments that all orders came from above and calling for the punishment of all those who collaborated in the commission of Nazi crimes. The other letter, however, dismissed the whole proceedings as the work of Communist agitators. The author sought to relativise the crimes committed by the Einsatzkommando Tilsit, arguing that orders had to be followed and calling for the giver of those orders to be punished, rather than the people on the ground who had

⁴⁵ *Jewish Chronicle*, “Grim Reminders” (5 September, 1958) p.20.

⁴⁶ *Müncher Merkur*, “Stimmen zu den Urteilen im Ulmer Prozeß” (13 September, 1958).

been forced to carry them out. The author was also keen to place the blame for the crimes squarely on the Nazi leadership, presenting Heinrich Himmler in his role as the head of the RSHA as the real guilty party.⁴⁷

The problem of determining how far the views expressed in West German newspapers was representative of the wider population was also recognised at the time by observers in the British Foreign Office who were attempting to monitor the impact of the Ulm trial upon the popular West German consciousness. The British Consulate General in nearby Stuttgart, Robert G. Dundas, stressed the need to view public opinion against a background of a “strong latent guilt complex”, and a continuing fervent desire to assign all the blame for the crimes on “National Socialism in general, and Hitler in particular”.⁴⁸ While noting that the very fact this trial was being staged at all, together with its widespread, factual reporting in the press, would suggest that the West German people were, to some extent, starting to face up to the Nazi past, officials at the British Embassy in Bonn made the following concession:

It is difficult to gauge the effect of these and other trials of Nazi criminals on ordinary Germans. The fact that the trials are carried out by German courts in a fair and impartial manner undoubtedly gives the verdicts more validity in German eyes than those of the Allied war crimes trials. From this, one would be inclined to deduce that, coming thirteen years after the end of the war, and even longer after the commission of the crimes themselves, and resulting from German prosecutions under German law... these trials would draw attention to the horror and enormity of the crimes to which, under Hitler, Germans lent themselves and would impress the German mind - and to some extent they must have this effect. But the reaction of most Germans seems, as far as one can judge, to be one of personal dissociation, as much as to say: ‘whoever committed such crimes, it was not I, nor the Germans I knew and was brought up with’. This superficial facility for self-exculpation may not, however, reflect all that goes on in their minds and there is evidence that the younger generation are very critical of the behaviour of the Nazi Party and in many cases eager to see justice done. The mere fact that the trials take place and are fully reported means that to some extent present day Germans are facing the guilt in their past.⁴⁹

One of the most interesting insights into popular West German responses to the Ulm Einsatzkommando trial comes in the form of a special opinion survey conducted

⁴⁷ *Ibid.*

⁴⁸ National Archives, London: FO371/137596: War Crimes 1958; WG1661/20: Report by R.G. Dundas, British Consulate General, Stuttgart (29 September, 1958).

⁴⁹ National Archives, London: FO371/137596: War Crimes 1958; WG1661/16: Reports on the Trial at Ulm - Dispatch from the British Embassy, Bonn to the Western Department of the Foreign Office (5 September, 1958).

by the local newspaper, the *Schwäbische Donau-Zeitung*, in the immediate aftermath of the proceedings in September 1958. The newspaper polled local people of all ages and from all walks of life on how they had viewed the case, and how they now regarded the final sentencing that had been passed down upon the ten former members of the Tilsit Einsatzkommando. Introducing the intentions behind the survey, the paper declared:

The language of the Ulm court has caused a sensation in the whole German public. Most newspapers carry the sentence on the first page of their Saturday editions. This trial, once again, was the topic of conversation at the weekend for politically-interested citizens. We have attempted to explore through a poll, propagated by ourselves, the opinion of the man on the street... We established, with satisfaction, that nearly all of our compatriots answered very candidly on both questions: 'Do you think the Ulm trial is necessary and important?' and 'Do you think the sentence is just?' A considerable number of those questioned had followed the trial closely, admittedly predominantly through newspaper reports.⁵⁰

The use of opinion poll data as an historical source is not without its problems. In this particular instance, the size of the survey conducted by the *Schwäbische Donau-Zeitung* was relatively small, with just 38 responses printed in the newspaper. Four of these actually came from former victims of National Socialism - people who had been persecuted by the regime as political opponents or as Jews and who thus had a very personal reason for wishing to engage with Nazi war crimes trials. The very language employed by the newspaper when conducting its survey could also be said to have influenced the nature of the responses gleaned from members of the public. Having set out to determine whether the local population felt the trial had been "necessary" and "important", it is certainly notable that many of those interviewed drew upon exactly the same words when giving their answers. The frequency of these terms suggests that the very phrasing of the questions did perhaps guide popular responses to the Ulm trial and encouraged people to reply in a particular manner.

Nevertheless, this survey does shed some valuable light on the impact of the Ulm Einsatzkommando trial within the local community and reveals quite a diversity of opinion circulating among the townsfolk. In addition, the very fact that the survey was conducted and reported in the local newspaper made it part of an even wider

⁵⁰ *Schwäbische Donau-Zeitung*, "Sühne für tausendfachen Mord" im Urteil des Volkes" (1 September, 1958).

public discourse. The *Schwäbische Donau-Zeitung* admitted that it had granted its interviewees anonymity, a factor that enabled many of them to speak quite candidly on the subject as a result. The fact that the newspaper felt obliged to make this promise in the first place, though, implies that there was still a widespread reluctance among the West German population to talk about the Nazi era, or at least give vent to their personal feelings on this issue within the public sphere. With the newspaper's guarantee of "complete discretion", the people of Ulm may have been more willing to speak unguarded, secure in the knowledge that no one could turn around and criticise them for their comments. At the same time, though, the newspaper itself did implement a form of censorship, admitting that it had omitted to publish those comments which were fiercely critical of the Einsatzkommando trial and its results. However, the paper did add that such statements were rare and hardly representative of those opinions held by the rest of the local community.⁵¹

An examination of the results gleaned by the *Schwäbische Donau-Zeitung* reveals how the participants in the survey can be broadly divided into three main groups. Firstly, there were those people who clearly recognised the need to address the legacy of the Nazi past and the necessity of continuing to bring any remaining war criminals to account before the courts of the Federal Republic. Those persons falling into this initial category showed themselves to have been following the course of the Ulm trial fairly closely, often drawing upon the language of demonism running through the West German press as they referred to the defendants as "monsters" or "devils". These people were also usually able to volunteer extra information about the particulars of the Ulm Einsatzkommando case, displaying an ability to name at least one of the ten defendants, relay elements of the witness testimony heard before the courts or offer a critique of the final sentencing in view of what had been disclosed during the course of the trial. A 58 year old dentist questioned by the newspaper proved typical in this respect:

The trial had to take place... Regarding the sentence, I am of the opinion that the main criminals are coming away too well with fifteen years imprisonment. That the defendant Lukys, for example, has only been given seven years imprisonment disappointed me somewhat.⁵²

⁵¹ *Ibid.*

⁵² *Ibid.*

Members of this first category could also be seen as having placed some degree of emotional investment in the Ulm trial. A 31 year old office worker displayed signs of having engaged closely with the Ulm proceedings, and of having reflected soberly, with some empathy, upon the fate of the victims of the Third Reich:

The necessity of these trials stands without doubt. What the accused did to women and children one can only begin to estimate correctly if one has a family himself. I therefore find the sentences very mild. I had expected 'life' for the main accused.⁵³

This statement echoes that issued previously by the *Stuttgarter Nachrichten*, imbued with a sense of shock that women and children could have been subjected to such atrocities. While the killing of women and children holds a certain emotive power for the media and members of the public, the fate of Jewish men is once again allowed to pass without comment.

A 45 year old hairdresser, meanwhile, contrasted her own emotions when hearing about the crimes of the Einsatzgruppen with the unruffled demeanour of the ten Ulm defendants throughout the course of the trial:

I don't like to speak of trivial things in the Einsatzkommando trial, but one cannot simply concern oneself day after day with such dreadfulness without becoming paralysed and discouraged. The thought that monsters like the defendants Böhme and Hersmann go on being counted among the human community, especially if they have to 'stew' behind prison walls,... is simply alarming. The court has the opportunity to find the truth and deliver justice, of which there can be no doubt. Just as it is a little dubious that no human emotions have weighed on the murderers and accomplices in the dock of the Ulm court.⁵⁴

Further support for war crimes trials was voiced by a 39 year old choice official, who commented:

I think this and similar trials are right to be carried out. What are ten or fifteen years already in the life of a people? If one was to say there has already been too much time since these deeds, then it is baseless. On the contrary, it is good if signs are set again and again that call the past out of memory. Further, it is perfectly correct that the accused do not become absolved. To judge the scale of the punishment fails me heavily as I was not able to pursue the entire trial in all its detail.⁵⁵

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

The concluding sentence in the above quotation brings us to the second broad category of respondents encountered by the *Schwäbische Donau-Zeitung*, enabling us to identify a group of people who readily agreed with the need for continued war crimes trials, but who did not appear to have taken the same level of interest in the Ulm hearings as those falling into the first category. The members of this second classification, having swiftly confirmed their support for such proceedings, were unable to provide any further details on the case recently conducted upon their own doorstep. A 24 year old clerical worker stated simply:

Such trials have to be carried out; one cannot simply let them fall under the table. I regard the sentence as just.⁵⁶

Such respondents appeared willing to accept whatever was happening around them, automatically agreeing with the assumption implicit within the *Schwäbische Donau-Zeitung*'s questions, and readily agreeing with the custodial results of the Ulm proceedings, without actually questioning whether the prison terms handed down by the court really did fit the crimes concerned. A 33 year old head teacher told the newspaper, "the proceedings were carried out objectively, the sentence is just" - a comment that made an implicit contrast between this trial and the earlier war crimes proceedings conducted by the Allies, apparently drawing some level of comfort from the fact that at least it was the West German authorities who were now dealing with these matters. Meanwhile, a 40 year old insurance officer stood out from the rest of the survey participants as someone who had nothing at all to offer on the Ulm trial, telling the newspaper:

I have nothing to say on the whole affair. In my opinion, I have concerned myself too little with these things to be able to give a comment.⁵⁷

Finally, the *Schwäbische Donau-Zeitung* also uncovered a minority of people who remained opposed to the prospect of continuing war crimes trials so long after the commission of the atrocities in question. This group was characterised by a strong desire to draw a final line under the past and move on. A 66 year old widow was among those questioning the wisdom of conducting this trial thirteen years after the

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

war's end, as well as the impact that such a lengthy delay would have on the reliability of survivors' memories:

It is difficult to reconstruct the situation of that time after so many years. I have seen a series of such trials in the post-war years, for example in Penzberg and Munich. Many witnesses are too old and not many of them are wholly sensible. Also, the levels of punishment allow dispute. There are too many political prisoners who have received life [imprisonment] and have much less human life on their conscience. They perceive their unjust sentence and ask: 'Why have we received life?' I am of the opinion that the people in command of the state at that time have been dealt with, for the orders all came from above. Insubordination at that time meant risking one's own life.⁵⁸

Despite her assertion that all the really guilty people had now been dealt with, this woman proved unusual as someone who had apparently gone out of her way to observe a number of different war crimes proceedings. She had, it seems, already exercised some interest in the legacy of the Nazi past. As her response indicates, though, there remained a desire, at least among some sections of the local Ulm population, to continue to place the blame for the crimes of the Third Reich firmly upon the shoulders of the Nazi leadership rather than admit any notions of wider guilt and responsibility.⁵⁹

Those opposing further war crimes trials also sought to relativise the crimes committed by the National Socialist regime and to accentuate German suffering. A tourist in Ulm from West Berlin was typical of this trend:

I think that a line should now finally be made under these things - and not only among us. I think the sentence was just as a deterrent - provided that each murder really did happen. In addition, I am of the opinion that we should be careful with such sentences as long as the Russians, who after their invasion in the East administered and treated us in a bestial manner, and each American who exterminated innocent lives in Hiroshima and Dresden are not similarly punished before a court.⁶⁰

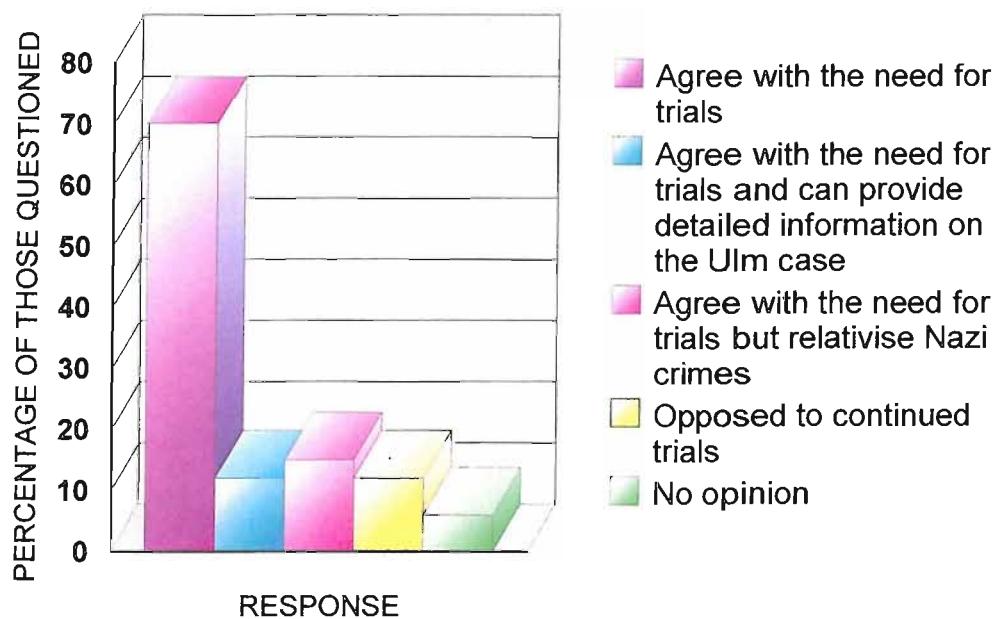
⁵⁸ *Ibid.*

⁵⁹ Such apologetic views were encouraged throughout the Ulm trial by the defendants themselves, who testified how the orders for the mass execution of Lithuanian Jews and Communists had come from Reinhard Heydrich in the RSHA and, ultimately, from Hitler himself. Recent historiography, though, has been able to draw upon material now made available from the former Soviet archives which indicates how such decisions had actually originated on the ground from Stahlecker and Ulm defendant Böhme. See: Kwiet, "Rehearsing for Murder", pp. 4ff; and Dieckmann, "The War and the Killing of the Lithuanian Jews", *passim*.

⁶⁰ *Schwäbische Donau-Zeitung*, "‘Sühne für tausendfachen Mord’ im Urteil des Volkes" (1 September, 1958).

The proportion of the survey participants who fell into each of these three main categories is illustrated in the graph below. The effects of the Ulm trial upon the West German population was also observed at the time by staff at the British Embassy in Bonn. A report sent to the British Foreign Office at the start of September 1958 commented, “there is evidence that the younger generation are very critical of the behaviour of the Nazi Party and in many cases eager to see justice done” - suggesting that the stirrings of a more critical consciousness among the West German youth was already evident at this time, long before the famous student uprisings of 1968.⁶¹

Fig. 7: Graph to Show Broad Responses to the Ulm Einsatzkommando Trial.



However, the data gleaned by the *Schwäbische Donau-Zeitung* would suggest that the age of the respondents was not really a factor in determining the ways in which they viewed the Nazi past. On the contrary, these findings reveal that responses to the Ulm case actually cut across generational divides more than historiography generally tends to allow. The complexities of generational responses can particularly

⁶¹ National Archives, London: FO371/137596: War Crimes 1958; WG1661/16: Reports on the Trial at Ulm - Dispatch from the British Embassy, Bonn to the Western Department of the Foreign Office (5 September, 1958).

be demonstrated through an analysis of the comments rendered regarding the actual sentencing of the Ulm accused - a popular theme among the townspeople.

A 25 year old office worker was among those calling for much harsher measures to be handed down on the defendants, stating:

I do not believe that the imposed prison sentences are sufficient - the main defendants certainly deserved a lifelong prison sentence.⁶²

A 24 year old student similarly attacked the sentences as being "exceptionally mild". Such views, however, were not confined to those under thirty years of age. A 37 year old businesswoman argued:

I am convinced that this will not remain the only trial on that time. They are just as necessary as this one. The sentences were, in my opinion, all far too mild. Such devils belong away from the human community. What do we know about their attitude if they come out of prison again or are allowed to be amnestied?⁶³

Older people born towards the end of the nineteenth century - and who had thus experienced political traditions other than Nazism - also proved particularly willing to engage critically with the legacy of the Third Reich. An 82 year old woman echoed the notion that the defendants in the Ulm case "deserve much harsher punishment", while a 64 year old civil servant attacked anyone who did not share in his own apparent readiness to address this most recent chapter of German history, proclaiming:

This trial was necessary to open the eyes of all those who did not want to know or believe what happened at that time. The sentence is almost too fair. The evils of the accused deserved life imprisonment.⁶⁴

However, at the other end of the age spectrum, it is clear too that, despite the grandiose claims made by the staff in the British Embassy, not all members of the younger generation were keen to explore the recent past. In introducing its survey, the *Schwäbische Donau-Zeitung* itself noted that:

⁶² *Schwäbische Donau-Zeitung*, "‘Sühne für tausendfachen Mord’ im Urteil des Volkes" (1 September, 1958).

⁶³ *Ibid.*

⁶⁴ *Ibid.*

the attitude of the younger people questioned, many of whom were not in the position to express a particular view [of the trial] was remarkable - they maintained that trial did not interest them, or had no more mental images of the Second World War era.⁶⁵

That the younger generation had little previous knowledge of the crimes of the Third Reich was highlighted in a comment made by a 20 year old student who contrasted the revelations emerging from the Ulm courtroom with a lack of available historical information for those born towards the end of the Nazi regime:

I knew the events of the war and Nazi era only from stories and dark childhood memories - I don't permit any judgement on whether such trials are necessary. I think the sentence is very mild compared with the usual punishments for murderers.⁶⁶

A 20 year old chemist, meanwhile, stressed the educational potential that was bound up in the Ulm Einsatzkommando proceedings, maintaining, "it is good that these terrible events and their consequences are shown as a warning... so there can never be a repeat".⁶⁷

The gender of those surveyed by the *Schwäbische Donau-Zeitung* did not appear to be an issue when discussing the merits of war crimes trials or the results of the Ulm case itself. However, while some people viewed the Ulm trial as shattering some of the silences surrounding the Nazi past, others - and especially the female interviewees encountered by the newspaper - seized the opportunity to reflect upon their own negative wartime experiences. A 45 year old housewife confessed:

I have not followed this trial with full attention so as not to be reminded again of the sorrowful time of expulsion from the homeland in the East. Is there an atonement at all in this world for the terrors that happened on all sides of the war? Human sentences do not suffice for that so no one could speak of a just sentence.⁶⁸

Another woman contrasted the brutal behaviour of the Ulm defendants with the fate of her "innocent" son who was killed on the battlefield aged just 21, before pointing out how "many old people have lost their house, home and children and today

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

have to live sparsely in a rented place".⁶⁹ In this way, the woman drew upon the ideal of the honourable, fallen German soldier - a popular post-war notion that was enjoying a wider resonance during this period. The British Consulate in Stuttgart noted that, shortly after the Ulm case, the Federal Republic's newly formed army began practice manoeuvres that were watched by "thousands" of people. In addition, the summer of 1958 had witnessed veterans' reunions among former members of both the Stalheim - the group of ex-servicemen who had played a prominent role in the politics of the 1920s and were subsumed into the SA following Hitler's rise to power in 1933 - and the Desert Foxes - those men who had been part of Field Marshall Rommel's *Afrika Korps* during the Second World War.⁷⁰ These reunions provided an interesting juxtaposition with the war crimes proceedings in Ulm and can be seen as occasions which both further emphasised the glory of the German soldier, and depicted him as having nothing to do with the crimes committed in Eastern Europe. There was thus a section of the West German population still anxious during this period to highlight their own war losses, and to give their own, personal suffering precedence over the revelations then emerging from the Ulm courtroom concerning the fate of unknown Jews in the Baltic States.

A closer examination of the responses gleaned by the *Schwäbische Donau-Zeitung*, though, reveals it was not just the mythologised notion of German victimhood that continued to hold sway during 1958. Indeed, further evasions and distortions emerged among the residents of Ulm when it came to discussing the nature of the accused themselves, with the question as to how they could have brought themselves to commit acts of mass murder proving one of the most popular causes for debate among local people. Participants in the opinion survey frequently drew upon the demonic characterisations of the defendants that had been popularised in the West German press, contrasting the psychology of these ten individuals with that of the "ordinary" population and suggesting that there was a fundamental flaw within the defendants' personalities that prompted them to lend themselves to the crimes of the Third Reich. Other respondents touched upon the sort of *apologia* normally utilised by the defence counsels during war crimes trials, emphasising the unusual circumstances

⁶⁹ *Ibid.*

⁷⁰ National Archives, London: FO371/137596: War Crimes 1958; WG1661/20: Dispatch from the British Embassy, Bonn to the Western Department of the Foreign Office (13 October, 1958).

and pressures of the war situation, the power of Nazi ideology and, of course, the need to follow orders for fear of reprisals. A 36 year old section leader argued:

According to the criminal law, it is correct to recognise complicity in murder and not murder. In my view, however, the punishments of fifteen, ten, four and three years imprisonment are too short. The desire to murder had to be existing in the accused... Under other circumstances no human in such a position would organise or participate in drinking with the victims' money after executing such atrocities. The trial clearly showed that ice cold and calculating people sat in the dock, whose repentant closing words stood in strange contrast to their behaviour during the proceedings, appearing exclusively to demand the leniency of the court.⁷¹

Even those local citizens, therefore, who did recognise the need for continued war crimes trials and who had been paying close attention to the course of these particular hearings, were not immune from imposing a sense of distance between those on trial and the wider West German population. A 39 year old mechanic elaborated further on this theme, stressing how the real guilt lay with the Nazi leadership and seemingly taking some comfort from the fact that, as illustrated with the defendant Lukys, the Lithuanians had also joined in with the commission of the crimes - a factor that would help deny that the Holocaust had been a peculiarly German crime:

I found the whole trial extremely problematic. The accused, in my opinion, could not be put on a stage with common murderers. The particularly guilty are Hitler and Himmler, as the comments in the sentencing made clear. What happened at that time, sixteen or seventeen years ago, is horrible and can and must not be glossed over. But even after so long, it is difficult to go back to that time. It further appears that the Lithuanians joined in with all these murders with enthusiasm. If the court with its sentencing of the accused wants to provide the chance for sincere regret, perhaps justice should allow a couple of years before letting amnesties happen; then the punishment is just.⁷²

Similarly, a 50 year old housewife insisted:

One has to consider that it was the war at the time of these crimes and a general chaos prevailed. Standards were lost. Nevertheless, these crimes have to be judged.⁷³

⁷¹ *Schwäbische Donau-Zeitung*, “‘Sühne für tausendfachen Mord’ im Urteil des Volkes” (1 September, 1958).

⁷² *Ibid.*

⁷³ *Ibid.*

A 21 year old student also stressed the effect of the prevailing moral climate when trying to account for the crimes of the Einsatzkommando Tilsit and pointed to a long history of violence against the Jews. These comments can be seen as an attempt to show how such antisemitism was far from unique to Nazism or, indeed, to Germany itself:

Trials of this kind understandably have to be carried out, especially if the facts of the case have long been apparent. At the time, the accused were stuck in the middle of this whole spirit and perhaps felt the way in which they behaved was nothing criminal. With the Jewish persecutions in the Middle Ages, one also believed they were providing a service to God. Nevertheless, the accused are responsible for their crimes, the scale of the punishment is therefore, in my opinion, just.⁷⁴

The impact of Nazi propaganda and ideology on the defendants' ability to reconcile themselves to committing such crimes was stressed by a 39 year old secretary:

The State's demands at the time were placed above one's own conscience and individual human lives. The fanatical belief in the German master race was already manifest at the time in flesh and blood for the wide majority of the people so, to the accused, there was nothing at all illegal with the whole scope of their behaviour. We always hold that people at that time did not just act according to orders or in deadly obedience, but simply went along with it.⁷⁵

A 32 year old housewife also began by declaring her support for continued war crimes trials, before again stressing the effects of the war situation, and displaying her concern for the impact the Ulm trial could have on the reputation of the Federal Republic before the rest of the world. Suddenly going against her opening statement, the woman argued that the very continuance of Nazi war crimes trials, staged so long after the end of the war, would become a cause for ridicule at the hands of other nations:

This trial was necessary, even important, and I can only regret that we Germans always cite the weakness before all the world of our 'dirtying of the nest'... These shootings certainly resulted from the compulsion of the war situation and therefore do not have to be convicted as a criminal offence. A war is always terrible and events in it usually remain hanging over the defeated. For this reason, I think that the sentence is unjust.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

After so many years have slipped away, one cannot sentence the accused to life imprisonment. Our friends at home and abroad will laugh.⁷⁶

The results of the opinion survey conducted by the *Schwäbische Donau-Zeitung* thus underline the extent to which earlier post-war interpretations of National Socialism - interpretations that drew extensively on German war losses, imposed a sense of distance between the perpetrators of the Nazi genocide and the "ordinary" population and stressed the climate of fear, terror and ideological fanaticism that rendered such crimes possible - continued to circulate freely amongst the West German population in the late 1950s. At the same time, though, there were members of the local community who were prepared to engage more critically with the legacy of the recent past. A 24 year old student stated:

In the course of the trials there are, indeed, often loud voices that one should not keep tearing open the old wounds, but I don't think this view is representative.⁷⁷

Similarly, a 40 year old farmer noted:

This trial was certainly necessary, otherwise one doesn't know if there is still a justice. Crimes of such a scale may not be limited and if some think it could be harmful to the German reputation if these disgraceful deeds were dug up after seventeen years, then I cannot agree with this point of view. Even the honest and factual treatment before the court of the shooting of the Jews has to show the world that we want to engage with the dark chapter of our past. I personally think that people who deny the necessity of these trials are suspect, that they want to cheapen the crimes or at least gloss over them. I think the sentence is just. One could not really atone for the events with a higher sentence.⁷⁸

In addition, there was some awareness among the citizens of Ulm of the need to accept a wider level of responsibility for the crimes of the Third Reich, rather than placing the onus solely on those at the highest levels of the regime. One of those questioned by the *Schwäbische Donau-Zeitung* transpired to be the wife of one of the jurors who had sat on the Ulm case. Unsurprisingly, this woman had paid a great deal of attention to the proceedings and was able to speak at some length about them. Her

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

statement rejected firmly any notion of using the peculiar climate of the Second World War as a means for attempting to justify the behaviour of the accused:

We were all complicit in every year of the events and should all do compensation for the past and do away with hate and bitterness, otherwise there is no new and better future for us. One cannot compare the atrocities of that time with the events of war. Initially I had thought that the punishments for some of the accused are too mild. But I have made up my mind that it is correct. I am not for the death penalty, so one may not expect people to take another life.⁷⁹

The Ulm Einsatzkommando trial does, therefore, seem to have evoked a wide spectrum of opinion. The British Consulate General in Stuttgart noted that whole “most intelligent” people did agree on the continuing need for war crimes trials in order to confront the Nazi past, some of the more “pusillanimous” simply preferred to close their eyes to the whole affair and refused to read anything that was written about it in the press.⁸⁰ In the main, though, the Ulm trial did at least succeed in getting most of the West German population thinking about the crimes of the Third Reich again. The British Embassy in Bonn reported that, “these cases have aroused a revulsion in many German minds, which have tended to forget the post-war Allied tribunals or to regret these as prejudiced, and a suspicion that other criminals of this type may still be at large in Germany”.⁸¹ Indeed, it was this latter suspicion that would help ensure that the 1958 Ulm trial would have a lasting effect within West Germany.

The Legacy of the Ulm Trial

One of the gravest concerns to be voiced in West Germany in relation to the Ulm trial surrounded the fact that men like chief defendant Bernhard Fischer-Schweder had managed to remain undetected for so long in the Federal Republic, and even enjoy prominent and well-respected positions in the community.⁸² Such concerns fuelled the

⁷⁹ *Ibid.*

⁸⁰ National Archives, London: FO371/137596: War Crimes 1958; WG1661/20: Report by R.G. Dundas, British Consulate General, Stuttgart (29 September, 1958).

⁸¹ National Archives, London: FO371/137597: War Crimes 1958; WG1661/22: Dispatch from British Embassy, Bonn to the Western Department of the Foreign Office (16 October 1958).

⁸² P. Steinbach, “Zur Auseinandersetzung mit nationalsozialistischen Gewaltverbrechen in der Bundesrepublik Deutschland”, *Geschichte in Wissenschaft und Unterricht*, No. 2 (1984) p.68. Concerns over the “murderers among us” were expressed at the time in *Schwäbische*

popular concept of “the murderers among us”. Throughout the late 1950s and early 1960s, West Germany witnessed a series of high profile scandals in which various leading individuals were “revealed” to have had a compromised past. Dick de Mildt has argued that it is in this connection that the real impact of the 1958 Einsatzkommando trial can be seen, for, “at one stroke, the Ulm trial painfully brought to light the poor quality of Germany’s dealing with its past crimes, particularly with regard to their prosecution”.⁸³ Likewise, Peter Steinbach has pointed to the Ulm case as helping to create the impression that many other Nazi criminals were still living securely among the West German population and convincing politicians and civilians alike of the need for an urgent, systematic examination of all Nazi crimes in order to take remedial action.⁸⁴

One of the more concrete results of the 1958 Ulm Einsatzkommando trial thus saw the establishment of the *Zentrale Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Verbrechen* (Central Agency for the Prosecution of Nazi Crimes) in nearby Ludwigsburg on 1 December 1958. It was headed by Dr. Erwin Schüle, the chief prosecutor in the Ulm case. The creation of the Ludwigsburg Zentralstelle was the subject of some disquiet within West Germany, with many people still questioning the logic of implementing what was widely seen as another denazification process. The *Trierischer Volksfreund* addressed these concerns and took issue with those members of the population who continued to hope that a rapid end could be brought to war crimes trials:

One at once objected that a systematic investigation of accusations of our past crimes would produce an endless unrest among the population. But one can only draw a line under the past if one can say, with some confidence, that all, or at least the majority of, concentration camp criminals are punished.⁸⁵

The *Freie Presse* made a similar argument:

Donau-Zeitung, “In gerechter Weise beenden” (30 July, 1958) and *Frankfurter Allgemeine Zeitung*, “Aufräumen” (6 October, 1958).

⁸³ D. de Mildt, *In the Name of the People: Perpetrators of Genocide in the Reflection of their Post-war Prosecution in West Germany: The ‘Euthanasia’ and ‘Aktion Reinhard’ Trial Cases* (The Hague: Martinus Nijhoff Publishers, 1996) p.27.

⁸⁴ P. Steinbach, “Zur Auseinandersetzung mit nationalsozialistischen Gewaltverbrechen”, p.68.

⁸⁵ *Trierischer Volksfreund*, “Zentrale Ermittlungsbehörde?” (15 September, 1958).

The Stuttgart General District Attorney Nellmann has not contented himself with lamenting the unsystematic manner in which the German judiciary has, up to now, encountered the murderers still running around freely from the time of the Third Reich. Nellmann took the bull by the horns and proposed the states of the Federal Republic should set up a central investigating authority that should set as its target the pursuit of war crimes, Jewish murders and concentration camp crimes.

We opine that the state governments should not hesitate to quickly accept this suggestion. Do not come to us in this case with the [argument of] Federalism, which one only ever calls upon if one wants to prevent something... We are indebted to the victims of the Third Reich and we are indebted to the peace of our people. We have to liquidate the past if we want to build the German future together.⁸⁶

The creation of the Ludwigsburg Zentralstelle was of vital importance in sparking a whole new series of investigations and arrests, and in launching more co-ordinated and active research into Nazi crimes that paved the way for the trials which would dominate much of the 1960s. Adalbert Rückerl, himself a former head of this organisation, has argued that its very structure,

produced almost a reversal of the former procedure adopted in the prosecution of Nazi crimes. The investigations were no longer set in motion by the laying of information about a suspect - and only then - as has so far been the rule in the past: instead, certain pointers to a crime still liable to prosecution triggered the preliminary proceedings against person or persons unknown or not yet traced.⁸⁷

By the end of 1964, six years after its foundation, the Agency had conducted a total of 701 enquiries.⁸⁸

One of the central aims of this thesis, though, is to explore how the Nazi war crimes trials of the late 1950s and 1960s could be said to have influenced popular ways of thinking about the recent past within civil society. In addition to the legal developments inspired as a result of the Ulm case, the trial's resonance continued to be felt for some time after its official conclusion within local commemorative culture. The revelations that had emerged about the fate of the Jews in Eastern Europe generated a significant degree of interest among the people of Ulm in the history of the

⁸⁶ *Freie Presse*, "Nicht zögern" (12 September, 1958). See also: *Stuttgarter Zeitung*, "Zentrale Ermittlungsbehörde muß Klarheit über NS-Verbrechen schaffen" (3 September, 1958); *Frankfurter Neue Presse*, "Justiz und Konkursmasse" (3 October, 1958); *Frankfurter Allgemeine Zeitung*, "Aufräumen" (6 October, 1958) and "Die Vergangenheit läßt" (13 October, 1958).

⁸⁷ Rückerl, *The Investigation of Nazi Crimes*, p.50.

⁸⁸ *Ibid.*

town's own Jewish community. Ulm had been a centre of Jewish life since the Middle Ages and had, most famously, been the birthplace of the Jewish scientist, Albert Einstein. One of the most interesting examples of the legacy of the Ulm trial can subsequently be seen in the form of a special book entitled *Documents Relative to the Persecution of the Jewish Citizens of Ulm/Danube* which was compiled in 1959.

This book traced the history of the Jews in Ulm from the Middle Ages through to the end of the Second World War. It noted the prominent role that many of them had been able to play within the local government during the nineteenth century, and how eighteen Jewish residents of the town had been among those killed while serving at the Front for Germany during the First World War. The volume also listed all the Jews resident in Ulm in January 1933, detailing their full names, date of birth, address and profession. In this way, the book helped to restore some sense of individuality to the otherwise anonymous statistics of Holocaust victims. Finally, it proceeded to list the date and destination of each Jewish inhabitant during the deportations of 1941-3.⁸⁹

Altogether, this book served to create a rather rose-tinted image of local Jewish/non-Jewish relations prior to Hitler's rise to power. However, within the text itself there remained silences over the identity of the perpetrators who had subsequently committed the crimes against the Jews, as well as over the rise of National Socialism in the first place. Nazism was presented as something of an alien movement, a force imposed from the outside which had little to do with the inhabitants of Ulm themselves. Having spent several pages citing examples of local Jews, including Einstein, the book stated:

Just a few of the aforementioned examples show how very assimilated the Jewish population was within our town. The biggest part by far were middle class and had suffered under the difficult economic burdens of the post-war years just as badly as the non-Jewish citizens. Numerous Jewish personalities had established their place in the intellectual and cultural, as well as scientific, life of our town. They were just as connected with their home town as every other non-Jewish citizen. If the Jewish population was already being attacked during the beginnings of the National Socialist 'movement', one could nevertheless say that for Ulm all these attacks had only a slight influence on the majority of the [local] population. But others very quickly aligned themselves with Hitler's growing power.⁹⁰

⁸⁹ H. Keil ed., *Dokumentation über die Verfolgungen der Jüdischen Bürger von Ulm/Donau* (Hergestellt im Auftrage der Stadt Ulm) p.i.

⁹⁰ *Ibid.*, p.20. For details of the Nazi rise to power and life in Ulm during the Third Reich and Allied occupation see: S. Lechner, *Ulm im Nationalsozialismus: Stadtführer auf den Spuren*

Copies of the book were presented to every school leaver in the area, although the Christian-Jewish journal, *Common Ground*, did point out that it might have been better to have issued the volume at the start of the school year when it could have been followed up with a classroom discussion of the Third Reich and the evolution of the Holocaust, rather than at the end of term.⁹¹ It is, indeed, questionable as to how many youngsters, excited at the prospect of leaving their schooldays behind them, would have been prepared to engage with such a book at this stage in their lives.

Despite these limitations, though, there was some hope that the book would prove an important aid in fostering further understanding about the Nazi past. The mayor of Ulm penned the introduction to the work in which he refuted calls to draw a line under the recent past and outlined instead the town's hopes for the future. He stated:

The history of every nation has its bright side and its shadows. Perhaps the deepest shadows are to be found in that chapter of German history which recounts the persecution of the Jews in the years 1933 to 1945. What was done then by a criminal regime cannot be compensated. More and more opinions are voiced that one should not stir up the past, that one should turn one's back on the injustice and horror. But the voice that warns against forgetfulness of this heavy guilt, no less than of the misery, tears and blood of the victims, should not go unheard. By this carefully produced documentation concerning its own boundaries, Ulm desires to contribute to the illumination of the past, to confess the wrong it has committed and to warn future generations so that such events cannot happen again.⁹²

The language employed by the mayor in this opening section is revealing in itself, referring as it does to a "criminal regime", rather than using the word "criminals". In contrast to wide attempts to continue placing the blame on a radical few, this book offers an implicit acceptance of a wider level of guilt and responsibility for Nazi crimes as it condemns an entire political system.

Further reflection on the crimes of the Third Reich came with an epilogue produced by the volume's editor, Heinz Keil which stated:

des Regimes, der Verfolgten des Widerstands (Ulm: Dokumentationszentrum Oberer Kuhberg Ulm, 1997).

⁹¹ *Common Ground*, "Causerie", vol. xvi/3 (1962) pp. 23-4.

⁹² Keil ed., *Dokumentation über die Verfolgungen der Jüdischen Bürger von Ulm/Donau*, p.303.

With the end of the war in 1945, we were faced with a tragic reckoning. 332 out of the 530 Jews of Ulm had successfully emigrated. The remainder who could not emigrate were, for the most part, murdered in the concentration camps. This shows how a people can vote for a system of government which abuses people and civil rights and produces terror and horrors. The youth who did not live through this time should address this theme coolly and soberly.

This documentation should therefore help connect with the facts and heavy sorrow that rests behind the fate of all those persecuted... The persecution of the Jews in Ulm has to be seen in connection with the whole of the National Socialist measures against the Jewish population. Only then can an accurate picture of these events be created.

This documentation should also make clear how necessary it is to fight against the remnants - and new forms - of antisemitism.... Only with the greatest love for the truth and the most rigorous struggle against antisemitism can one hope to overcome the past.⁹³

The example of the 1958 Ulm Einsatzkommando trial therefore illustrates how earlier post-war myths centring upon German experiences of the Third Reich and a general reluctance to address the recent past did not disappear overnight. Many people still needed some convincing of the necessity of continued war crimes trials so long after the end of the war, and there was still a tendency to try and render the Nazi perpetrators distinct from the rest of the population. At the same time, though, a counter memory was starting to gain momentum. There were people prepared to ask more awkward questions, to delve deeper into their own town's recent activities and to start to address that "darkest chapter" of German history more critically.

The impact of the Ulm Einsatzkommando trial may have been exaggerated by historians over the years and there is a need, as this chapter has demonstrated, to go beyond a purely celebrational depiction of the Ulm trial and to start taking into account the presence of evasions, silences and distortions that persisted during this period. Nevertheless, the Ulm case played an important role in promoting a more critical West German engagement with the Nazi past as it disseminated more information about the crimes committed in Eastern Europe. Perhaps its greatest achievement, though, rested in the establishment of the Ludwigsburg Zentralstelle, staffed by a body of West German men and women determined to bring remaining war criminals to justice.

Although it provoked some initial discomfort from members of the "ordinary"

⁹³ *Ibid.*

population, this agency helped to ensure that the Ulm trial would not remain a flash in the pan, an isolated judicial event which would be quickly forgotten, but would instead mark the starting point for a brand new series of West German war crimes proceedings staged all across the Federal Republic of Germany, which offered continuous opportunities for education and confrontation with the Nazi past throughout the 1960s.

Chapter Three: The Prosecution of Martin Sommer

The Ulm trial was not the only war crimes proceeding to take place in the Federal Republic in 1958. Indeed, events in Ulm were overshadowed at the time by a different trial taking place concurrently in Bayreuth. The prosecution of 42 year old former *SS-Hauptscharführer* Martin Sommer generated world-wide interest as he received a life prison sentence for 25 counts of murder perpetrated in Buchenwald concentration camp between 1937 and 1943. The Ulm Einsatzkommando trial had bequeathed an important legal legacy for the investigation of Nazi war crimes with the establishment of the Ludwigsburg Zentralstelle, but it was the Sommer case that seemed to have all the excitement, emotion and moments of high drama that enabled it to capture the imagination of a far wider public audience. This chapter examines the resonance of the Sommer trial in further detail through an analysis of press coverage and opinion poll data. More importantly, it also draws upon a number of letters that were sent to the local court by members of the West German public, an immensely valuable source that enables us to get much closer to the ways in which the “ordinary” population were responding to the trial.

The trial of Martin Sommer in Bayreuth during the summer of 1958 has proved conspicuously absent from existing historical works on the war crimes issue, referred to only fleetingly alongside some of the other trials that were occurring in that same year. Hermann Langbein is typical, noting that it was the resonance of the revelations emerging from Bayreuth over Sommer’s “sadistic madness”, together with the “strong echo” of the Ulm trial, that helped to give rise to a new, more co-ordinated phase in the activities of the West German judiciary.¹ There remains, though, little attempt among historians to provide a detailed account of the trial’s impact upon the West German consciousness. The nearest we get to such a study comes courtesy of a work published by a former employee of the Bayreuth Landgericht, Helmut Paulus, who

¹ H. Langbein, *Im Namen des deutschen Volkes: Zwischenbilanz der Prozesse wegen nationalsozialistischer Verbrechen* (Vienna: Europa Verlags-AG, 1963) pp. 35-6. The Sommer trial is also referred to, albeit briefly, in U. Brochhaagen, *Nach Nürnberg: Vergangenheitsbewältigung und Westintegration der Ära Adenauer* (Berlin: Ullstein, 1999) p.292; M. von Miquel, *Ahnden oder Amnestieren? Westdeutsche Justiz und Vergangenheitspolitik in den sechziger Jahren* (Göttingen: Wallstein Verlag, 2004) pp. 146-148 and J.P. Teschke, *Hitler’s Legacy: West Germany Confronts the Aftermath of the Third Reich* (New York: Peter Lang, 1999) p.282.

highlights the global media interest attached to the trial, and how the court had received around 280 letters from members of the public during the proceedings expressing their views on the defendant. Paulus also acknowledges how spectators within the courtroom frequently heckled the accused amid horrific descriptions by the witnesses of his actions in Buchenwald. The overall focus of this work, however, remains on the bare facts of the case, with Paulus describing at length the protracted process of bringing Sommer before a judge and reproducing the indictment and key witness statements against the defendant.²

The prosecution of Martin Sommer, though, is worthy of much closer scholarly attention. Not only does this trial provide a fascinating case study into the potential resonance of a Nazi war crimes trial, but it also fits into a wider narrative of how an individual town attempted to deal with its own compromised past after 1945. Bayreuth, situated within Northern Franconia, had experienced a peculiarly close association with National Socialism since the 1920s and, during the seven Reichstag elections that were staged between 1924 and 1933, the region consistently provided the Nazis with some of their highest voting figures. In May 1928, for example, the NSDAP received just over 8% of the regional vote - the highest figure for any electoral district at this time.³

In addition Bayreuth, as the home of composer Richard Wagner, became a cultural centre of the Nazi regime during the 1930s. The nationalist sentiments embodied in Wagner's music suited National Socialist ideology and the summer operatic festivals that had been staged in the town every July since 1876 were quickly appropriated for propaganda purposes. Hitler himself was a regular visitor to the town, in annual attendance at the festivals right up to the outbreak of the Second World War in 1939. During this conflict, the event also became the destination for many injured members of the German armed forces, with admission to the festival being granted as a reward for their bravery and service from a Führer anxious to inflict his musical tastes on those around them. Frederick Spotts has described the changes that were imposed upon the festival - and the town - during this period, stating: "no

² H. Paulus, *Der Bayreuther 'KZ-Prozess Martin Sommer': Der Henker von Buchenwald hatte sich vor dem Bayreuther Schwurgericht zu verantworten* (Bayreuth, 2002).

³ J. Noakes & G. Pridham eds., *Nazism: A Documentary Reader, 1919-1945. Vol. 1: The Rise to Power, 1919-1934* (Exeter: University of Exeter Press, 1983) Source 60.

longer was opera an art form, but a plaything of party leaders to reflect their preferences, ideology and taste - or lack of it".⁴

While Wagner's compositions were employed on-stage to illustrate Nazi ideology, the town itself displayed its unswerving support for the regime. Shops that had previously sold operatic souvenirs during the summer months now offered Nazi trinkets and literature and replaced busts of Wagner with those of Adolf Hitler. Houses along the route to the *Festspielhaus* were bedecked with swastikas and, as the war took its toll on the available manpower, uniformed members of the SS assumed an increasingly prominent role in the concerts, sounding the horns that traditionally summoned festival-goers to the performances and even participating in the chorus.⁵

In view of Bayreuth's peculiarly close relationship with the Nazi leadership, this chapter places the town's handling of the Sommer case under the spotlight, questioning whether the shadow of Bayreuth's own Nazi past influenced the ways in which the local community responded to the staging of a war crimes trial on their doorstep. First, though, we shall examine the defendant himself and the complicated process involved in bringing him before a court.

The Life and Career of Martin Sommer

Walter Gerhard Martin Sommer was born on 8 February 1915 in Schkölen, a village in Saxony just over forty kilometres away from Buchenwald where he would make his name.⁶ He was the son of a farmer who instilled a strong sense of discipline in him

⁴ F. Spotts, *Bayreuth: A History of the Wagner Festival* (New Haven, Connecticut: Yale University Press, 1994) p.164. Further details on the relationship between the Wagner family and the Nazi regime are provided in N. Wagner, *The Wagners: The Dramas of a Musical Dynasty*, translated by E. Oseis & M. Downes (London: Phoenix, 2001) and B.W. Wessling ed., *Bayreuth im Dritten Reich: Richard Wagners politische Erben. Eine Dokumentation* (Weinheim & Basel: Beltz Verlag, 1983).

⁵ Spotts, *Bayreuth*, p.171, 193.

⁶ Details on Sommer's personal life can be found in his indictment, the original files of which are held in the archives of the Landgericht Bayreuth, Rep. K105. The information was reproduced in Paulus, *Der Bayreuther 'KZ-Prozess Martin Sommer'*, pp. 1-3; I. Sagel-Grande, H.H. Fuchs & C.F. Rüter eds., *Justiz und NS-Verbrechen: Sammlung deutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen 1945-1966. Band XV: die vom 04.07.1958 bis zum 08.07.1959 ergangenen Strafurteile* (Amsterdam: University of Amsterdam Press, 1976) Case No. 464; and H.G. Dam & R. Giordano eds., *KZ-Verbrechen vor Deutschen Gerichten: Dokumente aus den Prozessen gegen Sommer (KZ Buchenwald), Sorge, Schubert (KZ Sachsenhausen), Unkelbach (Ghetto in Czenstochau)* (Frankfurt am Main: Europäische Verlagsanstalt, 1962).

from an early age. In 1931, the sixteen year old Sommer joined the NSDAP and then, following Hitler's appointment as German Chancellor in 1933, he became part of the SS. During his trial, Sommer claimed that his motivation for joining these organisations had come only from a desire to pursue a military career, rather than any deeply-held political or ideological concerns. He insisted, "I have received the book *Mein Kampf* on several occasions, but I can say today that I have never read it".⁷

However, rather than fulfilling his professed ambition to be a soldier, Sommer spent the 1930s employed as a guard in a series of concentration camps before moving to Buchenwald in the summer of 1937. On 1 September 1942, having impressed his superiors with his enthusiastic activities as the overseer of the cell block, he was promoted to the rank of SS-Hauptscharführer.

Sommer's fortunes, though, changed quickly. In the spring of 1943, as the regime increasingly drew upon any remaining young men to participate in the fighting, Sommer was transferred to an SS-Panzer regiment in France, but his separation from Buchenwald would not last long. Earlier in the year, investigations had been launched by the SS hierarchy against camp commandant Karl Koch amid a large corruption scandal. Koch was accused of enriching himself from the confiscated property of camp prisoners and diverting potentially valuable items away from the war effort. Sommer was also implicated. Arrested and returned to Buchenwald, Sommer found himself imprisoned in what had been his own cell block. Koch was eventually sentenced to death by an SS court and shot in April 1945. Sommer, though, managed to avoid court proceedings and in March 1945 was posted to an ill-fated military unit near Eisenach. As the Second World War drew to an end, he was seriously wounded in a tank battle, losing his right thumb and leg, badly fracturing his left arm, and suffering severe injuries to his abdomen from grenade splinters. The *Bayreuther Tagblatt* later referred to him as "a human wreck".⁸

The macabre details of Sommer's activities in Buchenwald were made known to the Allies while the Third Reich was still crumbling. His name featured prominently in *The Buchenwald Report*, a collection of interviews with camp survivors conducted by the US Psychological Warfare Division, just days after their liberation on 11 April 1945. Within these accounts, Sommer was presented as one of

⁷ Reported in the *Bayreuther Tagblatt*, "'Totschläger von Buchenwald' steht vor dem Richter" (12 June, 1958).

⁸ *Ibid.*

the very worst Nazi war criminals, with lengthy descriptions of his preferred methods of torture, and the obvious pleasure he derived from terrorising the prisoners who passed through his cell block. Survivor Kurt Leeser recorded how:

Sommer was accustomed to summoning his victims to his room in the evening where he ‘did them in’. He laid the corpses under his bed, upon which he immediately fell asleep, sleeping the sleep of the just, well satisfied with his successful day’s work.⁹

Leeser affirmed that “Martin Sommer” was “a name that for years spread terror and horror in Buchenwald”. Fritz Männchen, another former Buchenwald prisoner, depicted him as a “beast in human form”.¹⁰ The same description also appeared in one of the earliest books to be published by a concentration camp survivor, Eugen Kogon’s 1946 work, *Der SS-Staat*.¹¹ Kogon detailed Sommer’s activities in the cell block, and how those in Buchenwald had harboured a particular fear of the cell block overseer, commenting, “when he entered the camp with his black gloves that he liked to wear, a paralysing fear ran through the rows of inmates”.¹²

Despite the infamy of his crimes, though, efforts to bring Sommer to account proved to be fraught with difficulty. Like many former Nazis, he had sought to conceal his true identity after the war by destroying his service book but had been discovered by one of his former victims while recovering from his injuries at the Ilmenau Infirmary, an army hospital in Thüringen. Sommer was consequently reported to the US occupation authorities, interned and housed in a series of different

⁹ D.A. Hackett ed., *The Buchenwald Report* (Boulder, Colorado: Westview Press, 1995) pp. 203-4.

¹⁰ *Ibid.* Further details on atrocities perpetrated by Sommer can be found pp. 196-204.

¹¹ E. Kogon, *Der SS-Staat: Das System der deutschen Konzentrationslager* (Frankfurt am Main: Europäische Verlagsanstalt, 1946) p.202. For an overview of the Buchenwald concentration camp and its liberation see *Buchenwald Camp: The Report of a Parliamentary Delegation Presented by the Prime Minister, First Lord of the Treasury and Minister of Defence to Parliament by Command of His Majesty* (London: H.M. Stationery Office, 1945) and V. Gollancz, *What Buchenwald Really Means* (London: Victor Gollancz, 1945); together with R.H. Abzug, *Inside the Vicious Heart: Americans and the Liberation of Nazi Concentration Camps* (New York & Oxford: Oxford University Press, 1985); J. Bridgmann, *The End of the Holocaust: The Liberation of the Camps* (London: B.T. Batsford, 1990); A. Miethe ed., *Buchenwald* (Buchenwald Concentration Camp Musuem and National Memorial Guidebook); J. Schley, *Nachbar Buchenwald: Die Stadt Weimar und ihr Konzentrationslager, 1937-1945* (Cologne, Weimar & Vienna: Böhlau Verlag, 1999).

¹² Kogon, *Der SS-Staat*, p.61. Sommer’s name appears thirty times over the course of Kogon’s description of the Buchenwald cell block, pp. 199-207.

hospitals and infirmaries for the disabled before eventually coming to the state-run disabled hospital in Bayreuth on 15 February 1950.

Preparations for his trial were already in place by the time of his arrival in Bayreuth but, in a move typical of Katharina von Kellenbach's description of the "many legal quirks and evasive strategies that have characterised West German post-war proceedings", medical experts quickly concurred with Sommer's claims that the extent of his war wounds rendered him incapable of withstanding either the proposed trial, or any lengthy time in custody.¹³ This effort to prosecute Sommer thus came to nothing. From 1955, Sommer was ostensibly allowed to live as a free man within the Bayreuth hospital, where conditions seemed far from uncomfortable. Over the next three years, Sommer was able to marry his nurse and father a child before renewed legal action, as a result of his visibly improving health, interrupted his peaceful existence.¹⁴ Sommer was subsequently brought to stand trial in Bayreuth between 11 June and 4 July 1958.

The Impact of the 1958 Trial

i) Press Coverage of the Sommer Trial

Media interest in Sommer's eventual trial in 1958 was immense, theoretically acquainting a wider public audience with the crimes of the Third Reich. Journalists and photographers from numerous West German newspapers and magazines, together with an impressive array of foreign correspondents, flocked to Bayreuth to report on every step of the events. The leading broadsheets, such as the *Frankfurter Allgemeine*

¹³ K. von Kellenbach, "Vanishing Acts: Perpetrators in Postwar Germany", *Holocaust and Genocide Studies*, vol. 17/2 (2003) p.310.

¹⁴ Debates on whether Sommer was able to now stand trial were published in *Bayreuther Tagblatt*, "Amtsarzt fälschlich der Begünstigung verdächtigt" (8 November, 1956); *Münchener Merkur*, "Sommer soll entlassen werden" and *Erlanger Tageblatt*, "Wird 'Totschläger' Sommer nun verhaftet" (8 December, 1956). West German press interest in the Sommer case was also revived during this period amid revelations that Sommer was able to furnish his comfortable lifestyle through his receipt of a state pension - see the *Fränkische Presse*, "Sommer hofft auf 10,000 DM Renten Nahzahlung" (22 June, 1956), and the *Stuttgarter Zeitung*, "Bemerkungen" (8 October, 1956). Pressure from the German Democratic Republic may have also been a factor in finally bringing the case to court, with the *Frankfurter Rundschau*, "KZ-Mörder als Staatspensionär?" and the *Süddeutsche Zeitung*, "Der Rentenfall des SS-Führers Martin Sommer" (23 June, 1956) both acknowledging how the "Eastern" press was criticising West Germany's treatment of Martin Sommer.

Zeitung, generally carried at least one substantial paragraph on each courtroom session, while the local *Bayreuther Tagblatt* filled whole pages with each day of the trial.¹⁵ A survey of the press coverage generated by the trial reveals what the West German media apparently considered to be the principal points of interest in the case. These included: Sommer's excessive behaviour within Buchenwald, his personal life and the lengthy delay in bringing his case to court, together with wider debates over the extent of the "murderers among us", and the educational imperative perceived to be bound up in such war crimes proceedings.

The character of the defendant dominated the trial proceedings and found a sensational echo within the West German media. Sommer was shown as falling clearly into the category of the "excess perpetrator", an extremist who willingly stepped outside the boundaries of his own "job description" to humiliate, torment and murder the prisoners who passed through the Buchenwald cell block. He arbitrarily constructed the "Black Bunker" within the cell block which was described by one witness as "the worst place in Buchenwald".¹⁶ He also administered lethal injections to the inmates, a task usually reserved for the camp's doctors, particularly given the regime's preference for maintaining the illusion of a "routine" medical examination for as long as possible when leading prisoners to their deaths.

Witness testimonies presented Sommer as a zealous, ambitious young man anxious for promotion through the ranks of the SS. He specialised in delivering blows that would cause the maximum injury to his victims, and reaped cigarette bonuses from his superiors for hanging prisoners from the trees that surrounded the camp. Sommer took visible delight in his "work" and boasted of his achievements to anyone who would listen. Survivor Paul Grünwald told the court how he had once discovered the body of a Polish worker in the camp mortuary who had been accused of having a relationship with a German woman. Sommer apparently pointed to the corpse and told Grünwald proudly, "that is my work from this morning".¹⁷

¹⁵ See, for instance, the following items which were published after the first day of proceedings on 12 June 1958: *Bayreuther Tagblatt*, "‘Totschläger von Buchenwald’ steht vor dem Richter"; *Süddeutsche Zeitung*, "So wurden die Häftlinge geprügelt"; *Hamburger Echo*, "Er prügelte sich die Hände wund"; *Frankfurter Rundschau*, "Haftlinge mit Evipan-Spritzen ermordet"; *Hannoversche Presse*, "Bestie von Buchenwald" vor Gericht"; *Wiesbadener Kurier*, "Wenn Sie mich fragen".

¹⁶ Reported in the *Bayreuther Tagblatt*, "Schlechte Aussichten für Gipfeltreffen" (19 June, 1958).

¹⁷ *Bayreuther Tagblatt*, "Neue Zeugen - neue schwere Belastungen für Sommer" (20 June,

Over the course of his trial, Sommer's behaviour was regularly contrasted with that of other Buchenwald personnel. One survivor provoked much media interest - and sparked further legal proceedings - when he suggested Sommer was "only a crude and primitive stooge", and recommended that a lawyer be found instead for the former Buchenwald physician, Dr. Hans Eisele who was then still practising medicine in Munich. "He injected and killed more people in a week than Sommer had in his whole life", the witness informed the court. Eisele quickly fled to Egypt as a result. His name, however, continued to feature prominently within the press coverage of the Sommer case.¹⁸

This testimony, though, proved to be the exception during the proceedings. The remaining witnesses were adamant that Martin Sommer had been the most terrible person in Buchenwald, underscoring their claims by granting more favourable references to his deputy, Anton Bergmeier. Survivor Otto Klaus noted that "if Bergmeier relieved Sommer, there were twenty four hours of calm in the bunker".¹⁹ Another witness, Wilhelm Jellinek, also emphasised Sommer's exceptional level of cruelty. Employed in the camp as a corpse bearer and thus someone who had seen the results of Sommer's violence on a regular basis, Jellinek declared, "I myself cannot remember having to fetch a body during his [Bergmeier's] duty".²⁰ There was, however, little questioning as to how these seemingly "decent" Nazis came to be operating in Buchenwald in the first place.

The West German media was quick to pick up on these images of Martin Sommer. Headlines screamed the news of the latest atrocities to be recounted in the courtroom, frequently incorporating lurid statements from the witnesses or the defendant himself. Vivid newspaper descriptions of Sommer's personality and physical appearance completed the picture being created by the witnesses of the

1958).

¹⁸ Reported in *Bayreuther Tagblatt*, "Immer grauenvollere Enthüllungen im Sommer-Prozeß" and *Fränkische Presse*, "Immer mehr grauenvolle Morde im Sommerprozeß enthüllt" (25 June, 1958), and *Frankenpost*, "Arsenal von Mordwerkzeugen in Sommers Schrank" (26 June, 1958). Attempts to bring Dr. Eisele to account persisted, with much pressure from survivors' groups and Jewish organisations to have him extradited. See *Süddeutsche Zeitung*, "Neue Ermittlungen im Fall Eisele" (21 July, 1958) and *World Jewry*, "Wanted!" Vol. 3 (July 1960) p.1. The latter juxtaposed Eisele's image alongside other, infamous war criminals who remained unaccounted for such as Martin Bormann and Dr. Josef Mengele.

¹⁹ *Bayreuther Tagblatt*, "Immer grauenvollere Enthüllungen im Sommer-Prozeß", (25 June, 1958).

²⁰ *Ibid.*

defendant as a chilling, evil monster. On several occasions, the West German press made reference to Sommer's "crude" or "primitive" nature, while repeated comments about his "cold staring eyes" added to the image of a man devoid of any basic human feeling.²¹ Sommer was thus dehumanised and rendered distinct from the rest of the West German population.

Many publications also drew heavily on nicknames when referring to the accused. The *Abendpost* labelled the defendant as the "Beast of Buchenwald", while the *Hannoversche Presse* described him as "the Devil in human form".²² In the space of just a single article, the *Frankfurter Rundschau* adopted the popular stylising of Sommer as the "Hangman of Buchenwald", recorded how the defendant had devised his own sadistic forms of torture and commented on his "bloody handiwork" during "the cruel history of the Nazi regime".²³ Witness testimonies themselves were relayed practically verbatim in all their gory detail. Observers working within the British Embassy in Bonn during this period pointed to the graphic press coverage and noted how "no attempt has been made to spare the public any of the horrors".²⁴

The notion of Sommer as an excess perpetrator, though, jarred with the wretched sight now coming before the Bayreuth court. To the uninitiated, Sommer was, to all intents and purposes, just a frail, harmless invalid who had to be transported to and from the proceedings by ambulance, and who required a doctor on constant standby throughout the hearings. Several newspapers, determined that Sommer's present appearance should not mislead the watching West German public, printed photographs of the defendant as a formidable uniformed figure from his Third Reich days alongside their trial reports.²⁵ It remains questionable, though, as to how far the readers were able to connect these two sides of the accused.

²¹ See, for example, reports in the *Bayreuther Tagblatt*, "‘Totschläger von Buchenwald’ steht vor dem Richter" (12 June, 1958) and "Begründete Verbote im Sommer-Prozeß" (14-15 June, 1958); *Wetzlauer Neue Zeitung*, "Zum Tage" (14 June, 1958), and *Fränkische Presse*, "Späte Gerechtigkeit und keine Reue" (5 July, 1958).

²² *Die Abendpost*, "KZ-Sommer bald wieder vor den Richtern" (18 April, 1959); *Hannoversche Presse*, "Das Urteil" (4 July, 1958).

²³ *Frankfurter Rundschau*, "Prozeß gegen Martin Sommer" (10 June, 1958).

²⁴ National Archives, London: FO 371/137596: War Crimes Trials 1958; WG1661/5: Report from Sir Christopher Steel, British Embassy in Bonn to the Right Honourable Selwyn Lloyd MP in the Foreign Office (9 July, 1958) p.2.

²⁵ See for instance *Frankfurter Rundschau*, "Ein Mensch ohne Empfinden", Parts 1 & 2 (30 June & 1 July, 1958).

As the previous chapter has demonstrated, the sensationalised treatment of war crimes defendants within the West German media was far from unusual. Instead, descriptions of Martin Sommer drew very much upon an existing style of writing that had typified very early post-war representations of the criminal figures of the Third Reich. The persistence of this language into the late 1950s and early 1960s illustrates how, far from being the preserve of high profile trials such as the Nuremberg, Eichmann and Auschwitz cases, such terms increasingly came to be adopted by those reporting on much smaller war crimes proceedings staged right across the Federal Republic, enabling people to continue to impose a comfortable sense of distance between themselves and the Nazi atrocities which, in turn, could be blamed on a small group of unprincipled extremists. The continuity of such imagery suggests that the transition towards a more critical public engagement with the Nazi past was a slow process, and one in which certain evasions persisted.

The cumulative effect of these representations of Martin Sommer would also imply a distancing between the accused and his former SS colleagues. Ex-Nazis who testified during his trial unsurprisingly insisted that Sommer had always remained aloof from the rest of them as they sought to avoid being tarred with the same brush. Meanwhile, the former Waffen-SS General, Kurt “Panzer” Meyer, seized upon the example of Sommer to declare, as part of an ongoing post-war campaign to try and restore the reputation of Waffen-SS members, that his organisation had had nothing to do with such crimes. During a veterans’ reunion which coincided with the end of the Sommer trial in July 1958, Meyer sadly informed his audience that:

Just because of a few concentration camp transgressions committed by a tiny bunch of criminals, the many thousands of brave front soldiers of the Waffen-SS suffer constant defamation and the honour of the fallen is dragged through the mud.²⁶

Much was also made of Sommer’s involvement in the Koch corruption scandal, implying that he must have been one of the very worst criminals if the SS themselves had begun to investigate him. From there, it would have been but a short step to seeing his wartime arrest as evidence that all his activities in Buchenwald had met

²⁶ Cited in D.C. Large, “Reckoning Without the Past: The HIAG of the Waffen-SS and the Politics of Rehabilitation in the Bonn Republic, 1950-1961”, *Journal of Modern History*, vol. 59 (March 1987) p.94; E. Sterling, “Scapegoatisms”, *World Jewry*, vol. 1/7 (1958) p.5.

with the disapproval of the rest of the regime and had been the result of individual initiative.

The second major theme which came to dominate press coverage of the Sommer trial concerned the defendant's family life. Sommer's marriage to his former nurse and the fathering of a child had already shocked the Bavarian authorities into reviving legal proceedings against him. During the trial, his wife Barbara became a prominent figure, always accompanying her husband to and from the court and sitting calmly behind him during the hearings. Her strong show of loyalty to her husband, and her detached demeanour as emotionally-charged witnesses recalled their most painful experiences at his hands, attracted a vast degree of criticism in the media. The tabloid press were particularly vocal, scrutinising the Sommers' marriage and constantly posing the question as to how this woman could have brought herself to marry such a monster. The popular magazine, *Der Stern*, was typical, leading with an article entitled, "Married to the Devil".²⁷

In part, the scandal surrounding Barbara Sommer may rest in the idea that she had broken one of the unofficial taboos of the Federal Republic in her refusal to embrace a public rejection of National Socialism. Rather than being repelled by allegations over Sommer's past, she had in 1956 - six years after the initial attempt to prosecute him had failed - knowingly married a man associated with concentration camp crimes, and had then proceeded to coolly "stand by her man". Perhaps even more alarming for trial observers was her insistence throughout the proceedings that her husband was a wonderful man who doted on both herself and their baby daughter. This claim constituted an uncomfortable reminder that the criminals of the Third Reich were, in the words of Christopher Browning, "ordinary men" who had enjoyed innocuous pursuits and healthy personal relationships away from their work in the

²⁷ *Der Stern*, "Ehe mit dem Satan" (28 June, 1958). A recurring image of the Sommer trial was the sight of Barbara Sommer helping her husband into the courtroom, a photograph reproduced in *Süddeutsche Zeitung*, "Die Bestie vom Lager Buchenwald" (23 June, 1958); *Stuttgarter Nachrichten*, "Sie rauben mir auch den Schlaf!" (24 June 1958); *Nürnberger Nachrichten*, "Das Grauen geht durch den Gerichtssaal" (25 June, 1958); *Main-Post*, "Bärbel Sommer: 'Ich bleib ihm treu'" (26 June, 1958); *Frankenpost*, "Sommers Frau hält zu ihren Mann" (28 June, 1958). Further outrage over Frau Sommer's demeanour throughout the proceedings was expressed in *Bild-Zeitung*, "Die Macht der Peitsche" (22 June, 1958); *Fränkische Presse*, "Notizbuch der Woche" (28 June, 1958); *Frankfurter Rundschau*, "Ein Mensch ohne Empfinden", Part 2 (1 July, 1958); *Frankfurter Allgemeine Zeitung*, "Frau Sommer muß kündigen" (2 July, 1958); *8-Uhr Blatt*, "Meine Liebe ist stärker als die Kerkermauern" (5 July, 1958).

camps. Recognising that Sommer could be a loving family man as well as a notorious concentration camp killer undermined all efforts to dehumanise and segregate him from the rest of the population. Suddenly, Martin Sommer could be seen as human after all - a factor that then raised questions as to how many more seemingly gentle, insignificant figures now living freely in the Federal Republic had also participated in barbaric crimes during the Third Reich.²⁸

Throughout the trial, though, it was Mrs. Sommer who found herself the target of the majority of public criticism. The Bayreuth hospital where she still worked as a nurse was deluged with letters from people all over the country calling for her immediate dismissal. Despite the fact that Barbara Sommer had still been a child in 1945 and could not therefore be said to be implicated in the crimes of the Third Reich herself, the weight of public pressure over her relationship with the former "Hangman of Buchenwald" proved sufficient for the hospital administration to bow to popular demand and curtail her employment. It was a move that subsequently provoked much discussion within the West German media, to the extent that by the end of the trial, Mrs. Sommer had practically overtaken the accused in terms of public interest. The *Rhein-Zeitung*, having highlighted the vast level of attention being paid to the trial, condemned the treatment of the defendant's wife:

But the avid excitement that was felt across the country after the Sommer trial did not justify such a dismissal which smelt fatally of the old *Sippenhaft* [detention as punishment for the offences of other family members]. During the Third Reich, many thousands of people lost their position and their freedom just because they were related to those being politically persecuted or judged by the regime. Barbara Sommer was, as her superiors have to agree, a conscientious and self-sacrificing nurse whose patients had not objected to her care after the trial... She is too young to have known the time of the Third Reich. Countless women were plunged into such a conflict after the war. They have responded in different ways, but they have, in each case, had to deal with their fate.... But there are no grounds to make their lives even more difficult and to rob them of their livelihoods. We have not condemned the *Sippenhaft* of that time if we allow it to take on a new lease of life today.²⁹

²⁸ See *Freie Presse*, "Die Mörder leben unter uns" (20 June, 1958); *Hamburger Echo*, "Die Mörder sind unter uns" (1 July, 1958), and *Neue Presse*, "Lieber Leser" (2 July, 1958), as well as the observations in *AJR Information*, "Die unbewältigte Vergangenheit", vol. xiii/8 (1958) p.1. Evidence of public debate on the subject can be found among the readers' letters printed in the *Süddeutsche Zeitung*, "Mörder leben unter uns" (12 July, 1958).

²⁹ *Rhein-Zeitung*, "Redaktion", (18 July, 1958).

Barbara Sommer's treatment by the hospital administration was also taken up by the *Frankfurter Rundschau* which questioned the implications this move had for wider expressions of West German guilt and responsibility for the crimes of the Third Reich:

What does Sommer's wife really have to do with her husband's crimes? One always likes to think that she married this man [because] she loved him - she is neither directly nor indirectly complicit in his crimes. She has as little to do with them as any other person - excluding Dr. Eisele and a pair of other surviving SS doctors and leaders. Yet one has punished her. This form of punishment is not the harshest, but it is the most unjust - namely, *Sippenhaft*. Both cases - that of Dr. Eisele and Barbara Sommer - are clear examples of how we very frequently respond to awkward things: either not at all, or wrongly.³⁰

The incident proceeded to generate much public excitement, with many letters being directed to the West German press by readers as a result. The *Frankfurter Allgemeine Zeitung* highlighted this fact, and at the same time revealed how many people had taken issue not so much with the fate of Barbara Sommer herself, but the way in which the West German media had since responded to her dismissal. The newspaper noted:

Readers have protested that we have compared the ousting of Sister Barbara from the Bayreuth hospital - a woman who for some time has been married to the 'Killer of Buchenwald' - with the practice of *Sippenhaftung*... This was something quite different in the Third Reich, but because they were treated brutally. Some readers write that it could not be reasonable for patients to be cared for by a woman who did not shy from entering into marriage with such a beast. With that, it has to be repeated, that the hospital administration has confirmed Sister Barbara served the patients in an exemplary fashion and that it was not the patients but the population who demanded her removal through protest letters. We understand that these protest letters were written in the heat of the moment. However, if we return to the general arguments in the letters, it appears reasonable to once again concern oneself with the Basic Law which we Germans - after all that happened in our country - have all reason to observe with particular painstaking care.³¹

Comparisons between the punishment meted out to Mrs. Sommer by the Bayreuth hospital and the crimes perpetrated by the Nazi regime were also emphasised within readers' letters. The *Frankfurter Allgemeine Zeitung* reprinted a letter from a former victim of the Third Reich on this theme:

³⁰ *Frankfurter Rundschau*, "Zweierlei Reaktion" (4 July, 1958).

³¹ *Frankfurter Allgemeine Zeitung*, "Briefe", (11 July, 1958).

I personally see the detestable crimes and cruelties that her husband is accused of as indisputable. They have to, and hopefully will, fill the conscience of every upright German with repugnance - perhaps also with the admission of moral complicity. I hold that her husband... should always be held up as an example...

...In the treatment by her institutional leaders, I see a shocking return to our recent past in the practice of a system that has also been responsible for the execution of thousands of innocent people. To lose work and bread - as in her case - or to forfeit freedom through prisons or concentration camps - as in my case... makes little difference to me.³²

The *Süddeutsche Zeitung* also published a letter from a former concentration camp prisoner on this subject. Once again, the reader appeared to be in tune with the wide condemnation of Mrs. Sommer's dismissal then being issued by the press:

As a so-called 'Mischling' racially persecuted in the Nazi era, as well as the son of one of those violently abducted and imprisoned, and the nephew of two uncles murdered in the concentration camps... I cannot understand how the hospital administration could take up measures against a young and inexperienced woman who married a man like Martin Sommer out of love. All decent people must be in agreement in the loathing of Martin Sommer's inconceivable crimes. Nevertheless, it needs attention if the wife is treated according to who she married and who is the father of her daughter. It is unworthy of a liberal and democratic state if measures like those of the hospital administration are allowed to repay human crimes that were committed by another family member.³³

A third key theme running through the West German press coverage of the Sommer trial concerned the very length of time it had taken to bring the case before the Bayreuth court. The *Deutsche Woche*, highlighting how details of Sommer's crimes had been available since the end of the war, questioned why it had taken thirteen years for the authorities to act.³⁴ Linked into this, there was also some debate as to the wisdom of staging war crimes trials so long after the commission of the events in question. Although there was some realisation expressed among the West German newspapers that Sommer was far from being an isolated case - with many publications pointing to the example of Dr. Eisele and other known war criminals who remained at large - it is debatable as to how far the oft-repeated cry of "the murderers among us" truly encouraged people to support further legal investigations into

³² *Ibid.*

³³ *Süddeutsche Zeitung*, "Mörder leben unter uns" (12 July, 1958).

³⁴ *Deutsche Woche*, "Der Sommer-Prozeß" (9 July, 1958).

suspected individuals. The *Hamburger Echo* initially seemed less than convinced of the need for any action against Sommer after such a long passage of time. Introducing this subject in bold font, the paper stated:

The chains of the trials against former members of concentration camp watchmen and SS execution commandoes have not been broken in the last months. Inevitably, then, the question emerges why the proceedings were opened so late, and whether it still has meaning thirteen years after the war's end to initiate the investigation of events that were part of a time even longer ago. Shouldn't one be better off drawing a final line under the whole bloody Hitler era?³⁵

The newspaper deliberated on this issue over the space of half a page before finally conceding that the trial probably was a good idea as it could help to restore West Germany's reputation in the eyes of the world. The implication was that the Sommer trial constituted little more than a useful exercise in public relations, a means of underscoring the distinction between the Federal Republic and the Nazi regime, rather than a necessary judicial task to punish the atrocities committed under the Third Reich. The fate of the Buchenwald inmates alone, it seems, did not warrant sufficient grounds for the renewed legal proceedings. The newspaper concluded with the admission:

Before we can draw a line under the past, we have to reckon with it clearly. That is the purpose of the trials.³⁶

The conclusion of the Sommer case provided a further opportunity for reflection among the West German newspapers. The court's decision to bestow a life prison sentence on the accused was welcomed by observers, and many publications saw the result as serving an important educational purpose for the rest of the population. The *Rhein-Zeitung* was typical, arguing that one of the greatest achievements of the trial would be in providing a valuable lesson in the dangers of totalitarianism:

It is to be hoped that all grown up, thinking citizens in the Federal Republic did not withdraw from the depressing reading but were once again made clear that they could praise our homeland, which had been led by the Brown Tyranny, as the land of the poet and thinker. One also says that it has still dealt with unusual incidents here and

³⁵ *Hamburger Echo*, "Die Mörder sind unter uns" (1 July, 1958).

³⁶ *Ibid.*

that Sommer's multiple murders were too much for the SS themselves... In addition, still not all Germans have learned what a precious commodity a strong democratic state is. But perhaps this trial, which could only take place thirteen years after the end of the war because of the accused's state of health, contributes to the knowledge of the values that our Federal Republic affirms and protects.³⁷

Other newspapers went even further, revealing a deep sense of shame and sorrow for the crimes committed during the Nazi era. The *Kasseler Post* was typical:

We must all be ashamed that the terrible evils should have been able to take shape in Germany, completely independent of reason, circumstances and the fact that the greatest majority of our people can only be reproached for complicity... Many have not wanted to believe what is now revealed in a whole series of trials, and many have also been afraid to see the dreadful truth... But no one can avoid this truth any more. We have to deal with our 'unfinished past' and to draw a lesson for all time.

At the same time, though, an apologetic mode of thinking continued to run through the *Kasseler Post*, as it sought to explain people's responses to the trials in terms of victors' justice and the sense that similar judicial measures had not been taken against Allied war crimes:

The arbitrary character and the hypocrisy of these proceedings have closed already receptive hearts and have quite met with resistance, insincerity and indifference. With this, they also constructed a protective wall behind which the arm of the judiciary could only now reach. As deeply painful as it is for all of us to be confronted with the most shameful period of our history in these trials, we have to bear and affirm it because otherwise our honour cannot be re-established and because this painful separation commands our simple self-examination.³⁸

The extent to which the newspaper coverage of the Sommer trial generated a more critical West German engagement with the Nazi past, though, remains debatable. The cumulative effect of the emotive reporting may have actually worked against a closer reflection on the case, with gruesome descriptions of Sommer's actions discouraging people from paying any further attention to the trial, or perhaps desensitising them to the horrors of National Socialism. Indeed, in the midst of the proceedings, one woman from Coburg complained to the *Neue Presse* about its relentless coverage of the Sommer trial, insisting that people had had enough of such

³⁷ *Rhein-Zeitung*, "Gerichtet" (5 July, 1958).

³⁸ *Kasseler Post*, "Gottes Mühlen" (4 July, 1958).

nasty things and would prefer to read about something nice for a change. The woman stated:

We always hear reports on these cruel deeds. One always reads what the Germans committed in this war. Bring us something gay, cheerful or things from which we can see that goodness and beauty still occur in the world.³⁹

The editors of the *Neue Presse*, however, were far from impressed with this sentiment. The letter was reprinted at the top of a special editorial in which the newspaper seized the opportunity to launch a scathing attack not only on this individual reader, but upon all those who refused to engage with the legacy of the Third Reich. The paper argued:

What serious newspaper does not prefer to report on goodness and beauty? But this world is not only good and beautiful and it is the task of the newspapers to report on everything that is important for the general public. A newspaper should also enlighten. However, it does not fulfil these tasks if it allows the evil and nastiness to fall under the table. On the contrary, if we all - journalists and readers - continue to put many known evils and nastiness before this world, it can perhaps represent a turn for the better!⁴⁰

Switching its focus to the dismissal of Barbara Sommer from the Bayreuth hospital and the wider question of responsibility for the Nazi past, the newspaper then attacked all those who continued to give precedence to German suffering:

The wife of the Hangman of Buchenwald was ten years old when the war came to an end. What could she know of the crimes that were committed during her childhood in the concentration camps of her homeland, if most of the adults themselves did not know, or want to know. Today everyone knows what happened at that time. And that is good.

But there are always still many who confuse the cause and effects. What happened to the Germans during and after the war - with the air raids and the deportation of millions from their homeland - was the effect. The cause was the human persecution by the most terrible Nazi regime. Martin Sommer had murdered in Buchenwald long before the war. And many of his murderous cronies still live among us... We think on that and we do not forget it.⁴¹

³⁹ *Neue Presse*, "Lieber Leser" (2 July, 1958).

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

The Association of Jewish Refugees in Britain, meanwhile, appeared much more confident about the impact that the Sommer trial was having on popular West German responses to Nazi crimes, reflecting at the end of the proceedings:

The few names mentioned in the Bayreuth and Ulm trials represent a numerically large category of persons who were ordinary citizens before Hitler's day, then became mass murderers, and are now submerged in German society as 'respectable citizens'. Around many a German 'Stammtisch' sit people like Sommer and there is more than one doctor now vaccinating school children, having put aside the syringe with which he administered lethal injections until fourteen years ago. One would only too willingly believe that these deeds, revealed in a trial before a German court, have not only shocked the German in the street, but have also awakened his conscience.⁴²

Just how far the popular consciousness really had been awakened by the newspaper coverage of the Sommer trial, though, requires further investigation.

ii) Popular Responses to the Sommer Trial

As we have already seen, the Sommer trial - and in particular the controversies surrounding the defendant's wife - did generate a significant degree of public excitement and evoked a number of readers' letters to the West German press.

Writing to *Die Welt* in the aftermath of the proceedings in August 1958, Dr. Ernst Leibl from Kronburg im Allgäu echoed the notion of "the murderers among us" and called for a much deeper public reflection on the recent past:

There are still more ghosts than Sommer... If every person was unsparing with their own deeds, the foundations would not be played down, covered up nor even glorified, but would uncover [our] guilt and shame... It would certainly be a decisive step towards the removal of these evils from our foundations...

....Sommer... is no special case, neither among our people nor among other nations. The deep discomfort of the ordinary German citizens, their apparent disinterest, has deeper roots but in any case, they are not deeply moved in the face of ghosts such as Sommer where every group egoism, every state fanaticism can lead to the violation of natural human rights.⁴³

⁴² AJR Information, "Die unbewältigte Vergangenheit", vol. xiii/8 (1958) p.1.

⁴³ *Die Welt*, "Briefe", (15 August, 1958).

To what extent, though, can such expressions be seen as typical of the wider West German population? How far did such letters remain the preserve of an enlightened few, a select group who took a considered interest in war crimes trials? Was the “ordinary man in the street” displaying the same degree of interest in the Sommer case as the readers of leading publications such as *Die Welt*?

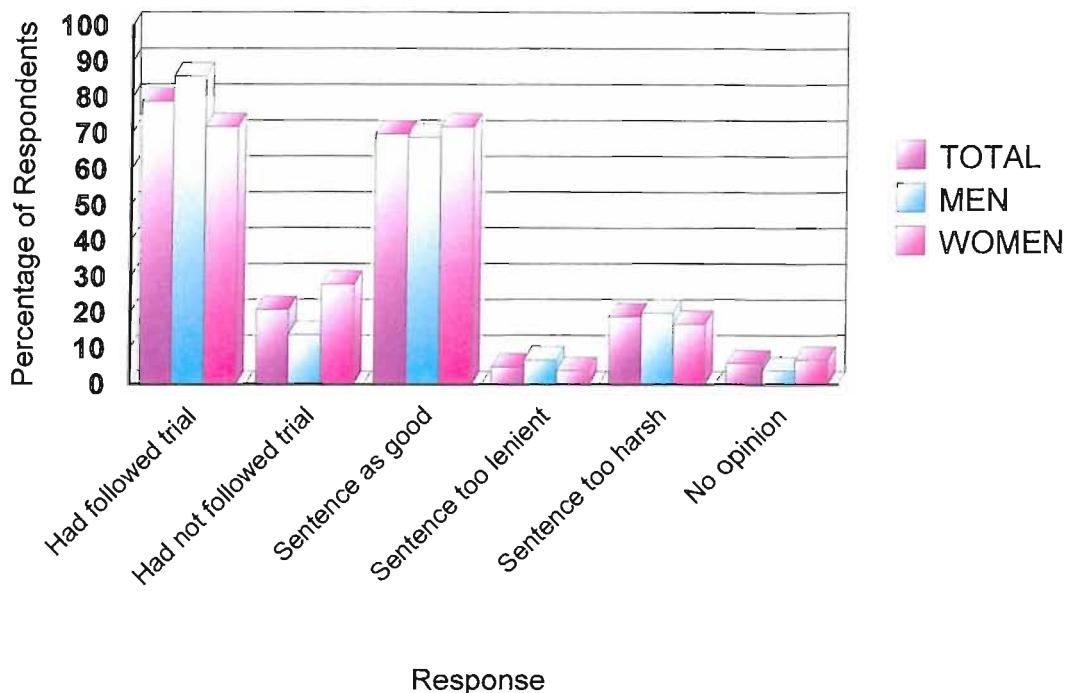
One of the most interesting insights into popular responses to the prosecution of Martin Sommer comes from an opinion poll conducted by the Allensbach Institut für Demoskopie just weeks after the Bayreuth court sentenced him to life imprisonment. 2,000 people over the age of eighteen were interviewed across the Federal Republic between 1 and 8 August 1958. The survey sought to determine their reaction to both the particulars of the Sommer case and the necessity of continued Nazi war crimes trials as a whole, demonstrating in the process how debates over the latter question were not just confined to the pages of the West German press, or indeed to this particular case, but were in fact a recurring theme in the country throughout this period.⁴⁴

The results of the Allensbach survey revealed that 79% of those questioned had heard or read about the Sommer case, highlighting the extent of the trial’s resonance across the Federal Republic. 86% of men fell into this category, compared with 72% of women interviewed by the Institut für Demoskopie. There was little gender difference evident, though, when it came to viewing the results of the trial, as illustrated in the graph overleaf. Both sexes (69% of men, and 72% of women) tended to see Sommer’s life prison sentence as a satisfactory result to the proceedings. There was also minority in each instance that would have preferred to have seen an even harsher sentence - namely the death penalty - being bestowed upon the defendant, despite there being no provision for capital punishment under the Federal Republic.⁴⁵

⁴⁴ The debates on the continuance of war crimes trials were particularly pertinent in light of the Statute of Limitations which would come into effect for murder cases in 1965. For details on the parliamentary motions to extend or abolish the Statute throughout the 1960s, see the Introduction to this thesis, together with J. Gorzkowska & E. Zakowska, *Nazi Criminals Before West German Courts* (Warsaw: Western Press Agency, 1965); Institute for Jewish Affairs, *Statute of Limitations and the Prosecution of the Nazi Crimes in the Federal German Republic* (London: Institute of Jewish Affairs Background Paper No. 14, 1969); H. Marcuse, *Legacies of Dachau*, pp. 214-216; Miquel, *Ahnden oder amnestieren?*, pp. 186-362.

⁴⁵ *Ibid.*

Fig. 8: Graph to Show Responses to the Sommer Trial Based on Gender.



Those who had heard of the Sommer trial were also more likely to support the prospect of further war crimes proceedings in the future. The Institut für Demoskopie presented its subjects with two quotes regarding the Nazi past and asked them to select which one they most agreed with. The first opined:

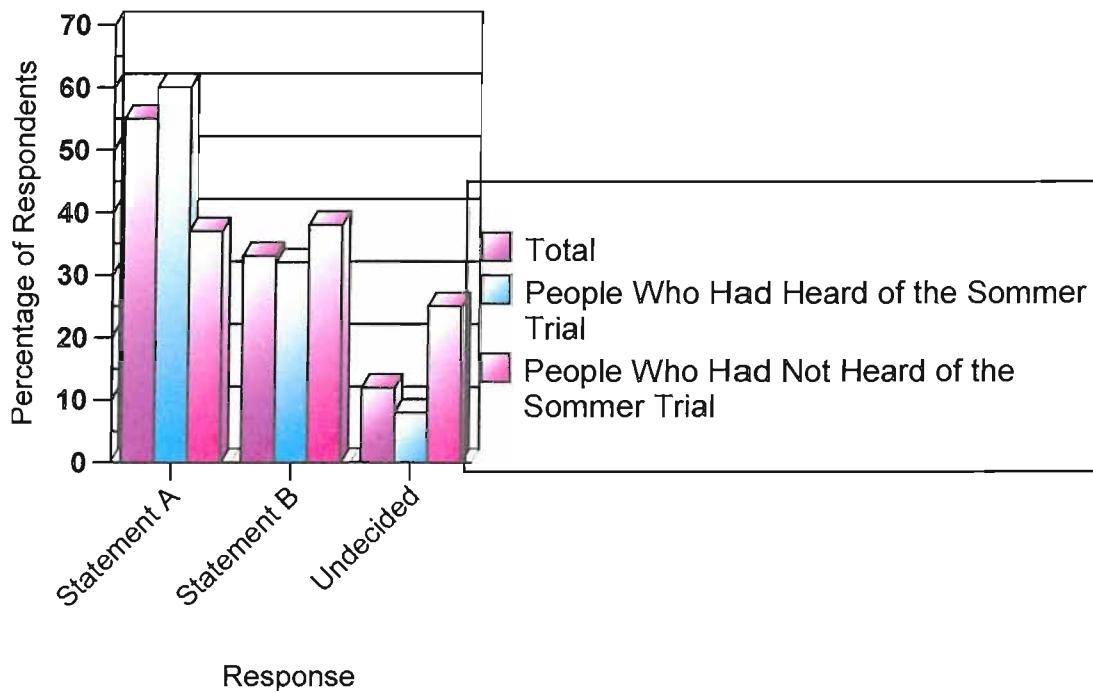
“ I think that if it comes to light today that someone had committed a crime at that time he still has to be punished today. I do not see why someone who tortured or killed other people should go unpunished.”

In contrast, the second statement argued:

“I think that one should once again stop putting people before the courts for deeds they had committed many years before. I think it would be good to finally draw a line under the past”.

62% of those claiming to have heard of and been following the Sommer trial opted for the first statement accepting the need for more trials, compared with 37% of those who had not been paying attention to the case.⁴⁶

Fig. 9: Graph to Show Popular Responses to the Nazi Past Based Upon Knowledge of the Sommer Case.

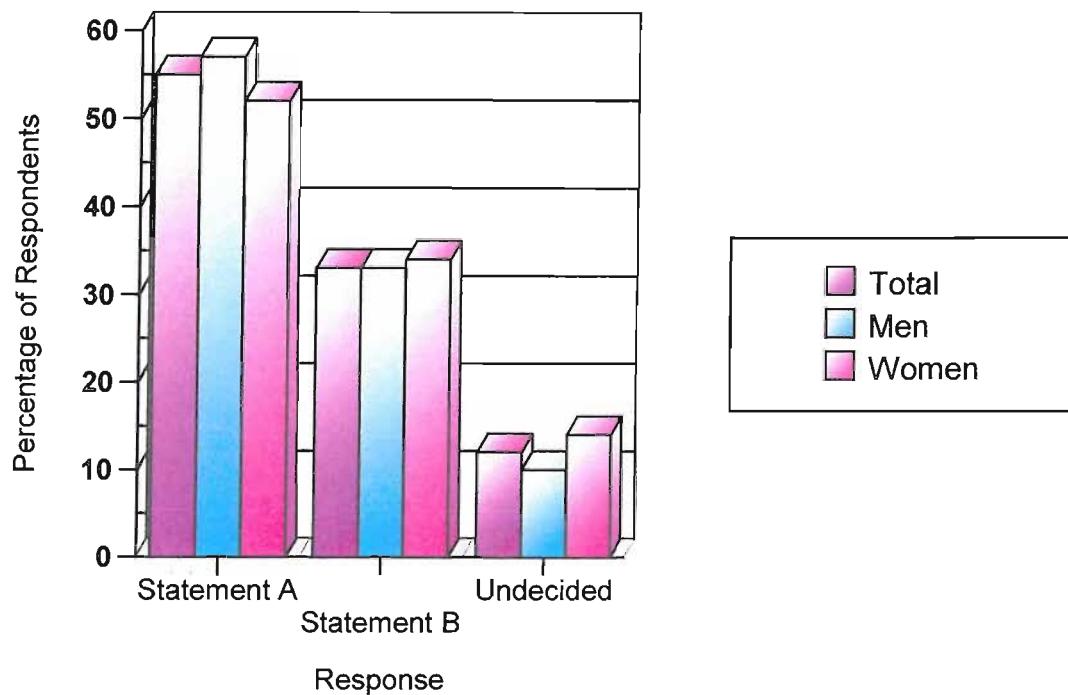


The revelations emerging from the Bayreuth courtroom during the summer of 1958 therefore played a significant role in convincing a greater proportion of the West German population of the need for continued prosecutions. At the same time, the case also helped to underscore the notion that there could still be many more former killers, like Sommer, who remained undetected within West German society. Indeed, knowledge of the Sommer case would appear to be the crucial factor affecting people's responses to this particular question. The data gathered by the Institut für Demoskopie certainly shows that the gender of the interviewees did not play a part in influencing these responses, with men and women equally divided over the issue.⁴⁷

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

Fig. 10: Graph to Show Popular Responses to the Nazi Past Based on Gender.



The very styling of the Institut für Demoskopie's question on this matter is worthy of note. Rather than posing a loaded question that could be seen as guiding the public's responses, the survey's use of two separate statements, placed in quotation marks, could be seen as encouraging a more open and honest reply from the interviewee. Rather than simply giving what the interviewee perceived to be the "correct" answer, the sight of someone else having apparently been prepared to call for an end to war crimes trials could have provided people with a sense of security and freedom to express their opinions and not to be afraid of taking a stand against the continuing prosecutions.

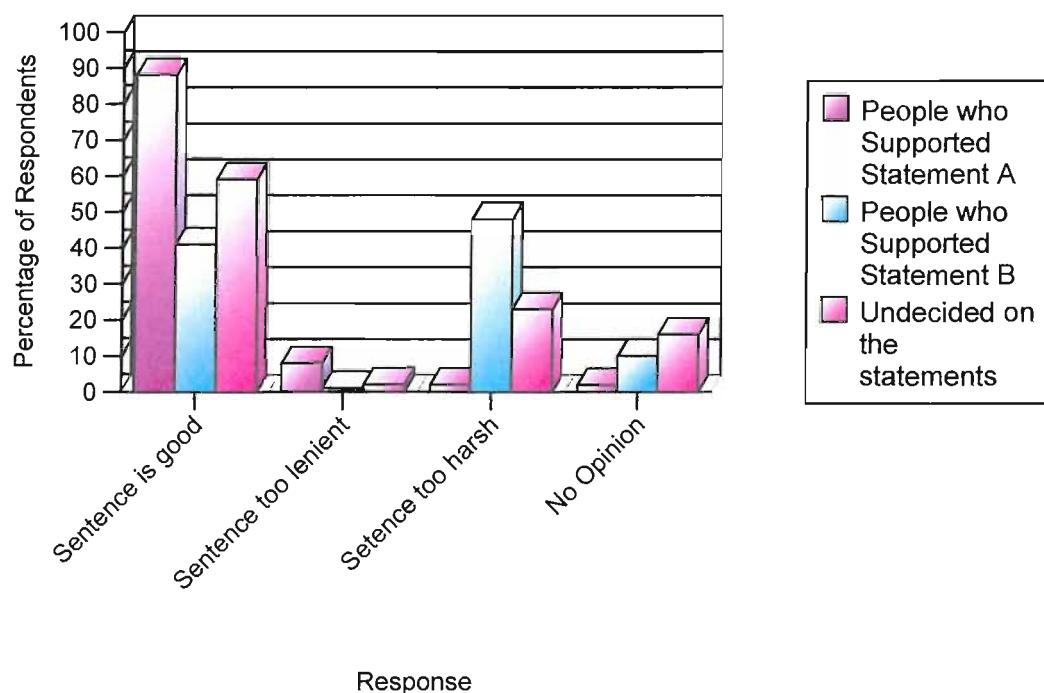
The results gleaned by the Institut für Demoskopie certainly demonstrate how a core element of the West German population (around one third of those questioned) opted for the second statement, regardless of whether or not they had been following the events of the Sommer trial.⁴⁸ This response would suggest that, despite all the efforts of public prosecutors, survivor groups and liberal newspaper editors to try and educate a wider audience about National Socialist crimes, there remained a significant

⁴⁸ *Ibid.*

section of the West German people that wanted to focus solely on the future, rather than persistently raking over the embers of the recent past.

People's attitudes to trials - and the Nazi past in general - also affected their opinions on the sentencing in the Sommer case. Those supporting the notion of further legal proceedings against former Nazi personnel were far more inclined to accept the Sommer sentence as a "good" conclusion to the case, or to call for the introduction of the death penalty in their anger at his crimes. However, the 37% of people who had followed the trial yet nonetheless preferred to see a final line be drawn under the Nazi era were, perhaps unsurprisingly, more inclined to see life imprisonment as being too harsh on Sommer.⁴⁹ Wider debates during the early 1960s over a possible extension to the Statute of Limitations frequently saw opponents of further war crimes trials questioning the wisdom of placing frail, ageing suspects in the dock. Such arguments would have had a special resonance in the case in the case of Martin Sommer - a man who had been confined to a wheelchair since the end of the war and had been repeatedly photographed in the West German press while being carried into the Bayreuth court from an ambulance.

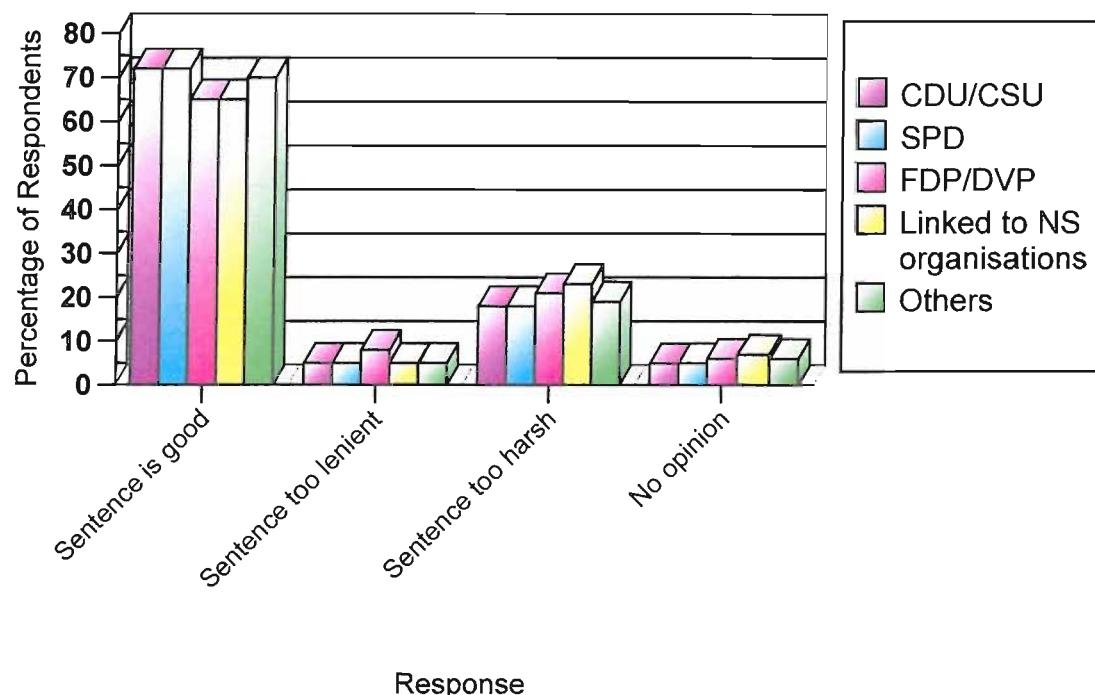
Fig. 11: Graph to Show Responses to the Sommer Sentence Based on Wider Attitudes to the Nazi Past.



⁴⁹ *Ibid.*

Just as there seemed to be little gender difference between popular responses to the Sommer trial, so the Institut für Demoskopie could determine little difference in opinion on the basis of people's present political affiliation. Supporters of the CDU and SPD interviewed during the course of the survey held identical views on Sommer's punishment, with 72% of people in each case agreeing with the final sentencing.⁵⁰

Fig. 12: Graph to Show Responses to the Sommer Sentence Based on Present Political Affiliation.



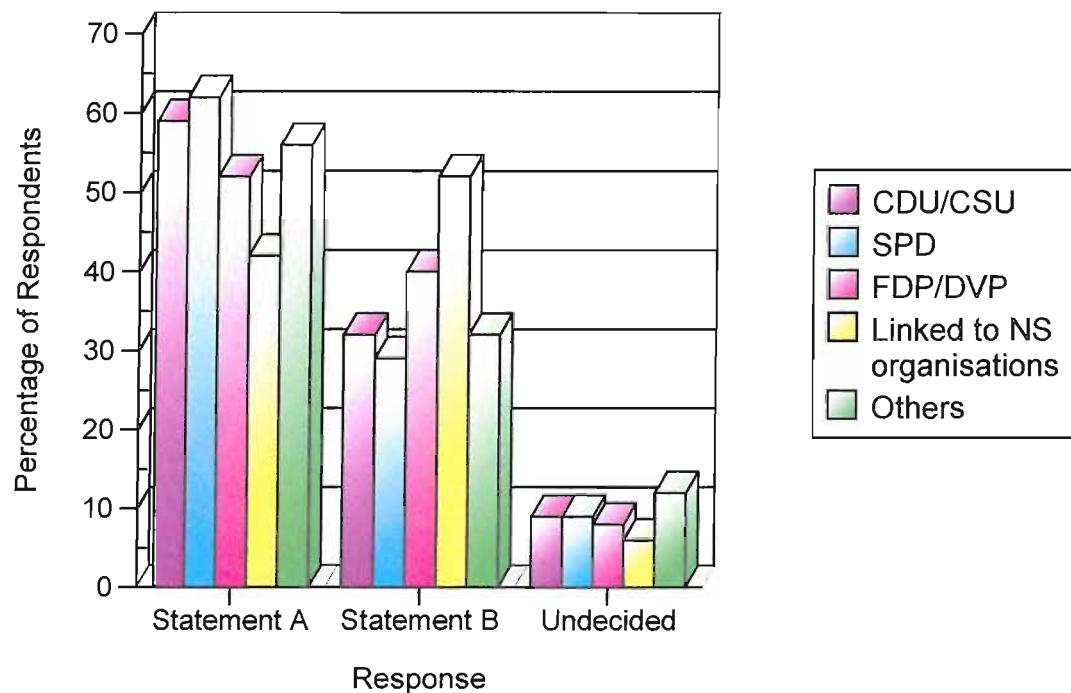
More diverse responses were engendered, though, when discussing the two statements regarding the handling of the Nazi past. While the majority of people supporting the three main political parties appeared to accept the need for further prosecutions, the SPD followers proved the most adamant in their conviction, with 62% of supporters calling for any remaining war criminals to be brought to account.⁵¹ This result is in keeping with the Party's post-war pressure on the conservative Adenauer government to tackle the number of former Nazis who had retained high office in the new republic, and its place at the forefront of the parliamentary campaign to prevent the Statute of Limitations coming into effect. By contrast, 40% of members

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

from the more Right-wing, nationalist FDP - itself a haven for many former Nazis after the war - demonstrated a much stronger desire to draw a line under the past, compared with 32% of the CDU and 29% of SPD supporters.⁵²

Fig. 13: Graph to Show Attitudes to the Nazi Past Based on Present Political Affiliation.



As the previous two graphs have illustrated, the data furnished by the Institut für Demoskopie also took into account those responses yielded by people who had been linked to Nazi organisations, either personally or through relatives. It is unclear exactly how many people were placed in this particular category, although the basis for belonging rested on whether the interviewees claimed to have suffered as a result of denazification at the end of the war. Having highlighted their own “injuries” during the survey, it is perhaps unsurprising that 52% of people in this section also opposed any new wave of investigations into suspected war criminals. Similarly, with an emphasis on German victimhood implicit among this group of respondents, it is not too surprising to see that the majority - 65% - also agreed that Sommer had warranted

⁵² *Ibid.*

life imprisonment, a prison sentence merited, after all, through his abuse of German concentration camp prisoners.⁵³

The results of this opinion poll therefore show that interest in the Sommer trial was not confined to the media, but was, to a large extent, shared by members of the West German population. However, there remained elements of the population who were still unconvinced of the need for further judicial action against former Nazi perpetrators, and who would have preferred to forget about such matters by drawing a final line under the whole Nazi era. To get a better idea of how the Sommer trial may have shaped public perceptions of the Nazi past, we need to look more closely at the ways in which the local residents of Bayreuth responded to the events.

Reactions in Bayreuth

Much has been written in recent years on the issue of *Heimat* and local responses to the legacy of the Third Reich after 1945.⁵⁴ Faced with the reality of total defeat and the unpleasant evidence of the Holocaust, many in West Germany sought to return to imagined, more pleasant aspects of the recent past after 1945 by drawing upon local customs and traditions. In this way, the Nazi regime could be portrayed as an aberration, something which had little to do with the “real” Germany. The town of Bayreuth, though, would have to work particularly hard to disentangle its cultural heritage from the taint of National Socialism.

Attempts by the Wagner family to revive the traditional summer opera festivals after the war proved controversial.⁵⁵ The composer’s daughter-in-law, Winifred Wagner, had been categorised as a “major offender” under the Allied denazification programme as a result of her close friendship with Adolf Hitler. It thus fell to her children to try and restore the family name after 1945 but reviving the festival required

⁵³ *Ibid.*

⁵⁴ C. Applegate, *A Nation of Provincials: The German Idea of Heimat* (Berkeley: University of California Press, 1990) and “The Mediated Nation: Regions, Readers and the German Past”, J. Retallack ed., *Saxony in German History: Culture, Society and Politics, 1830-1933* (Ann Arbor, Michigan: University of Michigan Press, 2000) pp. 33-50; A. Confino, “Edgar Reitz’s *Heimat* and German Nationhood: Film, Memory and Understandings of the Past”, *German History* vol. 16/2 (1998) pp. 185-208 and *The Nation as a Local Metaphor: Wurttemberg, Imperial Germany and National Memory, 1871-1918* (Chapel Hill: University of North Carolina Press, 1997).

⁵⁵ For details on the post-war history of the Wagner family see Spotts, *Bayreuth: A History of the Wagner Festival*, pp. 203-11.

money, and the local Bavarian authorities were unwilling to spend what little funds they had on such a venture. The idea of recreating the annual pilgrimages to Wagner's *Festspielhaus*, though, did prove popular among local conservatives and former Nazis who established a special fund-raising committee, The Society of the Friends of Bayreuth, in 1949. A major figure in the committee was Gerhard Roßbach, a veteran of the First World War and former member of both the Freikorps and the SA. As one of Hitler's earliest supporters, Roßbach had been involved in the 1923 Munich Putsch and was now a prominent industrialist.⁵⁶ The Bayreuth festival therefore continued to be linked, at least financially, to the Nazi regime. Questions may thus be posed over the extent to which attendance at the festival came out of a genuine desire to hear the music, or from a desire to recreate the "good old days", to recall the ideological sentiments that had been highlighted within the operas and to carry on Hitler's own personal interests.

While some of the money pouring into the cause originated from some rather dubious characters, Wagner's heirs were keen to ensure that the music itself was released from its former Nazi connotations. During the 1950s, Wieland Wagner re-staged some of the most popular operas with new sets, direction, choreography, singers and conductors. The only continuity in the *Festspielhaus* staff were the costume designer and lighting expert.⁵⁷ These deliberate changes led to the coining of the term "New Bayreuth", a phrase which not only gained popular currency among opera fans in relation to the new artistic ventures, but could also be applied to the town as a whole in its efforts to dissociate itself from the Nazi regime. The first post-war festival opened in July 1951, complete with posters fixed to the walls of the opera house signed by Wieland and Wolfgang Wagner stating:

In the interest of the smooth conduct of the festival, we kindly request that discussions and debates of a political nature should be avoided. Art is what matters here!⁵⁸

Politics was thus placed firmly off the agenda in 1950s Bayreuth. The West German press covering this first festival of the Federal Republic carefully avoided

⁵⁶ Spotts, *Bayreuth*, p.205. See also C. Applegate, "Saving Music: Enduring Experiences of Culture", *History and Memory*, vol. 17/1-2 (2005) pp. 217-237.

⁵⁷ *Ibid.*, p.206.

⁵⁸ *Ibid.*, p.211.

speaking about the recent past and focused instead on that year's events at the opera.⁵⁹ Rather than being held up as a symbol of German, or Nazi, supremacy, Wagner's music was now, in the words of Frederick Spotts, presented as "a bridge between nations"; an important means of international reconciliation after the Second World War.⁶⁰ The theme, signalled by the family's determination to employ foreign - and especially Jewish - musicians and conductors was apparently endorsed by the Bayreuth Stadtrat. In contrast to the swastikas flown during the Third Reich, the 1951 festival saw the town council decorating the route to the opera house with the flags of other nations for the very first time.⁶¹

The connection between Bayreuth and the Third Reich, however, would not simply go away. The very timing of the Sommer trial is significant, staged just days before the 1958 festival was due to open. The juxtaposition of these two events was made manifest in several issues of the local *Bayreuther Tagblatt* which placed articles on the trial alongside snippets of information about the forthcoming festival and photographs of the opera stars set to fill the leading roles for that year.⁶² On the one hand, the newspaper fulfilled its moral obligation to provide its readership with information about Nazi crimes and made an apparent effort to encourage a confrontation with the recent past. On the other hand, though, the *Bayreuther Tagblatt* carefully provided subtle evidence of the "other" Germany with all its glorious cultural traditions - a side of the nation in which the people could still take some pride. It was a theme picked up upon by another local newspaper, the *Fränkische Presse*, at the end of the Sommer proceedings:

Unfortunately for Bayreuth it was a bad coincidence that such a trial took place here. In these days, the name of the town was named before the whole world together with that of the Killer of Buchenwald. Bayreuth prefers it if its name is taken in connection

⁵⁹ *Ibid.* Similarly, during the 1958 festival, the press confined themselves to writing solely about the music, despite the recent war crimes trial staged in the town. In an article entitled "Bayreuth Then and Now", *The Times* compared that year's performance of *Parsifal* with its last rendering in the pre-Nazi Germany of 1927, noting, "the town has changed but the *Festspielhaus* remains the unique, acoustically incomparable theatre it always was", (11 August, 1958) p.2.

⁶⁰ Spotts, *Bayreuth*, p.211.

⁶¹ *Ibid.*

⁶² Typical was the *Bayreuther Tagblatt*'s juxtaposition of "Dichtung und Wahrheit tendenziös gemixt" next to "'Sieglinde' nach sieben Jahren wiedergekehrt" (27 June, 1958), and "Lebenslänglich Zuchthaus für Sommer" and "Neue Gesichter auf dem 'Hügel'" (4 July, 1958).

with the operas now beginning as a cultural town and not with the excesses of the past.⁶³

The juxtaposition of these “two Germanys” raises further questions about local responses to the Sommer trial. Did news of the 1958 festival, placed so close to the trial reports, prompt people to reflect upon and question their previous support for Hitler’s regime? Alternatively, did news of the festival cushion some of the impact of the trial’s revelations? The *Bayreuther Tagblatt* certainly appeared keen to discourage any notions that Sommer had anything in common with the local townsfolk. In a very apologetic article, the newspaper stressed that it was just a matter of fate that Sommer was now being tried in Bayreuth rather than another area of the Federal Republic:

It is thanks to blind chance that the name Bayreuth had been repeatedly cited during the past months in the world press in connection with violent crimes which happened 15 or even 20 years ago in the era of the Third Reich and were born out of the spirit of that time. None of these deeds... occurred in our area or even in Bayreuth itself.⁶⁴

To some extent, it is possible to see a sense of duty hanging over this trial, a sense that the town of Bayreuth had to quickly get this unpleasant Sommer business out of the way before it could relax and get on with enjoying that year’s opera performances.

Local Interest in the Sommer Trial

On the face of it, the local residents of Bayreuth did display a desire to exorcise the ghost of the Nazi past and engage with the Sommer trial. Each day, people scrambled to catch a glimpse of the infamous defendant for themselves, with crowds gathering outside the court to the extent that, on at least one occasion, Sommer had to be whisked through a side exit at the end of the day’s hearing to avoid the crush.⁶⁵ Inside the building, the *Deutsche Woche* noted how the courtroom was “permanently overfilled”, with every seat in demand.⁶⁶ As the trial progressed, and witness testimonies revealed disturbing details about Sommer’s activities in Buchenwald,

⁶³ *Fränkische Presse*, “Späte Gerechtigkeit und keine Reue” (5 July, 1958).

⁶⁴ *Bayreuther Tagblatt*, “Dichtung und Wahrheit tendenziös gemixt” (27 June, 1958).

⁶⁵ *Bayreuther Tagblatt*, “Massenandrang vor dem Schwurgericht” (25 June 1958).

⁶⁶ *Deutsche Woche*, “Der Sommer-Prozeß” (9 July 1958).

spectators struggled to retain a sense of decorum, with several shouts of “Hang the swine” emanating from their ranks - a view shared not only by some of the participants in the Institut für Demoskopie’s opinion poll, but also by representatives of the West German media. The *Frankfurter Nachtausgabe* remarked that “enough had been heard” after just one witness “to warrant more than one death sentence”.⁶⁷

Interestingly, the trial of Martin Sommer attracted a far greater degree of public interest than the simultaneous prosecution of the former Einsatzkommando members in Ulm, a factor bemoaned by the local Ulm newspaper, the *Schwäbische Donau-Zeitung*. Comparing the rows of empty seats in the Ulm public gallery with the crowds jostling for space inside the Bayreuth Landgericht, the paper noted how the former was only full on two occasions - during the indictment and during the final sentencing, moments when some sort of drama could reasonably be expected:

The behaviour of the audience to the war crimes trials of the last months [is] strangely dubious: admittedly the courtroom for the Sommer trial in Bayreuth was overcrowded, but the public places in the Ulm court are emptier. The Ulm courtroom was only full twice and, to be sure, on days that one expected a sensation. So the sensations pulled the spectators and drove them into the courtroom, not the will to engage with their own past. The Bayreuth court was overcrowded as here one scented sensations; here it smelt of blood. But the public places in Ulm are often gapingly empty as here it is frequently dominated by legal questions; it only comes to exciting incidents occasionally.⁶⁸

The end of the Ulm trial saw people queuing from eight o’clock in the morning to hear the sentencing of the accused. For the rest of the time, though, the court was largely concerned with complex legal issues and the submission of documents, events that failed to capture the public’s imagination. The overcrowded Bayreuth court, meanwhile, placed a greater emphasis on the use of survivor testimony, restoring a human face to the victims of the Third Reich and imbuing the courthouse with an emotionally charged atmosphere.

The contrasting reception afforded to the 1958 Ulm and Bayreuth proceedings may also be explicable in terms of the very nature of the crimes Sommer was accused of committing. While the Ulm trial concerned itself with the mass shootings of Jews and Poles in Eastern Europe - actions perpetrated against unknown victims in

⁶⁷ *World Jewry*, “The German Reaction to the Trial of ‘The Raving Beast of Buchenwald’”, p.16.

⁶⁸ *Schwäbische Donau-Zeitung*, “In gerechter Weise beenden” (30 July, 1958).

unfamiliar, faraway places whose names held little currency within the popular West German consciousness - the Bayreuth proceedings dealt with events much closer to home. Buchenwald, the subject of the Bayreuth case, was, after all, located within Germany and reasonably well-known to the population, having been reported in the National Socialist press throughout the 1930s.⁶⁹ In addition, the fact that Buchenwald had contained a large number of political opponents accentuated notions of German victimhood and helped to mythologise the extent of the resistance that had existed against the Nazi regime. The Sommer trial, therefore, may have struck a greater chord with the West German people because it enabled them to reflect upon their own suffering under Hitler. Observers could recognise their compatriots among Sommer's victims and empathise with the camp's survivors. At the same time, details of Sommer's barbaric treatment of the Buchenwald inmates may have helped to ease people's consciences about their own behaviour under the Nazi regime. The trial reasserted the concept of a totalitarian state run on terror, a state in which any act of opposition could have resulted in a stay in Sommer's notorious cell block. Any former complicity with the Nazi regime could thus be explained away on the grounds of self-preservation.

It is, of course, important to consider what sort of behaviour we could reasonably expect from the local populace in relation to the trial. These people, after all, had their own lives to lead and their own jobs to do. They could not be expected to attend every day of the trial in person. Many people may also have felt disinclined to go to the hearings owing to the genuine distress that the trial's revelations could cause. It is clear, however, from the examples gleaned from other West German towns, that there were people within the Federal Republic prepared to go out of their way and attend war crimes proceedings.⁷⁰ In particular, numerous trials throughout

⁶⁹ R. Gellately, *Backing Hitler: Consent and Coercion in Nazi Germany* (New York & Oxford: Oxford University Press, 2001) pp. 51-69; S. Milton, "Die Konzentrationslager der dreißiger Jahre im Bild der in- und ausländischen Presse", U. Herbert, K. Orth & C. Dieckmann eds., *Die nationalsozialistischer Konzentrationslager: Entwicklung und Struktur Band I* (Göttingen: Wallstein Verlag 1998) pp. 135-147; and Schley, *Nachbar Buchenwald*, pp. 117-122.

⁷⁰ Admittedly, the larger proceedings that were imbued with a peculiar emotive intensity received the most number of visitors to the courtroom. The resonance of the Ulm trial can be contrasted not only with the reception afforded to the Sommer trial in Bayreuth, but also with the scenes outside the Munich courthouse during the 1967 trial of Wilhelm Harster *et al*, charged with participating in the deportation of Dutch Jews to the extermination camps - a trial that was dominated by the image of Anne Frank. See *Jewish Chronicle*, "Three are Accused in Anne Frank Trial" (27 January, 1967), "Anne Frank Photo Upsets Major" (3

this period became the setting for school excursions, held up as important educational tools through which children could be taught about the Nazi past and warned against the dangers of prejudice.⁷¹

Some observers on the Sommer trial, though, remained rather critical of the way in which the residents of Bayreuth were responding to this case. Writing for *World Jewry* in 1958, Eleonore Sterling suggested that the levels of public interest displayed in the case may have rested in the trial providing an opportunity for “some Germans to unburden themselves of their own guilt by taking up a position of moral superiority”. Sterling argued: “one could not but suspect that the eagerness with which many expressed their horror over Sommer’s crimes served to cover up their own bad consciences”.⁷² John Teschke has similarly indicated that the dramatic responses and emotion displayed by people gathering to watch the proceedings may be explicable by the identity of Sommer’s victims, stating:

Although Bayreuth, well known as the home of composer Richard Wagner, did not stand out as a centre of anti-Nazi feeling, hundreds of spectators taunted Sommer during the trial. A relatively large proportion of Buchenwald inmates had been Germans, mostly political opponents of the Nazi regime.⁷³

But who were these people now scrambling to catch a glimpse of the defendant? To what extent can they be recognised as “ordinary” passers-by, people keen to engage with the trial in a genuinely critical way? Alternatively, how far can these crowds be seen as evidence of a counter memory in northern Franconia; a group

February, 1967) and “Six Years’ Gaol for Harster” (3 March, 1967); as well as assorted reports within the Papers of the Institute of Jewish Affairs: MS237/6/39 IJA622 (HAR), University of Southampton Archives. Similarly, the 1963-5 Frankfurt Auschwitz trial had a strong public response: R.E. Wittmann, ‘Holocaust on Trial? The Frankfurt Auschwitz Trial in Historical Perspective’ (Unpublished PhD Thesis, University of Toronto, 2001) p.207 notes that around 20,000 people attended these proceedings.

⁷¹ R.E. Wittmann, ‘Holocaust on Trial?’ p.207 records the presence of schoolchildren in the public gallery of the Frankfurt Auschwitz trial, while the *Jewish Chronicle*, “Burned at the Stake” (21 December, 1962) noted similar scenes during the 1962-3 trial of Martin Fellenz in Flensburg - the subject of Chapter Five of this thesis. Whether the children actually comprehended fully the circumstances behind these trials while on these trips is questionable. Referring to the frequent presence of school classes at war crimes trials throughout the 1960s, Gitta Sereny noted that “the children munch sweets and chocolates. Then chat and giggle” - *The German Trauma: Experiences and Reflections, 1938-2001* (London: Penguin, 2001) p.73.

⁷² E. Sterling, “Scapegoatisms”, *World Jewry*, vol. 1/7 (September 1958) p.5.

⁷³ Teschke, *Hitler’s Legacy*, p.282.

of people who recalled only too well the suffering that had been wrought by the Nazi regime because they had experienced it firsthand as members of the political left and trade unions? In many ways, it is impossible to determine precisely the identity of those heckling and abusing Sommer outside the Bayreuth court, but a possible answer may be gleaned through an examination of some of the letters that were sent to the court during the proceedings.

Personal Reflections on the Sommer Case among the Local Population

The prosecution of Martin Sommer certainly proved to be something of a talking point in West Germany. As Helmut Paulus outlined in his account of the proceedings, he Bayreuth court received 280 letters during the course of the trial from people all over the world anxious to express their views on the case. Such letters constitute an invaluable source, enabling us to get much closer to the thoughts and feelings of the “ordinary” West German population, and the ways in which they were responding to Nazi war crimes trials at the end of the 1950s. Indeed, a survey of the letters on the Sommer case reveals some interesting features, highlighting the issues causing the most concern among the West German people at this time, while displaying some striking similarities between the texts.

The vast majority of correspondents began by noting how they had read about the Sommer proceedings in the newspapers, illustrating the media’s important role in disseminating details of the war crimes trials - together with reminders of the Nazi past - to a wide audience. Particular reference was repeatedly made to the populist publication, *Bild-Zeitung*, a factor which might also explain the preponderance of a sensationalised style of writing within so many of the letters sent to the Bayreuth court. Just as the press had drawn heavily upon animal imagery to dehumanise the defendant or had emphasised his behaviour as an “excess” perpetrator, those writing to the court also tended to utilise demonic vocabulary when referring to the accused. Sommer was consequently described repeatedly as a “monster”, a “creature” or a “beast in human form”. Several writers stressed his “brutal” and “bestial” nature and seized upon the popular nickname, “The Hangman of Buchenwald”.

The majority of letters produced on the trial, though, came from former Buchenwald prisoners, people who had been in a position to observe or experience

firsthand the violent abuse unleashed by the defendant, rather than the “ordinary” West Germans who had merely been bystanders to the events of the Third Reich. The trial thus became an opportunity for one section of the public to articulate their own suffering under the Third Reich. Within these letters, Sommer continued to be rendered distinct not only from the rest of the West German population, but also from his fellow members of the SS. Several writers emphasised how Sommer had often acted on his own initiative within Buchenwald in order to administer severe beatings and lethal injections to the inmates - effectively destroying any claims by the defendant that he had “only” been following orders. One man admitted that he could say a lot more about Sommer’s crimes, but found it difficult to put the atrocities into words.⁷⁴

At the same time, similarities in the very phrasing of these letters revealed a strong KPD discourse running through them. Several writers made reference to their “murdered comrades”, a term that suggested there was an active survivor group present in Bayreuth, made up of former political prisoners, which sought to draw attention to the level of resistance that had existed against the Third Reich, underline the extent of German suffering under Hitler and refute any notion of a collective German shame. One writer noted:

In these proceedings, I see a derision and contempt of all killed, murdered and still living comrades of the Buchenwald concentration camp and I raise, in their names, a public protest to the High Court to cancel, in the memory of all killed and still living resistance fighters and anti-fascists, the preferential treatment granted to the accused.⁷⁵

Another correspondent simply concluded his letter with the statement, “I have not forgotten my murdered comrades who were with me in the camp”.⁷⁶

A counter memory can thus be seen as circulating in West Germany which recalled all too clearly experiences of opposition and persecution under the Third Reich. These writers drew upon an alternative political tradition present in Bayreuth, a tradition that drew upon Left-wing politics and trade unionism, rather than the

⁷⁴ Archives of the Landgericht Bayreuth, Ks3/1957, Letter to the Landgericht Bayreuth No. 40 (11 June, 1958).

⁷⁵ *Ibid.*, Letter to the Bayreuth Landgericht No. 113 (24 June, 1958).

⁷⁶ *Ibid.*, Letter to the Landgericht Bayreuth No. 136 (22 June, 1958).

conservative right wing nationalism that has dominated popular representations of the region.

Another popular theme among the letters sent to the Bayreuth court concerned the devising of various methods to punish the accused. One man's "letter" read simply: "Rob the cynical Sommer of his sleep - forever!".⁷⁷ Another writer, calling for the highest possible punishment, and ruing the fact that death was not possible under West German law, insisted that even "hanging is much too good for him! It would be far better and more just to behead him after the pronouncement of the judgement!"⁷⁸ A third correspondent suggested turning Sommer's own methods of torture against himself to give him a taste of his own medicine, carefully detailing how he too should be hanged from the surrounding trees, beaten and have a burning cigarette pressed into his face. Reflecting upon the state of Sommer's health, the writer added:

Today the accused is still a wreck, so I would like to remind him that he himself carried out these sentences on his prisoners, who were also just wrecks. Whether the accused comes away [from this] with his life, we leave up to him.⁷⁹

While the tabloid press in West Germany was occupying itself with the character of Barbara Sommer, a woman apparently unruffled by her husband's past activities, members of the public writing to the court expressed their indignation at the very fact she had even been allowed to accompany him throughout the proceedings. One man expressed his amazement at what he saw as Sommer's "preferential treatment" at length:

These beasts (animals are better!) do not deserve... to receive preferential treatment by the court. Sommer is one of the most repugnant criminals from whom every just and respectable thinking person turns away in disgust and abhorrence! In the name of the German people we also demand that all preferential treatment of the criminal Sommer is turned down! He may not be allowed to be maintained by his wife. In addition, he may no longer come with his wife (that one absolutely cannot grasp!)....

.... In the name of all decent and just thinking people, we ask the High Court most politely to sentence Sommer to the highest permissible punishment... But unfortunately death, which he has earned a thousand times, cannot be imposed upon him by the court. To life imprisonment with days of intensified labour twice a week

⁷⁷ *Ibid.*, Letter to the Landgericht Bayreuth No. 135 (24 June, 1958).

⁷⁸ *Ibid.*, Letter to the Landgericht Bayreuth No. 150 (24 June, 1958).

⁷⁹ *Ibid.*, Letter to the Landgericht Bayreuth No. 44 (16 June, 1958).

and on Sunday. No more Sundays may be given to this inhuman beast as long as it continues to live. Also, no more wife! Letter bans and visitor bans must be imposed against his wife!

... In conclusion, a repeated request in the name of the memory of all war victims, all Nazi victims and all the tortured, to show Sommer that he is inhuman before God and decent humanity and can expect no more privileges.⁸⁰

Similarly, another correspondent criticised the constant presence of Barbara Sommer beside her husband:

The wife of the accused is allowed to speak to, care for and accompany him before, during and after the end of the proceedings and recesses, and to exchange endearments during this accompaniment. In addition, she is allowed to take a preferential seat in the public gallery.⁸¹

The overwhelming majority of letters sent to the Bayreuth court approved wholeheartedly of the staging of the Sommer trial, and agreed with the need to bring other former criminals to account. One man went further than most as he looked beyond the particular circumstances of the Sommer case to argue for more concerted investigations to be conducted into other alleged war criminals, especially among members of the West German medical profession. The writer, himself a doctor in the Federal Republic, demanded that greater action be taken in weeding out compromised individuals implicated in the crimes of the Third Reich. Acknowledging the attention that had already been made during the trial to the Munich-based Dr. Eisele, the writer petitioned:

We ask the honoured District Attorney's office to investigate on the basis of the shameless disclosures in the Sommer case - for their occurrences shame every respectful person with the vile Nazi era with the biggest embarrassment - all crimes that were committed in the concentration camps by others than Sommer. Above all, to condemn as quickly as possible the doctors Eisele from Munich-Pasing, Dr. Plaza etc and all others who committed crimes and killed people. Above all, these doctors may no longer be registered as doctors. It is a shame for all decent doctors if these doctors still remain!⁸²

The letter, raising questions about the number of former Nazi perpetrators who had been able to return to their professional life unobstructed in post-war West

⁸⁰ *Ibid.*, Letter to the Landgericht Bayreuth No. 150 (24 June, 1958).

⁸¹ *Ibid.*, Letter to the Landgericht Bayreuth No. 113 (24 June, 1958).

⁸² *Ibid.*, Letter to the Landgericht Bayreuth No. 150 (24 June, 1958).

Germany, clearly embraced the notion of “the murderers among us”. At the same time, though, it is questionable as to how far the writer acted out of a genuine sense of atonement, or out of concern for his own professional reputation as a medical man. His regular distinctions between Nazi doctors and “decent” doctors, Nazi criminals and “decent, just people”, impose a sense of distance between the criminals of the Third Reich and the rest of the West German population.

However, there also remained a minority of people who were opposed to such trials. One letter stands out in this vein as the writer drew heavily on the anti-Communist rhetoric of the immediate post-war period to produce a polemical right-wing attack on Soviet atrocities that relativised Nazi crimes:

In the opinion of all the enslaved and subjugated peoples in the East, the Marxist hangmen, murderers, oppressors and exploiters have bestially murdered and starved over 35 million Russians, Poles, Hungarians, Rumanians, Czechs, Lithuanians, Bulgarians, Germans etc since 1917 and were therefore punished in the name of God through Himmler, Hitler and Goebbels etc being gassed and exterminated...

... In the opinion of all Eastern people, Hitler and Himmler judged over the Marxist hangmen and murders and acted in God's name and orders.

The Nazis destroyed 7 million people, the Marxists over 35 million! Over 10 million people still languish in the Marxist kzs and are tormented to death by Marxist beasts...

Certainly, if leaders only ever speak of the crimes of the German people, far worse crimes in the rest of the world are covered up and glossed over. However, one cannot suffocate the truth!⁸³

A Critical Engagement with the Past?

The extent to which the 1958 prosecution of the former SS-Hauptscharführer Martin Sommer inspired a more critical West German engagement with the Nazi past is questionable. Eleonore Sterling, reporting on the case for *World Jewry*, claimed that the trial, together with some of the other judicial developments of 1958, was having a positive impact on popular attitudes to the past, stating:

Recent West German trials against Buchenwald guard Martin Sommer and against ten former members of the SS-Einsatzkommando Tilsit, as well as the charges preferred

⁸³ *Ibid.*, Letter to the Bayreuth Landgericht No. 11 (undated).

against concentration camp doctor Hanns Eisele, served once again to instruct the German public about crimes committed during the Hitler regime.⁸⁴

Similarly, reflecting at the end of the year upon the series of trials conducted in 1958, the *Frankfurter Allgemeine Zeitung* concluded that such proceedings were having a profound effect on popular West German opinion:

The trials at Bayreuth, Ulm and Bonn will be followed by others. Terrible as it may sound, we should welcome this. Not because some murdering functionaries are belatedly subjected to their deserved penalties while many others escape them, but because, owing to the reports in the entire West German press, the gruesome facts of our recent history, the mass murder of Jews and Communists, of women and children, are at long last brought home squarely to all those of our fellow citizens who have ignored them up till now... These concentration camp trials are thus the first, and perhaps the last, chance to bring about a moral and spiritual rehabilitation of Germany.⁸⁵

The results of the Institut für Demoskopie's opinion poll and the letters sent to the Bayreuth Landgericht show that the Sommer case did, indeed, occupy a significant place in the public consciousness. In contrast to the events in Ulm, West Germany now had a trial which was able to attract a vast number of spectators to the courthouse itself, and inspire public discussion, as a result of the attention thrust upon Barbara Sommer, on questions of wider complicity with the crimes of the Third Reich.

However, while descriptions of Sommer's activities in the Buchenwald cell block appeared to shock, anger and appal the West German people, the extent to which this trial produced any real change in the way people viewed the past remains debatable. The fact that it was the Sommer case, rather than the trial of the former Einsatzkommando members at Ulm, that seemed to produce the greater resonance during the summer of 1958 suggests that perhaps it was a certain type of criminality that would capture the public imagination: crimes perpetrated against Germans, in Germany, rather than those committed against Eastern nationals in areas now subsumed behind the Iron Curtain. Focussing on crimes committed in Buchenwald, a

⁸⁴ Sterling, "Scapegoatisms", p.5.

⁸⁵ *Frankfurter Allgemeine Zeitung*, "Aug in Auge mit unserer Geschicke" (3 December, 1958). The comparison made to Bonn refers to the prosecution of two former Sachsenhausen guards, Wilhelm Schubert and Gustav Sorge which took place between October 1958 and February 1959. Both defendants received life imprisonment for murdering prisoners. Details on this case can be found in Sagel-Grande *et al* eds., *Justiz und NS-Verbrechen*, vol. XV, Case No. 473 and van Dam & Giordano, *KZ-Verbrechen vor Deutschen Gerichten*.

camp originally constructed to hold serial criminals and political opponents, perpetuated mythologised notions of resistance and victimhood that had prevailed in West Germany since 1945. Throughout the trial, there remained a continued emphasis on German suffering under Nazism with little attempt to place the history of Buchenwald within the wider context of the Holocaust, thereby continuing the pattern of earlier, Western interpretations of Nazi crimes which downplayed the atrocities carried out in Eastern Europe during the Second World War. Similarly, the West German press spent more time on the “human interest” story of the defendant’s wife, rather than attempting to explain the structure of the National Socialist state or the development of genocide.

At the same time, Sommer himself was presented as an “excess” perpetrator. The fact that details of his behaviour had emerged as early as April 1945 had rendered Sommer a particularly infamous figure even before his trial came to court, and could enable people to see him as one of the “big names” of the Nazi regime whose punishment was long overdue. Such imagery could therefore encourage earlier West German attempts to limit the blame for Nazi crimes to a radical few, and evade a contemplation of any wider responsibility.

Despite the level of public attention given to the 1958 trial of Martin Sommer, the way in which the defendant - and his crimes - were portrayed, both in the courtroom itself and the national press, continued to impose a sense of distance between the criminals of the Third Reich, and the rest of the “ordinary” West German population - a psychological barrier that may have impeded any closer reflection on the past during this time. War crimes proceedings in Ulm and Bayreuth may have brought National Socialist crimes to the forefront of public discussion, but there was still much work to be done before the people of the Federal Republic of Germany entered into a widespread, critical engagement with the Nazi past.

Chapter Four: The Prosecution of SS-*Stabsführer* Martin Fellenz.

By the time former *SS-Stabsführer* Martin Fellenz was brought before a Flensburg court in 1962, the climate in the Federal Republic had shifted further. A number of well-publicised events had occurred since the Ulm and Sommer trials of 1958 which collectively helped to ensure that the legacy of the Nazi past was gaining increasing recognition within public West German discourse.

The new decade began with some all too clear reminders of the Third Reich when synagogues, walls and other buildings were daubed with swastikas. The wave of graffiti began on Christmas Eve in Cologne but quickly spread across the country, prompting condemnation at home and abroad amid fears that some of the “old spirit” had not gone away after all. The West German government swiftly blamed the incidents on misinformed youths, highlighting the need to improve popular understanding of the Holocaust.¹ A further spur to action with regards to the Nazi past had come with debates - followed intently in the West German press - over a possible extension to the Statute of Limitations, due to come into effect for Nazi acts of murder in 1965. Many people were concerned that former war criminals would soon be able to walk openly down the street without fear of prosecution, provoking a whole new set of questions over the necessity of war crimes trials.²

Such proceedings had also gained momentum since the establishment of the Ludwigsburg Zentralstelle in the autumn of 1958, rendering them much more a part of everyday life in the Federal Republic. The prime time television reporting on the 1961 Eichmann trial, meanwhile, had seen details of Nazi atrocities being relayed in a highly visual and accessible manner, reaching into people’s own homes.³ By the start of the 1960s, then, the crimes of the Third Reich had gained a much greater place

¹ For details on the swastika outbreak, see: U. Brochhagen, “Der Dammbruch: Die antisemitische Welle des Jahres 1959/60”, *Nach Nürnberg: Vergangenheitsbewältigung und Westintegration in der Ära Adenauer* (Berlin: Ullstein, 1999) pp. 319-344 and H. Dubiel, *Niemand ist frei von der Geschichte: Die nationalsozialistische Herrschaft in den Debatten des Deutschen Bundestages* (Munich: Carl Hanser Verlag, 1999) pp. 81-82.

² See: Institute for Jewish Affairs, *Statute of Limitations and the Prosecution of the Nazi Crimes in the Federal German Republic* (London: Institute of Jewish Affairs Background Paper No. 14, 1969); H. Marcuse, *Legacies of Dachau*, pp. 214-216; Miquel, *Ahnden oder amnestieren?*, pp. 186-362.

³ J.-P. Bier, “The Holocaust, West Germany and Strategies of Oblivion, 1947-1979”, A. Rabinbach & J. Zipes eds., *Germans and Jews since the Holocaust: The Ongoing Situation in West Germany* (New York: Holmes & Meier, 1986) p.190.

within the public consciousness and there were a growing number of high-profile scandals concerning the way in which former Nazis had been able to retain prominent positions in public life, not least the case of State Secretary Hans Globke who was now facing trial himself.

On the surface, such developments adhere to conventional historical narratives of the 1960s as ushering in a new era of critical engagement with the Nazi past. Changes certainly had been implemented within West Germany, yet at the same time alternative modes of thinking about the recent past persisted. Efforts to inspire a closer public reflection upon the legacy of the Third Reich remained slow, hesitant and far from perfect and the number of people who were prepared to engage with the past in a genuinely critical way remained limited. The state of Schleswig-Holstein in northern Germany found itself the subject of particular scrutiny during this time by both the domestic and international press. A political history clouded by strong support for the NSDAP, coupled with growing revelations about the number of (apparently known) former Nazis who continued to wield power and influence in the area helped to foster impressions of a region that was actively harbouring wanted war criminals and obstinately refusing to engage with the past.

Earlier post-war mythologies, evasions and distortions also continued into the new decade, with many people still keen to assign the blame for Nazi crimes on a radical few at the highest levels of the National Socialist regime, a distinct set of “excess” perpetrators who had little in common with the “ordinary” West German citizen. How, though, would these people react when the accused in a war crimes trial was neither a sadistic concentration camp killer, like Martin Sommer, nor a high-ranking bureaucrat like Adolf Eichmann, but was actually someone drawn from their own ranks, an apparently “ordinary” man and a well-known figure who had been at the heart of the local post-war community? This chapter explores the impact of one such prosecution against the background of Schleswig-Holstein’s own increasingly scandalised post-war history. Drawing upon press reports and letters written by members of the West German public, it traces local responses to the 1962-3 Flensburg trial of Martin Fellenz - a man who clearly personified the concept of the “murderers among us”.

Schleswig-Holstein and the Legacy of the Third Reich

Even before the 1929 Wall Street Crash had made its effects known on Germany, much of the country had found itself in the grip of an agricultural depression. Schleswig-Holstein, as a predominantly rural state, particularly suffered and it is this economic crisis that has frequently been put forward to explain the region's close affinity with the Nazi movement. Between 1926 and 1928, farm prices declined steadily while farmers' debts and underemployment increased. Farmers' sons who had aspired to the professional classes as doctors or army officers increasingly had to stay on the land to assist with the farm, producing a sector of frustrated young men who, as Timothy Tilton has stressed, were more likely to join the SA.⁴ Edgar Feuchtwanger has highlighted how the Nazi share of the vote in the Geest region of Schleswig-Holstein rose from 2.4% in December 1924 to 15.9% in May 1928, largely as a result of the agricultural crisis - a trend that was matched throughout the state.⁵ From 1928 onwards, the region consistently demonstrated its allegiance to the Party through the ballot box. Seven Reichstag elections were held in Germany between May 1924 and March 1933 and, with the core of the National Socialist support coming from rural, Protestant areas of the country, Schleswig-Holstein was among the top ten electoral districts that polled a high percentage of the NSDAP vote throughout this period. During the Reichstag elections of 14 November 1930, Schleswig-Holstein polled the highest national figure for the NSDAP, giving the Nazis twenty-seven per cent of the vote. Two years later, the figure from Schleswig-Holstein rose to fifty-one per cent during the July 1932 elections and, while that figure fell five per cent four months later in November, echoing a national decline in the Nazis' electoral fortunes, the state continued to give the Party their biggest success.⁶

The end of the Second World War saw a continued connection between Schleswig-Holstein and the now crumbling Third Reich. During the final phases of the conflict, the region became a last point of refuge for many leading personalities of

⁴ T.A. Tilton, *Nazism, Neo-Nazism and the Peasantry* (Bloomington, Indiana: Indiana University Press, 1975) pp. 39-45.

⁵ E.J. Feuchtwanger, *From Weimar to Hitler: Germany 1918-33* (London: MacMillan, 1993) p.202.

⁶ Statistics taken from J. Noakes & G. Pridham eds., *Nazism: A Documentary Reader, 1919-1945. Vol. 1: The Rise to Power, 1919-1934* (Exeter: University of Exeter Press, 1983) pp. 81-3, and Source 60, p.83.

the Nazi regime, most notably Grand Admiral Karl Dönitz, Hitler's named successor, who established his provisional capital in the border city of Flensburg in May 1945. Right wing political sentiments certainly did not disappear overnight from the region and, during the winter of 1959-1960, the state became embroiled in the swastika outbreak that was then sweeping across much of the West German nation. It was an event that shocked world opinion, although the West German authorities blamed ill-informed, bored youngsters for the scenes. Swastikas had been daubed on buildings and cars across the Federal Republic, beginning in Cologne, yet Schleswig-Holstein continued to experience a number of such incidents even as the epidemic began to decline elsewhere in the country.⁷

Schleswig-Holstein's reputation really came under attack, though, at the start of the 1960s amid incessant revelations concerning the number of former Nazis who had been able to retain public positions in the state after the war. In January 1961, one of the more liberal local newspapers, the *Schleswig-Holsteinische Volkszeitung*, published an article listing seven key names that had dominated public discussion in the region over recent months. In addition to Martin Fellenz, the subject of this chapter, the list also featured a teacher from Lübeck who had denounced Anne Frank's *Diary* as a forgery, two former members of the Nazi judiciary who were now drawing state pensions, and three members of the state medical profession who were also harbouring compromised pasts.⁸ The latter group included Werner Catel and Werner Heyde, two former participants in the Nazi "euthanasia" scheme. It was Heyde, however, who provoked the biggest scandal for Schleswig-Holstein: during this period it swiftly emerged that, despite his living under the alias of Dr. Fritz Sawade, several people in the state administration and elsewhere in the community had known of his true identity, yet still failed to report him to the authorities. Indeed, it transpired that Heyde/Sawade had even talked about the medical system under the Third Reich within the intimacy of his local *Stammtisch*, providing details that only the "euthanasia" doctor could have known.⁹

⁷ For an overview of the swastika outbreak, see: *The Papers of the Institute of Jewish Affairs*: IJA N (SUB) MS241/3/28: Folder 1: Neo-Nazism - General, and IJA S (SUB) MS241/3/44 Folder 1: *Swastika Epidemic*, both of which are held within the Special Collections of the University of Southampton.

⁸ *Schleswig-Holsteinische Volkszeitung*, "Schalten der Gewaltzeit" (7 January, 1961).

⁹ *Jewish Chronicle*, "Who Helped Nazi Doctor?" (27 November, 1959). For further information on the Heyde/Sawade scandal, see: K. Detlev & G. Schüttke, *Die Heyde-Sawade Affäre: Wie Juristen und Mediziner den NS-Euthanasieprofessor Heyde nach 1945 decken*

These seven names were sufficient for the *Schleswig-Holsteinische Volkszeitung* to consequently describe Schleswig-Holstein as “a state of Neo-Nazis”.¹⁰ The newspaper stated:

Schleswig-Holstein is worried in 1961, as in the past year, about the headlines... Through chance, flight or even appointment, wanted accomplices in the monstrosities of the NS-regime come to this state and seek to conceal their disgraceful deeds. Little and large outrages, judicial and medical henchmen of the *Unzeit* have, in the last year, become concepts for the whole of Germany. The state of Schleswig-Holstein is associated with their names. From month to month it is proved more clearly that justice has narrow limits - as shown by the fact that even judges and district attorneys themselves, just as administrative officials, have come under suspicion, proudly protecting old Prussian comrades who have become murderers and who ‘one’ could not denounce....¹¹

Foreign observers were also critical. The *New York Herald Tribune* launched a particularly scathing attack, commenting:

The small North German state of Schleswig-Holstein is acquiring the reputation of being a happy hunting ground for former Nazis.. It is the picture of a society whose fabric is permeated by covert and tenacious pro-Nazi favouritism and protection.¹²

The newspaper labelled the state capital of Kiel as a “Nazi quagmire”, and argued that the local population “votes for Dr. Adenauer’s democracy every four years, but shows a high degree of tolerance to convicted Nazi war criminals during the intervals”. Similarly, the *New York Herald Tribune*, referring to the controversy surrounding the former “euthanasia” doctor, Werner Heyde, suggested there was an “extensive conspiracy of silence that enabled him to prosper in their midst for years under the alias of Dr. Fritz Sawade”.¹³

und straflos blieben (Baden-Baden: Nomos Verlagsgesellschaft, 1998) and J.P. Teschke, *Hitler’s Legacy: West Germany Confronts the Aftermath of the Third Reich* (New York: Peter Lang, 1999) pp. 295-308. Heyde, though, was far from being an isolated case but rather representative of an endemic problem for the Federal Republic during this period. See also, for example, the case of Hans Schwerte/Schneider in H. König, W. Kuhlmann & K. Schwabe, *Vertuschte Vergangenheit: Der Fall Schwerte und die NS-Vergangenheit der deutscher Hochschulen* (C.H. Beck, 1997).

¹⁰ *Schleswig-Holsteinische Volkszeitung*, “Schalten der Gewaltzeit” (7 January, 1961).

¹¹ *Ibid.*

¹² *New York Herald Tribune*, “Ex-Nazis’ Hunting Ground Seen In Schleswig-Holstein” (23 December, 1960).

¹³ *Ibid.*

The main cause of contention during this period, though, was not so much about the number of former Nazis residing in Schleswig-Holstein - although the sheer preponderance of them appeared striking - but the layers of knowledge that seemed to surround their recent history, and the apparent degree of support that they continued to enjoy in the face of such knowledge. The press, in both the Federal Republic and abroad, seemed to regard Schleswig-Holstein as a region with a peculiar lack of interest in the recent past, a region that was content not to inquire too deeply into people's backgrounds but was instead keen to perpetuate the wider silences surrounding the Nazi era. If the truth should nevertheless emerge, as in the Heyde case, it also appeared to be an area that was willing to try and safeguard the compromised individuals from prosecution and enable them to hold onto positions of power and responsibility.

However, a closer examination of the post-war history of Schleswig-Holstein suggests that the reality of regional responses to the Nazi past was rather more complicated than the image being presented by such sensationalised media reporting. A counter memory had developed in the state almost immediately after the war's end, a memory that actually sought to draw public attention to the crimes of the Third Reich. In 1955, the *Wiener Library Bulletin* recorded an incident that had occurred during a meeting of the Association of Former Internees and Victims of Denazification - a group comprising former Nazis - on 12 June in Neumünster. On the one hand, the very staging of this meeting is interesting: the six hundred delegates in attendance underlined the previous levels of support the National Socialist regime had been able to enjoy in the region, and just how many locals had subscribed to notions of German victimhood since 1945. The evening was also notable, though, for a demonstration staged by trade unionists who had gathered outside the town hall, only to be charged at by police brandishing rubber truncheons. An earlier appeal by the trade unions to prevent the meeting taking place at all had been rejected by the Schleswig state government which insisted that such a rally was "insignificant and unobjectionable from the political point of view".¹⁴

This event serves to highlight how there were already sectors of the local population who were seeking to redirect public attention towards the suffering

¹⁴ *Wiener Library Bulletin*, "Victims of Denazification", vol. ix, No. 3-4 (May-August 1955) p.26.

unleashed by the Nazi regime against the Jews and political Left. In many ways, the stage was then set for a battle between competing versions of the past, a battle between those wishing to draw a line under the whole Hitler era once and for all, and those seeking to foster a more critical public engagement with Nazi crimes. To get a better impression of these conflicting responses to the Nazi past, this chapter will now focus on the prosecution of local resident Martin Fellenz between November 1962 and January 1963.

SS-Stabsführer Martin Fellenz

Martin Fellenz was born in 1909 in Duisburg in the west of Germany. He worked as a banker during his early adult life but, in 1930, became one of the millions unemployed as a result of the Great Depression. At the start of 1931, Fellenz travelled to Berlin to study music, pursuing an interest originally gained during his school days. It was during this time that he joined the NSDAP and it was here that, in 1936, he met SS-Sturmbannführer Katzmann, a man who would later play a leading role in the Holocaust in Galicia.¹⁵ Katzmann secured Fellenz a clerical position in the Ministry of the Interior where he remained until 1938. Then, as the Third Reich began to annex territory as part of Hitler's quest for "living space", Fellenz was moved to Neuruppin, where he became involved in the policing of the newly-acquired Sudetenland. At the start of the Second World War in September 1939, Fellenz was transferred to Poland, where he became part of the Warsaw police regiment.¹⁶

In April 1940, Fellenz was promoted to the rank of SS-Stabsführer and became a police leader in the district of Cracow. Throughout 1942, as the Nazis embarked upon their "Final Solution to the Jewish Question", his unit was among several police groups involved in the "Resettlement" of Polish Jews. Most notably, Fellenz was himself responsible for organising the evacuation of the Przemysl Ghetto over the course of 27 and 31 July, and 3 August 1942, as part of the Aktion Reinhard

¹⁵ For details on Katzmann's career, see: D. Pohl, *Einsatzgruppen C and D in the Invasion of the Soviet Union* (London: Holocaust Educational Trust, 2000).

¹⁶ Biographical details for Martin Fellenz were listed in the indictment, which is reproduced in C.F. Rüter & D.W. de Mildt eds., *Justiz und NS-Vebrechen: Sammlung deutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen 1945-1966* (Amsterdam: APA - Holland University Press, 1998) vol. XXIII, Case No. 619. This information was also relayed in the press on the first day of the trial. See *Flensburger Tageblatt*, "Gestern begann der Prozeß gegen Fellenz" (15 November, 1962).

programme. The operation resulted in 12,500 people being transported to Belzec extermination camp, while around a further 2,500 Jews were shot in mass executions at the ghetto, having been deemed incapable of withstanding the journey eastwards.¹⁷ Fellenz remained in his post in Cracow until the end of December 1942, when he suddenly volunteered for front line military service.

Fellenz's transfer request would become a crucial issue during his trial in the 1960s, when it was claimed by his defence that he had opted for service on the Eastern Front because he could no longer reconcile himself to the atrocities that were being perpetrated against the Jews. Such claims, though, ignored the fact that Fellenz had already fulfilled much of his mandate in Poland. Indeed, by the time of his move, Belzec had already ceased to operate, having seen around 500,000 people - ninety per cent of whom were Polish Jews - murdered in its confines.¹⁸

Having departed from Cracow at the end of 1942, Fellenz joined the SS "Florian Geyer" cavalry division, only to fall from his mount and suffer a severe leg injury. He received medical treatment in the city of Schleswig, where he also took the opportunity to marry a local woman, before returning to the front line to see out the final phases of the conflict. In 1945, Fellenz was arrested by British forces and interned in a camp in Neumünster. During his denazification proceedings in 1947, Fellenz managed to conceal details of his role in the deportation of the Polish Jews, claiming he had merely been part of the auxiliary police and had only joined the Waffen-SS in November 1942. He was subsequently categorised as a *Mitläufér* or "Fellow Traveller", and released. He returned to his wife in the old Viking town of Schleswig and reverted to his business roots, assuming the running of his father-in-law's bakery.

¹⁷ References to Fellenz's role in these actions can be found in: R. Henkys, K. Scharf, J. Baumann & D. Goldschmidt, *Die nationalsozialistischen Gewaltverbrechen: Geschichte und Gericht* (Stuttgart: Kreuz-Verlag, 1965) p.101; A. Speer, *Der Sklavenstaat. Meine Auseinandersetzung mit der SS* (Stuttgart: Deutsche Verlagsanst, 1981) p.359; S. Goshen, "Albert Battels Widerstand gegen die Judenvernichtung in Przemysl", *Vierteljahreshefte für Zeitgeschichte*, vol. 33 (1985) pp. 478-488; H. Lichtenstein, *Himmlers grüne Helfer: Die Schutz- und Ordnungspolizei im Dritten Reich* (Cologne: Bund-Verlag, 1990) pp. 130-1; I. Gutman ed., "Aktion Reinhard", "Erntefest" and "Scherner, Julian", *Enzyklopädie des Holocaust: Die Verfolgung und Ermordung der europäischen Juden. Band I* (Berlin: Argon, 2002) pp. 14-18, 418-9, 1281-2. See also the extensive history of the Przemysl Ghetto given at www.deathcamps.org/occupation/przemysl%20ghetto.html.

¹⁸ Figure stated in J. Noakes & G. Pridham eds., *Nazism 1919-1945: A Documentary Reader. Vol. 3: Foreign Policy, War and Racial Extermination* (Exeter: University of Exeter Press, 1988) p.1153.

The “Murderer In Their Midst”

Over the next few years, Martin Fellenz enjoyed a peaceful and rather privileged existence in Schleswig, and soon immersed himself fully in the town’s civic and cultural life. Continuing to develop his love of music, Fellenz involved himself in a number of local choirs, performing across the region and even making a record.¹⁹ He did not shy away from the public spotlight and, in 1960, led a campaign to inspire a new generation of choir leaders.²⁰ He had also already carved out a niche for himself in local politics, standing for election to the Schleswig town council as a representative for the FDP in April 1955. Here, then, was an example of a former Nazi war criminal who was living openly in West German society under his real name and actively courting publicity. Fellenz, it appeared, had nothing to feel ashamed of and saw no reason as to why he should lie low.

Fellenz’s choice of post-war political allegiance is, in itself, interesting: the FDP was a well-known haven for former Nazis during the 1950s and 1960s. In the run up to the election, the local newspaper, the *Schleswiger Nachrichten*, produced a brief summary of each candidate, introducing them to the voting public. A paragraph on each man outlined their early personal history, special interests and areas of expertise, and any experience that they could bring to the job. Details of what each candidate did between 1933 and 1945, though, were usually omitted, this chapter in their lives being neatly airbrushed out with no awkward questions being asked. In Fellenz’s case, the newspaper merely stated:

He entered the war after 1939 as a Troop Officer and as an officer of the Higher Staff. After being wounded in Russia and released from the Wehrmacht, he resided in Schleswig.²¹

¹⁹ The website for the Männerchor Schaalby acknowledges Fellenz’s activities during this period, listing him as their choir leader between 16 August 1956 and 30 April 1987. However, the fact that he was absent from the day to day running of the choir during much of the 1960s while attending to the war crimes charges being levelled against him is not mentioned. See:

www.schleswig-holstein.de/Maennerchor-Schaalby/index/MCS_Geschichte.htm.

²⁰ Reported in the *Schleswiger Nachrichten*, “Chorleitermangel und wirksame Abhilfe” (1 June, 1960).

²¹ *Schleswiger Nachrichten*, “Kandidaten stellen sich vor” (19 April, 1955).

There was no mention of his involvement with the police, the Przemysl Ghetto or the Aktion Reinhard programme. Indeed, there was not even any mention of his being in Poland during the war. Instead, the biography jumped straight to his brief spell at the front line, thereby avoiding any details of his participation in the crimes against the Jews. Far from being cast as a perpetrator of mass murder, Fellenz, with the reference to his war wounds, was now portrayed as a victim. Furthermore, his whole involvement with the SS was omitted, with Fellenz presented instead simply as a member of the Wehrmacht - a move that could invoke notions of the honourable German soldier, the memories of the suffering experienced by the army on the Eastern Front and a wider sense of German victimhood as a whole in keeping with the popular mythologies of the immediate post-war era.

The very next sentence in the biography, meanwhile, recorded Fellenz's musical background, showing him to be an intelligent, cultured and ultimately harmless individual. The newspaper had clearly gathered these biographies from the candidates themselves and had not concerned itself with investigating whether there might be something more behind these otherwise innocuous life stories. Indeed, the overall effect of these profiles is indicative of the wider silences prevailing across West Germany, with the newspaper unwilling to rake up the Nazi past but literally focussing instead on the future in the form of the forthcoming ballot and what each candidate could do for Schleswig.

Such was the local regard for Fellenz, that he was also included among a thirty strong delegation that travelled to Hayes and Harlington in Middlesex in June 1960 to celebrate the town's twinning with both Schleswig and the French town of Mantes-la-Jolie. Fellenz went to England not only as an official representative of the Schleswig town council, but also, drawing upon his musical talents, as the composer of a special tune to mark the occasion. Film footage of these events has been preserved in the Uxbridge Central Library, and depicts what would seem to be the quintessential English summer fete, complete with a carnival procession and marching brass band. The scenes help to sum up the sheer ordinariness of Fellenz's post-war life, as well as the level of trust and confidence that his hometown had implicitly bestowed upon him by including him as their ambassador for this event.²²

²² Hayes and Harlington Urban District Council, *Town Twinning Celebrations with Schleswig and Mantes-La-Jolie* (1960). Held by the Heritage Service, Uxbridge Central Library. London Borough of Hillingdon Films: F9. No. 013 654 063.

It was at the end of this trip, though, that Fellenz's hitherto tranquil life suddenly unravelled. Upon his return to his native Germany on 20 June 1960, Fellenz was arrested for his involvement in the crimes committed against the Polish Jews - charges that had been brought about by investigations conducted by the Ludwigsburg Zentralstelle. Fellenz spent the next thirty months awaiting trial in a Flensburg prison. During his eventual prosecution, he categorically denied having ever issued orders for the shooting of the Jews, and repeatedly protested his ignorance as to the true meaning that had been contained behind the euphemistic phrase "Resettlement".

The Response to Fellenz's Arrest

News of the arrest of Martin Fellenz, as the *Flensburger Tageblatt* admitted at the time, produced the "strongest echo" in England, sending shock waves through the residents of Hayes and Harlington who had received him just days before.²³ Locals there were furious, not only at the revelation that one of their guests had been a mass murderer, but also at the base deception practised by Fellenz, a man who, for reasons unknown, had actually introduced himself to his hosts as being a former concentration camp prisoner. In reality, the only camp Fellenz had been held in was the British detention centre in Neumünster while awaiting his denazification proceedings between 1945 and 1947.

Fellenz's arrest consequently produced a sensation in the British press. The *Daily Express*, in an effort to characterise Fellenz's initial appearance, employed the word "gentle" five times in the space of a single article, thereby setting up a deliberate contrast with the reality of his involvement in the Nazi genocide. The newspaper introduced the story noting, "there was no doubt about it at the time - the gentle German with the soft voice and shy smile was the charmer of the party visiting Hayes, Middlesex on a goodwill mission."²⁴ Similarly, elsewhere in the article, Fellenz was referred to as "the perfect guest" with a cultivated manner.²⁵

²³ *Flensburger Tageblatt*, "FDP Fellenz besaß großes Vertrauen" (27 June, 1960). Similarly, the *Südschleswigische Heimatzeitung* described news of Fellenz's arrest as going down "like a bomb" in England in its article, "Erregung in England über den Fall Fellenz" (27 June, 1960).

²⁴ *Daily Express*, "The Gentle Butcher" (22 June, 1960).

²⁵ *Ibid.*

While the British tabloids latched eagerly onto the story, expressing their shock and anger over the scandal, news of Fellenz's arrest was treated far differently in the local newspapers of Schleswig-Holstein. Although the community appeared to be taken by surprise at this sudden turn of events, the case received relatively little attention in the regional press. All of the local newspapers reported on it, but the articles remained brief, limiting themselves to the bare facts of the case, while remaining devoid of any editorial comment or sense of emotion. All of the newspapers noted the role of the Ludwigsburg Zentralstelle in orchestrating the arrest - thus enabling it to be seen as "outside" interference in the affairs of Schleswig-Holstein - and all made an implicit comment on Fellenz's prominent social position, referring to him as a Schleswig town councillor in their headlines. However, none of these publications expressed any sense of moral outrage that a man with such a brutal past had been able to entrench himself so firmly into the fabric of the local community.²⁶ By this point, such revelations had become the norm and scandals over the "murderers among us" were becoming somewhat routinised in Schleswig-Holstein, a development that was no longer considered that newsworthy for the press. Fellenz could simply be seen as yet another in a long line of prominent individuals harbouring a compromised past, and his arrest thus failed to generate much excitement.

At the same time, two of the local newspapers, the *Flensburger Tageblatt* and the *Südschleswigsche Heimatzeitung* immediately placed themselves on a defensive footing, stressing, before any questions could even be raised, how little had been known in the area about Fellenz's past up until now. The *Flensburger Tageblatt* insisted: "one only knew that, during the war, he had conducted a music platoon and that he had been imprisoned automatically by the English after 1945 as a member of the Waffen-SS" - a statement that was echoed virtually word for word in the *Südschleswigsche Heimatzeitung*.²⁷ Like the biography provided for Fellenz's 1955

²⁶ *Schleswig-Holsteinische Volkszeitung*, "Schleswiger Ratsherr unter Verdacht der Judenvernichtung" and *Südschleswigsche Heimatzeitung*, "Schleswiger Ratsherr der Judenvernichtung verdächtigt" (21 June, 1960); *Flensburger Presse*, "Schleswiger Ratsherr wurde verhaftet" (23 June, 1960); and *Flensburger Tageblatt*, "FDP Fellenz besaß großes Vertrauen" (27 June, 1960).

²⁷ *Flensburger Tageblatt*, "FDP Fellenz besaß großes Vertrauen" and *Südschleswigsche Heimatzeitung*, "Erregung in England über den Fall Fellenz" (27 June, 1960). For further evidence of local newspapers imposing a sense of distance between Fellenz and the rest of the community, see also: *Südschleswigsche Heimatzeitung*, "Ehemaliger Schleswiger Ratsherr wegen Judenaussiedlung angeklagt" (20 July, 1960) and "Mordanklage gegen früheren SS-Führer in Schleswig" (20 April, 1962); *Schleswig-Holsteinische Volkszeitung*,

election campaign, such descriptions presented an extremely sanitised version of the accused's wartime activities, again implying that he was a harmless figure who had somehow managed to steer clear of the atrocities, while also suggesting that even his denazification proceedings had been unwarranted, again perpetuating the notion of Fellenz's own victimhood. Such protestations of ignorance concerning Fellenz's behaviour under the Third Reich also enabled local people to deny any culpability in protecting him after the war.

A further line of defence seized by the local press at this time was constructed around the reassuring fact that Fellenz had been born in Duisburg and had only settled in Schleswig after the Second World War. This important detail was repeated throughout the early newspaper reports on the case and enabled the region to avoid any sense of responsibility for Fellenz's early political and ideological development.²⁸ It was a move that fitted into a wider post-war trope that presented National Socialism as coming from "somewhere else". Silences remained, though, as to the level of popular support that the region had previously given to the NSDAP.

The rest of the country, though, appeared less convinced by the claims advanced by the Schleswig-Holstein press. Articles printed in the national media were critical of the state's handling of the Fellenz matter, with the *Frankfurter Rundschau* arguing that Fellenz had, actually, been known to people for years, but no one had turned him in.²⁹ *Die Zeit*, on the other hand, adopted a more pragmatic approach to the issue, ruefully noting how silences surrounding the Nazi past were not confined to Schleswig-Holstein, but typical of the wider West German society during this time:

He had discarded his [past] with his SS uniform. He was just a peaceful citizen of a peaceful and peace-loving city who strove to be finished with the results of the war as quickly as possible and as well as possible... Who knew that the businessman - and in the interim also a popular citizen of the city - had earlier been an SS man? Many had been in the SS. And no more was spoken of them.³⁰

²⁸ "Ehemaliger Ratsherr des Mordes angeklagt" (21 April, 1962) and "Angeklagte des 40,000 fachen Mordes" (19 October, 1962).

²⁹ See, for example, *Südschleswigsche Heimatzeitung*, "Mordanklage gegen frühen SS-Führer in Schleswig" (20 April 1962) and "Ehemaliger Schleswiger Ratsherr wegen Judenaussiedlung angeklagt" (20 July, 1962); *Schleswig-Holsteinische Volkszeitung*, "Ehemaliger Ratsherr des Mordes angeklagt" (21 April, 1962) and "Angeklagte des 40,000 fachen Mordes" (19 October, 1962); and *Flensburger Tageblatt*, "Gestern begann der Prozeß gegen Fellenz (15 November, 1962).

³⁰ *Frankfurter Rundschau*, "Jahrelang bekannt - aber niemand zeigte ihn an" (13 July, 1960).

³⁰ *Die Zeit*, "Martin Fellenz war ein angesehener Bürger" (23 November, 1962).

The local press was not alone, though, in its reluctance to offer comment on the case. Fellenz's colleagues on the Schleswig town council recorded Fellenz's absence from their next meeting as a matter of formality for the minutes, but offered no sense of their own opinions on his arrest. It was noted that there had been some public interest in the matter; councillor Dr. Carl Wehn, a representative of the CDU, agreed he would issue a brief statement on it, and the council then moved onto the seemingly more pressing issue of discussing the proposed plans for a new car park.³¹

A public statement was issued by the FDP in response to Fellenz's arrest which again refuted any suggestions that his past had been an open, tolerated secret in the region, while continuing to stand by the accused. At the same time, the FDP used this opportunity to take issue with the very continuance of war crimes proceedings, clinging to the popular concept that those implicated in the Nazi genocide had been compelled to follow orders imposed from above and, in the process, implicitly underscoring the Party's faith in Fellenz's innocence. The statement issued by the FDP emphasised that:

A) Herr Fellenz not only has the greatest confidence of his friends, but that of the whole public as justified by his behaviour in the last ten years.
[and]

B) The state committee of the FDP holds that the arrest for war crimes fifteen years after the war's end is only still justified if there are well-founded suspicions that he really was responsible for the accusations and was not just the executor of received orders.³²

A closer examination of reactions within Schleswig would certainly support the first half of this statement, and suggest that favourable impressions of Martin Fellenz continued to circulate within the local community long after his arrest. Indeed, letters preserved in the Landesarchiv Schleswig indicate that he had no shortage of friends and colleagues from his business and musical circles wishing to visit him in his Flensburg prison cell, or willing to outline their support for the prisoner to both the

³¹ Details of this meeting were relayed in the *Schleswiger Nachrichten*, "Erster Nachtragshaushalt genehmigt" (29 June, 1960).

³² Schleswig-Holsteinische Korrespondenz der Freien Demokratischen Partei, Kiel (25 June, 1960). Held in the Landesarchiv Schleswig, Abt. 354 No. 11419. This statement was also reported in the local newspaper, *Schleswig-Holsteinische Volkszeitung*, "Untersuchung geben Martin Fellenz läuft" (16 August, 1960).

judicial authorities and Fellenz himself. One man, while asking for permission to visit Fellenz in custody, informed the Amtsgericht Flensburg how “my wife and I have been friends with Herr Fellenz for many years” and stressed how they both felt it was now “important to be there” for him.³³ Many acquaintances revealed their amazement at the recent turn of events. A member of Fellenz’s choir petitioned the authorities in an effort to find out how long Fellenz was likely to be held in custody. He highlighted the crucial role that Fellenz had played in their choir, and insisted that no replacement could possibly be found for him.³⁴ A second member of this choir wrote directly to Fellenz himself, urging him to try and keep his spirits up and assuring him that he still had a lot of support in the local community:

In this time of economic miracles, where everyone is harsh and nervous, the word patience is almost a foreign word. And so we, your friends, have to again emphasise it above all else to you. Try to make the best of your situation as far as you are able. You can be sure that our thoughts and wishes are constantly with you... Denunciations go astray, so each of us could, today or tomorrow, fall into your situation. But we and you have already been through so much hardship and suffering in our generation that this will mean little.... I assure you that I am utilising every possibility to get you out of detention until the opening of a trial. At the same time, I - like everyone who has belonged to your circle over the past fifteen years - would bet my last shirt that the allegations one brings against you will not suffice to let it come to a trial!³⁵

Again the writer noted how the rest of the choir was determined that Fellenz should return to him and were refusing to contemplate nominating an alternative leader in his stead.

Fellenz’s standing in the Schleswig community, therefore, was such that the majority of those who knew him found the allegations about his horrific crimes in Poland incomprehensible, or unimportant. The correspondence outlined above illustrates how, in the summer of 1960, many people felt that Fellenz’s arrest was simply all a big mistake, and that the charges levelled against him by the Ludwigsburg Zentralstelle could never amount to much in a court of law. The first local reaction to these events, then, was to close ranks around Fellenz, to safeguard his position - be it

³³ Letter from Herr N. to the Amtsgericht Flensburg (6 August, 1960). Held in the Landesarchiv Schleswig, Abt. 354 No. 11419.

³⁴ Letter from Herr T. to the Amstgericht Flensburg (6 August, 1960). Landesarchiv Schleswig, Abt. 354 No. 11419.

³⁵ Letter from Herr D. to Martin Fellenz (9 August, 1960). Landesarchiv Schleswig, Abt. 354 No. 11419.

in the FDP or in his choir - and to make a big show of support for “their man”. This chapter will now examine whether these opinions on the Fellenz case altered during the course of the trial itself.

Media Interest in the Fellenz Trial.

Conducted between November 1962 and January 1963, the trial of former SS-Stabsführer Martin Fellenz involved 120 witnesses drawn from both the Federal Republic and abroad, and was reported upon faithfully every day in the local Schleswig-Holstein newspapers. Overall, though, the Fellenz trial failed to capture the wider West German imagination in the same manner as either the earlier Ulm or Bayreuth proceedings. Indeed, with the slight exception of *Die Zeit* which was itself based in Hamburg and could thus, in this instance, be classified as a local publication, the Fellenz trial received only an occasional mention in the national West German press.³⁶ This apparent lack of public interest in the case may be explicable by two main factors.

Firstly, the Fellenz trial may have been considered less newsworthy than earlier trials as the novelty of revived war crimes proceedings started to wear off. While the 1958 prosecution of the Einsatzkommando Tilsit in Ulm had attracted a vast degree of media interest because it constituted the first major trial of Nazi personnel to be held under the jurisdiction of the Federal Republic, a whole new series of similar proceedings was now taking place right across the country, all of which were competing against one another for column space in the West German newspapers. 1962 alone saw nearly twenty war crimes cases being heard at Landgericht level, while in November 1962, just as the Fellenz trial was getting underway in Flensburg, there were also proceedings taking place against former Sachsenhausen guard Kurt Eccarius in Coburg, and former Lemberg police officer Oskar Waltke in Hanover. The charges levelled against the latter figure were also similar to those facing Fellenz,

³⁶ See, for instance, coverage of the first day of proceedings in the *Schleswig-Holsteinische Volkszeitung*, “Fellenz bestreitet jede Schuld”; *Flensburger Presse*, “Fellenz muß sich verantworten”; *Flensburger Tageblatt*, “Gestern begann der Prozeß gegen Fellenz”; *Frankfurter Allgemeine Zeitung*, “Der Prozeß gegen Fellenz eröffnet” and the *Frankfurter Rundschau*, “Judenmörder Fellenz vor Gericht” (15 November, 1962). The Hamburg-based newspaper, *Die Zeit*, meanwhile, waited until 23 November 1962 before producing its first report on the trial, “Martin Fellenz war ein angesehener Bürger”.

with Waltke accused of shooting Jews being transported out of the ghettos between 1942 and 1944.³⁷ Taken as a whole, therefore, the sheer number of prosecutions and investigations then underway against former Nazis could be seen as adding up to produce a sense of “trial fatigue” among newspaper editors and the wider population alike. Similarly, the level of West German interest in the Fellenz case may have suffered as a result of the recent media frenzy that had surrounded the Eichmann trial the year before.

Secondly, the failure of the Fellenz case to hit the headlines may owe something to the nature of the crimes being discussed inside the Flensburg court. Like the Ulm Einsatzkommando trial, it failed to produce a resonance in the media anywhere near akin to that of the 1958 prosecution of Martin Sommer in Bayreuth because of the fundamental fact that it was dealing with war crimes that had been perpetrated against Polish Jews in Poland, rather than offences committed against German nationals within Germany itself. There was a continued unwillingness within West Germany at this time to consider the extent to which the majority of the victims of National Socialism had actually been foreign Jews and East Europeans. Instead, there remained a popular desire to focus solely on the plight of the German people under Hitler, in places that bore more familiar-sounding names, and to continue thereby to construct myths of German victimhood.

Nevertheless, a survey of the local Schleswig-Holstein press - and, indeed, even the scant articles that were produced at various stages by the national West German newspapers - does reveal some interesting trends in the way in which these proceedings were presented to the rest of the population.

One of the most striking aspects of this coverage, especially when compared to that of the Ulm, Bayreuth, Eichmann and Auschwitz trials, rests with the characterisation of the accused. Articles produced in the local Schleswig-Holstein press were simply devoid of the emotive language that had dominated coverage of other war crimes proceedings, and there were no attempts to nickname or demonise

³⁷ Trials conducted in 1962 are summarised in *Justiz und NS-Verbrechen: Die Deutschen Strafverfahren wegen NS-Tötungsverbrechen. Inhaltsverzeichnis* (www.jur.uva.nl/junsv - date last accessed 25 May 2006), or in print in C.F. Rüter & D.W. De Mildt eds., *Justiz und NS-Verbrechen: Sammlung deutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen 1945-1966. Register zu den Bänden I-XXII* (Amsterdam: APA - Holland University Press, 1998). For details on the Eccarius and Waltke proceedings see Case Nos. 545 and 544 respectively in vol. XVIII.

the defendant as had largely been the pattern for the reporting of Nazi criminals since the 1945-6 Nuremberg trial. While Sommer, like many of the Auschwitz defendants, was held up to be the personification of evil, and a peculiarly sadistic killer, and Eichmann had been shown to be the “banal” bureaucratic face of Nazi criminality, there was little attempt to characterise Fellenz at all. At one point in the proceedings, one witness, Dr. Sachs, referred to the defendant as being “colourless” - which is precisely how he remained to those attempting to follow the events through the local press.³⁸

The lack of characterisation during this trial can be seen as a result of Fellenz’s prominent position in the region, with the editors of the local newspapers feeling that he was sufficiently well-known to their readers not to warrant an investigation into his personality. At the same time, Fellenz’s close ties with the Schleswig community, and the level of support that he continued to receive among many Schleswig residents, worked against any serious critique of his character. People were unwilling to consider that a man they had respected, trusted and even elected into local political office, could have a darker side to him. Emphasising Fellenz’s high standing within local Schleswig life, *Die Zeit* commented:

He did much that gave him a name in the little city... To be sure there were some in Schleswig who called him arrogant and thought his qualities were overestimated. But nothing changed [the fact that] he was esteemed citizen in this city.³⁹

Indeed, if any picture did emerge of Fellenz’s character during his trial, it was an image of him as a fundamentally decent man. Dr. Ernst Jansen, a lawyer from Düsseldorf, was, admittedly rather dismissive of him as he described the defendant as “a coffee house violinist”, an ambitious person who “had liked to be or appear to be someone”. The witness Dr. Sachs, though, having already described Fellenz as “colourless”, added that the accused had not appeared as the “prototype soldier, but as an artistically interested person”.⁴⁰ Fellenz thus continued to be portrayed as a gentle, cultured individual and someone who had been quite unsuited for his wartime role in

³⁸ Witness testimony reported in the *Flensburger Tageblatt*, “Sicherheitspolizei understand nicht dem SS-Gericht” (1 December, 1962).

³⁹ *Die Zeit*, “Martin Fellenz war ein angesehender Bürger” (23 November, 1962).

⁴⁰ *Flensburger Tageblatt*, “Sicherheitspolizei understand nicht dem SS-Gericht” (1 December, 1962).

Poland. Another witness, meanwhile, recalled how Fellenz had been a “good comrade”, a phrase bearing connotations of strong loyalty and the existence of a close-knit community of former SS personnel.⁴¹ Such comments, together with the number of former SS members who were now appearing to testify on Fellenz’s behalf, did not help to relieve images of Schleswig-Holstein as a “Nazi nest”. In fact, it became clear during the course of the trial, that the defendant had remained in fairly close contact with some of his former colleagues after 1945, with the prosecution displaying a keen interest in a good luck card that Fellenz had sent to the witness Wilhelm Kunde for a party during the post-war era. The court wanted to know more about the pair’s post-war relationship and although neither the witness nor the accused was able to recall precisely when the card had been sent, the image was created of a sense of solidarity persisting among former SS personnel.⁴²

In addition, Fellenz’s decision to request a transfer to the front line at the end of 1942 proved to be a popular talking point throughout the proceedings. The *Flensburger Tagblatt* referred to this move four times over the course of its coverage, recording how former SS-Scharführer Wilhelm Kunde (now employed as a customs secretary in Bremen) had stated “Fellenz himself was very agitated over the shootings of hundreds of Jews in Michalovice and stated he no longer wanted anything to do with it and reported to the Front”.⁴³ Similarly, the same newspaper relayed the words of another former Nazi, Sepp Müller who recalled Fellenz as having stated, “this Beyerlein [the man responsible for the Michalovice “evacuation”] is a dirty swine! I’ve had enough! I want to get away from the office as soon as I can!”⁴⁴

Fellenz’s transfer enabled him to be seen as an example of the courageous and heroic German soldier, an honest military man who had been outraged at the cold-blooded shootings of those Polish Jews deemed “unfit” for “Resettlement”. As a result, he was able to continue to evoke some degree of empathy for his cause and still be seen very much as “one of them” by the majority of the local population, distancing himself in the process from the archetypal figure of the SS officer and aligning himself instead to the broader distinctions then being made between the SS, who were widely

⁴¹ *Flensburger Tageblatt*, “Keine Klarheit über die Zuständigkeiten” (21 November, 1962).

⁴² *Flensburger Tageblatt*, “Die Zeugen konnten sich nicht mehr erinnern” (27 November, 1962).

⁴³ *Ibid.*

⁴⁴ *Ibid.*

blamed for the crimes of the Third Reich, and former Wehrmacht personnel who were seeking to present themselves as having belonged to a purely military outfit.

In the midst of the attention being paid to his transfer request, Fellenz's role within the National Socialist hierarchy also became a popular theme within the trial proceedings. Local press reports focused firmly on the ongoing courtroom debates as to who had issued the orders for the mass shootings that had taken place at the Przemysl Ghetto, and whether those on the ground - like Fellenz - had really known about the fate that would befall those Jews being transported to Belzec. The overall nature of the Fellenz case thus became very much focussed on the accused himself, rather than his victims. By concentrating attention firmly on these aspects of the case, the local press could perpetuate notions of Fellenz being just another small, insignificant cog in the Nazi machinery for mass murder, an ordinary man who had been compelled to follow orders imposed from above. The following extract from the *Flensburger Tagblatt* was typical:

Witnesses were summoned yesterday to the Fellenz trial who had had high positions with the Security Police or with the administration of the General Government. They stated that SS and Police leaders like Scherner, the superior of the accused, were empowered to lead the Security and Order Police, but their Stabsführer [ie Fellenz] was just employed in internal administration.⁴⁵

The newspaper followed the course of the Fellenz trial in a very straightforward manner. There were no editorials seeking to guide the readers' response, no sensationalist headlines screaming the macabre details of the crimes nor, indeed, was any emotive language allowed to intrude upon the reports. Instead, the *Flensburger Tagblatt* recited lengthy courtroom exchanges in meticulous detail, leaving the legalistic devices employed by the prosecution and defence, as well the language of the - predominantly former SS - witnesses, to speak for themselves. There was also little attempt to summarise each day's revelations in a single dramatic paragraph, as was the case within the West German media for most war crimes trials.

Instead, the matter-of-fact reporting employed by the *Flensburger Tagblatt*, usually running across the space of at least half a page, reduced the trial to a routine, bureaucratic exercise. That so many former SS men had been allowed to testify for

⁴⁵ *Flensburger Tageblatt*, "Zeugen sagen Auschwitz im Fellenz-Prozeß" (20 November, 1962).

their old “comrade” was accepted without question. Nor was there any attempt to iron out the apparent discrepancy between Fellenz’s request for a transfer, having become sickened by such actions, and his subsequent denial of ever having known about what was happening to the Jews being transported. At the same time, though, the fact that many witnesses frequently became confused or forgetful during their testimonies, while not overemphasised, was repeated sufficiently across the coverage as a whole so as to render an implicit attack on the problems of continued war crimes trials so long after the events in question.⁴⁶ That so many former SS personnel had become particularly “hazy” about the details of the “Resettlement” programme, or the extent of their own awareness of it, was also allowed to pass unchallenged by the local press which did not stop to consider that these individuals probably had a very good reason for their bout of “amnesia” in that they were seeking to avoid similar proceedings against themselves.

Even when Jewish survivors came to testify thirteen days after the start of the trial, the *Flensburger Tagblatt* remained surprisingly calm in its handling of the trial. There was none of the indignation typified during the Ulm trial by the *Stuttgarter Nachrichten*’s acknowledgement that the victims had been “men, women and children”. Instead, survivor testimony in the Fellenz case was coolly reproduced, recognising the Jewishness of the victims and the fact that mass executions had taken place, but doing so without any fuss or emotion. Much of the horror of the “Resettlement” action was consequently glossed over in the local newspaper, sparing the residents of Schleswig-Holstein the process of having to engage with the reality of the Holocaust. Taken as a whole, local press coverage on the Fellenz trial remained relatively dry and sterile. The most dramatic the *Flensburger Tagblatt* got was to use the headline, “My Relatives Are Not Coming Back”, a phrase that stood in stark contrast to the sensationalism employed in the national newspapers such as the *Frankfurter Rundschau*, which ran with the line “I Just Saw Blood and Bodies” or *Die Zeit* which proclaimed how the victims had been “Shot Like Hares”.⁴⁷

⁴⁶ *Flensburger Tageblatt*, “Die Zeugen konnten sich nicht mehr erinnern” (27 November, 1962).

⁴⁷ *Flensburger Tageblatt*, “Meine Verwandten sind nicht wiedergekommen” (28 November, 1962); *Frankfurter Rundschau*, “Ich sah nur Blut und Leichen” (20 December, 1962); *Die Zeit*, “Abgeschossen - wie Hasen” (11 January, 1963).

Although the local press did report on each day of the trial, it was not until the end of the proceedings that the Fellenz case became front page headline news, as the final sentencing was passed down on the accused on 17 January 1963. Fellenz was convicted on two counts of complicity in murder and sentenced to a total of four years in prison. The court had been unable to determine beyond any doubt whether Fellenz had really understood the implications that hid behind the euphemistic phrase “Resettlement” and whether, as a result, he had knowingly sent five transports of Polish Jews to their deaths in the Belzec extermination camp. The court had also been unable to prove whether Fellenz had personally committed four acts of murder - as had been alleged by the prosecution - with the shooting of Jews from the Przemysl Ghetto. However, having bestowed its four year sentence prison sentence on the accused, the Flensburg court did take into account the lengthy period that Martin Fellenz had spent in custody while awaiting his trial. The sentence was adjusted accordingly in a move that secured his immediate release and enabled him to go straight home with his wife.

Despite the low-key reception that had been afforded to the Fellenz trial by the rest of the West German media up to this point, it quickly became clear in the aftermath of this sentencing that the press had been following the proceedings, even if they had not actually been printing articles on it. Indeed, the result of the trial was quickly condemned in both the national West German and international press, being widely regarded as yet another example of leniency and a continued reluctance among many members of the judiciary to punish former Nazi war criminals effectively. The Catholic *Rheinischer Merkur*, for example, criticised the court’s willingness to accept Fellenz’s protestations of ignorance about the fate awaiting the transported Jews, as well as the eagerness with which evidence from other former SS members had been heard, opining:

Fellenz was an Adjutant and Stabsführer in Cracow with SS Commander Scherner. Here, he was commissioned above all else with selecting which Jews were to be transported for extermination, and which were still capable of work. The Flensburg court believed his claims that he had not known “Resettlement” meant the “extermination” of the Jews, and that the corresponding orders had been surrounded in the highest secrecy. Obviously, people in Flensburg have never heard that adjutants in the SS were also involved in the keeping of secret orders...

Also, people in Flensburg have obviously never heard that the SS presented their mass murder actions with diagrams on which the numbers of the murders and the note ‘Judenfrei’ were written next to drawings of coffins....

This sorry comedy will persist as long as fellow criminals are allowed to pass as witnesses, safe in the knowledge that their highly perfected gift for total amnesia will not expose them to perjury prosecution.⁴⁸

Several West German newspapers made a point of noting the Jewish response to the Fellenz verdict. The *Frankfurter Allgemeine Zeitung* was typical, highlighting how the sentence had been sharply criticised in Jewish circles and stressing how there was “a danger that the results of the trial will minimise the mass murder”.⁴⁹ The *Frankfurter Rundschau*, meanwhile, under the headline “Exasperating Verdicts”, quoted a Jewish witness, Morris Gottfried, who had appeared during the proceedings:

Had I known that criminals are allowed here to testify on oath, I would not have troubled to come and give evidence. But then, nothing has changed in Germany, things are what they have always been.⁵⁰

The inclusion of such quotes within the West German press could be seen as attempts to shock the wider population into taking more concerted action with regards to the National Socialist legacy. Any evidence of foreign criticism certainly seemed to strike a chord with the West German people during this period, as evidenced by repeated concerns for the country’s standing before the rest of the world and the effect that continually raking over the past, in the form of war crimes prosecutions, would have on the Federal Republic’s reputation. Comments such as those expressed by Morris Gottfried could therefore be used to underscore the need for a more critical engagement with the crimes of the Third Reich.

Die Zeit, meanwhile, displayed its own amazement at the verdict, exclaiming how “once again, a German court proved inexplicably mild vis-a-vis the crimes of the Nazi era”.⁵¹ The newspaper was puzzled at how Fellenz could receive a four year prison sentence for participating in mass murder while a Munich man sentenced that same day for strangling his wife was given six years imprisonment. The newspaper

⁴⁸ *Rheinische Merkur*, “Totales Vergessen?” (18 January, 1963).

⁴⁹ *Frankfurter Allgemeine Zeitung*, “Jüdische Kritik am Fellenz-Urteil” (17 January, 1963).

⁵⁰ Wiener Library Press Summary, Wiener Library, London. G5b1: Fellenz.

⁵¹ *Die Zeit*, “Was heißt da Bewährung?” (18 January, 1963).

sarcastically suggested that the Flensburg judges “saw no sense in tearing an ‘esteemed’ citizen from his family and profession for a long time’ and ruefully concluded that the notion ‘wrongs must be *atoned* is clearly no longer obvious”.⁵² *Die Zeit* continued with a quote from lawyer and CDU politician Max Güde:

‘It is an elementary need of human society to purify itself through a just sentence that marks out the intolerable deed and isolates the intolerable perpetrator’, Max Güde once said. Does that not count in Flensburg?⁵³

It was not just the short prison sentence that aroused indignation in the media. Commentators on the Fellenz result proved especially angry at the court’s failure to deprive the defendant of his civil rights. *Die Zeit*, again, proved particularly vocal on this issue, again aware of the impact that such treatment of former Nazis could have on international opinions of the Federal Republic. The newspaper stated:

If the courts still cannot decide appropriate punishments themselves, they should at least make use of the possibility to impose the deprivation of honorary citizenship for the highest possible duration. In this way, it would at least be made clear that these people have nothing to do with the creation of our current country.⁵⁴

Die Welt also questioned the impact that the Fellenz trial would have on West Germany’s standing in the world, harking back in particular to the reactions that had been displayed in the British town of Hayes and Harlington, the scene of Fellenz’s visit in the summer of 1960 as it attacked the West German judiciary’s handling of this and other war crimes cases:

It is to be feared that the residents of Hayes and Harlington will no longer want to know the Germans. One cannot receive them again: who still knows what’s what in the Federal Republic now?

The complete mess that has gathered around numerous trials for the ‘overcoming of the past’ in past years has become scandalously large. It has come so far that Jewish citizens ask if one should still distance themselves from such trials because they only render satisfaction for the guilty and their sympathisers...

Regarding Martin Fellenz, we are of the opinion that a sentence that corresponded with the rights of the accused and his guilt was possible - a sentence where Fellenz did

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ *Ibid.*

not have to rot in life imprisonment, but one which broke the rod over him and would have delivered his conscience.

Perhaps this sentence will still come. For the time being.... many see their indifference justified because nothing does come out of these trials.⁵⁵

Concerns for the Federal Republic's reputation abroad thus continued to hold sway for many people in West Germany. As it was, though, the result in the Fellenz case served to deliver yet another blow to the already fragile reputation of the state of Schleswig-Holstein, a theme that was vehemently addressed at the time by the local *Südschleswigische Heimatzeitung*:

From 'scandalous sentence' to 'almost unbelievably mild' so the press characterise the sensational ruling with which the court in Flensburg strove to draw a final line under one of the gloomiest chapters of German history.⁵⁶

The *Südschleswigische Heimatzeitung* then proceeded to compare the local media handling of the trial with that shown by other West German newspapers, stating:

"Of all the Flensburg newspapers, only one - namely the *Flensburger Tagblatt* - has so far failed to give a commentary on the release from custody of the former SS-Obersturmbannführer and Stabsführer of the Police Commandos in occupied Poland, Martin Fellenz (today a municipal politician for the FDP in Schleswig). What other Germans think, though, is expressed in the following declaration by the *Hamburger-Morgenpost*:

'He is a figure like Eichmann or Dusenschön!'⁵⁷

The *Südschleswigische Heimatzeitung* was certainly correct in pointing out the lack of editorial comment from the more conservative local publication, the *Flensburger Tageblatt*. While many newspapers expressed a strong sense of outrage over the Fellenz verdict and strenuously denounced the reasoning that had allowed Martin Fellenz to ostensibly leave court as a free man, the *Flensburger Tageblatt*

⁵⁵ *Die Welt*, "Werden die vielen Gleichgütigen leider recht behalten?" (18 January, 1963).

⁵⁶ *Südschleswigische Heimatzeitung*, "Das kalte Grauen beim Fellenz-Urteil" (14 January, 1963).

⁵⁷ *Ibid*. Willi Dusenschön was the head of the Fuhlsbüttel concentration camp near Hamburg during the war. Between 1961 and 1962, he was tried for, and acquitted of, the murder of camp prisoner and Lübeck SPD representative Fritz Solmitz.

maintained the matter-of-fact tone that it had adopted across the course of the entire proceedings, noting simply:

The fifty-three year old Schleswig businessman Martin Fellenz was finally sentenced after a two month proceeding before the Flensburg court to four years imprisonment for complicity in two cases of murder, but was released because his imprisonment while awaiting trial amounted to two and a half years. The court held it had not been proved that he had taken part in five Jewish 'Resettlements', had known anything about the intended mass exterminations or that he had personally committed four cases of murder.... Defence and prosecution are considering appealing against the sentence.⁵⁸

It was a report that stood in stark contrast to the highly emotive language employed by the *Südschleswigische Heimatzeitung* which concluded ruefully:

This type of justice brings us back down into the cold cruelties of those years when millions of people were tortured, gassed, shot and hanged. We are ashamed!⁵⁹

How far, though, were such sentiments the preserve of the more liberal newspapers? How far had the revelations of the Fellenz trial served to shock the local people of Schleswig-Holstein into altering their opinion of the accused? Were they too now ashamed to have had anything to do with the accused? Or would Martin Fellenz be able to emerge from these proceedings with his reputation still intact? This chapter will now move towards a closer examination of the ways in which members of the public were responding to this trial.

Public Interest in the Fellenz Trial

The muted reception that had characterised the West German media handling of the Fellenz case for most of the proceedings was echoed among the wider population of Schleswig-Holstein. There were none of the crowd scenes outside the Flensburg court that had typified the Sommer trial in Bayreuth, nor was there any apparent desire to observe the proceedings firsthand. Indeed, the press - in a move that again indicated how they had been keeping a close eye on the trial after all - noted the consistent emptiness of the public gallery inside the courtroom. *Die Zeit* wrote:

⁵⁸ *Flensburger Tageblatt*, "4 Jahre Zuchthaus für Fellenz" (18 January, 1963).

⁵⁹ *Südschleswigische Heimatzeitung*, "Das kalte Grauen beim Fellenz-Urteil" (14 January, 1963).

It was a trial which for some weeks, day after day, dealt with the most brutal mass murder known in recent German history: the systematic extermination of the Jews in the General Government. In the course of this action, two million of the three and a half million Jewish inhabitants of the so-called General Government were exterminated. Shot, beaten, gassed. But only a few have taken notice of this trial. The audience benches in the Flensburg court were often empty.⁶⁰

It was a point further underscored within Hannah Arendt's work on the Eichmann trial. Arguing that lenient sentences revealed a continued reluctance within the West German justice system to deal firmly with the issue of the Nazi past, Arendt cited the Fellenz case as being typical of a widespread lack of interest in Nazi crimes, insisting that the hearings had occurred "in an almost empty courtroom".⁶¹ Similarly, *The Guardian* newspaper in Britain, noting how Fellenz had "hid" for nine years in Schleswig - "a part of Germany which has had more than its fair share of war criminals" - commented:

Germans are losing the ghoulish interest which they took in earlier trials and the number of people who attend in order to learn about the Nazi era was probably never very large.⁶²

This apparent lack of public interest in the case certainly seems surprising, given the defendant's standing within the community, yet responses to the Fellenz trial may have been rather more complicated than a few rows of empty courtroom seats might otherwise initially suggest.

Firstly, the very timing of the trial may have had an impact on people's willingness to attend the proceedings in person. Staged towards the end of 1962, the people of Flensburg were getting ready for Christmas and probably had neither the time nor inclination to immerse themselves in the gruesome details of a war crimes trial. The local press certainly observed the striking contrast between the cheerful, festive scenes being played out throughout the rest of the city, and the tales of human suffering that dominated the courtroom. The *Schleswig-Holsteinische Volkszeitung*

⁶⁰ *Die Zeit*, "Abgeschossen - wie Hasen" (11 January, 1963). For further references to the lack of spectators in the Flensburg court, see *Schleswig-Holsteinische Volkszeitung*, "Jüdischer Zeuge: 'Sie lügen'" (3 January, 1963); *Flensburger Presse*, "Ist Martin Fellenz schuldig?" (22 November, 1962).

⁶¹ H. Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking Press, 1963) p.13.

⁶² *The Guardian*, (12 January, 1963) - cited in Wiener Library Press Cuttings, Gb51: Fellenz.

noted that, while the rest of the city was filled with bright Christmas lights, the courtroom was overshadowed by “the darkest chapter of our history”.⁶³

Secondly, it is important to note that there were moments during the Fellenz trial when the hearings did play out before a small public audience, with several school classes being brought to the court to follow the events for themselves. The *Schleswig-Holsteinische Volkszeitung* noted how teachers were often sitting with their classes until quite late into the evening, and was clearly pleased at such scenes, declaring these educational activities to be the “best vaccine” against continuing racism in West Germany.⁶⁴ While the extent to which the pupils were able to absorb the enormity of Fellenz’s crimes and comprehend the legal terminology and complex arguments that were being employed in the court remains questionable, it is clear that there were individuals in Schleswig-Holstein during this period who were attempting to foster a more critical engagement with the Nazi past. The teachers of the late 1950s and early 1960s played a crucial role in helping to draw attention to Nazi crimes, and in challenging some of the silences surrounding the country’s recent history that had otherwise seemed to permeate the older generation across the Federal Republic.⁶⁵

A similar situation occurred in the winter of 1965-6, when Fellenz found himself the subject of a retrial in the state capital of Kiel.⁶⁶ Dr. Hans-Jörg Herold was a young history student at the time when his lecturer, Professor Erdmann, organised a trip to the court to watch the proceedings. He recalls that the trial was presented to his class as a valuable educational opportunity, enabling them to engage closer with the ongoing debate over the Statute of Limitations and to discuss the methodological problems associated with oral history. Dr Herold recalled recently:

⁶³ *Schleswig-Holsteinische Volkszeitung*, “Wurst und Schnapps am Todesgraben” (12 December, 1962).

⁶⁴ *Schleswig-Holsteinische Volkszeitung*, “100 Zeugen haben gesprochen” (13 December, 1962). See also the *Jewish Chronicle*, “Burned at the Stake” (21 December, 1962) which acknowledged the presence of school classes at the trial, but qualified this with the recognition that “local interest remains small”.

⁶⁵ For details on Holocaust education during this period, see: R.L. Braham, *The Treatment of the Holocaust in Textbooks: The Federal Republic of Germany, Israel and the United States of America* (Boulder, Colorado: Social Science Monographs, 1987).

⁶⁶ Fellenz’s retrial in Kiel saw him receiving a seven year prison sentence for crimes committed in Poland. Details of this case can be found in Rüter & de Mildt eds., *Justiz und NS-Verbrechen*, vol. XXIII Case No. 619.

I attended the sessions because I was interested not only in the mentioned problems, but also in the consequences for our society since the Ulm Einsatzgruppen trial [of] 1958 and the employment of the ‘Zentrale Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Verbrechen’ in Ludwigsburg... In Kiel, I wanted to see into the eyes of one of the Nazi culprits.⁶⁷

Fellenz himself continued to appear as an unexceptional character. Dr. Herold described him as being attentive, disciplined and well-dressed: “in short, a normal citizen, not remarkable”. The sight of this innocuous-looking figure in the dock enabled Dr. Herold to feel some sense of sympathy with the accused: “I felt sorry for him when the prosecutor spoke his sentence and Fellenz pressed his lips and went white. Only a few days before Christmas...”.⁶⁸ Like the press reports on Fellenz’s original trial in Flensburg, Dr. Herold noted how there were few spectators in the courtroom for the hearings aside from his university classmates. However, Professor Erdmann’s conviction that the trial constituted an important learning tool for his students was such that he even arranged for the trial prosecutor to come and talk to the class in his own home about the West German legal system.

Herold’s experiences, together with the presence of school classes during the 1962-3 proceedings suggest the existence of alternative modes of thinking about the past in Schleswig-Holstein during this period - interpretations that marked the emergence of a more critical confrontation with the legacy of the National Socialist era. At the same time, though, some pupils within the state continued to be exposed to more “conventional” interpretations of the Third Reich and the Second World War. At the start of 1963 as the Flensburg Fellenz trial was coming to an end, the town of Geesthact near Hamburg came under scrutiny within the international press - and even during the course of a House of Commons debate in Britain - when Hitler’s successor, Karl Dönitz, addressed a group of high school pupils. While Dönitz steered clear of delivering any overtly Nazi ideas to his audience, he did stress the need for military personnel to obey orders, and how soldiers were not entitled to question the rights and wrongs of their actions, an argument that was in keeping with the debates circulating at the heart of the Fellenz case.⁶⁹

⁶⁷ Letter to the author from Dr. Hans-Jörg Herold (15 November, 2004).

⁶⁸ *Ibid.*

⁶⁹ Reported in *AJR Information*, “Dönitz Addresses High School”, vol. Xviii No. 3 (March 1963) p.2.

Further insights into the ways in which the “ordinary” West German population responded to the first Fellenz trial can be gleaned from readers’ letters sent to the newspapers. Although there appears to have been a lack of such letters published within the local Schleswig-Holstein press, the results of the Fellenz trial did make an impact among those following events in the national press. Writing to *Die Zeit* in the aftermath of the trial, one reader from Langen expounded at great length on Fellenz’s lenient sentencing, and the continuing failure of the West German judiciary as a whole to deal effectively with the crimes of the Third Reich:

Do we not need still more than the commendable comments of *Die Zeit* and other publications on the shameful sentence of the Flensburg court? This discrepancy between the District Attorney’s proposition for lifelong imprisonment and the verdict for the SS officer Martin Fellenz that is tantamount to a parole, further shakes the already heavily marred confidence in the justice of the Federal Republic. With this judgement, the judges justify the Nazi genocide and deride the victims and the survivors. Today it can no longer be said: he hadn’t wanted it, he knew nothing about it, he was powerless against the ‘evacuation policies’. Today the silent accepting of this type of verdict means - an approval. The Fellenz sentence from Flensburg is the best breeding ground for the discriminations of a Khrushchov, for the propaganda of the [East German] zone rulers.⁷⁰

Once again, though, the greatest insight into popular responses to the war crimes trial comes from a series of letters that were written by members of the public to the court where the case was being heard. While the Fellenz trial again failed to produce a response on a scale similar to that engendered by the 1958 Sommer case, with far fewer letters being generated by the proceedings, these epistles nonetheless suggest that the trial was having an impact on at least some sectors of the local population.

At the most fundamental level, these letters can be divided into two main groups. On the one hand, there were those correspondents who were clearly outraged at the lenient sentencing that had been passed down upon Fellenz, and the fact that he had been able to live unheeded in the region for so long after the war’s end. On the other hand, there were also those people who seemed pleased at the way in which Fellenz had effectively been able to evade punishment and who expressed their hope that this could now be the end of the matter once and for all. Indeed, at the end of the

⁷⁰ Letter from Manfred Lichtenthal, Langen. *Die Zeit*, “Das Urteil von Flensburg” (8 February, 1963).

trial, the local newspaper, the *Südschleswiger Heimatzeitung* picked up on this theme and sought to explain such contrasting opinions in terms of a generational divide between trial observers. The newspaper recorded that there were a number of older spectators in the public gallery of the Flensburg court, many of them apparently friends and colleagues of Martin Fellenz, who had gathered as a sign of continuing support on the final day of the proceedings. As the sentence was handed down, these people smiled and waved at the defendant, clearly displaying their pleasure at his imminent release from custody. Younger people present in the court, though, were angered at what they were witnessing and were more inclined to believe that Fellenz's activities in Poland during the Second World War had merited far harsher treatment. The newspaper commented, "Before the young trial observers a dark chapter of German history was played out, without being satisfactorily illuminated".⁷¹

A closer examination of the letters sent to the court, however, reveals that to catalogue popular responses to the Fellenz trial solely on the basis of age is too simplistic. Instead, it is possible to identify even greater shades of opinion and several key themes that were dominating popular ways of thinking about the legacy of the Nazi past.

The sentencing of the accused certainly proved to be a popular talking point among members of the local population, with many correspondents calling for improvements to be made within the West German justice system. One writer, Herr C., contrasted the leniency shown towards Fellenz with the results of the earlier prosecution of Adolf Eichmann that had been conducted in Israel:

For these deeds, there should be only one punishment - the death penalty... One is overtaken by a sense of satisfaction when one thinks about the death penalty in the judgement of the Eichmann trial. It is not the joy at the death of this man, but in the name of justice punishment for all the bloody deeds of these people... One should reintroduce the death penalty for murderers. Otherwise one can't talk about justice in Germany any more.⁷²

Another writer, one Herr B., expressed a similar dissatisfaction with the results of the Fellenz trial, even going so far as to deny the recipient of his letter -

⁷¹ *Südschleswiger Heimatzeitung*, "Mindeststrafmaß im SS-Polizeiführer-Prozeß" (12 January, 1963).

⁷² Letter from Herr C to the Flensburg Schwurgericht (14 January, 1963), held in the Landesarchiv Schleswig, Abt. 354 No. 11419.

Amtsgerichtsdirektor Otto - the usual courtesy of the polite German form of address.

He began his letter:

Sir, unfortunately I have to refuse the address *Sehr geehrter Herr*, for you are a judge who either lacks the necessary qualities or has, in the Fellenz case, obstructed the constitutional law.⁷³

In the remainder of his letter, Herr B. rejected arguments that the inability to prove whether Fellenz had known that the Nazi term “Resettlement” equated to the extermination of those being transported to the East made his lenient sentencing a necessity. Instead, he saw Fellenz’s professed ignorance of the true meaning behind the Nazi euphemism as an easy defence tactic which anyone could now adopt to aid their cause and evade punishment. Herr B. pointed out that if the authorities continued along these lines, “you could also declare not guilty a murderer who maintains not to know what a murder is and that a murder is punishable”.⁷⁴

A far more outspoken letter, meanwhile, came from Herr W. who launched a furiously scathing attack on the Fellenz verdict, as well as Schleswig-Holstein’s handling of the National Socialist legacy as a whole. Launching straight into his critique from the very first sentence, Herr W. immediately played upon the fears engendered by the Cold War climate - recently heightened as a result of the Cuban Missile Crisis - to underscore his arguments regarding the failings of the West German judiciary. He insisted:

These Nazi swine in the German justice deliver us to the Communists and Russians. All of Schleswig-Holstein appears to be a Nazi nest. Sawade case, Fellenz case, Dusenschön case in Hamburg - one justice scandal follows the other!

... It stinks to the Heavens in the German justice system. One has to be ashamed to be a German!

... Have we deserved nothing better than these shocking justice scandals that rush us over to the Russians and the Communists????????? Everyday these Nazi swine among the judges pass scandalous new material to Nazi judges in Hamburg who cannot even be removed with force..... It is disgraceful to have to live in this Nazi state... How can we still hope to be free of these Nazi swine? The Nazi swine have delayed these trials for two decades, no one remembers everything anymore. What do

⁷³ Letter to the Flensburg Schwurgericht by Herr B. (15 January, 1963), held in the Landesarchiv Schleswig, Abt. 354 No. 11419.

⁷⁴ *Ibid.*

increases in taxes, economy, prosperity etc. mean against this swelling plague of Nazi swine. It stinks to the Heavens!⁷⁵

The very language employed by Herr W. throughout his letter is significant. His term “Nazi nest”, utilised at the start of the letter to describe his home state of Schleswig-Holstein, conjures up connotations of another phrase that was enjoying popular usage during this period - *Nestbeschmutzen*. This term was used to admonish those seeking to redirect attention to Nazi crimes during the early post-war years, with people attempting to rake up the past accused of “dirtying their own nest”. Herr W. can thus be seen as turning such language against itself as he calls for a more strident judicial handling of the recent past.

Although it was the sentencing of the accused - and the results of war crimes trials as a whole during this period - that dominated the letters being sent to the Flensburg court, there was at least one person who had been clearly encouraged by the course of the Fellenz trial to reflect on the crimes of the Third Reich. Having followed the details relayed in the West German press about the deportation of Polish Jews to the extermination camps, Herr C began to ponder the fate of the German Jews he had once lived alongside, and to express his own deep sense of shame for having failed to intervene to help them:

All the newspaper reports revive in me [memories of] the unfortunate Jewish co-citizens. In Kusel, too, there were Jewish families who had been resident in Kusel since the times of their grandparents, who were shopkeepers and who cared as much about their customers as Christian merchants... Just thinking of them makes my heart ache. They wanted to keep their homeland and they couldn't even save their lives. All the men, women and children were put into concentration camps and out of all these people not a single one has returned. Sometimes I am caught in a deep remorse and I'm telling myself that one could have helped them because where there's a will, there's a way. One could have got papers for them. If they could only have got out of Germany...⁷⁶

Throughout this letter the author emphasised the deep roots of the Jewish community within his home town of Kusel, repeatedly using the word “homeland” to implicitly acknowledge the Nazis’ betrayal of these “co-citizens” while attempting to

⁷⁵ Letter to the Flensburg Schwurgericht by Herr W. (15 January, 1963), held in the Landesarchiv Schleswig, Abt. 354 No. 11419.

⁷⁶ Letter to the Flensburg Schwurgericht by Herr C. (14 January, 1963), held in the Landesarchiv Schleswig, Abt. 354 No. 11419.

underscore the degree of assimilation that had existed prior to Hitler's rise to power. It is also made clear to us that he has already taken the time to engage with the Nazi past, and in particular the fate of the Jews, before the staging of the Fellenz trial in 1962-3:

One reads about Anne Frank - how many unknown Anne Franks may there have been? After all, they were mostly women and children which tried to hide in Holland, Poland and Yugoslavia and who thought they could save their lives and who were in the end cruelly and without mercy murdered just as this Anne Frank in Holland was.⁷⁷

Referring briefly to the Kristallnacht pogrom of November 1938, Herr C. commented, "I couldn't sleep that night, I was so angry". However, despite all his professed remorse and apparent desire to atone for the past, there still seems to be a strain of apologia running through this letter, as typified by the following line:

Most of them [the Jews] in Kusel lacked the money to emigrate and they themselves didn't think that all this would come to such a horrific end.⁷⁸

By pointing to the degree of assimilation and long standing Jewish traditions in this town, Herr C. could underscore local traditions of tolerance, reject any notion of inherent racism and present National Socialism as having been imposed from the outside, a movement which had little to do with his own community.

Another letter writer had also felt compelled by the Fellenz trial to reflect upon his own experiences of the Third Reich, albeit as a means to offer assistance to Fellenz's defence attorney. Herr P.'s letter to the court was much calmer in its tone than those produced by the critics of the final sentencing, stating coolly:

In the daily press I read the enclosed article about the expert opinion of Dr. Seraphin. Therein it is stated that there is no known case where someone was placed before an SS court or shot for refusing an extermination order. As a former SS member, I once had to guard a comrade who was arrested for refusing an order and was eventually transported with an unknown number. I am prepared to repeat this statement before the court.⁷⁹

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ Letter to the Flensburg Schwurgericht by Herr P. (28 December, 1962), held in the Landesarchiv Schleswig, Abt. 354 No. 11419.

This letter is interesting as it reveals how the author apparently felt no shame about his past, nor any sense of a social stigma being attached to him as a result of his past allegiances. Indeed, he appears sufficiently confident to be able to relate his experiences with the SS in public without any fear of reprisals, be they in the form of judicial proceedings against himself, or a moral outcry from the rest of the population. It demonstrates the eagerness of former SS personnel to perpetuate claims that they had to follow orders out of self-preservation, and to place the blame for Nazi crimes firmly on the radical few at the highest levels of the regime. It also exemplifies the degree of camaraderie that existed between former SS members after 1945, with veterans willing to help one another by testifying at their trials.

In addition, the letters that were sent to the Flensburg court also revealed how there were those correspondents who still sought to relativise the atrocities committed by the Nazis, and to point instead, by means of defence, to some of the crimes perpetrated by the Allies during the Second World War. Herr Br. rejected any notion of collective guilt for the crimes of the Third Reich as he stressed, “the German people are no worse and no better than the people of other nations”. Like many people, he continued to place the blame for the atrocities firmly on the Nazi leadership, particularly Hitler and Himmler, and held firm to the belief that disobedience at that time meant risking one’s own life.⁸⁰

Meanwhile, in a passionate letter to the court, Herr S. explored this theme at some length as he displayed his vehement opposition to the prospect of continuing war crimes trials and called for a final line to be drawn under the whole Nazi era. At the same time, his letter also emphasised notions of German suffering, describing the damage wrought by Allied air raids on German cities, and implying how the “ordinary” German population had been misled by the Nazi leadership:

The almost twenty year hunt for war criminals has been made among the war defeated. But still no proceedings against the former enemy sides. I have never had anything against the Jews in my life, although I have seen and experienced with much anger the scandals of the Jews. Morgenthau has ordered we turn Germany into farmland, although 90 per cent certainly wanted to know nothing of war... 6 million Jews is a malicious invention of propaganda, just as one can say 6 million women, children and elderly people were burned alive by the Morgenthau gangster.... No Churchill, no Harris, no Morgenthau have known a neutral court. In the last weeks of the war alone,

⁸⁰ Letter to the Flensburg Schwurgericht by Herr Br. (5 January, 1963), held in the Landesarchiv Schleswig, Abt. 354 No. 11524

over two thirds of the 350,000 refugees from the East were burned alive in Dresden... Has [ever] a people suffered more than the Germans?... Please finally finish with war crimes.⁸¹

The case of former SS-*Stabsführer* Martin Fellenz consequently provides an interesting insight into the conflicting public responses that a Nazi war crimes trial could engender. It exemplifies the cases of former Nazis who had managed to assimilate themselves back into the very fabric of post-war West German society - and the level of public support and respect they continued to enjoy even when accusations of mass murder were raised against them. The Fellenz case also raised questions among trial observers as to how seemingly “ordinary” men could bring themselves to participate in genocide, with the defendant clearly shown to be a cultured, intelligent individual who “happened” to become involved in the implementation of the Holocaust, and who was then able to return to calmly conducting local choirs after 1945.

The Fellenz case created a split in Schleswig-Holstein - between the prosecution, who called for life imprisonment, and the defence, who sought an acquittal, the older generation and the young, those wishing to “draw a line” under the whole Nazi era and dismiss all charges, and those seeking atonement, engagement and some acknowledgement of a wider responsibility for the crimes of the Third Reich. The latter sentiment was present in the state, but for many people it remained very much an abstract notion. Mythologies of the immediate post-war era continued to reverberate within West German society into the 1960s, even after the much-vaunted prosecution of Adolf Eichmann. Indeed, as this chapter has shown, when brought face to face with a suspected war criminal drawn from their very own midst, the majority of citizens in Schleswig continued to firmly stand by their man.

⁸¹ Letter to the Flensburg Schwurgericht by Herr S. (6 January, 1963), held in the Landesarchiv Schleswig, Abt. 354 No. 11419.

Chapter Five: War Crimes Trials in North Rhine Westphalia.

The focus of this thesis has, so far, rested very much upon individual war crimes trials conducted - at least in the case of Bayreuth and Flensburg - in areas of the Federal Republic that had experienced a peculiarly close relationship with the National Socialist regime. What happened, though, when a region did not have a long-standing political tradition of right wing nationalism? Are we able to identify an area of West Germany that was relatively free from the burdens of the past and, as a result, better able to engage with the legacy of the Third Reich? Or would this, again, prove to be a far too simplistic means of representing popular attitudes to the past, a narrative that ignores the existence of layers of opinion and the continuing evasions, distortions and an adherence to earlier post-war mythologies that affected wider understandings of Nazism during this period? This chapter seeks to explore these questions through a case study of North Rhine Westphalia, a state that staged numerous war crimes proceedings between 1958 and 1968. In particular, it focuses on three cases conducted in the state's three major cities: the Düsseldorf Treblinka trial, the Cologne Sachsenhausen trial and the prosecution of members of Sonderkommando 7a that took place in neighbouring Essen. All three cases were conducted between 1964 and 1966. At the same time, this chapter will highlight the role of special interest groups and key members of West German society who were pressing for a more critical public engagement with the Nazi past during this period.

North Rhine Westphalia and the Third Reich¹

North Rhine Westphalia was hit hard by the results of the First World War. The region had experienced rapid industrialisation during the nineteenth century and lay at the heart of German resources. The terms of the 1919 Treaty of Versailles, though, saw the demilitarisation of the Rhineland and the transfer of control over the highly industrialised - and highly valuable - Ruhr to Allied forces for an envisaged fifteen

¹ The state of North Rhine Westphalia is actually a post-war creation, established by the British Military Administration in 1946, with Lippe being added in 1947. The territory under discussion in this chapter originally existed as Westphalia and the northern parts of the Rhine Province.

year period. The region had previously been characterised by a history of political allegiance to the left-wing SPD or to the Catholic Centre Party. During the Hyperinflation Crisis of 1923, though, there was a rise in the right wing vote as French forces, aggrieved by Germany defaulting on reparation payments, occupied the Ruhr, taking over offices, factories and communication lines. The same year also witnessed the trial of a *Freikorps* officer, Leo Schlageter, for having detonated a railway line near Düsseldorf in protest at the occupation. Schlageter was subsequently elevated into a national hero by right wing political groups who resented the Treaty of Versailles and, in particular, the War Guilt Clause that had forced the issue of reparation payments.² The French eventually withdrew from the region in 1930 but the economic problems did not stop there. During the late 1920s, Düsseldorf witnessed some of the highest unemployment figures for any major German city - a factor which was then worsened by the effects of the Wall Street Crash in October 1929 and the resulting Great Depression. By 1933, 64,129 people - over twenty-seven per cent of the workforce - were unemployed in this town alone.³

Despite these economic problems, though, the NSDAP remained relatively weak in North Rhine Westphalia throughout this period. The Party consistently failed to attract the same degree of popular support as it had received in regions such as Franconia or Schleswig-Holstein. Indeed, the Reichstag elections that were held at the start of the 1930s saw the KPD receiving a greater share of the Düsseldorf vote than the Nazis. In September 1930, the Communists received 25% of the vote, compared with 14.7% for the SPD, 21.2% for the Catholic Centre Party - and just 13.6% for the NSDAP.⁴ Thus, while many Germans were turning to the extreme Right at the turn of the decade to vent their dissatisfaction with the Weimar Republic, the industrialised Rhineland swung the other way and moved closer to the extreme Left. In July 1932,

² A. Kauders, *German Politics and the Jews: Düsseldorf and Nuremberg, 1910-1933* (Oxford: Clarendon Press, 1996) p.19. See also: J.E. Edmonds, *The Occupation of the Rhineland, 1918-1929* (London: HMSO, 1944); H.T. Allen, *The Rhineland Occupation* (Indianapolis, Indiana: Bobbs-Merrill Company, 1927); D.F. Crew, *Town in the Ruhr: A Social History of Bochum, 1860-1914* (New York: Columbia University Press, 1979); L. Zimmermann, *Frankreichs Ruhrpolitik von Versailles bis zum Dawesplan* (Göttingen: Musterschmidt, 1971).

³ Kauders, *German Politics and the Jews*, p.166.

⁴ *Ibid.*, p.193. See also: J. Noakes & G. Pridham eds., *Nazism 1919-1945: A Documentary Reader. Vol. 1: The Rise to Power, 1919-1934* (Exeter: University of Exeter Press, 1983) Source No. 60, p.83; M. Nolan, *Social Democracy and Society: Working Class Radicalism in Düsseldorf 1890-1920* (Cambridge: Cambridge University Press, 1981); B. Herlemann, *Kommunalpolitik der KPD im Ruhrgebiet, 1924-1933* (Wuppertal: Peter Hammer, 1977).

amid a nation-wide upsurge in the National Socialist vote, the NSDAP finally did poll the greater figure in the city, receiving just over 29% of the vote, compared with the KPD's 26%. The result, though, was a short-lived temporary blip on the electoral landscape. In November that same year, the situation was reversed. The KPD were once again the victors, gaining 28.6% of the Düsseldorf vote, while the Nazis received 23.3%.⁵ It was a swing that was again in tune with the Party's electoral fortunes across the German nation as a whole. Similarly, Düsseldorf was not the only city in the Rhineland to appear resistant to the appeal of the National Socialist movement. Neighbouring Cologne also failed to produce much popular support for the Party and even as late as March 1933, with Hitler already in power as German Chancellor, the Nazis received less than one third of the vote in the city, polling at just 31.1%.⁶

Nevertheless, the Rhineland occupied a significant position within National Socialist rhetoric. One of Hitler's key aims was to achieve the remilitarisation of the Rhineland as part of his long-standing plans to overturn the hated Treaty of Versailles. This was finally achieved on 7 March 1936 in clear defiance of both the Versailles and Locarno treaties. In addition, as the home of German heavy industry and high profile firms such as Krupp Steel in Essen, the Rhineland would come to play an important role in providing the necessary armaments for the Nazi war effort - and suffer greatly from the Allied bombing campaigns during the conflict as a result. In 1945, the region was occupied by British and American forces.

During the 1950s, North Rhine Westphalia returned to its Leftist political roots and, at the start of the 1960s, the SPD were in control of the state government. Right wing sentiments, though, did not disappear overnight. On Christmas Eve 1959, swastikas were daubed on homes, businesses and synagogues in Cologne. The graffiti quickly spread across the rest of the Federal Republic and prompted international outrage. The Association of Jewish Refugees in Britain noted at the time:

In spite of the assurances frequently given by high-ranking spokesmen ever since the end of World War II and, in particular, since the formation of the German Federal Government in 1949, serious observers both in Germany and abroad of German political developments during the last decade have often expressed the view that antisemitism in this country is by no means dead.⁷

⁵ *Ibid.*, p. 193.

⁶ *New York Times*, "Stripping Away Layers of Wistful Anti-Nazi Myth" (14 August, 1997).

⁷ *AJR Information*, "When the Swastikas Returned", vol. xv/2 (1960) p.1. For further details

The incident also prompted outcry among members of the “ordinary” West German population, not least amid ongoing concerns for the effect such events could have upon the Federal Republic’s standing before the rest of the world. The AJR continued:

This time even the man in the street who is not so easily interested in political affairs deplored the acts, sometime thought of rendering help in tracking down the hooligans and asked questions in regard to the origin and background of the incidents. At the same time, he felt somewhat relieved... that similar acts had been reported from other parts of Europe and even from both sides of the Atlantic. Well, thank God it was not Germany alone.⁸

However, assumptions that these incidents were indicative of a widespread reluctance in the region to address the legacy of the recent past are too simplistic. Other memories of the Nazi era persisted during this time, as evidenced by the fact that during the swastika outbreak itself, three commemorative wreaths were placed on the Cologne city memorial to the victims of Nazism by former resistance fighters. The ribbon attached to the wreathes rendered an implicit attack on the descaling of war crimes prosecution and the amnestying campaigns that had been taking place during much of the 1950s, drawing upon the popular phrase as it stated: “the murderers are still among us”.⁹ Notions of German suffering, therefore, also held sway in the city, while the fact that the wreathes were placed on the memorial by former members of the resistance served as a reminder of the “other” Germany, underlining the lack of electoral support that had existed for the Nazis in the region before Hitler’s rise to power.¹⁰

Indeed, while many West German cities remained silent with regards to the Nazi era after 1945 - a factor typified by the Wagners’ poster which firmly called for the avoidance of any political discussion during the 1951 Bayreuth festival - Cologne

on this event, see U. Brochhagen, “Der Dammbruch: Die antisemitische Welle des Jahres 1959/60”, *Nach Nürnberg: Vergangenheitsbewältigung und Westintegration in der Ära Adenauer* (Berlin: Ullstein, 1999) pp. 319-344; H. Dubiel, *Niemand ist frei von der Geschichte: Die nationalsozialistische Herrschaft in den Debatten des Deutschen Bundestages* (Munich: Carl Hanser Verlag, 1999) pp. 81-82.

⁸ *Ibid.*, p.2.

⁹ *Jewish Chronicle*, “Swastika Menace” (1 January, 1960) p.13.

¹⁰ For further details on resistance memory, see D.C. Large, “Uses of the Past: The Anti-Nazi Resistance Legacy in the Federal Republic of Germany”, *Contending with Hitler: Varieties of German Resistance in the Third Reich*, (Cambridge: Cambridge University Press, 1991) pp. 163-182; as well as the special issue of *Journal of Modern History*, vol. 64/4 (1992).

proved quite vocal on the past throughout this period, not least as a result of Chancellor Konrad Adenauer's own public statements on the city's recent history.

Adenauer himself had been born in Cologne in 1876 and served as mayor of the city between 1917 and 1933, when he was forced from office by the Nazis. He was briefly reinstated in this post by the Americans after the war, before becoming the first Chancellor of the Federal Republic in 1949. Adenauer's stance on his city's relationship with the Third Reich was quickly made clear for all to see. "Nowhere was Nazism resisted so openly until 1933 and nowhere was there so much spiritual resistance after 1933", he declared in 1946.¹¹ Adenauer's statements aided in the construction of a powerful post-war myth of Cologne as being a solidly Catholic and non-Nazi area which had remained wholly resistant to the Nazi regime. A notion of dual victimhood was created which stressed both the NSDAP's poor performance in the Reichstag elections and the impact of the Allied bombing campaigns of the Second World War.¹²

Other cities in the Rhineland could similarly point to healthy political traditions and a liberal outlook as a means of refuting that they had provided popular support for the Nazi regime. Düsseldorf, for instance, had experienced a long history of Jewish immigration and, in contrast to the antisemitism and hostility that had existed against the Jews in other areas of the country at the start of the twentieth century, this city had been characterised by a relatively peaceful coexistence between its Jewish and Gentile citizens. Anthony Kauders has argued that the town enjoyed a history of tolerance and openness, stressing how the provincial assembly in the Rhineland was the only one in Prussia, prior to 1848, to advocate equal rights for the Jews.¹³ Yet despite the North Rhine Westphalia's ability to point to election results and examples of Jewish assimilation, there still remained some silences regarding life under the Third Reich itself, in particular surrounding the deportation of the Jews and the use of Jewish housing as compensation for the bombed-out German population.

This chapter will explore further the issue of competing memories of the past through an analysis of three war crimes trials that were held in the region. Cologne,

¹¹ *New York Times*, "Stripping Away Layers of Wistful Anti-Nazi Myth" (14 August, 1997).

¹² *Ibid.* See also: K. Fings, "Kriegsenden, Kriegslegenden: Bewältigungsstrategien in einer deutschen Großstadt", B-A. Rusinek ed., *Kriegsende 1945. Verbrechen, Katastrophen, Befreiungen in nationaler und internationaler Perspektive* (Dachau: Wallstein, 2004).

¹³ Kauders, *German Politics and the Jews*, pp. 2-19.

Düsseldorf and Essen were no strangers to the prospect of a Nazi war crimes trial by the mid 1960s. Cologne had already witnessed the 1964 trial of former Einsatzgruppe member Werner Schönemann who was sentenced to six years in prison for his involvement in the mass shooting of at least 3,000 Jews and Communists in Poland and Russia during the Second World War.¹⁴ Düsseldorf had hosted the 1962 trial of Albert Widmann who received three and a half years imprisonment for experiments conducted on the inmates of Sachsenhausen.¹⁵ Essen, meanwhile, had recently seen the trial of former Einsatzgruppe leader Albert Rapp for the mass shooting of Jews, Gypsies and Communists in Russia during the war.¹⁶

The first Treblinka trial staged in Düsseldorf between December 1964 and September 1965 saw ten former extermination camp personnel charged with the gassing of at least 70,000 Jewish men, women and children, and the fatal mistreatment of many other prisoners. Chief among the accused was Kurt Franz, a man who had been born in Düsseldorf and returned to his hometown after the war where he worked as a chef right up until his arrest. The trial spanned the course of 94 days and called upon 153 witnesses. Four of the defendants - Kurt Franz, Heinrich Matthes, Willi Mentz and August Miete - were sentenced to life imprisonment. The remaining defendants received prison terms ranging from twelve to four years. One defendant died before the end of the proceedings; another was acquitted.¹⁷

Overlapping the Treblinka trial, were the Sachsenhausen proceedings staged in Cologne between October 1964 and May 1965. This case also involved a total of ten defendants, headed by Otto Kaiser. The accused were charged with the mistreatment of camp prisoners, usually with fatal results, as well as the mass shooting of hundreds of Russian prisoners of war inside the camp during the autumn of 1941. The sentencing in this case, though, was much more lenient than that passed down in the Düsseldorf Treblinka trial. Otto Kaiser was sentenced to fifteen years in prison, another man was acquitted and the remaining eight co-defendants received prison terms that amounted to little more than one year.¹⁸ This itself was not the first West

¹⁴ Details of this trial can be found in C.F. Rüter & D.W. de Mildt eds., *Justiz und NS-Verbrechen, Sammlung deutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen, 1945-1999*, vol. XX, Case No. 573.

¹⁵ *Ibid.*, vol. XVIII, Case No. 542.

¹⁶ *Ibid.*, vol. XX, Case No. 588.

¹⁷ *Ibid.*, vol. XXII, Case No. 596.

¹⁸ *Ibid.*, vol. XXI, Case No. 591.

German trial to deal with the crimes committed in Sachsenhausen. Two other former camp guards, Gustav Sorge and Wilhelm Schubert, had already been prosecuted in Bonn in 1958 - an event which had generated a significant impact at the time. The public gallery during the three month trial had been filled with onlookers, while the court itself had taken the unusual step of allowing the proceedings to be filmed. The subsequent documentary, *KZ-Schergen*, was screened in local schools as a means of teaching younger people about the crimes of the Third Reich.¹⁹ This chapter, therefore, will seek to explore whether the Cologne trial was able to generate the same degree of public interest as the Sorge and Schubert case.

Finally, this chapter will also take into account the impact of the 1966 prosecution of three members of Sonderkommando 7a that took place in Essen. 57 year old former SS-Hauptsturmführer Kurt Matschke, 55 year old former SS-Sturmführer Eduard Spengler and 55 year old former SS-Hauptsturmführer Franz Tormann faced charges relating to the mass shooting of Soviet Jews and Gypsies along the Russian border between 1941 and 1943. They received prison sentences of five, four and three years respectively.²⁰

All three trials have largely been ignored by the existing historiography. Those scholars who have studied war crimes proceedings in the Rhineland have tended to focus on the second Treblinka trial involving Franz Stangl that was conducted in Düsseldorf between February and July 1970, or the Majdanek trial, also held in Düsseldorf, which became the longest-running war crimes trial to ever take place in West Germany between November 1975 and June 1981.²¹ However, an examination of these proceedings conducted during the 1960s reveals some interesting insights into the ways in which the West German population was responding to the legacy of the

¹⁹ H. Marcuse, *Legacies of Dachau: The Uses and Abuses of a Concentration Camp, 1933-2001* (Cambridge: Cambridge University Press, 2001) p.207. Details of the Sorge and Schubert trial can be found in *Justiz und NS-Verbrechen*, vol. xxi. Case No. 591 and H.G. van Dam & R. Giordano eds., *KZ-Verbrechen vor Deutschen Gerichten: Dokumente aus den Prozessen gegen Sommer (KZ-Buchenwald), Sorge, Schubert (KZ-Sachsenhausen), Unkelbach (Ghetto in Czenstochau)* (Frankfurt am Main: Europäische Verlagsanstalt, 1962).

²⁰ Details of this trial can be found in Rüter & de Mildt eds., *Justiz und NS-Verbrechen*, vol. XXIII, Case No. 620.

²¹ See, for example, V. Zimmermann, *NS Täter vor Gericht: Düsseldorf und die Strafprozesse wegen nationalsozialistischer Gewaltverbrechen* (Düsseldorf: Justizministerium des Landes Nordrhein-Westfalen, 2001); G. Sereny, *The German Trauma: Experiences and Reflections, 1938-2001* (London: Penguin, 2001); U. Weckel & E. Wolfrum eds., “*Bestien*” und “*Befehlsempfänger*”: *Frauen und Männer in NS-Prozessen nach 1945* (Göttingen: Vandenhoeck & Ruprecht, 2003).

Nazi past during this period, demonstrating how these three trials are also worthy of much closer attention.

Press Coverage of Treblinka, Sachsenhausen and Sonderkommando Trials

Writing in June 1965, the Hamburg-based newspaper, *Die Zeit* reflected upon the impact that the Düsseldorf Treblinka trial was having within the West German media, arguing:

The Treblinka trial makes no headlines in the newspapers. Defenders and prosecutors in Düsseldorf apparently operate even more coolly than is the case in the Auschwitz trial in Frankfurt. That is perhaps likely to be advantageous for the verdict in a procedure which concerns the assassination of 700,000 European Jews.²²

Although the newspaper was quite correct in asserting the trial's failure to make front page headline news, its assessment of the resonance of the Treblinka trial within the West German press is somewhat pessimistic. In reality, the Treblinka and Sachsenhausen trials did manage to attract much media attention across the Federal Republic of Germany. National newspapers ran regular reports on both of these cases and West German television crews filmed the opening of the hearings, theoretically making the facts of the trials known to a much wider public audience. The *Frankfurter Rundschau* and the *Frankfurter Allgemeine Zeitung*, for example, ran regular reports on the trials, usually consisting of two or three lengthy paragraphs.²³ The international media also assumed a strong interest in these cases, while the local Rhineland press followed suit, providing three to four paragraphs on each day of the Treblinka trial alone.²⁴ The Essen Sonderkommando trial, by comparison, was a much

²² *Die Zeit*, "Sie nannten ihn den 'Todesengel'" (25 June, 1965).

²³ See, for example, national pre-trial coverage of the Treblinka trial in the *Frankfurter Allgemeine Zeitung*, "Lupinen über dem Vernichtungslager" (18 September, 1964) and *Frankfurter Rundschau*, "Treblinka-Prozeß in Düsseldorf" (25 September, 1964). On the start of the Sachsenhausen trial see: *Süddeutsche Zeitung*, "Sachsenhausen-Prozeß in Köln" (13 October, 1964) and *Frankfurter Allgemeine Zeitung*, "Des Massenmords beschuldigt" (16 October, 1964).

²⁴ See, for example, *The Times*, "Demonstration by Nazis' Victims" (20 March, 1965) and "SS Men Sentenced" (29 May, 1965) on the Sachsenhausen trial; and "Life Sentences Passed on Four Death Camp Men" (4 September, 1965) on the Treblinka trial. The local *Köln Rundschau* began its regular coverage of the Sachsenhausen trial with "Massenmord-Prozeß beginnt Morgen in Köln" (14 October, 1964). The opening of the Treblinka trial in Düsseldorf, however, attracted the greater interest in the local press - see, for example: *Düsseldorfer Nachrichten*, "Der Hauptangeklagte wurde Todesengel genannt"; *Essener*

smaller affair, really only attracting a significant degree of press attention when the defendants were sentenced at the end of the proceedings.²⁵

It is, however, perhaps worth noting from the outset that in addition to their failure to reach the front pages of the West German press, the trials that were staged in North Rhine Westphalia during this period were also ignored by one of the most prominent local publications, the Catholic *Rheinische Merkur*. Unlike the other local newspapers that have already been utilised over the course of this thesis, the *Rheinische Merkur* largely ignored the whole issue of war crimes proceedings and failed to provide day to day coverage of the courtroom events being staged in its vicinity. However, the remaining local newspapers, and especially the *Kölnische Rundschau*, did go some way towards filling this gap, fielding regular and often quite lengthy reports on these cases. Indeed, it seemed that the *Kölnische Rundschau* could hardly wait until the commencement of the Sachsenhausen trial being conducted in its own city as the newspaper chose to remind its readers of its “imminent” start weeks before the official opening of the proceedings.²⁶

A study of the media attention that was afforded to these trials reveals several interesting characteristics, not only in the scale, frequency and placement of the articles on the proceedings, but also in terms of the principal points of interest and, indeed, the very language that was employed to describe these judicial events. The latter in particular revealed some clear continuities between these cases and the representation of other war crimes trials staged after 1945, and there are several striking similarities to be seen to the coverage of those proceedings already analysed over the course of this thesis. This factor can perhaps be most ably demonstrated through a closer look at the local *Kölnische Rundschau*.

Tageblatt, “Die Häftlinge nannten den Schrecken des Lagers Treblinka nur ‘Pupp’”; *Neue Ruhr Zeitung*, “Der Angeklagte lächelte nur” and *Köln Rundschau*, “Treblinka-Lagerchef Kocht in allen Töpfen” - all published 13 October, 1964.

²⁵ See, for example: *Süddeutsche Zeitung*, “Zuchthausstrafen für Angehörige eines SS-Sonderkommandos”; *Die Welt*, “Zuchthausstrafen wegen Beihilfe zum Mord”; *Marler Zeitung*, “Zuchthaus im Sonderkommando-Prozeß”; *Ruhr Nachrichten*, “Qualen der Opfer ließen sie kalt: Zuchthausstrafen für SS-Führer”; *Neue Ruhr Zeitung*, “Beihilfe zum Mord: Dreimal Zuchthaus”; *Westfälische Rundschau*, “Mord in Rußland gesühnt”; and *Westdeutsche Allgemeine Zeitung*, “Zuchthausstrafen für drei ehemalige SS-Führer” - all published 11 February, 1966.

²⁶ *Kölnische Rundschau*, “Bald Sachsenhausen-Prozeß” (25 September, 1964). The newspaper issued a further reminder to its readers the day before the trial started - “Massenmordprozeß beginnt Morgen in Köln” (14 October, 1964).

The enthusiasm that had been displayed by this newspaper in the run up to the Sachsenhausen trial continued unabated throughout the course of the proceedings. The *Kölnische Rundschau* made regular use of dramatic, sensational headlines to introduce its reports on the trial, and consistently placed its opening paragraph in a bold font in an apparent effort to grab the readers' attention. Any unusual incidents or startling moments of confrontation that had occurred in the courtroom were highlighted in this manner at the very start of the articles as the newspaper tried to inject an even greater sense of urgency and excitement into the proceedings.²⁷ Such coverage, though, was not confined to trials being staged in the newspaper's own hometown. The *Kölnische Rundschau* adopted a similar tactic during the Düsseldorf Treblinka trial, on one occasion stressing the total figure of 70,000 victims that the accused were being held responsible for five times in the space of two small paragraphs. A further attempt to emphasise the immense scale of the "Final Solution" was made when the newspaper decided to list the "balance of SS activities", as reported by SS-Brigadeführer Odilo Globocnik, head of the Aktion Reinhard operation and its extermination camps, to Heinrich Himmler at the end of the action. In a series of bullet points, the newspaper reproduced the tally of items that had been seized from the deported Jews:

- 53 million Reichsmark
- 1.4 million in foreign currency
- 1800kg Gold
- 10,000kg silver²⁸

The *Kölnische Rundschau* was not alone in adopting a sensational style of reporting on these trials and filling its articles with the gruesome tales of torture and horrific killings then emerging from the Düsseldorf and Cologne courtrooms. Eight other local publications that were following the course of the Treblinka trial proved quick to seize upon the tale of two Rabbis who had been forced to engage in a boxing match with one another in the camp. The *Westfalenpost* was typical, leading its

²⁷ For just two examples of this coverage, see: *Kölnische Rundschau*, "Kaiser trat Juden zu Tode" (23 November, 1964), "Hickl gab Russen 'Gnadenschiß'" (27 October, 1964).

²⁸ *Kölnische Rundschau*, "In Treblinka genau nach Reichsbahn-Fahrplan gemordet" (27 October, 1964).

feature with the dramatic headline, “Two Rabbis Shot in Treblinka After Boxing Fight”.²⁹

Reports on the Rhineland trials also continued to employ the emotive depictions of the former war criminals that had circulated in much earlier post-war proceedings and to place particular emphasis on the idea of the “excess perpetrators” appearing in the dock. As had been the case in the 1958 prosecution of Martin Sommer in Bayreuth, the press eagerly pounced upon any sensational phrases or demonic nicknames used by the trial witnesses and frequently reiterated such descriptions of the defendants in their reports for the remainder of the proceedings. In the course of one, brief article in the Treblinka trial, the *Frankfurter Rundschau* reported how one defendant had been labelled “Frankenstein”, another had become known as “The Shooter” and how one witness had referred to defendant August Miete as being “the very worst” of all the extermination camp personnel.³⁰ These were among the four men eventually sentenced to life imprisonment. Similarly, the *Frankfurter Allgemeine Zeitung* made repeated references to the description proffered by another witness of Miete being “The Angel of Death”, and noted how the chief defendant in the Treblinka case, Kurt Franz, had been acknowledged in court as being “a criminal of the first grade”.³¹

Throughout the Treblinka trial, much was also made of Kurt Franz’s photograph album that had been discovered during his arrest. The album was found to contain images of his wartime activities in Treblinka, complete with his handwritten caption, “Those were the days!”. This album helped the press to construct a picture of the defendants as peculiarly sadistic figures, men who had taken great delight in their “work” during the Second World War and who had acted out of desire to satisfy their

²⁹ *Westfalenpost*, “Zwei Rabbiner in Treblinka nach Boxkampf erschossen” (6 January, 1965). See also: *Düsseldorf Nachrichten*, “Rabbiner nach Boxkampf getötet”; *Rheinische Post*, “Nach einem Boxkampf erschossen”; *Schwarzwälder Bote*, “Rabbiner nach Boxkampf erschossen”; *Ruhr Nachrichten*, “Zwei Rabbiner in Treblinka nach Boxkampf erschossen”; *Schwerter Zeitung*, “Wegen sportlicher untüchtigkeit erschossen”; and *Heiner Zeitung*, “Zwei Rabbiner mußten boxen” - all published on 6 January, 1965.

³⁰ *Frankfurter Rundschau*, “Der Zeuge stürzte weinend aus dem Gerichtssaal” (22 December, 1964).

³¹ *Frankfurter Allgemeine Zeitung*, “Kinder in der Luft erschossen” (13 April, 1965) and “Ich sah es: er hat ihn erschossen” (23 February, 1965). Jörg Friedrich has also highlighted this tendency, comparing the media treatment of Kurt Franz - “the classic Nazi criminal” - who would set Barry the dog onto the prisoners with the dramatic headlines that greeted Wilhelm Boger’s “swing” during the Auschwitz trial. See *Die Kalte Amnestie: NS-Täter in der Bundesrepublik* (Frankfurt am Main: Fischer Taschenbuch, 1984) pp. 333-343.

own lust for killing. It was a theme that was again expressed by the *Frankfurter Allgemeine Zeitung*:

The prosecutors have the duty to empathise in the circumstances of the Hitler era and to prove whether the perpetrators acted out of their own impulses or were just accomplices... People who spoke of their forthcoming killings with hope, who drove them into the gas chambers with pistols and rifle butts, who often tormented them further before letting the exhaust fumes of a diesel engine slowly suffocate them acted out of a lust for murder, malice, cruelty and other base motives.³²

At the same time, in reporting on the Düsseldorf Treblinka trial, the West German press also made much of the nickname that had been prescribed to Franz by Polish inmates of the camp, referring to him as “Lalka”, or “The Doll”. The incongruous imagery between this description and the macabre details that continued to emerge about his wartime actions, again helped to construct an image of the defendant in the media which showed him to be a chilling, evil monster. Similarly, during the Cologne Sachsenhausen trial, both the *Frankfurter Allgemeine Zeitung* and the *Kölnische Rundschau* detailed chief defendant Otto Kaiser’s barbaric treatment of the camp prisoners and, in particular, emphasised his predilection for using ice cold water to torture the prisoners.³³

Although such depictions of the trial defendants could be seen as imposing a sense of distance between the perpetrators of the Third Reich and the rest of the West German population, the press did go to some lengths to try and remind their readership that those now appearing in the dock were also “ordinary men”. Writing about the Essen Sonderkommando trial, the *Neue Ruhr Zeitung* stressed how the accused in this case were “cultured and educated men”.³⁴ Similarly, the *Kölnische Rundschau* again led the way in the coverage of the Sachsenhausen case as it sought to individualise the ten defendants involved in these proceedings. On the first day of the trial, the newspaper listed the names and ages of each defendant as well as their post-war occupation. The former extermination camp personnel were thus cast in the innocuous

³² *Frankfurter Allgemeine Zeitung*, “Mordlust, Heimtücke, Grausamkeit” (6 August, 1965). For a further discussion on Franz’s photograph album and perpetrator mentality, see: E. Klee, W. Dressen & V. Riess, *Those Were the Days: The Holocaust as Seen by the Perpetrators and Bystanders*, translated by D. Burnstone (London: Hamish Hamilton, 1991).

³³ *Kölnische Rundschau*, “Schnallplattenmusik übertönte Schüsse von Sachsenhausen” (16 October, 1964). See also, *Frankfurter Allgemeine Zeitung*, “Späte Sühne für Ströme von Blut” (6 May, 1965).

³⁴ *Neue Ruhr Zeitung*, “Beihilfe zum Mord: Dreimal Zuchthaus” (11 February, 1966).

roles of carpenters, decorators and businessmen. The newspaper continued this process over the next few days of the trial, providing summaries for each defendant that detailed the main developments in their lives and the point at which they had joined the SS. Describing defendant Willi Wöhne, for instance, the *Kölnische Rundschau* recorded that he was a 50 year old electrician from Ludwigsburg who had been born in Berlin. He had lost both his parents at an early age and had been abused by his stepmother. Despite having trained as an electrician, Wöhne had been unable to find much work in his profession and eventually joined the SS in 1940 and came to Sachsenhausen.³⁵

The inclusion of such details went some way towards re-humanising the accused. It also underlined the extent to which such former war criminals had been able to reintegrate themselves into post-war West German society. The *Kölnische Rundschau* reflected upon this theme, noting:

Who are these people accused of the mass murder and cruel torture of innocent victims of the violent National Socialist regime? Criminals with sadistic inclinations? None of the accused have previous convictions. All have returned to their civilian life without difficulty. They also appear outwardly as completely upright men.³⁶

Similar sentiments were echoed by the *Frankfurter Rundschau*:

Can the spirit of the time make people into murderers? The ten ‘upright’ men of Treblinka who have sat in the dock of the Düsseldorf court since October are not people with the tendency to be criminals... They returned after the mass murders to civilian life as harmless cooks, farmers or business leaders. The regime gave them the opportunity to evolve, without risk, without threat of a punishment, into cruel sadists, to be unthinking hangmen and tools without any resistance.³⁷

The notion of the criminals of the Third Reich as being “ordinary men” could also be gleaned from the photographs that were printed in the West German press during this period. While the use of pictures during the coverage of a war crimes trial was relatively rare within the media, the majority of publications that did venture along this path tended to opt for images of the defendants sitting before the court. In

³⁵ *Kölnische Rundschau*, “Willi Wöhne ließ sich an die Front versetzen” (21 October, 1964).

³⁶ *Kölnische Rundschau*, “Schallplattenmusik übertönte Schüsse von Sachsenhausen” (16 October, 1964).

³⁷ *Frankfurter Rundschau*, “Nach dem Massenmord wurden sie brave Bürger” (31 August, 1965).

this way, the readers could see for themselves what a Nazi war crimes trial looked like, while the accused themselves were shown to be quite “ordinary”, middle aged figures. In the midst of the Treblinka trial, though, two newspapers stood out as they adopted a different approach. The *Stuttgarter Zeitung* tried to furnish a picture of what the “Final Solution” looked like as it printed a scene of an armed guard standing beside a train and a pile of bodies.³⁸ Meanwhile, a local Düsseldorf newspaper, *Der Mittag*, reproduced a photograph of chief defendant Kurt Franz in his SS uniform - an image which stood in stark contrast to the local cook now appearing before the Düsseldorf court.³⁹

The scale and frequency of the West German media coverage of the Rhineland trials was thus much greater than the overview posed by *Die Zeit* suggested and, although the very language used in relating details of these trials continued to adhere to the popular post-war pattern of demonism and sensation, there were some attempts within the press to recognise the perpetrators of the Third Reich as not being all that different from the “ordinary” members of the population. Coverage of these trials, though, contained little in the way of editorial comment that might otherwise have drawn more attention to the cases in progress, encouraged readers to think more deeply about the continued relevance of war crimes proceedings into the mid 1960s and posed some serious questions about the legacy of the Nazi past. Instead, the articles that were produced in the West German press tended to concern themselves very much with just the bare facts of each particular case, summarising each day’s events and relaying the witness testimonies that were being heard before the courts. One exception during this period was the *Rheinische Post* which used the Düsseldorf Treblinka trial as an opportunity to engage with the defence tactic so beloved of Nazi war criminals, that of having to follow orders imposed from above. The newspaper produced an editorial stating:

In all Nazi trials, including the Düsseldorf Treblinka trial, the accused take cover behind the excuse that they had to act on ‘higher orders’. If they don’t deny their crimes altogether, then they refer to their ‘orders’. They have beaten, shot, tortured... all allegedly on orders. The responsibility is blamed on the whole SS hierarchy up to... Himmler....

³⁸ *Stuttgarter Zeitung*, “Beweisstücke im Treblinka-Prozeß” (1 April, 1965).

³⁹ *Der Mittag*, “Sie nannten ihn ‘Puppe’”, Hauptstaatsarchiv Düsseldorf Press Cuttings Collection, Rep. 388 No. 884.

... It is out of the question that the bestialities committed by members of the concentration camp watch were covered by corresponding orders. That does not change the fact of the guilt of the intellectual authors of the mass murders, but it does incriminate the accused who now have to answer for their crimes, and much more.⁴⁰

Nevertheless, it is still possible to identify a number of key themes running through the press coverage of the Rhineland trials. In particular, it is worth noting how it was made clear to the watching west German public that these trials were not occurring in a vacuum. Many newspapers made regular reference to the fact that the Frankfurt Auschwitz trial was still ongoing within the neighbouring state of Hesse, together with other examples of recent Nazi war crimes trials. In December 1964, the *Frankfurter Allgemeine Zeitung* made the link between the various proceedings that were then taking place regarding the Operation Reinhard camps - the Treblinka trial in Düsseldorf, the Belzec trial in Munich and the Sobibor trial that was taking place in Hagen.⁴¹ Similarly, in the midst of the Treblinka trial, the same newspaper made the connection between these proceedings and the concurrent prosecution of the former SS General Wolff in Munich that was dealing with a similar set of crimes. By making this link between the two trials, the newspaper was able to provide its readers with a more coherent picture of the organisation of the “Final Solution”:

Both proceedings stand in a factual and historical connection. In Munich, it is a question of what role Wolff played in the transport of the Jews from the Warsaw Ghetto to the extermination camp... In Düsseldorf part of the SS watchmen have stood before the court since 12 October for participating in the killing of around 700,000 Jews.⁴²

Throughout the Essen Sonderkommando trial, a similar connection was repeatedly made between this case and the earlier prosecution of the unit’s leader, former SS-*Standartenführer* Alfred Rapp, which had also been staged in the city and had resulted in a life prison sentence for the accused. The implication from press reports here, though, was that the local court had already dealt with the really guilty figure and was now concerning itself with the “little men”, the small fry.⁴³

⁴⁰ *Rheinische Post*, “Auf Befehl” (20 January, 1965).

⁴¹ *Frankfurter Allgemeine Zeitung*, “Der Himmel war rot über Treblinka” (9 December, 1964).

⁴² *Frankfurter Allgemeine Zeitung*, “Lupinen über dem Vernichtungslager” (18 September, 1964).

⁴³ See, for example, reports from the end of the trial in *Süddeutsche Zeitung*, “Zuchthaus für

One of the principal points of interest, though, during the Düsseldorf Treblinka case was not so much about the defendants or even the crimes themselves. Instead, the trial attracted a significant degree of media attention for a rather different reason: the appearance of the West German State Secretary Hans Globke as a trial witness. As this thesis has already noted, the Globke scandal had been running in the Federal Republic since the end of the 1950s. The seizure of documents relating to Globke's role in the Third Reich from the Munich exhibition of Adolf Eichmann had already caused quite a stir in the West German press in 1961. Now, in 1964, the sight of Globke being directly linked to the crimes of the Third Reich through his physical presence at a Nazi war crimes trial produced a wave of excitement in the media.⁴⁴

Throughout the Treblinka trial, several local Düsseldorf newspapers were also seen to question how the Nazi genocide had ever been made possible, displaying signs of a determination to try and foster a more critical public reflection on the legacy of the recent past. The Düsseldorf-based publication, *Der Mittag*, placed a black column at the heart of one its articles on the trial in which the central question was posed to the readers: "Treblinka: how was it possible?"⁴⁵ While this newspaper seemed to be taking direct action, through the use of its rhetorical question, in an effort to get the West German people thinking more deeply about the Nazi era, another local newspaper, the *Rheinische Post*, suggested that the Treblinka proceedings were already having an important effect on popular responses to the past. The newspaper stated:

Lupins grow over the site of the extermination camp in Treblinka. But no grass grows for long over the crimes that were committed against the Jews. The process goes on - in the Düsseldorf court and in our engagement with the past.⁴⁶

Angehörige eines SS Sonderkommandos"; *Neue Ruhr Zeitung*, "Behilfe zum Mord: Dreimal Zuchthaus"; *Die Welt*, "Zuchthausstrafen wegen Beihilfe zum Mord" all from 11 February 1966; and *Westdeutsche Allgemeine Zeitung*, "Zuchthaus für SS-Offiziere: Mordbefehl Hitlers befolgt" (14 February, 1966).

⁴⁴ Globke's presence was highlighted in numerous newspaper articles. See, for example: *Hamburger Abendblatt*, "Globke als Zeuge"; *Braunschweiger Zeitung*, "Globke soll als Zeuge aussagen"; *Wetzlarer Neue Zeitung*, "Globke im Zeugenstand"; *Kölner Stadtanzelger*, "Globke wird als Zeuge gehört"; *Kölnische Rundschau*, "Globke als Zeuge im Treblinka-Prozeß" and *Darmstädter Echo*, "Globke als Zeuge" - all from 15 January, 1965.

⁴⁵ *Der Mittag*, "Sie nannten ihn 'Puppe'", Hauptstaatsarchiv Düsseldorf Press Cuttings Collection, Rep. 388 No. 884.

⁴⁶ *Rheinische Post*, "Sie nannten ihm 'Lalka'" (14 November, 1964).

The extent to which the claims of the *Rheinische Post* accurately reflected responses on the ground, though, remained questionable.

Popular Responses to the Rhineland Trials

In October 1965, as both the Frankfurt Auschwitz trial and the Düsseldorf Treblinka case came to a close, the Association of Jewish Refugees in Britain summed up the impact that such proceedings were having in West Germany. Describing these two cases as having “laid bare facts for which there can be no words”, the AJR affirmed:

One may assume that the leading men of the Federal Republic of Germany who themselves condemn the Nazi horrors in no uncertain terms, have understanding for the difficulty of the situation on the Jewish side. It seems, however, that the bulk of German public opinion is not favourable to the continuous reminder of the sinister past, and also that some are not prepared to join in the unconditional rejection of Nazism. Young people hardly realise the full implication of events which happened before their time.⁴⁷

Thus while many historians have heralded the 1960s as constituting the period of change in popular West German attitudes to the Nazi past, an era which inspired a far more critical engagement with the atrocities perpetrated against the Jews and other minorities, observers at the time were far less convinced of the effects that such trials were having on the population.

Writing for the *Daily Telegraph* magazine in September 1967, Gitta Sereny noted the varied responses being exhibited among members of the West German public to the first Treblinka trial in Düsseldorf. She relayed a conversation with the prosecuting attorney, Alfred Spiess, who noted how his wife “is entirely in favour of these proceedings and my part in them”, his seventeen year old daughter has “read widely about it and has been to the trial, with her school and alone” and how his thirteen year old son “wants to know all about this”.⁴⁸ Such responses are, perhaps, not surprising within the home of a leading West German prosecutor where the questioning of the recent past could reasonably be expected. However, among the wider West German society, the situation certainly seemed to be rather more complicated. Sereny herself commented:

⁴⁷ AJR Information, “Moral Stocktaking”, vol. xx/10 (1965) p.1.

⁴⁸ G. Sereny, *Into That Darkness* p.79.

The trials are reported almost verbatim by the German press and by radio and tv. Of the 1,460 newspapers and 30 magazines published in West Germany, an approximate 85 to 90 per cent are said to be in favour of continued trials. However, the average German's almost automatic reflex upon seeing or hearing the term *NS Prozess* is to turn the page, or the knob.⁴⁹

Hermann Langbein offered a similar insight into the level of public interest being displayed in the Treblinka trial, noting:

It is regrettable that the German people does not give this case the same attention as it has devoted to the Auschwitz trial because, here too, the younger generation could be given a graphic lesson of the essence of National Socialism. These trials now taking place in Germany have not only a legal but also a significant educational function.⁵⁰

Nevertheless, the Treblinka and Sachsenhausen trials did, however, manage to generate some interest among members of the West German public. The *Stuttgarter Zeitung* noted how every last seat was taken in the public gallery of the Düsseldorf courtroom as the sentences were handed down on the Treblinka trial, a trend common in the final stages of many war crimes trials. The occupants of these seats, though, were more likely to be fellow members of the press corps rather than "ordinary" West Germans.⁵¹ The Cologne Sachsenhausen trial also attracted a significant audience, though in this case much of the interest being taken in the proceedings seemed to be for all the wrong reasons. Reporting on the first day of the trial, the *Kölnische Rundschau* underscored the level of support that chief defendant Otto Kaiser continued to enjoy among the wider community. As was the case with Martin Fellenz in Flensburg, Kaiser was surrounded by a loyal band of supporters, including friends, relatives and colleagues who refused to believe anything wrong of him, despite the hearings being dominated by tales of his "excess" behaviour towards camp prisoners. The *Kölnische Rundschau* remarked:

There is the rather stocky locksmith Otto Kaiser (51) from Bergisch-Gladbach. His hair is grey at the temples, he has two deep furrows around the corner of his mouth. His friends, neighbours and work colleagues have presented a petition to the court in which they refer to him as a 'highly respectable, brave, hardworking and reliable man'. But even this Otto Kaiser should be placed next to the slave drivers Schubert, Sorge

⁴⁹ *Ibid.*

⁵⁰ *World Jewry*, "The Treblinka Trial", vol. viii/1 (1965) p.9.

⁵¹ *Stuttgarter Zeitung*, "Die Sühne für die Verbrechen von Treblinka" (4 September, 1965).

and Bugdalle, already sentenced to life imprisonment, as one of the fiercest block leaders of Sachsenhausen.⁵²

At the same time, though, there were those in Cologne who recognised the educational potential that was bound up in the Sachsenhausen proceedings and who sought to use the trial as an opportunity to engage the younger West German generation in the legacy of the Nazi past. Indeed, during this period, it was not just a case of “ordinary” people going out of their way to visit the courts and to observe war crimes trials firsthand for themselves. Towards the end of the Sachsenhausen process, two of the trial witnesses - one Polish, the other a member of the local Cologne population - were invited to a nearby school to speak to the children about the case and their own experiences of the Third Reich. The juxtaposition of these two witnesses is, in itself, interesting, not only providing a careful reminder of the mythologised extent of German resistance and suffering in the city during the Nazi era, but also demonstrating a keen awareness of the fate of other nationalities at the hands of the regime.

The visit to this school was reported at the time in the local press, wherein it emerged that the class had already conducted some background research into the history of the Third Reich by reading *Der Sternkinder* - a book that, like the *Diary of Anne Frank*, dealt with the fate of Dutch Jewish children during the Second World War. The classroom itself was “overcrowded” for the occasion and at the end of the session, one child was reported as saying:

We were always shaken anew and could not grasp at all that people planned and carried out such atrocities. We all want to contribute so that such terrible events are no longer possible in the future. We thank you for coming.⁵³

The school, however, did not envisage this meeting as an isolated event. The teacher responsible for organising the visit expressed his desire to establish a closer relationship with the victims of the Third Reich and, in particular, to foster ties between his school and Polish youth groups as a means of creating an open dialogue between the two and to again help ensure that any recurrence of the past terrors could

⁵² *Kölnische Rundschau*, “Schallplattenmusik übertönte Schüsse von Sachsenhausen” (16 October, 1964).

⁵³ *Westdeutsche Allgemeine Zeitung*, “Überlebende gingen in die Schule” (12 February, 1965).

be avoided in the future. In this way, it could be ensured that interest in the Nazi past would not be a passing fad, a temporary phenomenon arising from a relatively high-profile war crimes trial being staged on their own doorstep, but would in fact continue to be fostered for many years to come. The Treblinka case, it would seem, was bequeathing an important educational legacy to youngsters in the Rhineland. The local newspaper itself highlighted the teacher's ambition and acknowledged the growing interest then being taken in the Nazi past by the younger West German generation, but questioned the extent to which such schools could be seen as representative of wider West German attitudes towards history education during this period. The newspaper commented:

The youth want to know more about the terrors of the past - more than is told to them in school lessons. But do all teachers have an interest in this?⁵⁴

Further interest in the case was expressed in readers' letters to the West German press. The local Essen-based *Neue Ruhr Zeitung* printed one such letter during the course of the Treblinka trial which stressed the current disillusionment then circulating among many West Germans with the type of sentences frequently bestowed upon former war criminals. The reader argued:

After every sentencing on National Socialist violent crimes, one can perceive among the public a growing criticism of the sentences, often only indistinctly articulated, which argues with the ostensible truth: 'one hangs the little man and lets the big man walk'.

... Yesterday these legends were destroyed in eerie fashion towards the end of the Düsseldorf Treblinka trial. If it was proved that he had clearly beaten little children to death against the barrack walls without [his] friends, he is no little accomplice but a murderer of his own accord.

The Treblinka trial has revealed crimes that make us tremble with the thought that they were not unique and that so far not all the murderers have been brought to justice.

... In future we have to insist that nothing remains undone to trace the murderers who are still among us.⁵⁵

⁵⁴ *Ibid.*

⁵⁵ *Neue Ruhr Zeitung*, "Treblinka" (4 September, 1965).

It is clear, then, that the trials staged in North Rhine Westphalia during the 1960s did not pass by without making some sort of impact on the local population. Public interest in the proceedings was not confined to members of Otto Kaiser's entourage. Previous chapters have already illustrated a tendency among some members of the West German population to put pen to paper and send letters to the courts outlining their views on a particular war crimes proceeding. Similar evidence for the trials staged in North Rhine Westphalia during this period has, unfortunately, proved hard to come by, although the prosecution of the three former members of Sonderkommando 7a in Essen in 1965-1966 does offer an interesting insight into at least one person's thinking with regard to the recent past.

In the midst of the Sonderkommando proceedings, the Essen court received three anonymous typed letters urging the authorities to render a suitably harsh punishment on the defendants. Although unsigned, the language employed within these letters and, indeed, the very content of them, would suggest that each epistle did, in fact, come from the same hand. Here, then, we may see the work of one determined individual who was keeping a very close eye on the proceedings and repeatedly trying to involve his or her self in the outcome of the trial. At the same time, a study of these letters reveals that it was not just the idea that murder had to be punished that was inspiring this correspondence. Instead, concerns for the effect that Nazi war crimes trials could have upon the Federal Republic's reputation continued to hold sway. The first letter, written on 29 November 1965, argued:

The public is in suspense as to whether this pack of SS murderers will get their deserved punishment of many years imprisonment. Think what these murderers have caused... Here the court can show that there is a German justice, or whether you officials are treating these SS swine quite differently because they can defend themselves more cunningly than others. The public will judge German justice accordingly, just as foreign countries will do. Otherwise this town has forfeited the right to sit in judgement over others... Foreign countries shall be watching this trial closely and will assess the Germans accordingly.⁵⁶

Five days later, the second letter embarked upon a similar theme:

What Spengler has done is and remains the murder of innocent people. He has deliberately brought the name of Germany into dishonour for centuries. He cannot

⁵⁶ Letter to the Landgericht Essen (29 November, 1965), held in the Hauptstaatsarchiv Düsseldorf, Rep. 299 No. 794.

excuse himself... Murder is murder. No one gave an order for it and no one forced him. Only fanatics surrendered themselves to such murders. Only sadists. Today they all want to be innocent...

... We await the court's judgement and, after that, we assess the courts and judge the opinion. It is murder and nothing else. Never in a thousand years are there any excuses for such people.⁵⁷

Finally, on 3 February 1966 - just one week before the trial did reach its conclusion - another letter reiterated the sense of impatience for the end of the proceedings, the failings of the West German justice system in dealing with the crimes of the Third Reich and, once again, the impact the case could have upon international opinion:

You should pass the judgement now...

... Unfortunately no one can give me confidence in today's Germany. All the judgements contribute to the world no longer being able to trust West Germany.⁵⁸

The Wider Resonance of the Rhineland Trials

The war crimes proceedings staged in North Rhine Westphalia during this period also succeeded in resonating far beyond the confines of the courts themselves. A number of educational and commemorative activities were conducted in the region during the 1960s with the primary aim of fostering a more critical public engagement with the legacy of the Nazi past.

In early 1963, the German Trade Union Movement in Düsseldorf published a special volume on the recent Eichmann trial based upon a series of articles that had been written during the Jerusalem proceedings for two West German newspapers. The book was issued with the express desire of teaching the younger generation about the past, with the preface stating:

⁵⁷ Letter to the Landgericht Essen (4 December 1965), held in the Hauptstaatsarchiv Düsseldorf, Rep. 299 No. 794.

⁵⁸ Letter to the Landgericht Essen (3 February, 1966), held in the Hauptstaatsarchiv Düsseldorf, Rep. 299 No. 794.

We decided it must be our task to instruct them objectively upon this dark chapter in German history so that the German people shall never again be led under a dictator or perpetuate in his name such monstrous crimes.⁵⁹

The start of the 1960s also witnessed a rising interest in the history of the German Jews. The citizens of Ulm had produced their book on the town's Jewish population in the wake of the 1958 Einsatzkommando trial and the local Rhineland population now followed suit in delving into the region's Jewish history. At the start of the decade, an exhibition entitled "Life, Struggle and Death in the Warsaw Ghetto, 1940-1943" that had already been shown in West Berlin and Munich came to the town of Krefeld, organised by trade unionists, youth groups and victims' organisations.⁶⁰ Cologne, meanwhile, produced a massive exhibition, *Monumenta Judaica: 2000 Years of Jewish History and Culture Along the Rhine*, that went on display between October 1963 and March 1964. The exhibition was divided into five broad themes: representations of Jews in early Christian art, the political, social and economic history of the Jews in Germany, Jewish contributions to art, literature and science, Jewish spiritual life in the Rhineland and the Jewish year.⁶¹ The display was made up with paintings, photographs, sculptures and documents and was opened in a blaze of publicity by the President of the West German Parliament, Dr. Eugen Gerstenmaier. The event proved to be extremely popular with the West German public. By February 1964, *Monumenta Judaica* had attracted 67,000 visitors - an average of 4,200 every week since its opening. Some days saw a total of twenty five guided tours being run around the display and the accompanying guidebook had to be reprinted to meet the unprecedented demand.⁶²

The exhibition attracted much attention within the West German media. The *Frankfurter Allgemeine Zeitung* considered it as being of major importance to contemporary German history, while the local *Rheinische Merkur* recognised that "nothing similar has ever been attempted before. Here at last the sources are shown in an unbiased way, without having been screened for the sake of propaganda".⁶³ The

⁵⁹ A. Wolfman ed., *The Eichmann Trial* (Düsseldorf: German Trade Union Movement, 1963) - reviewed in *Common Ground*, "Book Notes", vol. xvii/1 (1963) p.33.

⁶⁰ *Jewish Chronicle*, "Warsaw Ghetto Exhibition" (15 November, 1963).

⁶¹ K. Schilling ed., *Monumenta Judaica: 2,000 Jahre Geschichte und Kultur der Juden am Rhein. Handbuch & Katalog* (Cologne: J. Melzer-Verlag, 1963).

⁶² *AJR Information*, "Monumenta Judaica in Cologne", vol. xix/3 (1964) p.5.

⁶³ *Ibid.*

Stuttgarter Zeitung, meanwhile, made the deliberate connection between this event and the legacy of the Nazi past:

The *Monumenta Judaica* exhibition is a humble memorial for the 11,000 murdered citizens of this city and for all their fellow sufferers... It is good that nothing has been suppressed or embellished of the suffering the Jews had to endure at the hands of the Christians.⁶⁴

The *Kölnische Rundschau* echoed this view, stating:

Much talk is going on about the past which has to be liquidated. Here we are confronted with the past happenings. There has been a Jewish Question also before Hitler, Himmler and Eichmann, the exhibition makes us aware of this fact. We have to realise that actually we are not faced with a Jewish Question, but with a Christian Question.⁶⁵

Not everyone, though, agreed with the sentiments being expressed in the West German media. In December 1963, in an echo of the daubing that had dominated the news four years previously, posters advertising *Monumenta Judaica* in the town were defaced with swastikas.⁶⁶

Local Church Responses and the Debates over the Statute of Limitations

Since the end of the Second World War, the West German churches, both Catholic and Protestant, had come under repeated attack for their failure to set a moral example during the Third Reich and to intervene in the face of the Nazi persecution of the Jews and other minorities. Christian groups, in response to their compromised past, spent much of the post-war era emphasising the suffering that had been wrought upon the churches by the Nazi regime and highlighting cases of church-led resistance.⁶⁷

John Conway has argued that it was not until the rise of a younger generation of church historians in the 1960s that the West German churches began to move

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ *Jewish Chronicle*, “Swastika Devils in Cologne” (6 December, 1963).

⁶⁷ See, for example, the account on Bishop August von Galen who publicly denounced the Nazi “euthanasia” programme from his pulpit in 1941 in B.A. Griech-Polelle, “Image of a Churchmann-resistor: Bishop von Galen, The Euthanasia Project and the Sermons of Summer 1941”, *Journal of Contemporary History*, vol. 36/1 (2001) pp. 41-57;

towards a more critical engagement with the Nazi past, looking more closely at the early acclaim that had been given to Hitler after his appointment as German Chancellor, the enthusiastic support displayed for his aggressive foreign policy and the silences that had accompanied the Nazis' violent persecution of the Jews.⁶⁸ Rolf Hochhuth's controversial 1963 play, *The Deputy*, was the most sensational publication issued during this period that condemned, in particular, Pope Pius XIII's response to the Holocaust.⁶⁹

Throughout the post-war era, there were also moves towards a new spirit of co-operation and reconciliation between Christian and Jewish movements. The Council of Christians and Jews paved the way, establishing a series of chapters across the Federal Republic.⁷⁰ Back in Britain, the organisation's newsletter, *Common Ground*, took an active interest in any instances of interfaith dialogue that were taking place in West Germany, especially that between members of the younger generation. A host of Christian-Jewish youth groups began to be formed during this period, the first of which was established in Düsseldorf at the start of the 1960s. In spring 1962, *Common Ground* was pleased to note that a similar youth group had now been set up in Bielefeld, an admittedly smaller organisation than its Düsseldorf counterpart, and one that was "somewhat hampered by there being no local Jewish youngsters to meet in discussion". Undeterred by this, though, the Bielefeld youth group focused itself on more practical activities, with fifteen young members undertaking the repair of a Jewish cemetery in a village near Detmold.⁷¹ *Common Ground* stated:

⁶⁸ J.S. Conway, "Coming to Terms with the Past: Interpreting the German Church Struggles 1933-1990", *German History*, vol. 16/3 (1998) pp. 378-381. For further details on the ways in which the German churches sought to contend with the Nazi past after 1945, see: M. Phayer, "The German Catholic Church after the Holocaust", *Holocaust and Genocide Studies*, vol. 10/2 (1996) pp. 151-167; R. Gutteridge, *Open Thy Mouth for the Dumb: The German Evangelical Church and the Jews, 1879-1950* (Oxford: Blackwell, 1976); M.D. Hockenos, *A Church Divided: German Protestants Confront the Nazi Past* (Bloomington, Indiana: Indiana University Press, 2004).

⁶⁹ R. Hochhuth, *The Representative*, translated by R.D. MacDonald (London: Methuen & Co., 1963).

⁷⁰ For details on the CCJ, see: M. Braybrooke & D. Coggan, *Children of One God: A History of the Council of Christians and Jews* (London: Vallentine Mitchell, 1991); W.W. Simpson & R. Weyl, *The International Council of Christians and Jews: A Brief History* (Heppenheim: International Council of Christians and Jews, 1988). See too G. Wigoder, *Jewish-Christian Relations Since the Second World War* (Manchester: Manchester University Press, 1988).

⁷¹ *Common Ground*, "Causerie", vol. xvi/1 (1962) p.25.

These are encouraging signs from young people in Germany and they help us to balance the recent depressing findings of a Frankfurt survey which revealed that the highest rate of antisemitism is to be found among young people of 18-30 years.⁷²

This, though, was not the first evidence of an active younger generation taking the initiative and seeking to engage more closely with the legacy of the Nazi past. Indeed, *Common Ground* ignored the fact that a Christian-Jewish youth group had been operating in Bielefeld since the mid 1950s at the height of public interest in the story of Anne Frank in 1956, with her *Diary* rapidly becoming a bestseller and the play of her life then touring the Continent. The Bielefeld youth group seized upon the example of Anne Frank and reprinted extracts from the *Diary* in their own newsletter in an effort to raise greater awareness of the Nazi genocide. The group prefaced the extracts with the following statement:

It is our conscience with which we are concerned in this issue. Why? Because 11 years after Germany's defeat, 12 years after July 20 1944, 17 years after September 1939, 18 years after November 9 1938, 23 years after January 30 1933, German boys and girls know hardly anything about those dates. Because no German should ever forget those dates. Because those days are memorials of our bad conscience. Because those days are beginning or end of a sea of blood and tears. Because those days ought to make our face blush with burning shame.⁷³

The group then proceeded to attack the state of history education within West German schools at that time, arguing that the children of the 1950s were still being taught in precisely the same manner as their parents and grandparents had been back in 1930 and 1900. The time had come, the group argued, for change. The early stirrings of a critical younger generation can thus be identified here, calling upon their compatriots to join together and to start probing the legacy of the Third Reich more deeply. In this way, it was hoped, some of the prevailing silences surrounding this era of recent German history could finally be shattered:

Ask your teacher about Stauffenberg and Julius Leber, about the November pogrom and the Jew badge - they will not answer. Or will they? Just ask. Ask your parents about the concentration camps and the gas chambers. Ask them. And go to the libraries. Get yourselves the books that will tell you all about those days.⁷⁴

⁷² *Ibid.*

⁷³ *Wiener Library Bulletin*, "The Thorn in the Flesh" vol. x/5-6 (1956) p.38.

⁷⁴ *Ibid.*

Change, though, did not happen overnight. Three years later in November 1959, the *Jewish Chronicle* again reported on the activities of the Bielefeld youth group. This time it had been planning a special public discussion to commemorate the anniversary of the Kristallnacht pogrom. The event, however, had to be cancelled because local adults “would not come forward to express their views”. The newspaper made the explicit link between this and the fact that, at the same time, the town of Bielefeld had witnessed the acquittal of Ewald Sudau in his trial for the murder of 150 Jews and Communists in Poland during the Second World War.⁷⁵ More success in organising an interfaith commemoration of Kristallnacht in the Rhineland came in Cologne in November 1961 - the twenty-third anniversary of the pogrom. Local schools placed wreaths in the Memorial Hall of the Jewish Community Centre and lit candles to remember those killed under National Socialism.⁷⁶

Further attempts to address the legacy of Nazism during this period were initiated by members of the Church hierarchy. In 1962, the Chairman of the Council of the German Protestant Church, Kurt Schaerf, addressed a gathering of 2,000 Christians in Oberhausen during which he bemoaned the often negative responses shown by the West German people to the Nazi war crimes trials. Schaerf stressed instead how the recognition of guilt and repentance was the only means for achieving a national recovery from the Nazi past and the regaining of foreign respect.⁷⁷ Meanwhile, Professor Hermann Schlingensiepen maintained regular correspondence with his fellow clergymen on the question of the Nazi past throughout the post-war era, following closely the impact of the Eichmann and Auschwitz trials and writing at length on the subject of German guilt and atonement.⁷⁸

In July 1961 and against the background of the Adolf Eichmann trial, a conference of the German Protestant Church involving Christians from all over the country, issued a public statement which made manifest their arguments for a closer reflection on the Nazi past and for improvements in history education:

Parents and teachers should break the silence so far kept on this matter as far as the younger generation is concerned. In the present state of affairs of world politics, the attempt to clear ourselves and to throw the blame for our own failure on other people

⁷⁵ *Jewish Chronicle*, “Silent Witness” (13 November, 1959) p.48.

⁷⁶ *Jewish Chronicle*, “Commemorating ‘Crystal Night’” (17 November, 1961) p.17.

⁷⁷ *AJR Information*, “Church Leader on Guilt”, vol. xvii/12 (1962) p.2.

⁷⁸ See: Bestand Schlingensiepen, Archiv der Evangelischen Kirche im Rheinland, Düsseldorf.

endangers not only one particular group of people, but the life of every one of us. Again and again, young people complain that they have been insufficiently informed (if at all) about the events in Germany relating to the Jews. We owe youth a frank enlightenment in this matter, even though in doing so we will be compelled to confess our own failure and our wrong thinking.⁷⁹

At the same time, the Church's statement attacked the popular defence tactic concerning "orders from above" and argued for a recognition of a wider responsibility for the crimes of the recent past:

Countless people try today to justify their evil deeds and thoughts by referring to a so-called state of emergency created by orders. 'We could not help acting as we did because we had to obey an order against which no resistance was possible unless one was prepared to risk one's own life'. It is necessary to see clearly that behind these excuses there is concealed the silent confession that one did nothing to prevent such coercive conditions as long as there was still time to do so...⁸⁰

Having established a precedent for concerning itself with the impact of Nazi war crimes trials, it is perhaps unsurprising to see that the German Protestant Church also seized the opportunity provided the trials of the mid 1960s to engage further with this issue. As this thesis has already shown, public discussion of Nazi war crimes during this period was increasingly dominated by debates over the Statute of Limitations. The question of whether to allow the prosecution of Nazi murderers to cease after 1965, and then 1969, was taken up by numerous interested parties, be they political bodies such as the SPD or former victims' groups. In 1963 and 1964, as the first Treblinka trial got underway in Düsseldorf, members of the German Protestant Church (EKD) also gathered in the city for two successive synods that added their weight to the Limitations cause.

The 1963 meeting in Bethel resulted in a seven page document that affirmed how all Germans had been implicated in the crimes of the Third Reich, and rued the failure of the churches to take concerted action at the time. The official statement was disseminated to the wider public through the press (both religious and secular) as well as via the pulpit during Holy Week. The EKD noted how all the churches, and all German Christians, had a duty "publicly to confess the irrevocable Lordship of God

⁷⁹ Statement by the Kirchentag: Conference of German Evangelical Churches held in Berlin 19-23 July, 1961. Cited in *Common Ground* vol xvi/1 (1962) pp. 19-20.

⁸⁰ *Ibid.*

over every sphere of life, thus protecting the victims of that system, especially the Jews, living in our midst. But very few had the courage to resist".⁸¹ Speaking about recent Nazi war crimes trials and the role of the courts, the EKD commented:

We see, first of all, a shockingly large and heavy task placed before our courts. They have to look into the abysses to evil and inhumanity which surpass the normal bounds of the imagination. The guilt that is to be punished here surpasses that which can be conceived and punished with the usual standards and punishments of human justice. Our courts of law will have great difficulty, after such a long time, in discovering the exact facts and determining rightly to what extent the accused were responsible. In every single case they will have to bear in mind what a powerful influence was exerted at that time by the terror of the Party and the State, through cunning propaganda and suggestion upon consciences which had been systematically willed to sleep for years or systematically trained in the wrong direction and by the temptations presented by positions of uncontrolled power. But the personal responsibility of every accountable person, especially the great responsibility of those entrusted with authority to give orders to others, must be irrevocably insisted upon. Within the limits in which human jurisdiction is possible, in any society evil must be recognised as abominable and must be punished accordingly.⁸²

The EKD drew heavily upon inclusive terminology throughout its statement, emphasising the widespread sense of guilt and responsibility that must be felt for the crimes of the Third Reich. It added:

For months we have experienced in the Federal Republic and in West Berlin an increased number of legal proceedings in which crimes of the National Socialist time are condemned, a process that, until now, seems to have excited foreign countries more than our own people. In these trials - the largest among them will be the Auschwitz trial - crimes that were committed by members of our people against millions of Jews and other ethnic groups, against men, women and children, once again rise before us in their enormous extent and their entire brutality. It is imperative that, through this, we challenge the discussion of the NS past of our people that we have previously neglected or taken too lightly.⁸³

The statements coming out of the EKD's Bethel synod did not pass unnoticed by the wider population. *The Kirchliches Jahrbuch* noted how:

The present public discussions already underway about the NS crimes trials and, with them, the tasks placed on the entire people, have become newly inflamed by the

⁸¹ *Kirchliches Jahrbuch*, "Das Wort des Rates der EKD zu den NS-Verbrecher-Prozessen" (1963) pp. 75-79.

⁸² *Ibid.*

⁸³ *Ibid.*

publication of the *Wortes des Rates der EKD*. In an abundance of, for the most part, passionate letters and comments, objections, doubts and sheer rejections were expressed. What's more, petitions of irrelevant and insulting character were also made.⁸⁴

The 1965 Synod, meanwhile, turned its attention to the increasingly pressing issue of the Statute of Limitations. During the meeting of 14 January 1965, Superintendent Munscheid declared:

On the occasion of the engagement with the Limitation of Nazi crimes, we remind our congregation of the Word of the Protestant Church in Germany from March 1963. Should an extension to the Statute of Limitations be necessary, then we ask the Council to work for the continuation of its position that this step be rightly understood in the congregation and public.⁸⁵

The following day, Munscheid led the synod in the formulation of an official statement to be issued regarding the limitation of National Socialist crimes:

The engagement on the expiry or extension of the limitations debate for the crimes of the National Socialist era poses a difficult decision for the German people, in that they have to answer for past events and maintain democracy. The decision lies with the responsible organs of our state. In this place we remind our congregation of the Word of the Council of the Protestant Church in Germany from March 1963. We ask the Council to help through a comment that in the congregation and in the public the right understanding for the impending decision.⁸⁶

The proposal was passed with thirteen abstentions.

The debate over the Statute of Limitations spilled over onto the pages of the local Catholic newspaper, the *Rheinischer Merkur*. Despite so far having remained largely silent on the staging of war crimes trials in its vicinity, the newspaper did report on the Protestant Church's activities - and prompted several letters from its readers as a result, anxious to express their thoughts on the issue. Dietrich Jahn from Hanover wrote:

Won't the Communist propagandists have the chance from 1 May 1965 to point to the mass murderers who will have the convenient opportunity to emerge and run around

⁸⁴ *Ibid.*

⁸⁵ *Landesynode*, "Verjährung von NS-Verbrechen" (1965) p.177.

⁸⁶ *Ibid.* p.199.

freely in the Federal Republic? Won't the general impression grow up that known mass murderers are untouchable? These questions certainly stand since the Federal Government has spoken against the extension of the Statute of Limitations for Nazi murder on the grounds that the Basic Law demands a crime may only be punished if its punishment was preordained.⁸⁷

The same correspondent continued to address the problem in a further letter to the newspaper just one week later:

An answer to the question as to how the limitation of Nazi crimes will influence the younger generation, one can read in the explanation of the Federal Minister for Justice, Dr. Bucher. Society has to live together with murderers whose crimes first came to light twenty years after their commission.

... Certainly, we can sympathise with the ordinary murderer who, by chance, has been left alone with his crimes and may have become another person after [several] decades. But here we are dealing with the designers, administrators and operators of a barely imaginable murder machinery. They enabled the protection, the secretive possibilities of a peculiar bureaucracy. Under these circumstances, the difficult distinction between guilt and innocence is still hindered today by political powers.

One should think that the purpose of the criminal proceedings lies in the recognising of guilt and innocence, guilt and innocence of the perpetrators, as well as the society. The punishment of the culprit is not the essential matter. Each process against Nazi criminals before a German court also means a purification of the German name in which the unspeakable happened at that time.⁸⁸

Other readers also engaged with in the debate. Claudia Pinl from Cologne commented:

I cannot always concur with Herr Wenger's views but in this case it would be more than desirable if his arguments were taken up by our responsible parliament. The early limitation of the heaviest chapter of crimes is nothing but a prize for the perfect murder. On moral and political grounds, it should be possible to clear this up quickly. The efforts of all judiciary grind slowly, as is inevitable in a democracy, but even I cannot share the optimism of our politicians who opine that all appropriate investigative proceedings will be initiated before the expiry of the Statute of Limitations for National Socialist crimes. Certainly, I have to agree here with Herr Wenger that it doesn't take a special law for Nazi criminals, but that the Limitations question be abolished.⁸⁹

⁸⁷ *Rheinischer Merkur*, "Frage um die Verjährung" (27 November, 1964).

⁸⁸ *Rheinischer Merkur*, "NS-Verbrechen straflos?" (4 December, 1964).

⁸⁹ *Rheinischer Merkur*, "Die Verjährungsfrist muß fallen" (23 October, 1964).

A study of the Rhineland during the early to mid 1960s thus reveals how there were many sections of the West German population during this period who were determined to try and foster a more critical engagement with the Nazi past. Although the war crimes trials themselves did not seem to generate the same scale of popular interest as those held in other areas, failing, for instance, to inspire letters from members of the public as the Sommer or Fellenz cases, there were clear signs that Nazi atrocities were being discussed at grass roots level. Churches, youth groups and school teachers echoed much of the liberal attitudes then being expressed within publications such as the *Kölnische Rundschau*, helping to ensure that the desire to deal with the legacy of the Nazi past did not remain empty rhetoric confined the pages of certain West German newspapers, but was actually transformed into practical educational and commemorative activities on the ground. The staging of special exhibitions on Jewish history and culture, the inviting of trial witnesses and Holocaust survivors into the classroom to talk about their experiences and planning of public discussions on the crimes of the Third Reich - even if not always successful - were indicative of a region apparently intent on confronting the legacy of the recent past.

In part, much of this may rest with the mythologised notions surrounding the history of cities such as Cologne under the Third Reich. While other areas of West Germany, such as Bayreuth, sought to present National Socialism as having come from “somewhere else”, North Rhine Westphalia could go further than most, pointing to its long-standing Left-wing political allegiance and its low voting figures for the NSDAP throughout the 1920s and 1930s as evidence of a healthy political tradition, and having its anti-Nazi record being publicly held up by none other than Chancellor Adenauer himself. At the same time, the persecution of Communists and the destruction of trade unions under the Third Reich gave cities like Düsseldorf a useful foundation for launching a particularly critical look back at the Nazi past during the 1960s and aided in the construction of a powerful resistance memory. Interestingly, though, the region did not appear to dwell on notions of German victimhood for too long. While other areas of the Federal Republic saw repeated references being made to the plight of the German population under Hitler, attacks being levelled on the Allied denazification process and an overemphasis on Germany’s own war losses, this language of German suffering was strangely absent from the majority of responses to

the Rhineland trials. Instead, the peculiar place of the Jews within Nazi ideology was recognised and accentuated within local representations of the Third Reich.

Silences did still remain, particularly with regard to the deportation of local Jews, and anti-Semitic sentiments continued to be expressed on occasion, either in the form of anonymous graffiti - as in the case of the Swastika epidemic - or in the course of discussions with like-minded people. Similarly, for all the region's talk of resistance and anti-Nazi sentiments, people such as the Edelweiss Pirates continued to be regarded as traitors.⁹⁰ Despite witnessing a series of war crimes trials being staged in the region during the 1960s, therefore, some elements of the past had yet to be tackled. In part, then, much of the public discussion taking place in North Rhine Westphalia during this period can be seen as following a very safe narrative, a story of imperviousness to the electoral appeal of National Socialism which saw its reward for all its suffering when a local mayor is made Chancellor of the new West Germany from 1949. Within this narrative, the more uncomfortable aspects of the region's recent history could be quietly brushed aside and ignored.

⁹⁰ For further details on the Edelweiss Pirates see: B-A. Rusinek, *Gesellschaft in der Katastrophe - Terror, Illegalität, Widerstand: Köln 1944/45* (Essen: Klartext, 1989).

CONCLUSION

This thesis set out to explore the extent to which the Nazi war crimes trials of the 1960s could be said to have influenced popular West German responses to the legacy of the Third Reich. Focussing on a series of cases that were prosecuted from 1958, it has examined the representation, within both the media and wider popular culture, of a whole range of criminal behaviour, from the crimes perpetrated by concentration and extermination camp personnel in Buchenwald, Auschwitz, Sachsenhausen and Treblinka, to the actions of Einsatzgruppe members and police leaders in the Baltic States during the Second World War. Highlighting trials heard right across the geographical spectrum of the Federal Republic - from Flensburg in the north, to Bayreuth in the South - it has attempted to trace what happened when the accused was drawn from the ranks of the local, civil society, and when the town or region conducting a war crimes proceeding had its own peculiarly close relationship with the Third Reich to contend with. At the heart of this project, though, has lain an attempt to go beyond the obvious public overtures made by leading national figures such as Chancellor Willy Brandt, and instead get closer to the ways in which the "ordinary" people at the grass roots level of West German society responded to the Nazi past during this period, and to demonstrate how the history of *Vergangenheitsbewältigung* can be seen as being much more complicated than much of the existing secondary literature has allowed.

Taken as a whole, this thesis has argued that war crimes proceedings did not take place in a vacuum, but were frequently seen to resonate far beyond the immediate confines of the courtroom walls and make themselves felt in all areas of local West German political, cultural and social life. Indeed, the prosecution of former Nazi personnel excited public opinion and often inspired wider debates and reflections, as typified by the arguments that surrounded a possible extension to the Statute of Limitations during the 1960s, as well as the reception afforded to the establishment of the Ludwigsburg Zentralstelle in 1958. In this way, the trials of former Nazi personnel were able to bequeath an important legacy of their own. Efforts were made throughout this period to ensure that the issue of the Nazi past would remain firmly in the public domain. The Auschwitz trial, for example, did not end for the people of Frankfurt

with the sentencing of the accused, but continued to make its effects felt a year later with Hermann Langbein's series of public and school lectures. Similarly, the town of Ulm was inspired in the wake of the 1958 Einsatzkommando trial to research the history of its local Jewish population, while North Rhine Westphalia saw much interfaith dialogue being undertaken in the region and the staging of the much publicised *Monumenta Judaica* exhibition on Jewish history and culture.

The type of crimes or criminals under discussion within these trials also affected popular responses. Most excitement did seem to be levied by the more sensational cases, although interest, even then, often rested very much on human interest stories. The trial of Martin Sommer, for example, gained more notoriety in the West German press for his wife's subsequent treatment by her employers than for the brutal manner in which he had treated the prisoners who had passed through the Buchenwald cell block. Similarly, the media focus during high profile proceedings, such as the Auschwitz trial, rested very much upon the "excess" perpetrators standing in the dock. In many ways, the criminals of the Third Reich continued to be presented as a radical few, as dehumanised sadists who had little in common with either the rest of the West German population, or mankind as a whole. A sense of distance, then, still remained, producing what Rebecca Wittmann has described as a paradoxical result: the media coverage surrounding such proceedings did elevate the Nazi genocide within the public consciousness, but these crimes were seen as part of a "macabre fantasy world", and their perpetrators not always recognised as "ordinary men".¹

War crimes trials also tended to provide people with the opportunity to accentuate their own suffering, whether it be at the hands of the Nazis - who were characterised as having duped the masses into submission through their propaganda - or those of the wartime Allies in the form of air raids, expulsion from the Eastern territories and the denazification process. Opinion poll surveys and letters to both the West German press and the courts themselves, ostensibly in response to a particular trial thus became a means for many "ordinary" people to draw upon their own war losses and reformulate their victim narratives. While the prosecution of Martin Sommer enabled former political opponents and Buchenwald prisoners to recall genuine memories of persecution under Nazism, many trials were accompanied by

¹ R.E. Wittmann, 'Holocaust on Trial? The Frankfurt Auschwitz Trial in Historical Perspective' (Unpublished PhD Thesis, University of Toronto, 2001) p.278.

attempts at relativisation, with people pointing to the fact that the Allies had not been put on trial for the bombing of Dresden or the atrocities carried out by the Red Army.

The continued staging of war crimes trials themselves into the 1960s was also contested by many West Germans. While the majority of those interviewed during opinion poll surveys were usually quick to affirm their support for the prosecution of individuals like Eichmann and Sommer, there was an element of the population which continued to hope that a final line could soon be drawn under the whole Nazi era. Indeed, it is important to recognise the diversity of opinions which existed throughout this period, and which fluctuated over time, not least as a result of the prevailing debates over the Statute of Limitations. As the data gleaned by the Allensbach Institut für Demoskopie has illustrated, the greater the passage of time since the end of the war and the commission of the Nazi atrocities, the more doubts that were raised as to the wisdom of punishing the now ageing perpetrators, and to the reliability of witness memories.

Having traced the impact of trials in various West German towns and cities, it is clear, too, that not all areas of the country were responding to the Nazi past in the same way. War crimes trials played out against the background of differing local political traditions, and in areas which had experienced varying degrees of association with the Third Reich. In researching this project, it has certainly proved easier to locate evidence of local responses to the proceedings within those places, such as Bayreuth and Flensburg, which did have closer ties with the Nazi regime, than in the Rhineland. For the most part, of course, this is simply a matter of choices surrounding the preservation of material within different archives. For all we know, the courts in Cologne and Düsseldorf may well have received letters from members of the public during the Sachsenhausen and Treblinka proceedings on a scale similar to those sent to the Bayreuth Landgericht during the Sommer case; the correspondence simply has not been saved. However, the question does remain as to whether people in Cologne, with its much publicised anti-Nazi image - typified within the public statements of the city's most famous son, Konrad Adenauer - felt they had as much reason to concern themselves with something that was not held to be a significant part of their local political culture?

The need to safeguard one's reputation was certainly a constant concern. At the highest levels of the West German state, the Federal Ministry of Justice published

a defensive account of its record in the prosecution of Nazi crimes in a retort to its East German critics, while Adenauer repeatedly expressed his fears for the effect that the 1961 Eichmann trial could have on the German name.² In the localities, too, individual states and cities wanted to be seen as doing the “right” thing in relation to the Nazi past. Many townspeople echoed Adenauer’s sentiments as they reflected upon West Germany’s standing in the world as a result of the gruesome testimonies emerging from the courtrooms, and there was some awareness that the rest of the world, especially in terms of survivors’ organisations and the Jewish press, was monitoring popular attitudes to such events. No good, it was often felt, could possibly come from a continual raking over of the past. Rather, the persistent staging of war crimes trials and the constant unearthing of yet more “murderers among us” was feared to be having a damaging impact on the nation’s standing. Such fears can be seen as fitting into wider political developments during this period, with the Federal Republic anxious about proving to the Western Allies that it could be a trustworthy partner in an international alliance against the perceived threat of the Soviet Union.

Each area that has come under investigation during the course of this thesis sought to dissociate itself as far as possible from the Nazi era and to present National Socialism as having come from elsewhere. Ulm, for example, pointed to the large, assimilated Jewish community that existed peacefully in midst up until 1933 while people in Bayreuth drew upon the KPD traditions of Northern Franconia and a musical heritage that stretched beyond the summer operatic festivals of the 1930s right back to the nineteenth century - a culture that was shown to have been appropriated and abused by Goebbels’s propaganda department. In each of these places, though, significant silences remained: the Nazis’ antisemitic propaganda had, after all, played upon existing anti-Jewish stereotypes, and Wagner himself had been a staunch nationalist. The very staging of a war crimes trial within these areas, meanwhile, was largely judged to be down to fate, or “blind chance”, as the *Bayreuther Tagblatt* put it in July 1958.³ Martin Sommer had been moved to the hospital in Bayreuth at the end of the war, while the chief defendant in the Ulm Einsatzkommando case, Bernhard Fischer-Schweder, had come to the town through the refugee camp. Even in

² Federal Ministry of Justice, *The Prosecution Since 1945 of National Socialist Crimes by Public Prosecutors and Courts in the Territory of the Federal Republic of Germany* (Düsseldorf: Oskar Leiner-Druck KG, 1962).

³ *Bayreuther Tagblatt*, “Dichtung und Wahrheit tendenziös gemixt” (27 June, 1958).

Schleswig-Holstein, the prominent and well-respected councillor and businessman Martin Fellenz was quickly shown to have been born in Duisburg. None of these figures were consequently seen as having anything in common with the rest of the townsfolk.

It is also not as easy to say that it was the coming of age of a new generation which effected a shift towards a more critical consideration of the Nazi past. Members of the older generation, including those born at the end of the nineteenth century and who were thus repositories of political memories other than Nazism were also shown in various opinion poll surveys as determined to confront the crimes of the Third Reich and supportive of both the trials and wider educational initiatives to raise public understanding of the recent past. Similarly, among those who had grown up under the Nazi regime, there were also enlightened individuals, now working as teachers, lecturers, clergymen, journalists and prosecutors who played a leading role in initiating public debates about the past, maintaining pressure on the judicial authorities to investigate Nazi crimes and developing Holocaust education within West German schools. History for pupils during the 1960s was not confined to textbooks, but increasingly came to involve excursions to Bergen-Belsen concentration camp where Anne Frank had died, and exchange schemes with Israeli and Polish schools. The war crimes trials themselves were also able to encroach into West German classrooms, whether through the screening of special documentary films, such as *KZ-Schergen* produced on the 1959 Sachsenhausen trial in Bonn, or through trial prosecutors and survivor witnesses being invited to speak about their experiences.

Likewise, the responses of the younger West German population during the 1960s were also rather more complicated than existing historical narratives would suggest. On the one hand, a questioning, younger generation was shown to be reflecting on the legacy of the Third Reich - and challenging their elders' silences - from the end of the 1950s, long before the much-vaunted student protests of 1968. On the other hand, in the wake of the Ulm Einsatzkommando trial, the local Ulm newspaper, the *Schwäbische Donau-Zeitung* found several people under the age of 25 who either did not know about the crimes of the Third Reich, or showed little inclination to involve themselves in this aspect of German history. Opinion polls conducted by other West German newspapers during the 1960s displayed a similar ignorance of the Nazi past among youngsters, or how many of them accepted

unthinkingly the antisemitic attitudes inherited from their parents.⁴ Even attending war crimes proceedings as part of a school trip did not necessarily inspire a careful reflection or increased understanding of Nazi crimes. Representatives for foreign media outlets often noted how pupils within the public gallery appeared bored, chattered with their friends or behaved inappropriately.

An analysis of the responses that were afforded to war crimes trials, therefore, does provide some interesting insights into popular memories of the Third Reich. Questions do, of course, still remain. It is difficult to find any surviving evidence of the ways in which school pupils and other members of the local population really felt when attending the trials, or the level of close attention that people may have paid to newspaper reports on the proceedings, beyond the amount of detail they were able to provide when questioned in opinion surveys. Nevertheless, this thesis, utilising unique source material and drawing upon war crimes cases which have hitherto been largely ignored by historiography, has highlighted the complexities of the situation in 1960s West Germany. Above all, it shows that for all the progress made during this decade, there was no one-way street towards a positive, critical and widespread reflection upon the Nazi past. Far from being the decade of immediate and far-reaching reform in terms of the nation's handling of the National Socialist legacy, the 1960s continued to be dominated by silences, evasions and subtle distortions of the recent past. As such, linear narratives of the Federal Republic's "confrontation" with the past which construct it as a straightforward process of ever greater engagement are in need of considerable revision.

⁴ *Schwäbische Donau-Zeitung*, "Sühne für tausendfachen Mord" im Urteil des Volkes" (1 September, 1958); *AJR Information*, "Children's Ignorance", vol. xv/6 (1960) p.2.

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Page 255 missing

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