

INVESTIGATION OF DENAZIFICATION
IN POST-WAR GERMANY 1945-50


by

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ABSTRACT

Investigation of Denazification in Post-War

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This paper investigates the background of occupation policies which the Allied Forces planned to implement after the defeat of Germany with the focus on denazification, the means of implementation first during the Mobile Combat Phase and later under Military Government is explored. It is shown that the conflicting attitudes of the Allies during the planning stage as well as the disparity between political and military planners in the U.S. was reflected in the eventual application of the directives resulting in their often arbitrary interpretation. The decision to turn over denazification to the Germans in 1946 was the major point in the evolution of the denazification program. The methods used by the Allies and the laws established by the Germans to deal with removal of nazis from public life are investigated. Some conclusions are drawn about the success or failure of the original plan.

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INVESTIGATION OF DENAZIFICATION
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As the Allied armies advanced toward victory among the ruins of the Third Reich, it became apparent that if the ideology of Nazism were to be destroyed it would have to be replaced with another. If the mistakes of the Versailles Treaty, the Weimar Republic, and the eventual establishment of Hitler's National Socialism were never to be repeated, Nazism would have to be purged forever. It was assumed that a devastated nation which had virtually disintegrated politically, socially, and economically would be most susceptible to re-education according to democratic ideals. Therefore any plan for occupation has to have denazification as its highest priority. The policies which evolved from the planning stage, their implementation by the Allied Forces and an assessment of the impact of the plan are the subjects of this investigation.

It was the mission of the Allied Forces to plan and implement occupation policy, and as Franklin M. Davis points out in Come as a Conqueror, the task was a complex one:

The troops now realigning themselves within Germany and along its approaches shifted and adjusted according to a concept that had as complicated an evolution and development as anything since the blueprint for Armageddon referred to in Revelation 16.¹

This thesis follows the format and style of the Journal of Contemporary History.

There were several reasons for this but mainly there was from the very beginning of the entry into the war by the United States a disparity between the political planners of the State Department and the military planners in the War Department that "no amount of coordination 'at the highest level of government' (Washingtonese for the President) could ever truly overcome."² General Dwight D. Eisenhower, who led the Allied forces to victory in Europe, considered the conduct and success of Allied military warfare a "miracle." But, Davis writes further, this miracle did not translate well into occupation policy:

The story of the war itself was, as Eisenhower describes it, a story of unity produced on the basis of voluntary cooperation among the governments and forces of Great Britain, the Soviet Union, France, and the United States allied in a mighty coalition for the purpose of destroying the German-Japanese axis. The real significance of the occupation as a necessary and logical extension of those same war operations was never clearly recognized with the same unity and 'near perfection in allied conduct' which Eisenhower saw in the direction of the war itself.³

The question of denazification was, of course, a perplexing one for the Allied planners for occupation in the early days of the war. Where were they to draw the line on who is a Nazi? Should they remove and intern all party members? Was it feasible to democratize Germans who had not shown during the Weimar Republic that they could cope with a democratic government? Should Nazis have the chance to be denazified and democratized? How could this be accomplished?

There was much disagreement on all these questions, not only among the Allied representatives, but especially among the U.S. representatives at the various conferences held after the U.S. entered the war. They were all united in the belief, though, that having committed themselves to victory, plans for occupation had to be made. The plan agreed upon envisaged -- after total demilitarization and automatic arrest of Nazis suspected of war crimes -- a program for territorial, administrative and economic continuity, prompt reorganization of political parties and worker unions, as well as elections at the earliest possible time. During the interim period Germany would be governed by an inter-Allied control council which was to direct German civil administrations through indirect rule after dissolution of the Nazi party and the firing of all Nazi officials. The plan was to be completed by the immediate execution of Hitler and his accomplices and trial of all war criminals by a special Allied tribunal.

In the United States these plans were embodied in a document entitled "Directive to the Commander in Chief of U. S. Forces of Occupation Regarding the Military Government of Germany in the Period Immediately Following the Cessation of Organized Resistance (Post Defeat), or JCS 1067. While this document bore a Joint Chiefs of Staff number, it was actually written by the War Department Civil Affairs Division. This agency in turn consulted constantly with President Roosevelt and Vice-President Harry S. Truman and had many conferences with the War, State, and Treasury Departments. JCS 1067

was originally drafted to give some guidelines for military commanders to follow until Allied civilian governments could be set up in the defeated Germany. During the drafting stage Secretary of the Treasury Henry J. Morgenthau had visited Europe and brought back a handbook for military government written in the SHAEF G-5 German Country Unit. Since they had nothing to go by, the SHAEF (Supreme Headquarters Allied Expeditionary Forces) American and British planning staff had been kept up to date on occupation planning by the European Advisory Commission, based in London and made up of U.S. and British political and military personnel. The SHAEF planners had simply assumed that good democratic government would be provided to occupied Germany via the military. The enraged Morgenthau submitted this handbook to President Roosevelt with extremely critical comments and Roosevelt directed that all copies of the handbook should be withdrawn. (His note to Secretary of War Stimson included the comment that "this time" everybody in Germany should recognize that Germany was a defeated nation. He did not propose to start "a WPA, PWA, or CCC for Germany," and the German people were to "have it driven home that the whole nation has been engaged in a lawless conspiracy against the decencies of modern civilization."⁴) The result was the Treasury Department's presentation of the Morgenthau Plan for Germany at the first meeting of the newly formed Cabinet Committee on Germany. It was a plan based on the assumption that Germany was an incorrigible instigator of world wars and should be denied the means for

ever building armies again by tearing down industries, closing coal mines, and converting the population into a nation of small farmers. Secretary of War Stimson was against the plan as were others, and the committee finally adopted a five-point program for Germany, none of which originated in the Morgenthau Plan: demilitarization; dissolution of the Nazi Party; controls of communications, the press, propaganda, and education; reparation for those countries wanting it; and decentralization of the German governmental structure. While Morgenthau's input was limited to economic matters, the resulting JCS 1067 did not embody a positive program and left open the possibility for the pastoralization of Germany which he envisaged. The final version of JCS 1067 was a document which was meant to be used only for a short term and whose language could be interpreted in several different ways.

The extensive scope of occupation operations can only be realized if we consider that no plan of action could possibly contemplate the complete desolation of Germany as the Allies found it in the Spring of 1945. While the Allied forces were moving forward, the occupied areas had to be brought under military command; thus restoration of water supplies; electricity, and telephone lines and movement of food and ammunition were the uppermost considerations. At the same time detachments of the conquering armies combed the cities, villages and countryside under their command to comply with the first rule of denazification: After those on the "automatic arrest" list were interned in prison camps, all suspected Nazis in

civil service jobs were arrested to fill out a questionnaire which allowed the Allies to determine (from their answers along with cross-questioning of the population) whether they would retain their positions or were disqualified. Since most were disqualified the Armed Forces found few Germans who could help in administrative matters. They often were forced to pick inexperienced individuals as Bürgermeister (mayor) who in turn had to pick their assistants to administer the civilian population, under the Allied Commander of the Armed Forces of the area. The directive followed in the American zone of occupation was Joint Chiefs of Staff paper 1067 -- the many-times rewritten document under which the U. S. military forces were to administer their occupied areas. It had been incorporated by Britain and France in their occupation plans but was carried out most vigorously by the U. S. Forces. Since it stressed denazification, demilitarization, disarmament, restrictions on political activity, and the necessity for military control at all levels of government, priority was given to removal of Nazis from all positions of responsibility. This left the commanders with few qualified civilian workers, thus frustrating their efforts. Demilitarization and disarmament were two programs easily carried out. While threats of "Werewolf" activities (those of a German resistance group charged with fighting to their death and taking any "collaborator with the enemy" with them) were taken seriously by the Allies, it soon became apparent that they met little, if any, resistance by the civilian population.

Weapons of any kind were readily handed over -- even unusable antique hunting guns and swords from the Franco-Prussian War. They were destroyed or taken home by the victors. Prohibition of marching; parades; uniforms; military songs; the national anthem; war books, films, and art; militaristic toys; and veterans' organizations and benefits were all successful measures because the Germans themselves were ready to accept them. Edward Peterson in The American Occupation of Germany: Retreat to Victory tells why:

Postwar Germany was a society where most men and some women from fifteen to sixty had been drafted, where millions of men had been killed, imprisoned as forced labor, or disabled for life. Millions of children had lost fathers. Many boys ended the war soldiering in a hopeless slaughter. City dwellers had repeatedly crouched in cellars, frightened to near hysteria by the bombing, many lived for years in ruins with their possessions destroyed. Other millions had lost their homes and land forever. In the face of the resulting hatred for war, the military government laws were inconsequential. Demilitarization was welcomed by most, resisted by none.⁵

The detachments of military government which were to administer the civilian population had an almost impossible task, especially in view of the fact that some were stationed in a dozen towns within a month. Those which paused in a town for any length of time came under the jurisdiction of each tactical unit that passed through the city, resulting in changes in curfew hours, security zones and other regulations.⁶ While conflict in jurisdiction was foreseen by the planners for occupation, they nevertheless made one

directive superior to all others: tactical boundaries took precedence over military government boundaries.⁷ Thus denazification was not carried out as uniformly and vigorously as originally planned. Military government detachments relied heavily on the Counter Intelligence Corps for evaluation of an individual's qualification to hold public office. Yet clearance by the Counter Intelligence Corps often only meant that the organization had no evidence against the individual. Thus, according to a survey report on the status of denazification at the end of June 1945, it was widespread practice among military government detachments to retain qualified personnel in subordinate positions. Of 216 detachments surveyed only 20 reported completion of denazification.⁸ This prompted the U.S. military government to begin the vigorous effort in denazification for which the U.S zone became noted among the Allied forces. The organizational process involved the stationing of one detachment of the military government force in each unit of German government -- all Stadtkreise and Landkreise (city and county districts)

While the Allies had met, disagreed, and negotiated for years about the conduct of the war and plans for occupation of Germany following its end, they were always in complete agreement that Nazism must be eradicated. Denazification was to become basic to all of the military government's political policies. While the British relied on the help of "minor Nazis" in conducting military government in their conquered areas, and the Russians even used gestapo men as police, the

U.S. adhered completely to JCS-1067, even though the policy makers who designed this directive were at times ill-served by emotional social scientists (often emigres) who used history to show that Nazism was deeply rooted in the German soul, culture, and character. This analysis during the planning stage for occupation was fortified by the discovery of Buchenwald and Auschwitz after VE-day, and any hesitancy OMGUS (the Office of Military Government-US) might have had concerning radical denazification was stifled by the discovery that the horrors of the camps were indeed not mere Allied propaganda. OMGUS accepted the idea that every man, woman and child still living in Germany was personally responsible for the crimes of the Nazis. This theory of collective guilt remained the policy line until 1946.⁹

That there was a division of thought on how severely Germany ought to be dealt with after the war's end became obvious even during the planning stage for occupation. The British advocated a softer line than the Russians or Americans. Field Marshall Montgomery cautioned in 1945 that if denazification was carried out too harshly or not quickly enough it would result in a Pariah class of impoverished, hungry people and create chaos which would be counterproductive to the democratization process of Germany.

While the Allies advanced toward Berlin the phase of provisional rule by the Allied army commanders in their particular occupied areas was concerned mainly with stabilizing the situation (security, provisions, communications).

On July 7, 1945 the 6th and last revision of JCS 1067 was issued. The "mobile combat phase" of USFET (United States Forces European Theatre) now shifted to the more stable form of administration under OMGUS. The provisional plan of April 26, 1945 which prescribed "clean-up" measures such as arrests, releases, dissolution of the Nazi party, declaration of all national-socialist laws invalid, confiscation of Nazi wealth, forbidding of parades, name changes of streets and buildings with Nazi names now for the first time was put under the heading "denazification". The new issue of JCS 1067 (Law No. 8) for the first time spelled out the procedure for denazification of an individual and extended it to not only the leadership but all persons in civil service positions, as well as all those in semi-private and private enterprise who were suspected of active support of national socialism. They had to fill out a long Fragebogen (questionnaire). If on account of their answers it was decided that they were more than "nominal" Nazis they were to be released from their positions without question concerning availability of a replacement. Any legal rights of the individual regarding resignation, severance pay, or pension were to be extinguished automatically.

The investigation of the questionnaire was the duty of the Special Branch. If an individual had to be released from his job it was the Special Branch which informed the officer in charge of the individual's employment category, who in turn not only relayed the judgement to the German

authority but also had to follow up on its execution. While this system was to yield a uniform application of JCS 1067, it was from the start often interrupted. Some military government branches, perhaps influenced by a certain political direction of their leader toward an excessively harsh and expansionary interpretation of the directive, used their own additional restrictions which in part sped up releases, but in general made more demands on the political past of the candidates for civil service.

Such differences in interpretation and application of the denazification directives were not only due to lack of coordination between military government and Special Branch but also to the fact that Special Branch was not yet fully established and operating during the period between the combat phase and occupation phase of military government. By the time complete coordination could be established other orders had changed the political substance of the original directives. To allow the Special Branch to make more uniform decisions on who is a Nazi and what judgment should be recommended for him, military government in the directive of July 7, 1945 established automatic judgment categories into which accused Nazis should be placed according to the result of their questionnaire and/or charges brought against them. Once special branch thus categorized an individual, it was up to the controlling officer from military government to accept or reject the recommendations of the Special Branch. The categories were as follows.¹⁰

1. Mandatory Removal. The accused is to be dismissed from his job immediately (or not to be hired, whichever the case may be); his wealth is to be impounded; any disbursements due him are to be stopped.
2. Discretionary, adverse recommendation. The dismissal of the accused is to be decided by the military government officer in charge, but Special Branch advisers dismissed (with the punitive measures above).
3. Discretionary, no adverse recommendation. The dismissal of the accused is to be decided by the military government officer in charge. Special Branch makes no recommendations.
4. No objection. No objections to continued employment or reinstatement in position. No evidence of Nazi activity.
5. Retention recommended (evidence of anti-Nazi activity). Continued employment or reinstatement is recommended because proof for resistance against National Socialism is available.

Category one essentially included two personality groups: those who had by early entry into the party secured for themselves civil service positions, and the leading executive personnel of the Third Reich, especially relative to administration, the military and economics. This included those suspected of war crimes; all members of the NSDAP (National

Socialist German Workers Party) who enlisted before 5-1-37; all officials of the Nazi party as well as its affiliated organizations; all leaders of the Hitler Youth, Bund Deutscher Mädel (Federation of German Girls), and the National Socialist Student Organization; all officers and non-commissioned officers of the SS, SA, Waffen-SS, NS General Staff and all civil servants; as well as collaborators, denunciators, instigators and criminals against the racially persecuted.

The second and third category included career soldiers of the German Armed Forces, large landowners, and in general the upper economic layer of society.

These automatic removals were not intended by the planners of occupation to serve as a punishment but rather as a temporary political clean-up measure which was to rid the administrative services of Nazis. The fact that many would fall under category three, four or five would have to be established after investigation. Those found to be guilty of war crimes were to be tried later when tribunals were set up.

During the first three months after the German surrender approximately 80,000 Germans were under detention (not including members of the Waffen SS and security police who were held as prisoners of war). By the end of the first year of occupation 1,500,000 persons had been investigated in the U.S. zone alone. Of these 308,000 persons were removed from leading positions in private business and

public employment, in addition to the 100,000 "automatic arrest" category persons already in U.S. internment camps. The British had interned about 50,000 men and removed 100,000 from positions of responsibility. The French fired around 50,000 persons.

When General Lucius D. Clay was appointed U.S. military governor of Germany in 1945, he became convinced that changes to JCS 1067 were necessary to more effectively deal with all aspects of his job. His efforts in this direction were futile because formal policy changes were feared to cause unfavorable comment in the American press to the effect that the U.S. had abandoned its hard-line treatment of Germany. In a letter to Assistant Secretary of War McCloy describing his organizational plans he said "Washington must revise its thinking relative to destruction of Germany's war potential... The progress of the war has accomplished that end."¹¹ The directives which were issued to the field military government officers had denazification as top priority but made no provisions for how to cope with the thousands of people involved in the purge of Nazis. In the U. S. zone alone over 300,000 government employees were needed for administrative purposes not counting replacement of Nazis who had been removed in schools, churches, hospitals and private enterprise. While the task of removing Nazis proved not too difficult -- partially due to meticulous German record-keeping -- it became quite a problem to find able people to take their places. Often it was the case that the only men

with the necessary qualifications were career civil servants many of whom had participated in activities of the Nazi party even though they may not have been active members. Among the 100,000 men interned in the U.S. zone alone, the loop ran big. The internees included Otto Skorzeny, the Nazi commando who had snatched Mussolini away from the Allies and organized an unsuccessful attempt to assassinate Eisenhower, and Adolph Eichman, the bureaucrat who -- from a desk in Berlin -- managed the extermination of European Jewry. Both escaped. But alongside them in the camps were men like Kurt Georg Kiesinger, a South German lawyer and official of the Foreign Ministry's radio propaganda section who twenty-two years later was to become Chancellor of West Germany.¹² With complete lack of directives regarding what to do with all these people, the job of the military government became more difficult with every day of the occupation. The economic unity agreed upon for the four zones at the Potsdam conference did not materialize -- adding to the problems of the Western Allies. An additional problem was the fear of many individuals in command that they would find and condemn many as Nazis even though they may have held membership only in affiliated organizations and that this mass condemnation would not receive support of anyone -- even those who had opposed Nazism.

The "automatic arrest" category persons lingering in internment camps presented a greater problem to the field commanders than other Nazis who were simply removed from

their posts, required to fill out a Fragebogen and forbidden to work until their case was acted upon. The internees represented a contemptible and much hated group, but the fact that they were held without being informed of their crime and that there was no provision for trials was against United States tradition. It was clear that American tribunals could not yet be established because it was difficult enough to secure personnel for the Nurnberg trials at that time. But arresting people without a hearing seemed to many one of the least defensible aspects of denazification. It is not surprising then that interpretation of directives based on JCS 1067 varied greatly among the field commanders. On an inspection tour of U.S. internment camps, one of General Clay's assistants observed that the prisoners were almost as weak and emaciated as those found in Nazi camps. The young commandant simply said that he had "kept the inmates on a starvation diet to give these Nazis some of their own medicine."¹³ Then there was General George Patton who had fought the Germans as valiantly as the best soldier, but his ideas on denazification were clouded by his zeal to stamp out communism. He was clearly against any directive to remove all Nazis from positions where they would be useful to him in administration. The interview in Bad Tölz concluded his career. There press members questioned his logic by posing the question "After all, General, didn't most ordinary Nazis join their party in about the same way that Republicans become Republicans and Democrats Democrats?" and he replied

"Yes, that's about it." This remark escalated into an international scandal and as a result Clay gave up his idea of getting Washington to soften some denazification rules. But by October 1945 Clay recommended to Washington that the internees in the camps should be allowed to exchange letters with their families and that their cases should be investigated by German courts, since by that time there were 94,000 under mandatory arrest who had been held incommunicado without trial. It should be noted here that only 80% of the internees belonged to organizations under indictment at the International Military Tribunal and the majority of those were not active members. On December 8, 1945 Clay therefore recommended that the mandatory arrest category be limited to dangerous security suspects, active members of the indicted organizations, and individuals suspected of war crimes. By Spring 1946 a rule had been established which permitted that general staff officers and high officials of any land could be released upon review -- but reviews occurred in few cases. The incredible fact, though, is that the "Elite" prisoners -- the top war criminals -- were housed separate from the others in buildings while the majority had to live in tents even in the winter of 1945-46. Pictures of Hermann Goehring -- which the Russians were delighted to publish often -- eating a meal in a warm room enraged the hungry German in the street! The situation in these camps was actually so bad that observers concluded this collection of forgotten men -- many of whom turned out to be innocent of any of the charges --

probably was counter-productive to eliminating Nazis and hindered denazification. These captured Nazi leaders put together could revive their "spirit," and if important figures could have been tried in their native communities, the Germans would have known that the big Nazis were not getting away. The allied powers began to realize that they had in a sense reconstituted the Nazi Party by creating a class of "Ex-Nazis," a factor for political instability at a time when their efforts were leaning toward economic rebuilding and democratization of Germany. General Lucius Clay became convinced that changes to JCS 1067 were necessary to more effectively deal with denazification. He felt that while war criminals and mass murderers ought to be tried by Allied courts, the others should be judged by German courts. The Germans ought to clean their own house!

It was decided to invite the three states of the American zone to submit proposals for changes to the American denazification program. This prompted an outcry in the United States against "going soft" on Nazis. The "Society for the Prevention of World War III, Inc." wrote on January 9, 1946 to General Joseph T. McNarney of the War Department:

In the light of this serious situation, the Society for the Prevention of World War III views the proposed action of placing the responsibility for denazification with the Germans as a dangerous measure. It is obvious that not only will large numbers of Nazis escape the so-called "screening test" of their fellow Germans, but our basic policy of rooting out of German life the men and women who have jeopardized our security will be discredited in the eyes of the Germans... the responsibility

of our military officials in ridding Germany of Nazis must be immeasurably increased. Entrusting this program to Germans is in effect disregarding completely our objective of denazification.¹⁴

The answer came from General F. C. Meade, Director of the Office of Military Government for Germany (US) Internal Affairs and Communications Division. In it he stated that

...the complete elimination of Nazi and militaristic influences from German life is one of the principal objectives of U.S. and Allied military government in Germany. No deviation from this objective has occurred or is contemplated... The Law for Liberation from National Socialism and Militarism, promulgated 5 March 1946,... provides a means whereby the German people are given an opportunity to participate in the accomplishment of this essential objective. For long-term reform, the dominant social attitude of the Germans must be altered... Military government will maintain a constant check on the operations of the Tribunals and will reserve the right to direct the reopening of any case at any time. Thus, the final control and supervision of the denazification program will remain with military government... It is our view that is [the denazification program] has been strengthened and improved by the adoption of the Law for Liberation from National Socialism and Militarism.¹⁵

The exchange of these two letters points out rather succinctly the attitude of the public and the U.S. government at the time. The public could not possibly comprehend the enormous difficulties the military government faced in trying to bring order to a devastated country. The military government itself found that the actual conditions far surmounted any planning for occupation. It was necessary to retain a large number of soldiers for administrative duties who would rather have gone home! The problem of finding a sufficient

number of Germans for administrative positions was part of the reason for extending the duty of thousands of GIs after the surrender of Germany. The new law was to accomplish two things: 1. To allow a reduction in OMGUS participation in the denazification program by adoption of a supervisory role; 2. to give the Germans a chance to "clean their own house". It was anticipated that these measures were to the benefit of both sides.

Denazification procedures under OMGUS were slow and consumed the time of 283 detachments (over 5000 men). With a lack of German language experts the Americans had to rely on German translators, many of whom first had to be denazified before they could be employed.

The fact that the initial directives were expanded by Clay's hastily conceived Law No. 8 in September 1945 to include not just people in position of responsibility (civil servants) but all Germans in private enterprise made the burden insurmountable. This law -- which came in the wake of the Patton scandal -- made it unlawful to employ any member of the Nazi party or its affiliates in any position other than ordinary labor. The law was conceived by Clay because he thought until then that denazification of the militarist-industrialist and high official groups was most important. But he recognized the need for extension of denazification to the whole society when he was told about a butcher who had saved his best meat for party members. He saw as much evil in Nazi sympathizers who became

rich at the expense of the Nazi party as he did in the "big Nazis" themselves. He had not consulted the USFET denazification staff, who immediately realized that this law made their already difficult job almost impossible and would lead to mere confusion rather than intensification of denazification. They recommended turning the program over to the Germans, and from several proposals submitted by the States of Bavaria and Hesse the "Law for Liberation from National Socialism and Militarism" was drafted, negotiated, and finally accepted by the U.S. military government and the three Laender, Hesse, Wurttemberg-Baden, and Bavaria on March 5, 1946. It contained all denazification directives of JCS 1067 but added a procedure for establishment of German tribunals, investigation offices, and appeal procedures. Also, to complete the initial plans of OMGUS, it called for all Germans over 18 to fill out a Meldebogen or registration card which could be used like a Fragebogen; denazification was to be extended to all German adults. Between March and September 1946 there were 407 tribunals established in the U.S. zone with a total personnel of 11,387. Tribunal personnel numbered 7,026, public prosecutors and personnel 961, and the Ministry for Political Liberation 308.¹⁶ Thus the process for expedient screening of cases (by public prosecutors), their trials (tribunals) and arbitration and appeals (Ministry for Political Liberation) was expected to be swift and fair, since the personnel involved were supposed to be from a cross-section of all

political parties in existence at the time. That the Communist party was over-represented in the tribunals (especially in Bavaria) and the first Minister for Liberation also was an avowed Communist had the Germans cast some doubt on the impartiality of the tribunals. Each tribunal had three lay judges and a prosecutor. Their categorization of Nazis as major offenders, offenders, lesser offenders, followers and persons exonerated and the sanctions imposed on those found guilty were subject to review by OMGUS.

When these tribunals started their investigations it was hoped by OMGUS that the process would be more speedy than under their own procedures, but the Germans did not quickly react to a title, for instance, as an American would have; instead, they meticulously followed up every answer to every one of the 131 exhaustive questions on the Fragebogen. A question at the top inquired whether the applicant's spouse's grandparents had been nobles! Also his church affiliation, a detailed account of his education, a chronological record of his employment and military duty since 1931, military honors, and memberships in organizations, etc., had to be included. Then he had to list relatives who had held office or belonged to these organizations as well as contributions made to them. He was required to name political parties to whom he had belonged prior to 1930; then came questions 108 and 109: "108. For what political party did you vote in the election of November, 1932?" "109. In March, 1933?"¹⁷ These questions shocked the

Germans because balloting had been secret in those elections and they concluded that the Americans were just as insensitive regarding privacy as the Nazis had been. The result was that most people lied about those questions on their Fragebogen. Other questions dealt with property and so forth, so one can imagine the enormous staff it would have taken to process the questionnaires with any speed at all. Before denazification was turned over to the Germans, the American Public Safety Officers of Special Branch checked the Fragebogen against files, intelligence information and newspapers, and then arbitrarily determined who more than nominally participated in Nazi activities. The new law was to make the proceedings less arbitrary. It was thought that Germans were probably better able to search formal records exposed by the Fragebogen. But the Spruchkammer system became a great disappointment. The Germans themselves felt that it was necessary to punish those responsible for crimes under Nazi rule, but the majority did not support punishing those who had joined the party because of ideology or because they were forced to join to keep a job or get a promotion. As soon as the German tribunals began to operate and review the thousands of appeals, the Americans charged that they were too lenient. Bribery of purge tribunals was rampant and eventually climaxed in a scandal which saw many judges brought to trial themselves. General Clay was forced to protest strongly against the slowness of the proceedings and the laxity in their

judgments, and he threatened to take denazification back under the jurisdiction of the military government. It became obvious that the system was harder on the minor Nazis than on those with higher stature. People with money and influence simply could afford not to work and thus were unaffected by the purges if they were not in the automatic arrest category. Or they could move to another land or zone where they were not known to wait out their time until the heat of public opinion had a chance to cool.¹⁸

A typical hearing in the Spruchkammer usually lasted around two hours. After a short recess the verdict was announced -- monetary fines or Arbeitsverbot (no work permit for a certain period). This again did not affect those with money, and to be debarred from all but physical labor gave the convicted Nazis a chance to join the food-hunters instead of having to be among the rest of the Germans between the ages of 14 and 65 who could by military government regulation be called up for forced labor. The procedure could also be done in writing if an individual did not want to argue his case personally and if he thought he had enough documentation for the "exonerated" category.

The attempt at political mass classification under JCS 1067, of course, led to injustices in all zones of occupation. A popular joke at the time concerned two street-sweepers who met during the winter of 1945-46. In conversation they discovered that both were former bankers and congratulated each other on having found a job that provided

a hot meal during a time of frightening food scarcity. One said "I managed to get this job because I never associated with the Nazis." "I was a Nazi," said the other "and therefore the only job open to me is that of street cleaner." The reason that Ernst von Salomon's book Der Fragebogen became a best-seller in the early fifties was because this sarcastic account of his unsuccessful attempt to prove that he was not a Nazi reminded many of some aspects of their denazification.

A number of amnesties lightened the load of the tribunals. But when the U.S. decided to apply shock treatment by revealing that the master file of the Nazi party had not been destroyed at the end of the war, and the files of the various affiliated organizations like the SS and SA were also found intact, the result was a mass return of memory and thousands of requests for amendments to the Fragebogen, thus complicating and delaying the program even more.

A glaring case of poor planning involves Information Control Division which, before the German surrender, was the Psychological Warfare Division. The ICS's job was to censor German publications -- newspapers, books, periodicals, theater and music, radio and film. It had remained independent from the military government and thus also did its own job of denazification. While it is logical to assume that a high priority would be their removal of all Nazi propaganda literature from German libraries, publishing companies, and schools, no provision had been made -- and obviously none

was intended -- to search the entire field of literature published between 1933 and 1945. But the Russians had done just that! They arrived in Berlin with a 526 page book that listed all writers who published during that period and whose books were Nazi or anti-communist. This meant all books which were not pro-communist! The Americans adopted the book with zeal and used the names in it for a blacklist of German writers of recognized literary rank. The cited books and authors were placed on a roster which was distributed to all German public libraries, bookstores, and publishing houses with the order to remove any of these books they had. Non-compliance was to result in penalties. Compliance was verified by ICD spot checks. The authors on this list were never informed why they could not get approval for new publication nor that they had been black-listed! The confiscated books were pulped except the copies which went to the U.S. Archives. As late as 1951 when many authors on the list had already received permission to publish they were not told why earlier works were removed from circulation. Since most of the writers had published before 1933 and were not Nazis, their books were not Nazi propaganda (even though many had continued to write during the Third Reich within the censor limits imposed by the Nazis) they were at a loss to understand the measures of a government they had welcomed and from which they expected a dramatic removal of bondage and return to free speech!

Much has been written about the occupation of Germany and the Allied efforts to export democracy. Criticism has been voiced over the disparity between political and military planners which resulted in a lack of central policy on the execution of government directives. It is interesting to note that most writers -- be they British, French, American or German -- who addressed occupation and denazification policy in post-war Germany considered it a failure and proceeded to point to the various flaws in the military laws. Most of the historically important early contributions were written by OMGUS employees and advisors who all recognized that the highly emotionally perceived plan for denazification lacked logic and insight. Efforts to change things in midstream were equally absurd. The major conclusion they draw is that original directives were extended to such a large portion of the German population that it became impossible to deal with the numbers, especially since Allied personnel was reduced rather than increased after the combat phase ended. The decision to turn over denazification procedures to the Germans but to dictate the mandate concerning how they were to be carried out, and to uphold it despite their resistance, led to general additional American-German tensions and obstructions of the "Law for Liberation from National Socialism and Militarism."

At the height of denazification in 1946 certain factors involving American self-interest began to emerge: Besides wanting to denazify, demilitarize, and re-orient Germans,

America also wanted to undermine socialism, forestall communism and contain the Soviet Union in Europe. It was the beginning of the Cold War in 1946 and the Russian blockade of Berlin in 1948 which seemed to have contributed greatly to the softening of denazification policies. This lapse in time and the changing political climate coupled with amnesties left a smaller and smaller backlog, which, however, contained the really upper echelon Nazis.

In September 1947, military government came to the conclusion that steps must be taken to speed up the denazification program. The "Law for Liberation..." was amended to concentrate on the "more highly incriminated and influential Nazis." Persons placed in Class II (offenders) as a result of party membership prior to 1937 were reclassified as followers or lesser offenders.¹⁹ Another amendment specified that the principal of presumptive guilt can no longer be applied to Class I and II offenders, making their trials mandatory only if guilt was indicated by collected evidence. Also persons classified as followers could return to their positions in civil life before having first appeared before a tribunal.

These amendments caused the monthly figure of completed cases to triple. A few months later the cases of virtually all of the remaining 727,000 Class I and II offenders had been eliminated with very little investigation. Similar procedures went on in the internment camps with downgrading of categories and release of prisoners until their trial

date. Most cases were tried by May 1, 1948 and all were completed by September 1, 1948 at which time Special Branch closed down.

The German tribunals continued their work when thousands of prisoners of war, refugees, and displaced persons arrived in the western zones. Also, they had to deal with the thousands of appeal cases. But by 1949 their judgments became so lenient that there was an outcry in both the American and German press that Germany was being "re-nazified". Denazification thus was much harsher for those processed earlier than for those whose cases were not heard until after the Cold War began.

Now thousands of denazified Germans returned to their positions in government and business, causing an extreme uneasiness among members of the tribunals. Would the ex-Nazis bear resentment toward them? To protect their future the Laenderrat proposed legislation which would protect denazification personnel and guarantee them jobs in government or private agencies after the conclusion of the denazification program. The combined Denazification Directorate of the German and Military Government Denazification Committees agreed to the eventual absorption of this personnel into the government and private agencies.

Denazification proved to be one of the most difficult and frustrating tasks of occupation. Despite the early danger signs the arbitrary features of the law for denazification were not eliminated. Thus neither the military

government nor the German purge tribunals were able to deal intelligently with individual cases to avoid injustices. They both had difficulty securing qualified personnel, not only to staff the tribunals but also to replace dismissed Nazis in essential jobs. The wide scope of the law affected nearly 40% of the population in the U.S. zone in 1946, but State Department figures of 1949 show that only 10% of all individuals registered had been tried. The sanctions imposed included 9,600 labor camp terms, 569,000 fines, 124,000 employment restrictions, 28,500 confiscations of property and 23,000 banishings from public office. Appeals reduced the sanctions in approximately 10% of the cases.

Denazification laws dealt with a problem that was without precedent in history... It was, perhaps, the most extensive legal procedure the world ever witnessed. More than 13 million Germans had been involved of whom over three and two-thirds million were found chargeable, apart from the many charged as war criminals.²⁰

But many Germans involved in denazification never saw any "legality" in the denazification proceedings. They believed it was a political purge promulgated by the victors first and later by political functionaries of the newly established German administrative system. It resulted in a completely non-political, silent group of people who later in the 50s and 60s were at a loss to explain to their children what happened and why. Even the German courts tried to cloak denazification by silence, shifting from one jurisdiction to the next a judgment concerning denazification

appeals after the Spruchkammer system was abolished in July 1951.

Denazification may not have succeeded in all its aims, but it forced the Germans to review actively what had taken place during the Nazi period. It seems to have succeeded in abolishing militarism, which was always believed to be basic to the German soul. The instant rise of the conscientious objector movement when plans for re-armament of the German Federal Republic were announced, is witness to that fact. The sentiment of young Germans in the 50s is mirrored in the statement by Hans A. Nikel, a young Frankfurt publishing house executive:

I am a product of your American re-education program. I was drafted into the German army as a teenager and served until the Hitler regime collapsed. In 1945 you Americans told us that we should never again have an army. In 1950, your re-education officers all packed their bags and went home. Coming in behind them were your generals and politicians who told us to get busy on rearmament. I'm sticking to the original lesson. It appeals to me and, besides, I'm getting tired of being re-educated.²¹

Of the many absurdities of the denazification policies of the Allies one seems paramount: Having arrived at the collective guilt theory, they failed to distinguish between those who chose National Socialism as a political conviction because they believed it to be a lesser evil than communism, and the Hitlerites. Hitler knew the difference; it was his reason for establishing himself first legitimately using the most modern propaganda approaches. Before the average

person realized the deception the country was enslaved. A summation of opinion surveys conducted by OMGUS in the U.S. zone between December 1946 and January 1948 point out a persistent pattern: roughly 15 to 18% of the adult population were unreconstructed Nazis. The majority emphatically rejected the specifically Nazi aspects and leaders of their recent history. And it seemed unlikely that they would again follow a pied piper like Hitler -- especially if he were garbed in Nazi robes. In eleven surveys between November 1945 and December 1946 an average of 47% thought National Socialism was a good idea badly carried out; by August 1947 this figure had risen to 55% and remained fairly constant through the remainder of occupation.²² These survey results prompted OMGUS to carry out the re-education for democracy program at least as vigorously as they had denazification realizing that the two must go hand in hand if they were to replace one ideology with another.

Whether a staunch Nazi could ever be denazified is open to question, but it is certain that in their personnel policies the occupiers made it all but impossible for Nazi sympathizers to regain major positions of power. By the time Germans regained a measure of sovereignty in 1949, those who had been opposed to or who were at least untainted by Nazism were firmly entrenched in power.²³

The economic union of the U.S. and British zones together with large American relief efforts in the form of the Marshall Plan helped the German economy. The rift

between the Soviet Union and its former allies and the breakdown of four-power rule culminated in the Berlin blockage.

Replacement of the military government by the civilian Allied High Commission and the establishment of the West German Federal Republic in 1949 is evidence for the positive approach the Allies took from 1946 onward. They wanted the Germans to revive the democratic institutions of the pre-Hitler period and to learn from the practices of Western democracies.²⁴ It was in their own interest to create a barrier from communism, a notion which gained prominence when in 1950 the Cold War became the "hot war" in Korea.

NOTES

1. Franklin M. Davis, Jr., Come as a Conqueror: The United States Army's Occupation of Germany 1945-1949 (New York 1957), p. 19.
2. Ibid., p. 19.
3. Ibid., p. 20.
4. Earl F. Ziemke, "The Formulation and Initial Implementation of U.S. Occupation Policy in Germany," in U.S. Occupation in Europe After World War II, ed. Hans A. Schmitt (Lawrence, Kansas 1977), p. 29.
5. Edward N. Peterson, The American Occupation of Germany: Retreat to Victory (Detroit 1972), p. 138.
6. Joseph R. Starr, Denazification, Occupation and Control of Germany, March-July 1945 (Salisbury, North Carolina 1977), p. 84.
7. Ibid., p. 84.
8. Ibid., p. 132.
9. Peterson, p. 140.
10. Lutz Niethammer, Entnazifizierung in Bayern, Säuberung und Rehabilitierung unter Amerikanischer Besatzung, (Frankfurt am Main 1972), p. 149.
11. John Gimbel, The American Occupation of Germany: Politics and the Military, 1945-1949 (Stanford 1968), p. 6.
12. Wellington Long, The New Nazi of Germany (New York 1968), p. 16.
13. Peterson, p. 145.
14. John G. Korman, U.S. Denazification Policy in Germany 1944-50. (Office of the High Commissioner for Germany 1952), pp. 63-64.
15. Ibid., p. 64-65.
16. Ibid., p. 102.
17. Long, p. 21.
18. Eugene Davidson, The Death and Life of Germany (New York 1961), p. 131.

19. Korman, p. 127.
20. "5th Quarterly Report on Germany" (Office of the U.S. High Commissioner for Germany Oct. 1 - Dec. 31 1950).
21. John Dornberg, Schizophrenic Germany (New York 1961) p. 67.
22. Anna J. Merritt and Richard L. Merritt, Public Opinion in Occupied Germany: The OMGUS Surveys, 1945-1949 (University of Illinois 1970), p. 32.
23. Richard L. Merritt, "American Influences in the Occupation of Germany," Annals AAPSS, 428 (1976), pp. 94-95.
24. Korman, p. 141.

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