

AUSCHWITZ: A JUDGE LOOKS AT THE EVIDENCE

by WILHELM Stäglich

Auschwitz: A Judge Looks at the Evidence

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CONTENTS

- [Introduction](#)
- [Foreword](#)
- [Chapter One: The Making of a Myth](#)
 - Origins of the Auschwitz Myth
 - Form and Content of the Auschwitz Myth
- [Chapter Two: Contemporaneous Documents](#)
 - Basic Documents from German Official Records
 - Speeches and Other Public Statements by Political Leaders of the Third Reich
 - Contemporaneous Manuscripts and Private Papers
 - Photographic "Documents"
- [Chapter Three: Testimony and Personal Accounts](#)

- "Eyewitness" Accounts of Auschwitz
- Allied "War Crimes" Trials
- The Birkenau "Death Factories" as Portrayed in the Most Important "Eyewitness Accounts"
- The Cracow Memoirs of Rudolf Höß, Commandant of Auschwitz
-
- **Chapter Four: The Auschwitz Trial**
 1. Legal Proceedings as a Source of Material for Historians: Fact and Fiction
 2. The Auschwitz Trial: A Show Trial?
-
- **Appendices**
 - I. Partial Translation of Document NG-2586-G
 - II. "My Impressions of the Auschwitz Camp in 1944"
 - III. An Exchange of Correspondence between the Author and the Institut für Zeitgeschichte
 - IV. Denial of Access to the Files of the Proceedings against Dr. Johann Paul Kremer
 - V. Denial of Access to the Files of the First Frankfurt Auschwitz Trial
 - VI. An Exchange of Correspondence between the Author and the International Red Cross
-
- **Footnotes**
- **Bibliography**
- **Index**
- **Illustrations**

INTRODUCTION

The "open society" and "the free exchange of ideas" are generally regarded not only as praiseworthy ideals but as indelible characteristics of twentieth-century Western democracy. Their concomitants, freedom of speech and the press, are held to be rights the infringement of which places in jeopardy all other democratic liberties, for it is only through freedom of expression that the citizenry of a democratic state can reach an informed consensus.

Thus the fate of this book and the ordeal of its author, Judge Wilhelm Stäglich, is a telling indictment of the Federal Republic of Germany's imposture as a sovereign democracy. No less is the silence of those Western circles which so loudly profess devotion to freedom of expression in other cases a condemnation of their own hypocrisy, for there are few if any parallels in the recent history of democratic states for the sustained hounding and persecution which Judge Stäglich has endured over the past twenty years.

Judge Stäglich is unfortunate enough to have trusted his own powers of observation and to have refused to muzzle himself when the issue was not only historical truth, but the honor of his country. For, having been stationed near the Auschwitz concentration camp during the Second World War, in which he served as an officer in an anti-aircraft unit, he made so bold after the war, when his dismembered fatherland was being re-educated in its various parts to execrate the allegedly unique wickedness of its conduct, to remark on his own observations of the camp, which diverged considerably from the horror stories which became the staple of Germany's post-war "mastering of the past."

In 1965 Stäglich, who was serving as a judge in Hamburg, was denounced by a colleague to the Jewish mayor of the city as a "Nazi" for his heretical remarks on Auschwitz. Judge Stäglich then underwent a two-year "disciplinary proceeding" aimed at driving him from the bench, which included an obligatory "psychiatric evaluation."

This first effort to silence Judge Stäglich, which failed for lack of evidence, served rather to goad than to intimidate the

courageous jurist. In 1973 he published an account of his Auschwitz observations in the magazine *Nation Europa* (translated as Appendix II of this book). Stäglich's public challenge to the official version of life at Auschwitz brought forth a succession of measures aping those of the modern totalitarian states, and making a sad mockery of the proud struggle for freedom of expression and inquiry waged by German academics in the preceding century and a half.

Judge Stäglich was the subject of a second inquisition, by which he was induced to resign, his health having been affected by the campaign against him. The proceeding was continued, however, with the object of stripping Stäglich of his pension (the authorities eventually settled on reducing the judge's pension by twenty percent over a five-year period).

Prematurely retired, Stäglich set to work on a systematic study of the evidence supposedly substantiating systematic murder by gassing at Auschwitz, a study to which he brought juristic experience unique in the Revisionist movement. This book, the fruit of those researches, is the most comprehensive examination of the various "proofs" offered for the Auschwitz myth, as well as a damning analysis of the several post-war trials staged by the Allied victors and their henchmen in the Federal Republic, most notably the famous "Auschwitz Trial" which took place in Frankfurt in 1963-1965.

The appearance of *Der Auschwitz Mythos* in West Germany in 1979 spurred the custodians of the myth of Germany's solitary and monstrous guilt in the war to new excesses in censorship. West German authorities set in motion the procedure by which offending books are "indexed" as "harmful to youth," thereby severely restricting their advertising and distribution. Nevertheless, all but seven of the 10,000 copies of the first edition had been sold by the time the book was ordered seized as a result of further legal action by the government.

In a crowning absurdity, Judge Stäglich was "deprived" of the doctoral degree he had earned at the University of Göttingen in 1951. In this action the university authorities had recourse to a law signed personally by the late Führer and Reichskanzler, Adolf Hitler, to all of whose values and practices the Federal Republic proclaims itself a standing reproach. A series of other harassments, from police raids on Judge Stäglich's home to seize forbidden literature to the enactment of a constitutional provision aimed at those who dare to question the "Holocaust," has followed.

It would tax the powers of belief of even the least conspiratorial-minded to imagine that there was something adventitious or arbitrary about the actions of West German authorities, which have been undertaken under "conservative" and "social democratic" regimes alike. Their activities, carried out with unswerving purpose against one man and his ideas for more than twenty years, give abundant evidence that the maintenance of orthodoxy on the state-mandated "Holocaust" tale is far more important than is the maintenance of even lip service to freedom of expression and inquiry.

As Wilhelm Stäglich has written:

We Germans, in spite of the repeated assurances to the contrary of our puppet politicians, are politically and intellectually no longer a sovereign nation since our defeat in the Second World War. Our *political* subservience, which is apparent in the fact of the breaking up of the Reich and the incorporation of the individual pieces into the extant power blocks of the East and of the West, has had as its consequence a corresponding *intellectual* subservience. Escape from this intellectual subservience is prevented primarily by the guilt complex inculcated in most Germans through the "re-education" instituted in 1945. This guilt complex is based primarily on the Holocaust Legend. Therefore, for us Germans the struggle against what I have called the 'Auschwitz Myth' is so frightfully important.¹

The suppression of *Der Auschwitz Mythos* in West Germany, however, is less than even a Pyrrhic victory for the world-wide forces which strive to impose a one-sided, propagandistic history of the Second World War, a history which has as its central motif the "Holocaust" hoax. It is rather humiliating acknowledgement of their inability to confront modern Revisionism according to the canons of scholarship, an inability that has manifested itself in the Holocaust Establishment's attempts to suppress the writings of scholars such as Arthur Butz and Robert Faurisson.

The appearance of this translation of *The Auschwitz Myth* under the auspices of the Institute for Historical Review, indeed, confers upon the Stäglich affair the aspect of triumph and victory. A little more than two years after the Institute's headquarters were reduced to a heap of ashes and rubble by a terrorist attack, the English-speaking world has gained access to this vital Revisionist work. The work of "bringing history into accord with the facts" goes on; ultimately, there is no power on earth which will stop it.

The Institute for Historical Review would like to acknowledge the help of Russell Granata in translating the footnotes to *The Auschwitz Myth*.

Theodore J. O'Keefe
December, 1986

1. *The Journal of Historical Review*, Spring, 1984 (vol.5, no.1), p. 65.

FOREWORD

"AUSCHWITZ--IT WAS HELL." For all its subjectivity, 'this remark attributed to a former inmate does not begin to characterize the emotion-charged ideas the word Auschwitz evokes today. Auschwitz symbolizes more than the multitudinous agonies suffered in concentration camps, not only German camps during the war, but concentration camps everywhere, past and present: It has come to symbolize the "murder of millions of European Jews." Everyone "knows" that we are not "supposed to" voice the slightest doubt regarding the legend that is Auschwitz, or even relate personal experiences that might not be entirely in line with it. Indeed, to commit such heresy is to run the risk of losing one's livelihood. For the powers that be have ordained that Auschwitz must be viewed in one way only.

That is exactly what should make us leery. Truth does not require coercion to be accepted. Its persuasiveness does not depend on constant repetition of bold-faced claims. All that is really needed for truth to prevail is to show the facts, and let common sense do the rest. What then could be more natural than to examine the factual basis of the allegation that Auschwitz was the site of the most extensive and atrocious massacre of Jews in history? Almost everybody is familiar with this claim, but nobody can say just what evidence there is to support it. People have come to regard the whole subject as taboo. I noticed this was true even of the judges who imposed a relatively harsh penalty on me for my having published, in the form of an open letter, a *de vssu* account of the Auschwitz parent camp that conflicts with the now current picture of Auschwitz. *

When I wrote that letter, it was far from my intention to dispute the extermination thesis *per se*. Anyway, that would have been outside the

*It appeared in the monthly periodical *Nation Europa*, vol. XXIII, no. 10 (October 1973), pp. 50-52. For an English translation of this document, see Appendix II below. --T.F.

[3]

scope of my account. However, the reaction it provoked made me realize for the first time what importance the powers that have for decades been determining our destiny as a nation place on the Auschwitz taboo. That realization awakened in me an irresistible urge to research the historical sources for the allegation that Auschwitz was an "extermination camp," and come to grips with it. I believe my findings deserve to be brought to the attention of the general public.

At the outset, let one thing be noted: Contrary to popular belief, Auschwitz was *not* a single camp under central administration. Rather, it consisted of a number of individual camps of various sizes, some of which had considerable organizational autonomy. The actual Auschwitz camp -- the so-called *Stammlager* ("parent camp" or "main camp," also known as "Auschwitz I") -- was situated about 2 kilometers southwest of the town of Auschwitz in Upper Silesia. Not this camp, but the Birkenau camp, located about 3 kilometers west of the town, is supposed to have been the site of the extermination of the Jews. There was a series of other camps in the Auschwitz region, some of which had been established for special purposes, such as Raisko, for agricultural experiments, and Monowitz, for the production of synthetic rubber. All these camps were associated, more or less loosely, with the main camp. Thus it is hardly correct to designate "Auschwitz" as an "extermination camp," pure and simple, as people often do, perhaps from ignorance. Basically, "Auschwitz" was a network of labor camps established in the industrial area of Upper Silesia for the German war economy. The Birkenau camp ("Auschwitz II"), which is the focal point of the extermination claims, served primarily as an internment camp for specific groups of prisoners, such as Gypsies, women with children, as well as the chronically ill and those who were otherwise incapable of labor. It also served as a transit camp and, initially, even as a prisoner of war camp. In the spring of 1943, several crematoria-- allegedly containing "gas chambers" for the extermination of Jews --

were put into operation there, while the original camp crematorium in "Auschwitz I" was shut down in July 1943.

The real subject of our investigation is the charge that Birkenau was an "extermination camp." This work is not intended to give a definitive picture of Auschwitz -- something that would, in any case, be beyond the limited resources at my disposal. It also has no pretensions to being a *Geschichtsschau* in the Rankean sense, that is an attempt to depict Auschwitz "as it really was." Rather, it is an effort to survey, examine, and assess as objectively as possible *the evidence that has thus far been presented* for the claim that Auschwitz was a "death factory."

Unfortunately, the Institut für Zeitgeschichte [Institute for Contemporary History] in Munich has not seen fit to grant my request for its assistance. My correspondence with the institute is so revealing that I must share it with my readers (see Appendix III). Likewise, I was refused permission to examine relevant trial records (see Appendices IV and V), and therefore had to rely on published collections of trial documents, such as they exist.

I am aware, of course, that Auschwitz is not the only camp that has been linked to the "extermination of the Jews." Nevertheless, it assumes such importance in this connection, both qualitatively and quantitatively, that I am convinced that the extermination thesis stands or falls with the allegation that Auschwitz was a "death factory." That alone should justify my restricting the scope of this inquiry.

Finally, let it be noted that the present volume is the work not of a professional historian, but of a jurist with an interest in recent history. Naturally, I have tried to observe the rules of scholarship. My intention is not to polemicize, but to take stock of the evidence that has thus far been presented for the claim that Auschwitz was a "death factory," as objectively as possible, and draw the logical conclusions from it. If certain passages in this work strike the reader as polemical, he would do well to ask himself whether such lapses are not unavoidable given the nature of the subject.

Hamburg, December 1978

DR. WILHELM Stäglich

CHAPTER ONE

THE MAKING OF A MYTH

IN EVERY PERIOD of history, men have succumbed to certain illusions. Perhaps the most widespread illusion of our time is that people are now more thoroughly, comprehensively, and, above all, accurately informed than ever before. In reality, just the opposite seems to be the case. The quality of the information disseminated via modern techniques of communication stands in inverse proportion to its quantity. This general observation also applies to the veracity of specific pieces of information. Anyone who has seen an event reported about which he has firsthand knowledge will attest that much of the depiction was at variance -- even radically so -- with what actually happened.

This is hardly the place to examine the manifold causes of such distortion. Of one thing there can be no doubt: All politically related "information" that appears in the mass media today is designed to serve a purpose. The vaunted "independence" of the communications media is little more than a soothing copybook platitude. Though every once in a while ostensibly dissenting viewpoints are aired in the mass media, so as to give a certain substance to pretensions of "balance," that does not alter in the least the fact that the clique which, by virtue of its enormous wealth, largely controls the communications media is primarily interested in manipulating individuals and nations to attain its political objectives.¹ The ultimate achievement of propaganda is, as Emil Maier-Dom has so vividly put it, to "make millions of people eagerly forge the chains of their own servitude."²

A most depressing example of a people forging its own chains is to be seen in the almost fanatical tenacity with which so many Germans cling to feelings of guilt that have been implanted in them about an epoch in which bitter necessity impelled the German people to seek an independent path to the future. Many things go into the makeup of our national [67] guilt complex, but more than anything else it is the product of deliberate misinformation about the German past. As a result of this artificial and utterly baseless guilt complex, at no time since the fall of the Third Reich has the German people been able to bring itself to pursue its own political interests. Mendacious propaganda of a kind and scope perhaps unique in history has insidiously -- and thus all the more effectively -- deprived it of the national self-confidence required for such

a policy. Just as an individual cannot get along without a healthy measure of personal self-esteem, so a people without a sense of national self-esteem cannot maintain its political independence. In the long run, this political propaganda disguised as "historiography" can have a positively lethal effect on the nation.

Pivotal to the German national guilt complex is the Auschwitz Myth. During the war, a number of concentration camps were established near Auschwitz, an industrial town of some 12,000 inhabitants situated about 50 kilometers west of Cracow.³ In the course of the 1960's, but especially after the so-called Auschwitz Trial of 1963-1965, the name of this town evolved into a synonym for "genocide." In the concentration camps of the Auschwitz region -- so the story goes -- millions of Jews were systematically killed on orders from the leadership of the Third Reich. Today the word "Auschwitz" has the almost mystical force of traditional fables and legends, and it is in this sense, too, that the phrase "Auschwitz Myth" should be understood. Indeed, the Auschwitz Myth has become a quasi-religious dogma. Skepticism about it is not tolerated, nor often expressed. Cleverly using the Auschwitz Myth to represent itself as the sacrosanct embodiment of "Humanity" -- and the German people as the embodiment of utter evil -- international Jewry has laid claim to a privileged status among nations. Similarly, forces inside Germany, as well as outside, have used the Auschwitz Myth to forestall or suppress any objective discussion of the Third Reich era. Whenever Germans show signs of deviating from what Gob Mann calls the "sociopedagogically desirable view of history" ("das volkspädagogisch erwünschte Geschichtsbild"), one need only utter the catchword "Auschwitz" to remove all doubt as to the basic depravity of the German people.⁴ Not only does the very mention of "Auschwitz" call a halt to rational discussion of the Third Reich, since beside "Auschwitz," this symbol of absolute evil, everything else seems inconsequential; it can also be used to cast a shadow over any other aspect of the German past. So long as the Auschwitz Myth retains its terrible power, the recovery of our national self-esteem is virtually impossible.⁵

Origins of the Auschwitz Myth

When one traces the evolution of the extermination legend, it is really quite difficult to comprehend how the Auschwitz Myth came to occupy such a towering position in it. To be sure, as early as 1944 the inventors of the legend had decided on Auschwitz as the site of the "extermination of the Jews," and were clever enough to bolster this allegation with an official U.S. Government publication, the "War Refugee Board Report," as Dr. Butz has shown.⁶ However, the WRB Report, which we shall discuss at greater length in the next two chapters, was consigned to oblivion after the war. At least in Germany, the "gas chamber" propaganda largely centered around camps in the Reich itself, even though the International Military Tribunal (IMT) had asserted in its decision, on the basis of an affidavit from Rudolf Höß, the former commandant of Auschwitz, that some 2,500,000 Jews were murdered in "gas chambers" at the camp.⁷ Almost immediately after the war, severe tensions arose between the western Allies and Soviet Russia, with the result that a line of demarcation, the "Iron Curtain," was drawn between their respective spheres of influence. Partly for that reason, partly for others, the western Allies never got to inspect the Auschwitz area. Here one recalls the statement of Stephen F. Pinter, a U.S. War Department attorney who was stationed at Dachau for 17 months:

We were told there was a gas chamber at Auschwitz, but since that was in the Russian zone of occupation, we were not permitted to investigate, since the Russians would not permit it.⁸

Thus there was some uncertainty about what position the Soviets would ultimately take on the "extermination of the Jews," especially since Stalin himself was reputed to be an "anti-Semite." For whatever reason, the Auschwitz Myth was not widely publicized until well into the 1950's. At least, it still had not acquired the crucial significance attributed to it today. No distinction was as yet made between the various camps when the "Final Solution"--the physical destruction of European Jewry allegedly ordered by the leadership of the Third Reich -- was discussed. They were all supposed to have played basically the same role in this enormous "murder plot." Every concentration camp, it was said, had one or more "gas chambers" in which Jews were asphyxiated with volatile cyanide (in the form of "Zyklon B," a proprietary fumigant) or carbon monoxide -- *in usu vulgi*: "gassed." Even in the later editions of his "standard work" *The Final Solution*, Gerald Reitlinger claims:

Thus, eventually, every German concentration camp acquired a gas chamber of sorts, though not on Auschwitz lines. The Dachau gas chamber, for instance, was preserved by the American occupation authorities as an object lesson, but its construction had been hampered and its use restricted to a few experimental victims, Jews or

Russian prisoners-of-war, who had been committed by the Munich Gestapo.⁹

In Reitlinger's hedging of his statement about the Dachau "gas chamber," one sees a rearguard action. As early as 1960, the Institut für [8-9] Zeitgeschichte in Munich felt itself called upon to issue the following statement, perhaps in response to the findings of the French historian Paul Rassinier:

Neither in Dachau nor Bergen-Belsen nor in Buchenwald were Jews or other inmates gassed. The gas chamber in Dachau was never finished and put into operation . . . The mass extermination of the Jews by gassing began in 1941⁴², and occurred in a very few places, selected exclusively for the purpose and outfitted with the appropriate technical facilities, above all in occupied Polish territory (but nowhere in the German Reich proper).¹⁰

If Reitlinger's statement was a rearguard action, the statement of the Institut für Zeitgeschichte was a general retreat. What made it so sensational was that not only had a host of former inmates testified that "gassings" took place at concentration camps in the Reich, but several commandants of these camps even signed "confessions" affirming the existence of the alleged "gas chambers."¹¹ At the Nuremberg IMT trial, the British Chief Prosecutor Sir Hartley Shawcross specifically cited *Dachau*, *Buchenwald*, *Mauthausen*, and *Oranienburg* as places where murder was "conducted like some mass production industry in the gas chambers and ovens."¹²

For a long time, Auschwitz and other camps that had existed in the German-occupied eastern territories played a subordinate role in the extermination legend. But after Dr. Martin Broszat, a leading member of the Institut für Zeitgeschichte, made the statement quoted above, the view that any concentration camps in Germany were "death factories" became completely untenable.

However, the claim that some six million Jews had fallen victim to the "Final Solution" was so vital to the interests of the inventors and promoters of the extermination legend that they absolutely could not abandon it. Not only was that charge a means of holding the German people in political subjugation; it had also become a highly lucrative source of income for international Jewry. The six million figure was the basis of the "reparations" which the Federal Republic of Germany obligated itself to pay to the State of Israel and the Jewish international organizations, in addition to compensation payments to individual Jews, beginning in the early 1950's and continuing even today.¹³ For that reason alone, the six million figure, about which certain writers had already expressed wellfounded and earnest doubts on other grounds, could not be abandoned, even after it was established definitely that none of the camps in the German Reich proper were "extermination camps."¹⁴

Thus the necessity of sticking to the six million figure led the extermination mythologists to shift their emphasis from the camps in Germany to the camps in German-occupied Poland. Auschwitz, undoubtedly the largest camp complex, became the focal point of the extermination allegation. Since the Poles had set themselves to the task of refashioning part of the camp complex into an "Auschwitz Museum"-- a move that also signaled the Soviets would hold to the extermination legend, something about which there had been some uncertainty after the IMT trial -- the extermination propagandists no longer had any reason for restraint.

Although the Auschwitz propaganda campaign was aggressively pursued from the very beginning, it still had a lot of catching up to do. To be sure, "extermination camps" in occupied Poland had been mentioned in the so-called Gerstein Report, a document allegedly composed by a onetime SS man named Kurt Gerstein. At first, nobody seemed to take this document seriously, and it was not even admitted in evidence at the IMT trial.¹⁵ At least three versions of it were circulated: two French versions and one German version. Numerous passages in these texts vary from one another.¹⁶ According to the French version published in 1951, the following "extermination camps" were in existence as of August 17, 1942:

1. Belzec, on the Lublin-Lwow road. Maximum per day, 15,000 persons
2. Sobibor, I don't know exactly where it is, 20,000 persons a day
3. Treblinka, 120 Kilometers NNE of Warsaw
4. Maidanek, near Lublin (in preparation)¹⁷

One notes that the supposedly well-informed Gerstein does not include Auschwitz on this list, though "mass murders" are now alleged to have begun there in the spring of 1942. (The first "gas chambers" were, it is claimed, two converted farm houses) 18 Since, according to this document, Gerstein was responsible for the procurement and distribution of Zyklon B, he certainly would have been aware of the existence of Auschwitz. As a matter of fact, Auschwitz is mentioned as an "extermination camp" at the end of the English version of the document -- along with Theresienstadt, Oranienburg, Dachau, Belsen, and Mauthausen-Gusen! 19 This version of the "Gerstein Report" (the one that appears in Dr. Butz's volume) was used by the Americans in the "trials" they conducted on their own after the IMT proceedings.

As the years went on, Auschwitz by and large receded into the background. A decade after the war, the public knew virtually nothing about it. This may be attributed partly to the fact that the Soviets did not permit outsiders to inspect the grounds of the Auschwitz complex. What is more, none of the German and Austrian soldiers interned at Auschwitz, which served for several months as a Soviet prisoner of war camp, found any traces of the alleged mass murders, not even in Birkenau, supposedly the actual extermination camp, and so reported after their release. 20 Of course, remnants of the crematoria were there to be seen, but the quantity of rubble did not match what would have been left behind by crematoria of the size required for the mass extermination of several thousand people per day. 21

One may well ask: If this allegation were true, why then did not the Soviets immediately exhibit the camp to journalists from all over the world and place the evidence of the alleged mass murders under international [10] control? I shall leave it to the reader to answer this question for himself. Even less comprehensible is the fact that the majority of Germans offered virtually no resistance to the Auschwitz propaganda campaign that began in the middle of the 1950's. They did not ask why Auschwitz was suddenly being brought forward as the greatest extermination camp of them all, a camp in which Jews were "gassed" by the millions. Everyone seemed to have forgotten the old German proverb: *Wer einmal lügt, dem glaubt man nicht.** Given the fact that the falsehoods about Dachau, Bergen-Belsen, Buchenwald, and other camps lasted hardly a decade, similar charges about Auschwitz should have been regarded with the utmost suspicion.

Of course, here one must take into account the fact that even today many Germans are in the dark about how shamelessly they were deceived in regard to the concentration camps in Reich territory. Countless Germans still believe the lies they were told, for neither the government nor the mass media gave Dr. Broszat's revealing admission the publicity it deserved.

However, that alone is not enough to explain the establishment and entrenchment of the Auschwitz Myth. Not even the segment of our population most familiar with the Dachau "gas chamber" hoax, for example, is immune to the Auschwitz Myth. Anyone who follows the nationalist press knows that even there "Auschwitz" is often used as a synonym for "genocide." 22 In part, this implicit endorsement of the Auschwitz Myth may be the result of a thoughtlessness that is in itself unpardonable. But there is also some genuine belief involved, as became clear to me from discussions with editors of those publications. To support their position they usually cited the findings of the first Frankfurt Auschwitz Trial. Indeed, the actual reason for the widespread public acceptance of the Auschwitz Myth may be that the decisions of German courts enjoy the unlimited confidence of the German people. Despite many miscarriages of justice, judicial authority and objectivity are still considered above suspicion. Whether this trust is justified when it comes to such blatantly political trials as the so-called Frankfurt Auschwitz Trial is a question that will arise many times in the course of our investigation. At this point, it should be enough simply to note that it can never be the task of the courts to pronounce the final verdict on historical matters, something that certain groups consider the real purpose of the so-called "Nazi Crimes of Violence Trials" ("NSG-Verfahren"), of which the Auschwitz Trial is the prime example 23

Considering the importance of the Auschwitz Myth, and its strange etiology, it is high time that the facts be systematically investigated and scrutinized. To be sure, other writers --for example, Rassinier and

*Falsus in uno, falsus in omnibus; literally, "He who lies once is not to be believed twice."--T.F.

[10-11]

Butz -- have brought many significant facts to light. However, since their studies embraced the whole problem of the German concentration camps, their treatment of Auschwitz was necessarily limited to the essentials, and could do with some supplementation. Beyond that, I should like to treat the Auschwitz Myth from a different point of view, as will become evident in the following pages. Before going into details, let us take an overall look at the "official" image of Auschwitz and how it has been fashioned.

Form and Content of the Auschwitz Myth

The "Official" Auschwitz Image

Undoubtedly, the image of Auschwitz that haunts the public mind today is the result of the persistent "educational campaign" conducted by the press, radio, and television, the so-called mass media. This image, which, of course, still meets with a certain amount of skepticism,²⁴ follows a set pattern that is, as we shall see, of very obscure origin. It has been supplemented and broadened by a literature, full of contradictions, that ranges from accounts of personal experiences to discussions of particular aspects of the camp to general treatises with scholarly pretensions. Considering the importance of the subject, there are fewer of the latter than one would expect, and they are also quite superficial as historiography. The superficiality of these "standard works" may be attributed to the fact that the authors do not approach their subject in the manner of professional historians, but of propagandists. Because nearly all of them are Jews, there is an inherent bias.²⁵

Why professional historians steer clear of this subject is rather obvious. On the one hand, if a historian affiliated with an institution dared cast doubt on the image of Auschwitz that a worldwide propaganda campaign has made into a taboo -- something he could not fail to do, given the lack of genuine evidence to support it -- he would be out of a job. On the other hand, if the same historian lent his authority to the "official" version of Auschwitz, he would destroy his professional reputation. How many people can be expected to risk their livelihood or reputation? In his book on the Auschwitz Trial, which he covered for the *Frankfurter Allgemeine Zeitung*, the journalist Bernd Naumann gives in a nutshell the version of Auschwitz propagated in the mass media and "scholarly" tomes, which the court took for granted throughout the proceedings:

The camp was set up in May, 1940, at Auschwitz, 37 miles west of Cracow. Convicted criminals were installed as its prisoner hierarchy. The first shipment of Polish inmates arrived on June 14, 1940. Twelve months later, Hitler decided on the "final solution of the Jewish problem."

Auschwitz became the chosen center for the planned mass extermination, and Himmler therefore ordered that the camp be expanded. The adjacent town of **[11]** Birkenau was converted into a gigantic barbed-wire enclosure, a barracks town able to accommodate 100,000 inmates. It became known as Auschwitz II, and the original camp as Auschwitz I.

On September 3, 1941, more than four months before the infamous Wannsee Conference at which Heydrich* outlined the details of the "final solution," about 600 prisoners were sent to the gas chambers --this in the nature of an "experiment." The same fate befell a group of Jews from Upper Silesia, who, in January, 1942, were gassed in a converted barn in the razed village of Birkenau. The schedule for the final solution was about to become Eichmann's grim reality. Endless shipments of prisoners, mostly Jews, began to pour into the extermination camp.

On May 4, 1942, the first "selections" were conducted at the Auschwitz concentration camp, and the "selectees" gassed. Only a week later, an entire transport, 1,500 men, women, and children, was taken to the gas chambers immediately after its arrival, without ever setting foot in the prison compound. The extermination of European Jewry and of members of "inferior" races was under way. Corpses were burned in huge incineration pits because the so-called Old Crematory was unequal to the job. Consequently, the speedy construction of four large gas chambers and crematories was ordered, and on June 28, 1943, Sturmbannführer Bischoff, the chief of the building section of the Auschwitz Waffen SS, reported that with the last crematory built, the camp had a daily capacity of 4,756 cremations. However, many more could be killed per day: Each of the two larger gas chambers could accommodate up to 3,000 persons. Thus the cremation of bodies under the open sky continued, and the human fat served as supplementary fuel. The stench of burning flesh blanketed the countryside for miles around; dark, fatty smoke wafted across the sky.

But murder in Auschwitz was committed in a variety of ways. Inmates were given injections of phenolic acid, beaten and tortured, arbitrarily and summarily executed, and made guinea-pigs in so-called medical experiments. Inhuman working conditions, unspeakably primitive sanitary conditions, inadequate diet, and the complete degradation of the individual all contributed their share: Debility, disease, and despair took the lives of tens of thousands. The life expectancy of an Auschwitz inmate was but a few weeks.

Also part of the Auschwitz camp complex were a number of subsidiary slave labor camps (primarily Monowitz -- Auschwitz III -- where IG Farben constructed a Buna [synthetic rubber] camp, which, however, never got around to producing rubber), and about thirty industrial enterprises. There, too-- that is, right under the noses of the civilian supervisors of these war plants --feeble and sick prisoners were selected for the gas chambers.

In autumn, 1944, the end of Auschwitz seemed to be approaching. A special prisoner detail assigned to work in the crematories managed to destroy Crematory IV. This rebellion was put down brutally. Almost all involved were shot; a few managed to escape. After this, the crematories were in operation for only a few more weeks; in early November gassings were stopped on orders from above; the murder machinery was grinding to a halt. The gas chambers were blown up and documents destroyed. On January 17, 1945, the evacuation of the camp began. Ten days later, Soviet troops entered Auschwitz; 5,000 sick prisoners, left behind by the retreating Nazis, were saved.

Five thousand--out of more than 400,000 officially registered Auschwitz prisoners: two-thirds men, one-third women. Of these, 261,000 died in the camp or were murdered; the number of those who died during the "evacuation march" is not known. Neither is the number of those who died without ever being registered, who went from railroad siding to gas chamber without stopping over at the camp. Auschwitz Commandant Höß testified at Nuremberg on April 15, 1946, that the number was 2.5 million; he said, though, that this figure was not based on his personal knowledge but was one mentioned by Eichmann. In his memoirs he maintained that the figure he had given was much too high. Eichmann himself, who is believed to have known the actual number, kept silent on this point during his Jerusalem trial.

Pery Broad (one of the defendants at Frankfurt), in a report written by him at the end of the war, spoke of 1 to 2 million. The estimates of historians range from 1 to 4 million.²⁶

Here I must forgo point by point discussion of Naumann's various claims, many of which strike one as implausible even at first glance. So far as they have anything to do with the alleged mass extermination of Jews at Auschwitz, they will be examined later in the proper place, together with the evidence adduced to support them. However, I must note that in the literature on Auschwitz there is no unanimity about the details the authors use to give an impression of punctilious accuracy. Also, I should perhaps note that it is a well-known fact that *Himmler** was not present at the "Wannsee Conference," which, according to the so-called Wannsee Protocol, was held under the chairmanship of Reinhard Heydrich.²⁷

Since the proper, if not exclusive, subject of our inquiry is the allegation that Auschwitz was an extermination camp set up as part of a scheme to destroy the Jewish people, certain inaccuracies in the passage quoted above, and others like them, may be ignored. Only those allegations which give the extermination thesis -- what we have called the Auschwitz Myth -- a semblance of credibility come within the purview of this work. Above all, this study is concerned with the allegation that "gas chambers," purportedly the means whereby thousands of people were exterminated all at once and in a short time, existed at Auschwitz. That allegation, the focal point of the depiction of Auschwitz found in the concentration camp literature and transmitted to the general public by the mass media, is the *sine qua non* of the Auschwitz Myth. The other causes of inmate mortality Naumann mentions -- phenolic acid injections, beatings and torture, arbitrary and summary executions, medical experiments, inhuman working conditions and primitive sanitary conditions -- could hardly have been the vehicle for the extermination of all Jews in German-controlled territory. We may leave aside the question of whether tens of thousands of Jews were in fact killed by these means, as Naumann claims. That allegation has no direct bearing on the real subject of our investigation, viz., the charge that millions of Jews fell victim to a systematic, racially motivated program of "genocide." Nevertheless, I believe a few comments about these other alleged causes of death are in order:

Phenolic acid injections. If the lives of inmates were indeed terminated

*In the German original, Naumann has *Himmler* attending the Wannsee Conference. This error is corrected in the English-language edition of his book, from which the above passage is taken. --T.F.

[14] by means of phenol injections, this action would seem to come under the heading of euthanasia rather than "genocide." Whether euthanasia is ever justifiable, for example, during a life and death struggle such as the Second World War, may be disputed.²⁸ On this matter the testimony of the Auschwitz Trial defendant Josef Klehr is very much to the point. Among other things, Klehr stated that inmates singled out for the "knock-off shot" ("Abspritzung") were not merely ill, but already half-dead.²⁹ The employment of this method of killing would seem, by the way, to speak against the existence of "gas chambers": Why were the terminally ill not simply "gassed" along with the rest?

Arbitrary and summary executions. During the Second World War, summary executions--with or without court-martial sentences -- were hardly uncommon, and in some cases may have been "arbitrary." In the occupied eastern territories, for example, the German armed forces sometimes resorted to the firing-squad as a means of combatting the plague of guerrilla warfare. Our enemies were no different, even after the armistice, as many Germans who lived through the invasion and occupation of our country can testify firsthand. If summary executions did occur at Auschwitz, one could not say that they were all "arbitrary" without examining each and every case. But how is the allegation that summary executions were carried out at Auschwitz directly relevant to the extermination claim?

Beatings and torture. Physical brutality against prisoners, especially resulting in death, obviously deserves the strongest condemnation. If Auschwitz camp personnel beat or otherwise tortured inmates, they were acting in violation of Himmler's strict guidelines for treatment of prisoners, and subject to punishment.³⁰ Indeed, Himmler ordered camp commandants and

physicians to give top priority to the preservation of inmates' health and fitness for work.³¹ It should not be forgotten that SS tribunals did in fact rigorously prosecute SS men for maltreating inmates. At the Nuremberg IMT trial, SS Justice Konrad Morgen testified that SS tribunals convicted some 200 persons -- among them five camp commandants -- of such offenses, and that the sentences were usually carried out. Two camp commandants went before the firing-squad.³²

Medical experiments. To be sure, experimentation on living human beings is a grisly business, but, like experimentation on animals, it is sometimes indispensable to medical research. Any experimentation in the concentration camps could be undertaken only by special permission of Himmler.³³ Incidentally, the medical experiments performed in American penal institutions today -- and not just on death-row prisoners -- require no top-level governmental authorization.³⁴

Inhuman working conditions and primitive sanitary conditions. Naumann's claim that living conditions at Auschwitz were in themselves homicidal remains to be proved. At times, conditions there [14 15] might have been deadly, especially when epidemics were rampant. In his booklet *Die Auschwitz-Liige* [The Auschwitz Lie], Thies Christophersen gives convincing testimony that as late as 1944, the fifth year of the war, living and working conditions at Auschwitz were, in general, tolerable; in part, even good.³⁵ (On my visits to the Auschwitz parent camp in the middle of 1944, I never encountered a malnourished inmate.) Likewise, Naumann's claim that the life expectancy of an Auschwitz inmate did not exceed a few weeks from the time of his arrival is obviously nothing but speculation. Here one recalls that a number of now prominent Jews lived and worked for years at Auschwitz, for example, the Austrian Jew Benedikt Kautsky (a prominent socialist) and the German Jew Erik Blumenfeld (Party Chairman of the Hamburg branch of the "conservative" Christian Democratic Union). According to former Israeli Prime Minister Levi Eshkol, "tens of thousands, if not hundreds of thousands" of onetime Auschwitz inmates are alive today in Israel alone. ³⁶

Even these few brief factual observations should take away some of the drama from Naumann's portrayal of Auschwitz. Anyway, it is not such incidental atrocity charges as these that have over the past three decades transformed the word "Auschwitz" into a synonym for Hell on earth, but the "gas chamber" charge. Our primary task, then, is to scrutinize the evidence adduced for that charge and determine whether there is any substance to it.

To be sure, a number of facts are already known that would warrant skepticism about the allegation that "gas chambers" existed at Auschwitz.³⁷ They are not, however, officially acknowledged, much less communicated to the public. The standard treatment of this subject is to assert that the "gassing of the Jews" is an "established historical fact," what is known in legal parlance as a matter of "common knowledge," i.e., something regarded as so obvious that it does not require proof. Thus Hermann Langbein, for example, in his book *... wir haben es getan* [We Did It], makes the claim that "scholars" have proved the leadership of the Third Reich ordered the planning and execution of mass murder. To be precise, he says:

Perhaps the evidence accessible to research and examination might leave some doubt about this or that detail, but not about the vast killing action itself, ordered and organized by the State. To scholars the facts are clear. In the area of public opinion, however, political passions and guilty conscience distort the picture.³⁸

While we need not allow ourselves to be spoonfed such arrogant generalities, *we* are not, as a basic principle, the ones who have to come up with the evidence here. Anybody who implies that we are turning things upside down. The burden of proof, to use a juristic term, rests solely with those groups which, aided by virtually the entire mass media and even part of "German" officialdom, including the judiciary, have for more than thirty years stridently and doggedly accused Germany of having committed "genocide" against the Jewish people. [16]

In the field of historical scholarship there is, strictly speaking, no burden of proof in the juristic sense. However, before the historian can approach his task of depicting some past epoch or event through critical interpretation of the source material he has researched, he must determine the reliability of those sources, something "establishment" historians have not, as I see it, so much as attempted to do with regard to the subject under discussion here. Every conscientious historian will reject a source when he has reason to suspect that it may be false or even unreliable, and, accordingly, eliminate from his work any statements based thereupon, just as a court of law will dismiss a case on the grounds of insufficient evidence. Our attempt to scrutinize the evidence for the "gassing of the Jews" allegation is a preview of the kind of research future historians will have to undertake on a broader scale.

Since the "gas chamber" allegation has been used to represent Germany as a nation of criminals, I find it quite appropriate

to introduce the burden of proof concept into the dispute over the extermination thesis. The criteria of penal law may be readily applied to the wholesale indictment of the German people. In the penal jurisprudence of every Western nation it is an established principle that the accused must be proved guilty. If his guilt cannot be proved, he is to be regarded and treated as innocent. According to the time-honored principle of Roman law *in dubio pro reo*, he must be acquitted when the facts of the case leave room for doubt, even though his innocence cannot be definitely established. The German people have every right to expect this standard to be applied to them in the court of world history.

Thus we the accused -- the German people -- are under no obligation to prove that "gas chambers" did not exist. Rather, it is up to our accusers to prove that they did. As will be seen in the following chapters, they have yet to do so, and we must not allow ourselves to be fooled by any claims to the contrary, such as those of Langbein. So long as the Auschwitz mythologists make this charge, they will be responsible for proving it. We do not have to plead guilty to a mere *accusation*. It is to be hoped that this point will not be lost on some otherwise well-meaning and patriotic journalists who use the word "Auschwitz" as a synonym for "genocide," because -- as one of them stated in response to a question of mine -- "the opposite cannot be proved."

Foundations of the "Official" Auschwitz Image

Documentary Evidence

As source material for historiography, documents of every kind are assigned pre-eminent rank. Generally speaking, documents constitute the soundest basis for the portrayal of historical events and the analysis of historical processes. While the term "document," in the broadest sense, may be used to describe almost any object conveying information, for example, maps, blueprints, sketches, photographs, motion pictures, and so forth, in the narrower sense it refers only to original or official statements in writing. Transcripts of witness testimony, affidavits, memoirs, letters, and the like are all examples of documents in this limited sense of the word.³⁹

Documents that originated in connection with the alleged events, to which the general term "contemporaneous documents" has been applied, will naturally be assigned greater importance in our study than the post-war testimony and personal accounts the Auschwitz mythologists use to support their grave charges. The latter came into being in what Dr. Butz has called a "hysterical emotional atmosphere."⁴⁰ Indeed, the testimony and affidavits in the Nuremberg and other "war crimes" trials were often given under duress. Contemporaneous documents, particularly those which are said to have played an indispensable role in the alleged events, represent the most reliable source of information about what actually happened.

According to our ground rules, only contemporaneous documents will count as documentary evidence. To be specific: written statements, both personal and official, but especially the latter, relating to "extermination actions"; construction plans of installations necessary for the operation of an "extermination camp" (e.g., "gas chambers" and crematoria); purported photographs of such installations and actions; and any surviving objects that convey information about the alleged events.

At the outset, we should make a few general comments about the authenticity of the documents that allegedly come from German official files. It is -- or should be -- well known that America has thus far returned to Germany only selected portions of the tons and tons of documents it confiscated from German archives.⁴¹ (By "Germany" I mean the Federal Republic of Germany: I do not know whether the German Democratic Republic has received any confiscated documents from the Soviet Union or another of its allies. That is most unlikely.) Official documents relating to what happened in the concentration camps were assembled and evaluated in connection with the various "war crimes trials" staged by the victorious Allies, especially the Nuremberg trials, which were largely an American production. There they received the number and letter designations by which they are cited in the standard works on our subject, seldom with any indication of where the originals are to be found. At best, one finds a footnote indicating that a photocopy of this or that document is to be found at the Institut für Zeitgeschichte or in some other archive. Very often, however, it is not even a photocopy of the original, but rather a photocopy of a "transcription of the original made by the Allies." Nobody seems to know where the originals of the "Nuremberg Documents" -- as they are called -- repose today. Evidently, **[18]** "scholars" and "professional historians" have not taken the trouble to locate the originals of these documents. (When I tried to locate the so-called Wannsee Protocol, which is constantly represented as the key document on the "extermination of the Jews," I had no success whatsoever.) It is doubtful, by the way, that an independent expert has ever examined a single "Nuremberg document" for its authenticity. The documents are, as Udo Walendy puts it, "nearly inaccessible."⁴²

Given these facts -- particularly the fact that they have not been evaluated by independent experts, indeed, cannot be -- one must have grave doubts as to the authenticity of all "German official documents" cited in the literature on our subject. It is hardly surprising that such authentication was not undertaken in connection with the Nuremberg trials. For the sake of argument, however, we shall proceed on the premise that they are genuine. When doubt as to their authenticity may be surmised from their origin and variance from known fact, it will be indicated in the proper place.

Readers interested in probing further into this episode in recent history will find most of the documents used at the Nuremberg IMT trial in the 42-volume published record of those proceedings, which may be found in all the larger libraries. Particular documents are not always easy to locate in the trial record, since the individual volumes lack tables of contents and the general indexing is incomplete. However, page and volume numbers are usually cited correctly in the literature on our subject. It is more difficult to obtain the text of documents used in the subsequent "war crimes trials."⁴³ There is, of course, an official compendium, as it were, of the documents used in the Nuremberg NMT* proceedings, the 15-volume *Trials of War Criminals*, but it contains only English translations which, according to Dr. Butz, cannot always be trusted. As even Reitlinger admits, neither there nor anywhere else are these documents systematically collected and reproduced in full. Nevertheless, we may be sure that all the fundamental documents on the "Final Solution" are to be found in the German-language literature on the subject. They will be the starting-point of our investigation. This approach seems unobjectionable, since the task we have set for ourselves is not to determine what Auschwitz was "really" like, but simply to investigate whether sufficient documentary evidence can be adduced for the claim that Jews were exterminated *en masse* at the camp. We may assume that our "contemporary historians" have left no stone unturned in their search for evidence to support even the least of their allegations. Almost invariably they make use of the same documents that were used in the Nuremberg trials, often quoting only excerpts from them.

Now, let us assume for a moment that the leadership of the Third Reich actually decided to "exterminate the Jews of Europe." (Ever since the war, the anti-German propagandists who claim such a policy existed [18-19]

*Nuremberg Military Tribunal, a series of twelve trials of lesser German defendants, conducted entirely by the Americans -- T.F.

have equated it with the "Final Solution of the Jewish Question," a term which, as we shall see, was used with a quite different meaning during the Third Reich.) The formulation and implementation of a program of mass extermination would have involved so much planning and preparation, so many governmental officials and agencies, that one would expect it to have produced a corresponding mass of paperwork. But where are these contemporaneous documents? In his introduction to the purported autobiography of the former Auschwitz camp commandant Rudolf Höß, Dr. Martin Broszat, one of the "expert witnesses" in the so-called Frankfurt Auschwitz Trial and currently director of the Institut für Zeitgeschichte, talks as though the Auschwitz legend had long since been substantiated with reliable documents. "Documents on Auschwitz are nothing new," he asserts. One wonders to what extent he understands the meaning of the term "document." From the context in which this remark appears, one must assume that he regards all the post-war testimony and reports on Auschwitz as "documents." However, as we shall see, genuine contemporaneous documents that can in any way be construed as supporting the allegation that Jews were "exterminated" at Auschwitz-Birkenau are almost non-existent.

The explanation usually adduced for this dearth of contemporaneous documents is that the Reich leadership kept its homicidal plans under tight security. All the necessary orders and directives were, it is claimed, given orally. Since it has never been proved that Hitler or any other top Reich official issued a written order for the extermination of all Jews in German-controlled territory, the Institut für Zeitgeschichte is reduced to claiming that "according to many witnesses, it must have been given orally."⁴⁴ The same claim appears in the depositions leading members of this institute gave as "expert witnesses" in the Auschwitz Trial, and the arguments they use to support it are thoroughly unconvincing. One of these "experts," Dr. Helmut Krausnick, cites in this regard the memoirs of Himmler's masseur Felix Kersten, which have since been branded a forgery. (Since a number of respected historians hold the view that the Kersten memoirs are fraudulent, it cannot be simply dismissed) ⁴⁵ Another of Krausnick's arguments in support of this assertion is that the *Einsatzgruppen* (SS commandos) took Hitler's so-called Commissar Order as a license to kill every Jew they could in their field of operations.⁴⁶ Be that as it may, the occurrence of such actions would not *per se* prove that Hitler or Himmler ordered the liquidation of those Jews. Testimony to that effect from the Nuremberg trials carries no weight here, since there are so many examples of that testimony being extorted through physical and psychological torture or bought with promises.⁴⁷ Obviously, the claim that the Commissar Order included a directive to exterminate all Jews but that this part of the order was never put in writing is pure speculation. Even such a hardly impartial biographer of Hitler as Joachim C. Fest must

admit that "in the table [20] talk, the speeches, the documents or the recollections of participants from all those years not a single concrete reference of his to the practice of annihilation has come down to us "48

Also opposing the hypothesis that Hitler or Himmler issued an oral directive for the extermination of the Jews is the fact that no request for confirmation of such an order has been found among the files of any subordinate agency. Given the famous German penchant for thoroughness and the gravity of the alleged order, one would assume that those involved in carrying it out would, if only for their own protection, have requested confirmation. At the very least, one would expect some traces of such requests to have survived. This is especially true if Robert M.W. Kempner is correct in his charge that countless officials and agencies of the Reich Government were not only aware of the "extermination of the Jews," but even took part in ~ There can be hardly any doubt that the Allies went through the documents they confiscated with a fine-toothed comb to find such evidence. Since no document containing a reference to an "extermination order" has yet been discovered, it is highly improbable that the order was given. If massacres of Jews did occur, by means of gas or whatnot, subordinates acting on their own undertook them. Such killings would therefore have nothing to do with any "plan" to exterminate the Jewish people. No wonder the extermination mythologists doggedly insist -- despite a total lack of evidence -- that Hitler *must have* given the order for the "extermination of the Jews" orally. Of course, this "must have" is no substitute for proof.

In this connection, an order Himmler allegedly issued in autumn 1944 for the suspension of the "extermination program" is constantly cited in the literature on our subject. From the alleged order, the extermination mythologists conclude that an order for the "extermination of the Jews" must have been issued in the first place. Apart from the fact that this conclusion is something of a *non sequitur*, one notes they usually avoid mentioning that there is no documentary proof that Himmler issued any order to shut down an "extermination program."⁵⁰

Besides the extremely rare contemporaneous documents that bear directly on Auschwitz, there are a number of documents that are supposed to bear indirectly on the alleged plan to exterminate the Jews. They cannot be ignored here, even though they contain no mention whatever of Auschwitz, because they form the basis of the claim that the evacuation (i.e., deportation) of Jews from all parts of Europe to concentration camps in the German-occupied Eastern territories, beginning in 1941 -- an indisputable historical occurrence -- was undertaken for the purpose of killing them, and that, in particular, Birkenau was the site and "gas chambers" the means of this mass murder.⁵¹ Even these documents, however, are not particularly numerous. The documents that bear, directly or indirectly, on the question of whether an extermination program was implemented at Auschwitz will be scrutinized in the following chapter.

Post-War Personal Accounts

Considerably more numerous than contemporaneous documents used to support the Auschwitz legend are the personal accounts of those who purportedly had firsthand experience of the "death factories." In this connection, accounts written by former Auschwitz inmates figure most prominently, but former members of the SS camp personnel have also written accounts or given depositions claiming Jews were exterminated at the camp in "gas chambers" and crematoria built especially for this purpose. Perhaps the most important of the accounts ascribed to former SS men is that of Rudolf Höß, commandant of the Auschwitz camp, which we have mentioned above.

A particularly instructive collection of such accounts is the book *Auschwitz: Zeugnisse und Berichte* [Auschwitz: Testimony and Reports], edited by the former concentration camp inmates H.G. Adler, Hermann Langbein, and Ella Lingens-Reiner. This compilation has a foreword by Hermann Langbein but is otherwise without commentary. Obviously intended as psychological spadework for the Frankfurt Auschwitz Trial, which began in 1963 after several years of preliminary investigations, it contains accounts by persons who later appeared as prosecution witnesses, some of whom likewise told their stories on the radio prior to the trial. A similar compendium of personal accounts is Hermann Langbein's *Menschen in Auschwitz*. Unlike the previously mentioned volume, this compilation contains a good deal of augmentation and commentary. There are other books that deal exclusively with the purported experiences of their authors in Auschwitz, but these two collections, I believe, represent the most copious sampling of what has been reported about the "extermination camp."

The evaluation of these "eyewitness accounts," only a very few of which contain any even remotely specific statements about "gassings" or "gas chambers" and crematoria, leads us to the problem of how to regard witness testimony in general. For it must be equally clear to both layman and jurists that not everything witnesses state is the truth. Here we can only touch briefly on this problem. Later on, we shall treat it in greater detail.

It goes without saying that virtually all of these accounts are far removed from objectivity. In the case of accounts written by former inmates that is quite understandable. Nobody likes to be deprived of his freedom. People who have been imprisoned are inclined to speak only evil of their erstwhile jailers. After the fall of the Third Reich, such a depiction was expected, indeed, demanded, of former inmates of its concentration camps and prisons. We must always bear in mind that witnesses in the initial "war crimes trials"-- and even later ones -- were under pressure to give a certain line of testimony. Few people today can imagine the variety and intensity of the pressures and influences to [22-23] which those witnesses were subject.⁵² Furthermore, we must take into account what Rassinier calls the "Odysseus complex," namely, the psychic tendency, present in most individuals, to exaggerate one's own experiences, whether good or bad.⁵³ In view of these self-evident facts, less weight should be assigned to post-war accounts than to contemporaneous documents. All post-war accounts must be subjected to particularly rigorous scrutiny.

Even those accounts by writers and witnesses who appear to be making a sincere effort to relate the truth as it is known to them must be regarded with critical reserve. The ability of human beings to observe and record has its limits. Any honest person will affirm this fact from his own experience. What is more, the suggestive effect of the atrocity propaganda spread by the mass media since 1945 has caused even wellintentioned writers of personal accounts to mingle inseparably hearsay and personal experience, or to relate hearsay as personal experience. Along with this confounding of fact and fiction goes a certain mutual influence -- conscious or unconscious -- among former concentration camp inmates. ⁵⁴

Thus one must warn against placing any great trust in post-war accounts of Auschwitz. No responsible historian would regard personal accounts alone as proof, least of all of the extermination thesis. Unless they could be verified from authentic sources, he would not even take them into consideration as evidence. Most "witnesses" to the alleged gassing of the Jews" have failed, by the way, to provide a convincing explanation of how or why their own lives were spared.

Post-War Legal Proceedings

Since most people place a great deal of trust in judicial decisions, the various post-war trials of so-called "Nazi" war criminals played an important role in the establishment and consolidation of the extermination legend. Beginning with the Nuremberg trials of the Allies, judicial and quasi-judicial proceedings have been used to give a semblance of plausibility to the six million legend. All the courts had to do, it seems, was note in their decisions that the "extermination of the Jews" is an "established fact."

Nevertheless, the various "war crimes trials" conducted by the victorious Allies failed to accomplish the purposes for which they were designed. In Germany, as elsewhere, they were unpopular from the start, and their "findings" continue to meet with doubt.⁵⁵ That helps explain why the name Auschwitz was virtually unknown to the average citizen until well into the 1950's, even though the International Military Tribunal had represented Auschwitz as the site of millions of murders, largely on the basis of the Höß affidavit, which was undoubtedly the product of coercion.⁵⁶

[22-23]

After the propaganda campaign to make Auschwitz the focal point of the extermination legend began, it must have seemed advisable to get a German court to echo this allegation. Hence the grotesque proceedings against Mulka *et al.* before the Frankfurt Assize Court, which have entered the history of jurisprudence under the heading of the "Auschwitz Trial." This trial, which received extraordinary attention in the mass media, has influenced the historical consciousness of a great many people, especially in Germany. There can be no doubt that it not only strengthened the belief of those who were already convinced that Auschwitz was the center of the extermination of the Jews, but also persuaded a wider range of people that there might be some truth to this allegation, even, as mentioned above, elements on the so-called right-wing.

Although the Auschwitz mythologists constantly invoke the various Nuremberg trials, as well as the Frankfurt Auschwitz Trial, as proof that Auschwitz-Birkenau was a "death factory," they do not merit any special consideration within the framework of this study. For the findings of these trials are based on documents and witness testimony found in the literature on the camp, and will be discussed in that context. It goes without saying that a legal proceeding, even one concerned with events in recent history, is only worth as much as the documents and testimony on which its findings are based. As Rassinier has noted, not a single document has been presented, either at the Nuremberg trials or in the concentration camp literature, that substantiates the allegation that "gas chambers" were installed in German concentration camps, on orders from the Reich Government, for the purpose of mass extermination of Jews.⁵⁷ In this regard, the Auschwitz Trial changed nothing.

Even so, I think it appropriate to devote a chapter to the Auschwitz Trial, because quite a few people believe that its findings have especially great "probative value." I also think this costly trial is the best possible illustration of the fact that penal trials are unsuited for the clarification of historical issues--indeed, that they hinder, rather than promote, the search for historical truth.

CHAPTER TWO

CONTEMPORANEOUS DOCUMENTS

[NOTE: Many of the German language portions still contain scanning errors. 3/5/99]

AS WE MAKE a detailed examination of documents of the most diverse kinds from the period of the Third Reich we shall see that the Auschwitz mythologists are able to draw from them the conclusions they desire -- if indeed at all -- only by resorting to forced logic, conjecture, and the creation of fictive, or at least dubious, associations. That is to say, there are gaps in the chain of "proof," and the individual pieces of circumstantial evidence are far from unambiguous.¹

Such argumentation is no more acceptable to the historian than it is to the jurist. With reference to the question of whether Hitler "knew" about the "gassing" of the Jews, the distinguished British historian David Irving has stated, in no uncertain terms, that none of the available documents contains any solid information, and historians cannot go by speculation alone.²

Only in a very few contemporaneous "eyewitness accounts" is it expressly claimed that "gas chambers" existed at Birkenau. These reports, however, are so questionable and contradictory that after the war one hardly ever dared invoke them as proof, or quoted them only in part.

In the following chapter, I shall deal with the contemporaneous documents according to subject matter as well as importance.

Basic Documents from German Official Records

The "Göring Decree"

In nearly all the historical accounts of the "extermination of the Jews," a directive Reichsmarschall Göring issued to SS-Gruppenführer Reinhard Heydrich, head of the Security Service and the Secret Police, on July 31, 1941, is cited as a fundamental document. It supposedly aims at consolidating and co-ordinating "extermination actions" planned earlier and already partially executed. As a rule, the great "extermination action" that allegedly culminated in the Auschwitz "death camp" is dated from the time of this "decree." The document, placed in evidence at the Nuremberg IMT trial (Nuremberg Document 710-PS), reads as follows:

Der Reichsmarschall des Großdeutschen Reiches Berlin, den 31.7.1941
Beauftragter für den Vierjahresplan
Vorsitzender
des Ministerrats für die Reichsverteidigung
An den
Chef der Sicherheitspolizei und des SD
SS-Gruppenführer Heydrich
Berlin

In Ergänzung der Ihnen bereits mit Erlaß vom 24.1.39 übertragenen Aufgabe, die Judenfrage in Form der Auswanderung oder Evakuierung einer den Zeitverhältnissen entsprechend möglichst günstigen Lösung zuzuführen, beauftrage ich Sie hiermit, alle erforderlichen Vorbereitungen in organisatorischer, sachlicher und materieller Hinsicht zu treffen für eine Gesamtlösung der Judenfrage im deutschen Einflußgebiet in Europa.

Sofern hierbei die Zuständigkeiten anderer Zentralinstanzen berührt werden, sind diese zu beteiligen.

Ich beauftrage Sie weiter, mir in Bälde einen Gesamtentwurf über die organisatorischen, sachlichen und materiellen Vorausmaßnahmen zur Durchführung der angestrebten Endlösung der Judenfrage vorzulegen.

Göring

Supplementary to the task that was entrusted to you in the decree dated 24 January 1939, namely to solve the

Jewish question by emigration and evacuation in a way which is most favorable in connection with the conditions prevailing at the time, I herewith commission you to carry out all preparations with regard to organizational, factual, and financial viewpoints for a total solution of the Jewish question in those territories in Europe under German influence.

If the competency of other central organizations is touched in this connection, these organizations are to participate.

I further commission you to submit to me as soon as possible a comprehensive proposal showing the organizational, factual, and material measures already taken for the intended final solution of the Jewish question.

3

For the glib Nuremberg prosecutor Robert M.W. Kempner it was a foregone conclusion that:

"Thereby Heydrich and his henchmen were officially entrusted with the administration of murder."⁴

To the unbiased reader of the document this remark is simply astonishing. Nothing in the "Göring Decree" has any direct bearing on a "murder plan." From the wording it is obvious that this order concerns measures for evacuating or promoting the emigration of Jews out of the German sphere of influence in Europe, not physically exterminating them. The document takes on the latter meaning only when the expression "final solution" is given the forced interpretation treatment, as almost invariably happens.⁵ To give but one example, Andreas Hillgruber, in his essay "Die Endlösung und das deutsche Ostimperium" ("The Final Solution and the German Eastern Imperium"), published in the *Viertel jahreshefte für Zeitgeschichte* in 1972, goes so far as to designate the "Final Solution," by which he means, of course, the "extermination of Jews," as the cornerstone of the racial-ideological program of National Socialism."⁶ None of those who attribute this meaning to "Final Solution" have taken the trouble to ascertain when, where, and, most important ly, by whom it was attached to the term. In the literature on our topic, Heydrich's long involvement with organizing the emigration of Jews from Reich territory (a project for which the agency headed by SS Obersturmbannführer Eichmann, Bureau IV B 4 of the Reich Security Main Office [RSHA], had primary responsibility), is conveniently viewed as preparation for his later assignment of "exterminating the Jews."⁷ Any other possible correlations between the "Göring Decree" and Heydrich's previous tasks are studiously ignored. Sometimes it is even claimed that the "Final Solution" went back to an order Hitler gave Himmler, and was already in progress. According to this theory, the "Göring Decree" was a "mere formality," simply granting Heydrich the authority to "engage other State agencies" in the "Final Solution."⁸

Here we have quite a good example of the reckless speculation that attends so many discussions of this subject. An "order" Hitler may never have given -- that he did so has yet to be proved -- is combined with the arbitrary definition of the term "final solution" to create the impression that Göring's rather commonplace directive is evidence of a scheme to murder the Jews. How Göring, in particular, came to transmit to Heydrich an order Hitler supposedly gave Himmler (Heydrich's immediate superior), providing to some extent the *modus operandi* for its execution, is a secret known only to these artificers of explication.

Evidently Robert H. Jackson, the American Chief Prosecutor at the Nuremberg IMT trial, was not quite satisfied with the document in its original form. At any rate, he introduced a retroversion of the English translation that had already been submitted by the prosecution in which, among other things, the term "total solution" ("Gesamtlösung"), in the first paragraph of the original text, was changed to "final solution" ("Endlösung"), presumably so that the document would fit in better with the charges in the indictment. Göring energetically and successfully contested this attempt at falsification.⁹ Ever since, only the text of the "decree" he acknowledged (the version that appears above) has been cited.

The real reason for the issuing of this directive is to be found, simply and indubitably, in the first sentence, where it is stated that the Reich Government's policy of deporting or promoting the emigration of Jews, which until then directly involved only Jews in Germany, would be extended to include *all* Jews residing in the German sphere of influence.

Considering that the German sphere of influence had recently been expanded, the measures previously applied to Jews in the Reich could be regarded only as a "partial solution" to the Jewish question. Thus it was quite appropriate to refer to their application to Jews in the occupied territories as a "total solution." Something that doubtless played an important role in this policy was the fact that the Jews in the lands occupied by the German armed forces in 1940-41 represented a security risk not to be taken lightly, especially in view of the countless threats, provocations, and incitements against the Reich then emanating from various leaders of international Jewry.¹⁰ This state of affairs must have suggested the necessity of evacuating all Jews from German-occupied territory in Europe, insofar as their removal was not possible through emigration.

Heydrich's assignment was simply to extend to other parts of Europe the policy of emigration and evacuation already in effect in the Reich.¹¹ In this respect, the "Göring Decree" brought nothing new, except that it empowered Heydrich to enlist the participation of other governmental agencies in applying these measures, if their "competency" were "touched in

this connection."¹²

Although Heydrich was basically to continue a pre-existing policy ("namely to solve the Jewish question by emigration and evacuation"), he clearly had to take into account certain objective changes in the preconditions and possibilities for it. The outbreak of war set strict limits to the policy of emigration, which had been the solution of first choice. Even before, however, the countries to which it was thought the Jews might emigrate proved increasingly reluctant to admit them. This fact was illustrated by the "Evian Conference" of July 1938. Each of the states participating in this conference brought forth reasons why it no longer could or would take in Jews.¹³ Nevertheless, the emigration policy was pursued -- even during the war -- until all the possibilities were exhausted, as the Jewish author Hannah Arendt had to admit. It was only in the autumn of 1941 that Himmler prohibited all further emigration of Jews, though numerous dispensations appear to have been granted.¹⁴ According to Jürgen Rohwer, even as late as 1944 several shiploads of Jewish emigrés left Rumania via the Black Sea under the protection of the German Navy.¹⁵ All this contradicts the extermination claim. Every Jewish emigré is living proof that the physical destruction of the Jewish people was not the aim of the Reich Government. Besides emigration, the settlement of all Jews in some out of the way place was considered a possible solution, even before the war, and not just by the German Government. The term "evacuation" was applied to this plan, too. On a practical level, the German government first contemplated, in or about 1938, the island of Madagascar as a settler-colony for the Jews. Here Germany was in accord with the initial plan for the establishment of a Jewish "homeland" put forth by the founder of the Zionist movement, Theodor Herzl.¹⁶ The Madagascar Plan, which the proponents of the extermination thesis seem to have great difficulty in bringing themselves to mention, and seldom take seriously, did not appear within the realm of possibility until the defeat of France in 1940, since Madagascar was a French colony.¹⁷ There were repeated discussions on this proposal between Germany and France, but the Madagascar plan ultimately fell through, owing to the resistance of the Vichy Government.¹⁸

On the other hand, the recently annexed territories in Eastern Europe afforded new opportunities for the evacuation of the Jews from the West, and this development is something Göring may also have had in mind when he issued his "decree." If so, that would explain why he directed Heydrich to submit a "draft showing the organizational, factual, and financial measures already taken for the execution of the intended final solution of the Jewish question."

One must not forget that to the National Socialists the term "Final Solution" had always meant colonization and isolation of the Jews in one particular territory. As early as 1933, the well-known political scientist Dr. Johann von Leers wrote, in his book *14 Jahre Judenrepublik* [Fourteen Years of the Jewish Republic]:

For all its radicalism, our struggle against Jewry has never aimed at the destruction of the Jewish people, but rather at the protection of the German people. We have every reason to wish the Jewish people success in an honorable national development in a land of their own, so long as they lack the will or the opportunity to interfere ever again with Germany's national development. Hostility to Jews for its own sake is stupid and, in the last analysis, barbaric. Our opposition to the Jews is based upon the desire to rescue our own people from spiritual, economic, and political enslavement to Jewry. The basic idea of Zionism, to organize the Jewish people as a nation among nations in a land of their own, is -- provided no ambitions of world-domination are involved -- healthy and justified. Instead of fruitlessly shoving the Jewish problem on each other, century after century, it would behoove the European nations to rid themselves of Jewry, once and for all, by organizing the settlement of the Jews in an adequate and wholesome extra-European colonial territory.¹⁹

That is how a prominent National Socialist viewed the Jewish question. No one can claim that his statements contain the slightest hint of an embryonic plan to exterminate the Jews. The promotion of the Madagascar Plan, before and even during the first years of the war, proves that von Leers's conception of the solution to the Jewish problem simply reflected the policy of the German Government. All the many attempts to show that the Madagascar Plan was never given serious consideration have no basis in fact.

Even Heydrich, who is constantly represented as a particularly uncompromising advocate of "exterminating the Jews," was quite obviously interested in a "territorial solution." From a letter dated June 24, 1940, in which he requests Foreign Secretary Ribbentrop to take part in forthcoming discussions on the final solution of the Jewish question, his views on the matter are clear:

Das Gesamtproblem -- es handelt sich bereits um rund 3-1/4 Millionen Juden in den heute deutscher Hoheitsgewalt unterstehenden Gebieten -- kann durch Auswanderung nicht mehr gelöst werden; eine territoriale Endlösung wird daher notwendig.

The very size of the problem -- and we have to consider that there are about three and a quarter million Jews in the territories now under German control -- can no longer be solved by emigration; a *territorial* final solution will have to be found.²⁰

And Himmler, in a memorandum accompanying a policy report to Hitler, probably from around May 1940, stated:

Den Begriff Juden hoffe ich durch die Möglichkeit einer großen Auswanderung sämtlicher Juden nach Afrika oder sonst in eine Kolonie völlig auslöschen zu sehen.

I hope through the possibility of a great migration of all the Jews to a colony in Africa or somewhere else, to see the complete obliteration of the concept "Jew."²¹

It is worth noting, by the way, that in the same document Himmler expressly rejects "from inner conviction" the idea of physically exterminating a people as "un-Germanic and impossible" ("aus innerer Überzeugung als ungermanisch und unmöglich"). Hitler found this report to be "very good and correct" ("sehr gut und richtig").²² He is also supposed to have stated at the time that he intended to "evacuate all Jews from Europe" ("sämtliche Juden aus Europa zu evakuieren").²³ According to *Hitlers Tischgespräche* [Hitler's Table Talk], a volume of selections from stenographic records of Hitler's private conversations, edited by one of the stenographers, Dr. Henry Picker, the accuracy and authenticity of which no one has ever disputed, Hitler declared, on July 24, 1942, that the evacuation of the Jews was among his plans for the post-war era.²⁴

If nothing else, Heydrich's statement proves that the term "Final Solution" was indeed used in connection with the plan of removing the Jews to a territory where they could live as a separate community in their own state. But all the remarks by leading National Socialists quoted above show this is how they really viewed the "Final Solution to the Jewish Question." Utterances of equal clarity in which the term "Final Solution" points, either directly or even indirectly, to the "extermination of the Jews" simply do not exist. The plan of the National Socialist authorities generally corresponded to the Zionists' demand for their own Jewish state, the main difference being that Zionist aspirations focused exclusively on Palestine.

Furthermore, the term "Final Solution" was used in this sense in an official document even after the so-called Wannsee Conference, at which -- so the story goes -- it was decided to "exterminate" the Jews and details of that project were worked out. On February 10, 1942, Franz Rademacher, head of Department "Deutschland III" of the Foreign Office (the bureaucratic liaison between the Foreign Office and the SS), issued a directive on the "Final Solution," of which the part that interests us here reads as follows:

Der Krieg gegen die Sowjetunion hat inzwischen die Möglichkeit gegeben, andere Territorien für die Endlösung zur Verfügung zu stellen. Demgemäß hat der Führer entschieden, daß die Juden nicht nach Madagaskar, sondern nach dem Osten abgeschoben werden sollen. Madagaskar braucht mithin nicht mehr für die Endlösung vorgesehen zu werden.

The war with the Soviet Union has in the meantime created the possibility of making other territories available for the Final Solution. In consequence the Führer had decided that the Jews should be evacuated not to Madagascar but to the East. Madagascar need no longer therefore be considered in connection with the Final Solution.²⁵

It is evident that in this context, too, the term "Final Solution" can only mean the resettlement and segregation of the Jews in a distinct territory. Whenever you find some scribbler claiming this policy was a "cloak to hide the real plans for the Final Solution" -- to use Reitlinger's phrase -- you may be sure he is totally biased.²⁶

In view of all these facts, not to mention the unambiguous wording of the document, the "Göring Decree" cannot be said to contain the slightest indication that Heydrich was being "officially entrusted with the administration of murder," as the Jewish-American Nuremberg prosecutor Kempner so melodramatically put it. The obvious purpose of the "decree" was to consolidate and extend throughout the whole German sphere of influence in Europe the pre-existing policy of "forcing out" Jewry by means of emigration and deportation. To that end, Heydrich was ordered to submit a plan outlining preliminary measures for accomplishing the "Final Solution to the Jewish Question," which was still conceived as resettlement of the Jews in a territory of their own -- something on the order of Theodor Herzl's *Judenstaat* -- not as the physical extermination of the Jewish people, that recurrent but undocumented and indemonstrable allegation.

In passing, let it be noted that the claim that the "Nazis exterminated 6,000,000 Jews" is nonsensical simply because the Reich Government never had even a remote possibility of doing so. At the beginning of the war, the world Jewish population amounted to 16,000,000.²⁷ Of that the number of Jews living in areas under German control at the time of its greatest extent was -- as Richard Harwood has shown -- no more than 3,000,000.²⁸ Significantly, the New York Jewish paper *Aujbau* reported, in its issue of June 30, 1965, that the Bonn Government had already received 3,375,000 applications for "restitution."²⁹ Any commentary would be superfluous.

The "Wannsee Protocol"

Leaving aside the "Göring Decree," the "key document" for the extermination thesis is the alleged record of discussions said to have been held on January 20, 1942 at the offices of the German section of Interpol (No. 56/58 Gross Wannsee Road, Berlin), under the chairmanship of Heydrich. Among the participants reportedly were a number of ministerial and other high-ranking officials whose administrative "competency" was "touched" by the projected "total solution of the Jewish question in Europe." The "minutes" of this conference, usually designated the "Wannsee Protocol," were presented in evidence by Chief Prosecutor Robert M.W. Kempner at the NMT "Wilhelmstrasse Trial" (Case XI; U.S. vs Weizsaecker) as document NG-2586.

Given the importance generally attributed to the "Wannsee Protocol," I thought it necessary to reproduce the entire document here, despite its length, so that each line may be studied in its proper context (see Appendix I)³⁰ The version of the "Wannsee Protocol" we shall be discussing is the "facsimile" that appears in Kempner's book *Eichmann und Komplizen* [Eichmann and Accomplices]³¹

First of all, it should be noted that these "minutes" are not a protocol in the true sense of the word. According to the Institut für Zeitgeschichte, they must actually be notes made *after* the conference by Eichmann and his colleague Roll Günther.³² It is rather peculiar that even the more scholarly members of the Institut für Zeitgeschichte use the term "protocol."³³ For this designation is usually thought to apply only to minutes recorded *during* a particular session of a trial, hearing, conference, etc., which the responsible participants guarantee to be a true and accurate report by their signature. Only such a protocol can be considered a more or less valid record of the proceeding. Jottings from memory -- known in German officialese as "Aktenvermerke" ("notes for the files") -- may, on the other hand, be designated "Erinnerungsniederschriften" ("aides mémoire" or "memoranda"). To these one assigns very little probative value, since there is always a possibility of lapses of memory on the part of the writer. As a rule, they have the force of proof only when combined with other circumstantial evidence.

There can be little doubt that this aide-mémoire has been described as a "protocol" in order to create the impression that the information it contains about the subject and conclusions of the Wannsee Conference is trustworthy in every respect. At any rate, its authenticity and accuracy were simply taken for granted in the "Wilhelmstrasse Trial," and the proponents of the extermination theory have adhered to that assumption ever since. Yet it is questionable that the document, in its present form, was prepared by Eichmann or any other participant in the conference, if indeed it is genuine. Even the format of the document gives rise to suspicions about its authenticity.

As Professor Rassinier has noted, the "Wannsee Protocol" bears no official imprint, no date, no signature, and was written with an ordinary typewriter on small sheets of paper. This latter fact cannot, of course, be readily gathered from the "facsimile" in Kempner's book (the original is not available for examination). What strikes one first about the document, as reproduced there, is indeed that it does not bear the name of an agency, nor the serial number under which an official record of the proceedings would have been kept by the agency that initiated them. That is totally out of keeping with official usage, and is all the more incomprehensible because it is stamped "Geheime Reichssache" ("Top Secret"). One can only say that any "official record" of governmental business without a file number or even administrative identification -- especially a document classified "Top Secret" -- must be regarded with the utmost skepticism. Kempner's "facsimile" of the "Wannsee Protocol" does bear the designation "D. III. 29. g. Rs," on the first page, which may be taken as some kind of official record number. However, the German bureaucracy did not normally classify documents in that way.

All these oddities should be enough to arouse suspicion that the "Wannsee Protocol" is a forgery -- especially since there are numerous relevant examples of such fabrications.⁵ Nevertheless, it does not appear that any of the "court historians" have bothered to check the authenticity of the document, or perhaps have even seen the original. In any case, when Heinrich Hurtle raised this question at a historians conference held on the 30th anniversary of the Nuremberg IMT trial, he received no answers.³⁶ It is worth noting that even in his Auschwitz Trial deposition Helmut Krausnick cites merely a *photocopy* of the "Wannsee Protocol," from the files of the Institut für Zeitgeschichte.³⁷

The "Wannsee Protocol" does not clearly outline an "extermination plan." Of course, the absence of any reference to such a plan in this document has not stopped the proponents of the extermination thesis from citing it for support. However, so many participants in the Wannsee Conference survived the fall of the Third Reich that at first the extermination mythologists could not risk making grossly false charges about the subject and outcome of the conference. Hence they limited themselves to more or less vague statements about "preparations" for an "extermination program." Otherwise, the document could not be reconciled with the testimony of the surviving participants in the conference, who unanimously disputed the charge that it was held to plan the "extermination of European Jewry." The only discussion they could recall concerned the deportation of Jews for a labor force in the occupied Eastern territories. In his book *Eichmann und Komplizen*, Kempner presents selected passages from transcripts of his interrogations of surviving participants in the

conference, and, of course, maintains that they "resorted to denials" for "fear of being identified with the murder plan."³⁸ Certainly, that is nothing more than an allegation, and he can "support" it only by going back to the "Wannsee Protocol." Just as telling as this begging of the question are the low and brutal methods of intimidation that Kempner -- a former Prussian senior civil servant -- employed in his interrogations of these and other Reich officials. Even the interrogation transcripts he quotes -- which he has, no doubt, "doctored" -- testify to those methods. Yet he failed to induce any of the surviving participants in the Wannsee Conference to serve as a key witness for the prosecution.

The very fact that the "Wannsee Protocol" does not clearly outline an "extermination plan" speaks against the theory that it is entirely a forgery. Also opposing the total forgery hypothesis is the fact that the particulars of the document are essentially correct, though the population statistics on the Jews (see p. 286) are certainly overestimates.³⁹ Of course, even a substantially forged document does not have to be false in every detail. No doubt forgers could have obtained without difficulty the needed assurance about numerous points that actually were discussed at the conference, and incorporated them into a forgery.

While it remains to be seen whether the document is entirely a forgery, I am convinced that segments of certain paragraphs were either subsequently added, deleted, or altered to suit the purposes of the Nuremberg trials and the kind of "historiography" that followed in their footsteps.⁴⁰ Obviously, it is easy to falsify an unsigned document written on an ordinary typewriter. A piece of writing not identified by one or more signatures at its conclusion could be altered in part, abridged, or created out of thin air. Entire paragraphs could be easily inserted or excised, without that being recognizable at first glance, since a machine with a typeface corresponding to that of the one on which the original was written would not be hard to obtain, and, if necessary, could be specially constructed for the desired purpose. Only by recourse to the techniques of criminological investigation can such fabrications be exposed beyond a shadow of a doubt, unless -- as in the case of the "Wannsee Protocol" -- the content alone is enough to serve as proof of forgery.

Despite its generally dubious character -- in particular, the fact that even its format is quite at variance with German official usage -- nobody seems to have undertaken to examine the *content* of the "Wannsee Protocol" with a view to determining whether the document is authentic. Even in their Auschwitz Trial depositions, the "historians" of the Institut für Zeitgeschichte failed to address themselves to this obvious question, though as advisors to the court it was incumbent upon them to do so. They simply took it for granted that the "document" was genuine in its entirety, and proceeded with a reckless interpretation of it. Their treatment of the "Wannsee Protocol" was at odds with the methods of scholarship, especially since they could not have been unaware that the French historian Paul Rassinier had expressed some well-founded doubts about its authenticity.⁴¹ The scholarly method demands that one come to grips with opposing views and not merely gloss over them, as those who have almost succeeded in portraying the "extermination of the Jews" as an established fact habitually do.

Assuming that an official memorandum was prepared after the conclusion of the Wannsee Conference, a critical examination of the document Kempner presents as that record shows it is not a complete and accurate report of the meeting. Several passages do not fit into the overall picture. Even if much of the document is genuine, those passages can only be subsequent interpolations.

According to Section II of the "Wannsee Protocol," Heydrich gave the conference participants a review of the measures that had been thus far employed to "force the Jews out of the living space of the German people."⁴² In the report of his statements, however, only the policy of encouraging their emigration is mentioned, not the Reich Government's many attempts to create a homeland for the Jews on Madagascar. That omission seems a particularly significant datum when one reflects that the plan for creating a Jewish homeland had for some years played a role in the policy deliberations of the German Government, and had even then by no means been abandoned (see p. 29 above). Heydrich would not have forgotten to mention this plan in reviewing Germany's Jewish policy to date. Of course, Eichmann -- assuming he composed the memorandum -- could have neglected to record any discussion of the Madagascar Plan, but that is most unlikely, since it was a project with which he was deeply involved.⁴³ Thus one cannot rule out the possibility that a portion of the original typescript dealing with the Madagascar Plan was omitted in order to prevent the obvious identification of the term "Final Solution," which appears repeatedly in the "Wannsee Protocol," with the plan of founding a Jewish homeland.

Heydrich is supposed to have concluded his review with the statement that Himmler had prohibited any further emigration of Jews in view of . . . the possibilities in the East." Most likely, this vague and in sinuating reference to unspecified "possibilities" was also slipped into the document to facilitate its interpretation as an "extermination plan." For would not Heydrich have mentioned here that the Jews were -- as numerous documents attest -- desperately needed as manpower for the projected armaments industry in the East?

In the first paragraph of Section III, the evacuation of the Jews to the East is, in fact, mentioned as a "further possible solution" ("Lösungsmöglichkeit") and in the next paragraph it is stated that "here practical experience has already been gained which is of great importance for the coming Final Solution" ("doch werden hier bereits jene praktischen Erfahrungen gesammelt, die im Hinblick auf die kommende Endlösung der Judenfrage von wichtiger Bedeutung sind")*. If one bears in mind that the German Government never thought of "extermination" as the "Final Solution," but, at least since the beginnings of the Madagascar Plan, understood it as settlement of the Jews in an independent state, then this passage seems hardly remarkable. The colonization of all Jews in a state of their own entailed numerous problems, and its feasibility had to be tested in the ghettos of the occupied Eastern territories. Nevertheless, one should not reject out of hand the possibility that the second paragraph of Section III was subsequently inserted into the document, in order to make it seem as though the testing of various methods of killing were under consideration -- after all, the term "Final Solution" is usually equated with the "systematic extermination of the Jews." Thus Krausnick, in his Auschwitz Trial deposition, conjectures that "this euphemistic speech may have been intended to conceal the idea of using some of the Jews condemned to be deported in an experiment in extermination . . . which might prove useful for the large-scale liquidation plans."⁴⁴ Krausnick's remarks are, by the way, an outstanding example of the kind of suppositions, conjectures, and facile leaping to conclusions that one so frequently encounters in the attempts to "prove" the extermination thesis. Moreover, with this paragraph omitted, the document sounds more plausible, especially if one brings in the Rademacher directive (see pp. 30-31 above).

*Typically these words are omitted from the NMT translation of this passage. --T.F.

None of these questionable points is of decisive importance, however, since the extermination thesis is principally based on two other paragraphs in the document, which are usually quoted separately and out of context. If one views the "Wannsee Protocol" as a whole, these passages, especially, stand out as foreign entities; hence at least this portion of the document may very well be a forgery.

It seems appropriate here to return to these two paragraphs. They read as follows:

Unter entsprechender Leitung sollen im Zuge der Endlösung die Juden in geeigneter Weise im Osten zum Arbeitseinsatz kommen. In großen Arbeitskolonnen, unter Trennung der Geschlechter, werden die arbeitsfähigen Juden straßenbauend in diese Gebiete geführt, wobei zweifellos ein Großteil durch natürliche Verminderung ausfallen wird.

Der allfällig endlich verbleibende Restbestand wird, da es sich bei diesem um den widerstandsfähigsten Teil handelt, entsprechend behandelt werden müssen, da dieser, eine natürliche Auslese darstellend, bei Freilassung als Keimzelle eines neuen jüdischen Aufbaus anzusprechen ist. (Siehe die Erfahrung der Geschichte.)

Under proper direction the Jews should now in the course of the Final Solution [Endlösung] be brought to the East in a suitable way for use as labor. In big labor gangs, with separation of the sexes, the Jews capable of work are brought to these areas and employed in road-building, in which task undoubtedly a great part will fall out through natural diminution [natürliche Verminderung].

The remnant that finally is able to survive all this -- since this is undoubtedly the part with the strongest resistance -- must be treated accordingly [entsprechend behandelt werden] since these people, representing a natural selection, are to be regarded upon their release as the germ cell of a new Jewish development. (See the experience of history.)

With the exception of the initial sentence of the first paragraph, these two paragraphs do not fit into the framework of the document, and that quite apart from the obscurity of the second paragraph, which for the record of such an important conference is unusual, to say the least. Rassinier has raised doubts about the authenticity of this passage.⁴⁵ He maintains that the second of these two paragraphs does not follow the first in the original text, noting that when the "Wannsee Protocol" is quoted in the press, the first paragraph is separated from the second with ellipses. That would, of course, suggest that something has been omitted from the passage. However, the original of the "Wannsee Protocol" was apparently not at his disposal, or else he would have quoted the missing part to support his thesis. I myself have not been able to find any corroboration for this claim. Nevertheless, should it be true, then, in addition to the version of the "Wannsee Protocol" put in circulation by Kempner, there must be another, dissimilar version in circulation. Moreover, Rassinier holds that the two paragraphs are not written in the same style. That they do not stem from the same writer would be difficult to prove, though the second paragraph, in particular, seems even more vague and verbose than the rest of the "Wannsee Protocol." Taken as a whole, Rassinier's arguments for the manipulation of this passage are, by themselves, not sufficiently convincing.

Nevertheless, there can be no mistaking the incompatibility of these two paragraphs with the rest of the document. Hence it is not at all surprising that they should be quoted out of context. Only by means of such devices can critical readers be deceived about the actual content of the "Wannsee Protocol." The need for them bespeaks great laxity on the part of the forgers. They simply were not careful enough to bring their forgeries in line with the rest of the text.

The statement, in the first of the two paragraphs, that the Jews capable of work would be brought "to these areas" while building roads is disconcerting, for it has not been mentioned previously to *which* "areas" the Jews were to be sent. In fact, nothing in the preceeding text prepares us for this statement. Moreover, it does not correspond to what actually happened: There is not one known case of Jews being "evacuated to the East while building roads." Likewise, it conflicts with the first statement in the paragraph, that the Jews should be "brought to the East in a way suitable for use as labor." That this was the real plan is substantiated -- as we have already noted several times -- by numerous documents on the incorporation of the Jews into the war economy, an objective that would have ruled out the intentional decimation of able-bodied Jews through an excessively rigorous trip to the Eastern territories, let alone the liquidation of the survivors. The phrase "given treatment accordingly" ("entsprechend behandelt"), from which the proponents of the extermination thesis invariably infer that the survivors were to be killed, obviously lends itself to other interpretations.⁴⁶

Even from these few discrepancies one can tell the passage is of dubious authenticity, but when one considers the following paragraph (Appendix I, p. 287), it seems utterly spurious.

Die evakuierten Juden werden zunächst Zug um Zug in sogenannte Durchgangs ghettos verbracht, um von dort aus weiter nach dem Osten transportiert zu werden.

The evacuated Jews are brought first group by group into the so-called transit ghettos, in order from there to be transported farther to the East.

"Transporting" Jews to the East is certainly something quite different from having them build roads on their way to that destination.* In fact, one of the participants in the conference, State Secretary Bühler, brought up the "transport problem" a second time (see Appendix I, page 290). If one planned on having the Jews march to the East while building roads, transportation would not have been that much of a problem. This glaring contradiction would not appear in a completely authentic record of such an important conference. From it alone one must conclude that these two paragraphs (page 287 below) of the "Wannsee Protocol," which are constantly invoked as proof of the extermination thesis, did not exist in the original document. Moreover, no plans for this combined death march and construction project are discussed in any other part of the "Wannsee Protocol." Simply because of its muddled language, the paragraph beginning with "the remnant that is able to survive all this" ("der allfällig endlich verbleibende Restbestand" -- what a mouthful!) seems of dubious authenticity.

*This, by the way, is what the German phrase "straßenbauend... geführt" actually means, not "brought to these areas and employed in road-building," as the NMT version has it. -- T.F.

Time and again, it has been asserted -- for example, by Kempner -- that all participants in the conference knew perfectly well that the subject under discussion was the "extermination of the Jews." But if that is so, then why did Heydrich talk in riddles? In this connection, Albert Wucher makes an interesting remark:

Apart from Heydrich, the Chief of the Security Service and the Reich Security Main Office, nobody who was at Gross Wannsee on the 20th of January had completely made up his mind about what even the most basic solution would be.⁴⁷

In other words, only Heydrich knew what he wanted, but didn't come out with it. So what was the point of holding this conference?

Once again, let us put the "Wannsee Protocol" to the test, this time by omitting the dubious sentences from it. If one simply removes the passage from "in big labor gangs . . ." to "(See experience of history).," the continuity is in no way disrupted. On the contrary, only then does the text make sense. From the last paragraph of page 7 to the third paragraph on page 8 it would now read:

Unter entsprechender Leitung sollen nun im Zuge der Endlösung die Juden in geeigneter Weise in den Osten zum Arbeitseinsatz kommen.

In den Zuge der praktischen Durchführung der Endlösung wird Europa vom Westen nach Osten durchkämmt. Das Reichsgebiet einschließlich Protektorat Böhmen und Mähren wird, allein schon aus Gründen der Wohnungsfrage und sonstigen sozial politischen Notwendigkeiten, vorweggenommen werden müssen.

Die evakuierten Juden werden zunächst Zug um Zug in sogenannte Durchgangs ghettos verbracht, um von dort aus weiter nach dem Osten transportiert zu werden.

Under the proper direction the Jews should now in the course of the Final Solution be brought to the East in a suitable way for use as labor.

In the program of the practical execution of the Final Solution, Europe is combed through from the West to the East. The Reich area, including the Protectorate Bohemia and Moravia, will have to be taken in advance, alone for reasons of the housing problem and other social and political necessities.

The evacuated Jews are brought first group by group into the so-called transit ghettos. in order from there to be transported farther to the East.

Only this reading is consistent with the numerous documents from the period indicating that all internees -- including Jews -- were regarded as a source of urgently needed manpower for the war economy, and, after the conquest of the Eastern territories, were to be transported there in successive stages. Here it would be impossible to treat all these documents at length.⁴⁸ Only one of them merits special attention, owing to its unmistakable connection with the Wannsee Conference, a wire from Himmler to the Inspector-General of Concentration Camps, SS-Gruppenführer Richard Glücklich, dated January 26, 1942. It was presented in evidence at the NMT "I.G. Farben Trial" (Case VI; U.S. vs Krauch) as document NI-500, and is quoted by Reitlinger:

Richten Sie sich darauf em, in den nächsten 4 Wochen 100 000 männliche Juden und bis 50 000 J., dinnen in die KL aufzunehmen. Grobe wirtschaftliche Aufgaben werden in den nächsten Wochen an die Konzentrationslager heranreten.

During the next few weeks 100,000 Jews and 50,000 Jewesses will be sent to concentration camps, which will have to deal with major economic problems and tasks.⁴⁹

Reitlinger makes a clumsy attempt to contrast Himmler and Heydrich by attributing responsibility for initiating the "extermination of the Jews" to Heydrich, while portraying Himmler as interested only in pooling Jewish labor.⁵⁰ In his Auschwitz Trial deposition, Dr. Martin Broszat of the Institut für Zeitgeschichte argues in more or less the same vein. Apparently, he found it hard to come to terms with this document: On the one hand, he expresses the opinion that Himmler only temporarily exempted able-bodied Jews from "extermination." On the other, he speaks of "two conflicting aims with two different authorities in charge," namely, the alleged plan to "exterminate" the Jews and the well-documented plan to use their labor.⁵¹

These are, of course, very feeble attempts to explain away a fact that does not fit in with the extermination thesis. Even Krausnick, in his Auschwitz Trial deposition, has to admit that Jews were still being employed in the munitions factories during the final year of the war. As late as 1944, he says, "tens of thousands of Jews were forcibly removed from the Polish camps to Germany."⁵² Leaving aside the rather melodramatic expression "forcibly removed," his statement is completely accurate, and simply confirms the fact that the realities of the time made it necessary to bring Jews back from the East to work in the armaments industry. In such exegetics as those of Reitlinger and Krausnick, one senses the utter embarrassment which the numerous documents on the conscription of Jewish labor cause all proponents of the extermination thesis. By 1944, there would have been hardly a Jew alive in the German Reich had "Final Solution" actually meant "extermination of all Jews."

The fact that the Jews deported to the East were to be employed in war industries there⁵³ also accords with the proposal, ascribed to Heydrich in the "Wannsee Protocol," that Jews over the age of 65 not be evacuated to the East, but removed to a "ghetto for the aged" (p. 287, seventh paragraph). Had the extermination of all Jews been intended, it is inconceivable that elderly Jews would have been spared, much less accorded privileges, especially since in the mass executions allegedly planned a few thousand victims would not have mattered one way or the other. However, if the conscription of Jewish labor were planned -- and there can be no doubt of that -- it certainly would have made sense to exempt Jews over the age of 65, for one could hardly expect much of their performance. Likewise, the fact that the exemption would apply to Jews who were "serious war wounded cases and Jews with war decorations (Iron Cross, First Class)" (p. 287, paragraph eight) does not fit in with the allegation that the Wannsee Conference was held to plot the "extermination of all Jews." This part of the "Wannsee Protocol" is decidedly at odds with the extermination thesis.

Faced with these facts, the extermination mythologists argue that exemptions and other preferential treatment were merely "tactical measures." That is the position Krausnick takes. He alludes, moreover, to the "significant distinction" Heydrich supposedly makes between "evacuation" (in this context, allegedly, "killing") and removal to a "ghetto for the aged."⁵⁴ This kind of intellectual legerdemain, whereby one expression is arbitrarily defined as "killing," has nothing whatsoever in

common with scholarship.

The rest of the "Wannsee Protocol" is obviously irrelevant to the extermination question. One may dispute the feasibility or morality of the approach to the *Mischling* problem set forth in Section IV, but our subject is the "extermination plan," and that passage has no direct bearing on it. This also applies to the next to last paragraph of the document (p. 290), which proponents of the extermination thesis occasionally cite for support. Here, as always, one must keep in mind that the "Wannsee Protocol" is basically questionable in its entirety.

According to this paragraph, the conference ended with a discussion of the "various kinds of solutions" ("die verschiedenen Arten der L6sungsm6glichkeiten"), in which two of the participants advocated that "certain preparatory tasks in the course of the Final Solution should be performed immediately in the territories concerned" and that in this "any disturbing of the population must be avoided." Quite naturally, the term "Final Solution" is used again in this context, and it has been taken by the proponents of the extermination thesis as a synonym for "annihilation of the Jews," which it certainly was not. The expression "L-sungsm-glichkeiten" ("possibilities for a solution") has likewise been interpreted as "possibilities for killing," although there is no point of reference for that interpretation either. To be sure, Krausnick maintains in his Auschwitz Trial deposition that Eichmann interpreted the expression "L-sungsm-glichkeiten" in this way, during the Jerusalem "trial," but he has yet to produce a shred of evidence for this implausible definition.⁵⁵

Since at this stage of the conference the "solution of the Jewish problem in the Government General" was discussed, one would not be amiss in assuming that the term "L-sungsm-glichkeiten" was used with reference to the possibilities for evacuating the Jews in that area. That the populace of the territories involved could have become restless on account of the evacuations is obvious, and actually proves nothing about an "extermination plan." In the course of the evacuation, one could form an estimate of the problems the "Final Solution" would entail. The ability of the Jews to live as a community in a state of their own could be put to the test in the Eastern ghettos. As is well known, the Warsaw ghetto did for some time constitute a community of sorts.⁵⁶

In conclusion, it can be said that the "Wannsee Protocol" -- if one does not choose to view it as a total forgery -- contains some passages which are at least substantially genuine, along with sentences that do not fit into context, and so must have been subsequently forged into the document. Likewise, several authentic passages may have been excised, for example, details of the Madagascar Plan. Leaving aside any possible manipulations, the document remains questionable simply because its origin is so obscure. In form it hardly corresponds to German official usage, and the original has yet to be submitted to impartial experts who could perhaps determine whether or not it is authentic.⁵⁷ As such, the document is hardly adequate proof that a plan existed to exterminate all Jews residing in German-controlled territory. Even in its present form, it does not constitute sufficient proof of that allegation. For in the entire document there is not a word about "exterminating," much less "gassing," the Jews, and the portions of it cited to prove this claim are seen in a different light when one refrains from taking "Final Solution" as a synonym for "extermination."

Further Documents Regarding Deportation

Naturally, the technique of arbitrarily defining terms and concepts, which the extermination mythologists have applied to the "G-ring Decree" and the "Wannsee Protocol," has been extended to all other documents pertaining to the deportation of the Jews. Not a single document of this kind makes reference to an "extermination plan" or to "mass gassings" in Auschwitz-Birkenau. Otherwise, the extermination mythologists would not have to resort to the technique of verbal and conceptual falsification. Thus it seems hardly necessary to treat in detail all the various decrees, orders, wires, and such. From the general content of the most commonly cited ones it is easy to see that they actually have nothing to do with an extermination plan and its execution. Quite the contrary: Many of these documents make it clearer than ever that the deported Jews were to be integrated into the war economy.⁵⁸

In addition to the previously mentioned terms "Final Solution," and evacuation," the expressions "Jewish resettlement," "colonization of the Jews in the East," and, of course, "deportation" itself are continually interpreted as "annihilation" and "extermination" of the Jews, or, at least, represented as denoting preparation for that. The redefinition of these words is usually justified on the grounds that they were only "euphemisms" or "code words" with which one sought to cover up what was actually happening.~~ By means of this trick -- one can hardly call it anything else -- which even certain "scholars" have been known to employ, it is easy to furnish most any document with the desired meaning, though conscientious and earnest historians could never be fooled. For not a single document has been found to date that shows when, where, or by whom these alleged "code words" for murder were devised. The "expert witnesses" in the Auschwitz Trial were at a loss to explain the origin of these terms, and they even availed themselves of this dubious mode of

argumentation.⁶⁰ Whether the governmental agencies and functionaries concerned with the Jewish matter actually "knew" the "real" meaning of the "code words" is a pressing question that is generally not asked and has never been answered.

The expression "special treatment" ("Sonderbehandlung"), which appears in some documents concerning the transport of Jews to concentration camps in the East, deserves particular consideration. This term is not readily understandable. Supposedly, it is also a "code word" for "killing" or "gassing" Jews within the framework of the "extermination program." But for this definition, too, no credible sources have been found. The actual meaning is not quite so evident as in the case of the terms "Final Solution," "evacuation," and "resettlement." In all probability, "special treatment" had, from time to time, various meanings, known only to the agencies involved, and today it is often no longer possible to determine exactly what it meant on a given occasion.⁶¹ Used in connection with deportations, it might have meant, for example, "special billeting," which could have been ordered for some compelling reason. One has only to think of the disease carriers among the deportees. In fact, it is well known that a special quarantine camp existed at Auschwitz.⁶²

At the Nuremberg IMT trial, Dr. Ernst Kaltenbrunner, successor to Heydrich, testified that in certain cases the term "special treatment" actually referred to billeting prominent internees in luxury hotels and otherwise granting them special privileges.⁶³ Theresienstadt was a preferential treatment camp, intended, above all, for elderly or disabled Jewish war veterans, who were accorded good living conditions and exempted from labor service -- exactly as specified in the "Wannsee Protocol." In May 1945, a delegate of the International Red Cross who had been sent to inspect the camp stated in his report that the Germans could not be blamed for the violent death of even one Jew at Theresienstadt.⁶⁴

To be sure, none of this rules out the possibility that under certain circumstances -- for example, in the operations of the *Einsatzgruppen* -- the term "special treatment" could also have meant "execution without trial." Since the liquidation of Soviet commissars and active partisans,* or even those suspected of collusion with them, Jews and non-Jews alike, did take place, sometimes in nearby concentration camps, the term could have meant "execution" in this exceptional case.⁶⁵ Nevertheless, such executions had nothing to do with any systematic extermination of Jews on account of their race. Specifically, no documentary evidence has ever been presented to show that in Birkenau "special treatment" was equated with death in the "gas chambers" that allegedly existed at the camp.

*Soviet jargon for guerrillas on the Eastern Front during the Second World War. -- TF.

"Extermination Camp" Documents

Since there are no documents from German official files which directly substantiate the existence of "gas chambers" at Auschwitz, the extermination mythologists have attempted to deduce the presence of "gas chambers" indirectly, from other documents.

Cited in this regard are, above all, documents relating to the crematoria in Auschwitz-Birkenau, of which there are supposed to have been four. It is usually contended that these crematoria were built specifically for the "extermination program," and so had adjoining "gas chambers." However, the documents thus far presented contain no indication of that. For other reasons, too, they are suspect. At the Nuremberg IMT trial, Soviet prosecutor Alexander Smirnov asserted, during the early morning session of February 19, 1946, that "in the office records of Auschwitz camp there was discovered a voluminous correspondence between the administration of the camp and the firm of Topf and Sons" on the construction of "four powerful crematoria and gas chambers in Birkenau," and that these facilities had been completed by the beginning of 1943. Nevertheless, he presented the Tribunal with only a single "document" in this regard, a letter from the contractor, which lacks any mention of "gas chambers." Thereafter, nothing more was heard or seen of this "voluminous correspondence." The document upon which Smirnov based his allegations reads as follows:

I.A. Topf & Söhne, Erfurt.

12. Februar 1943

An das Zentralbauamt der SS und Polizei Auschwitz:

Betr.: Krematorien 2 und 3 für das Kriegsgefangenenlager.

Wir bestätigen den Empfang Ihres Telegramms vom 10. Februar folgenden Inhalts:

Wir bestätigen nochmals, daß wir Ihren Auftrag auf 5 Stück dreifacher Muschelöfen erhalten haben, einschließlich zweier elektrischer Aufzüge für den Aufzug der Leichen und eines provisorischen Aufzuges. Ebenso wurde eine praktische Einrichtung zur Kohlenlieferung bestellt und ferner eine Vorrichtung zum Aschenabtransport. Sie müssen die vollständige Einrichtung für das Krematorium Nr. 3 liefern. Wir erwarten, daß Sie dafür Sorge tragen,

*daß alle Maschinen mit ihren Teilen unverzüglich zum Versand gebracht werden. **

I.A. Topf and Sons, Erfurt; 12 February 1943.

To Central Construction Office of SS and Police, Auschwitz.

Subject: Crematoria 2 and 3 for the camp for prisoners of war.

We acknowledge receipt of your wire of 10 February, as follows:

We again acknowledge receipt of your order for five triple furnaces, including two electric lifts for raising the corpses and one emergency lift. A practical installation for stoking coal was also ordered and one for transporting the ashes. You are to deliver the complete installation for Crematorium Number 3. You are expected to take steps to ensure the immediate dispatch of all the machines complete with parts.⁶⁶

Leaving aside the fact that Birkenau was not a prisoner of war camp at that time, this letter is so confusedly worded as to be unintelligible. If one takes the text read by Smirnov literally, it would seem that the firm of "I.A. Topf and Sons" had ordered cremation equipment from the Central Construction Office! Moreover, one finds it hard to imagine exactly what is meant by "triple furnaces" or a "practical installation for stoking coal."

*We should note that here, as always, Dr. St"glich is citing the German edition of the IMT volumes. It is not clear whether this German text of the communication Smirnov read during the proceedings (presumably, in his native tongue) is a direct transcription of some genuine or spurious document, or a retroversion from the Russian. Certainly, the version that appears in the "Report of the Soviet War Crimes Commission," which for some reason the Russians chose to present in a tin-eared and often ungrammatical German, is not the original text. To reproduce that version here would be to waste paper. Readers with an insatiable appetite for textual criticism may consult IMT, Vol. XXXIX, p. 243 (Nuremberg Document 008-USSR). The above English translation of the Smirnov document is taken from IMT, Vol. VII, p. 584, "Official text in the English language." -- T.F.

In the "Report of the Soviet War Crimes Commission, 6 May 1945," which we shall discuss in more detail later, another version of this letter is to be found. There the wording is "fuenf dreiteilige Verbrennungsoefen" ("five tripartite cremation ovens") and "eine brauchbare Einrichtung fuer die Beheizung mit Kohle" ("a workable contrivance for heating with coal"). And this version includes a final sentence missing from the Smirnov text: "Die Einrichtung muss am 10. April 1943 betriebsfertig sein" ("The installation must be ready for use by April 10, 1943")⁶⁷

It goes without saying that this document is very suspicious and -- despite Smirnov's assertion to the contrary -- it was obviously the only document of its kind the Soviets could produce. This "document," with its two rather disparate versions, is a good example of the type of "evidence" presented at the Nuremberg trials. That is the main reason I chose to bring it up here. Basically, its contents are insignificant. Hence we may leave aside the question of whether it is a miserable Soviet forgery or merely an inaccurate and faulty retroversion of a Russian translation.

Incidentally, it is also uncertain whether the Nuremberg Tribunal actually accepted this document in evidence. In its verdict, the Tribunal based its "finding" that mass extermination of Jews by gassing was carried out in Birkenau not on this document, but on some equally dubious witness testimony, in particular, that of the former Auschwitz commandant Rudolf Höß, which we shall treat at length elsewhere.

More noteworthy than the document itself is the remark Smirnov made after reading it:

I omit the next document which deals with "bath houses for special purposes (gas chambers)"

Later in the same session, he declared, with astonishing naïveté that the Tribunal already had sufficient knowledge of such matters, though -- as we explained in our first chapter -- this was hardly the case. Significantly, the court did not venture to disagree.⁶⁸

This withholding of "facts" about a concentration camp in Soviet-occupied territory, a camp of which the Nuremberg Tribunal basically knew only what could be gleaned from previous witness testimony, is simply amazing. For if one may believe Smirnov, here at last was a document that contained direct information about the legendary "gas chambers." But it never became an issue in the proceedings, nor was it mentioned in the judgement of the Tribunal. Was this "document" so patently fraudulent that one dared not present it even to these hardly impartial judges? So far as I know, it was not submitted as evidence in any of the subsequent "war crimes trials." Yet Smirnov's claim that the Birkenau "gas chambers" were disguised as shower rooms is accepted even today, and trotted out whenever the occasion presents itself.

As proof that "gas chambers" were structually part of the crematory installations, the proponents of the extermination thesis

often cite a letter from the Central Construction Office of the SS and Police in Auschwitz to SS-Brigadeführer Hans Kammler, Chief of Amtsgruppe C of the SS Economic and Administrative Main Office. This report, dated January 29, 1943 and signed by SS-Sturmbannführer Karl Bischoff, head of the Central Construction Office in Auschwitz, reads as follows:

[Uncorrected scanning errors from this point on. 3/5/99]

Das Krematorium II wurde unter Einsatz aller verfügbaren Kräfte trotz unüberwindlicher Schwierigkeiten und Frostwetter bei Tag- und Nachtbetrieb bis aufbauliche Kleinigkeiten fertiggestellt. Die Öfen wurden im Beisein des Heinz Oberingenieur Prüfer der ausführenden Firma, Topf u. Söhne, Erfurt, angefeuert und funktionieren tadellos. Die Eisenbetondecke des Leichenkellers konnte infolge Frosteinwirkung noch nicht ausgeschalt werden. Die ist jedoch unbedeutend, da der Vergasungskeller hierfür benützt werden kann.

Die Firma Topf u. Söhne konnte infolge Waggon Sperre die Be- und Entlüftungsanlage nicht wie von der Zentralbauleitung gefordert rechtzeitig anliefern. Nach Eintreffen der Be- und Entlüftungsanlage wird jedoch mit dem Einbau sofort begonnen, sodaß voraussichtlich am 20.2.43 die Anlage vollständig betriebsfertig ist.

The crematorium II has been completed -- save for some minor constructional work -- by the use of all forces available, in spite of unspeakable difficulties, the severe cold, and in 24-hour shifts. The fires were started in the ovens in the presence of Oberingenieur Prüfer, representative of the contractors of the firm of Topf and Soehne, Erfurt, and they are working most satisfactorily. The planks from the concrete ceiling of the cellar used as a mortuary [Leichenkeller] could not yet be removed on account of the frost. This is, however, not very important, as the gas chamber [Vergasungskeller] can be used for that purpose.

The firm of Topf and Söhne was not able to start deliveries of the installation in time for aeration and ventilation as had been requested by the Central Building Management because of restrictions in the use of railroad cars. As soon as the installation for aeration and ventilation arrive, the installing will start so that the complete installation may be expected to be ready for use 20 February 1943.⁶⁹

To the best of my knowledge, this document is the only one in which the term "gassing" ("Vergasung") is used in connection with the crematoria. Of course, one cannot say for certain whether the "Vergasungskeller" was actually part of the crematorium or whether it was located in another building. According to all reports, the "gassings" took place inside the crematorium buildings. Since the German text refers only to a "Vergasungskeller" ("gasification cellar" or "carburization cellar"), and not a "Gaskammer" ("gas chamber"), this could not be one of the rooms supposedly used for "extermination," which are always called "gas chambers." For this reason, it is significant that at the NMT "Concentration Camp Trial" (Case IV; U.S. vs Pohl), the word "Vergasungskeller" was rendered as "gas chamber" in the English translation of the document (NO-4473), as Dr. Butz has noted.⁷⁰ Ever since, the wording has been misinterpreted, even in the German language literature on our subject.

Dr. Butz gives a convincing explanation of the function of this part of the crematoria. Except for electrically powered units, which do not figure in the Auschwitz controversy, all crematoria, including those which use coal, coke, or wood as fuel, are fired with gas. According to his research, the space in which the primary fuel is converted into combustible gas before being fed into the hearth is known in German as the "Vergasungsraum" or "Vergasungskeller." Hence these terms have nothing whatsoever to do with the "gassing" of human beings.⁷¹

Another plausible explanation is that this room was intended for the fumigation of clothing and other personal effects, a common practice in all concentration camps. The proprietary hydrocyanic fumigant Zyklon B used for this purpose is supposed to have been used for the "extermination of the Jews" as well.

Never has there been any question that these "Vergasungskeller" were used as "gas chambers" for exterminating Jews. When it is claimed that the "gas chambers" were underground installations, they are identified with the "Leichenkeller," i.e., "corpse cellars" or subterranean mortuaries, of the crematoria.⁷² The document under consideration here makes it clear, however, that the "Leichenkeller" and the "Vergasungskeller" were two different things. The equation of "corpse cellar" with "gas chamber" has resulted from the assumption that the "scale model" on display at the Polish State Auschwitz Museum is based on building plans of the crematoria. But these plans have never been made public. (They are gathering dust in the Auschwitz Museum archive under catalogue number 519). Through a fortunate set of circumstances, I came into possession of a photocopy of the plans of crematoria II and III.⁷³ I shall return to them later.

Since Bischoff's letter of January 29, 1943 is the only known document from the Auschwitz camp files in which the word "Vergasung" is used in connection with the crematoria, one should now realize that there is no documentary evidence for the allegation that chambers for killing people by means of lethal gas were part of the crematoria. Nor does the charge,

made by various Auschwitz mythologists, that the construction of crematoria resulted from the necessity of disposing of the corpses of the thousands of people "gassed" daily at the camp find any support in the crematoria documents. Hence we may well ask the question: When did the Birkenau crematoria -- or *the* Birkenau crematorium -- first go into operation and how long did it or they remain in operation? We may also ask: What was the actual capacity for incineration of the individual crematoria? Only one, highly questionable document touches on this last point. With nothing solid to go by, we can only make conjectures as to the incineration capacity of the crematoria from what few clues are available. Our conclusions are very different from the estimates that so often appear in the literature on this topic.

It is usually maintained that, owing to the commencement of "mass exterminations" in 1942, four crematoria were constructed at Birkenau in the winter of 1942-43, and went into operation in the spring of 1943. This is the version attributed to Rudolf Höß.⁷⁴ Even Rassinier and Scheidl have given credence to it, on the basis of two NMT documents (NO-4401 and NO-4463).⁷⁵ These documents state that the ovens for all four crematoria were ordered either on August 3 or August 8, 1942 from the firm of Topf & Söhne, installed in February, 1943, and went in operation on May 1, 1943. I have not consulted the documents mentioned by Rassinier and Scheidl, but other documents, at least in part, contradict this story.

Even the Smirnov document of February 12, 1943 does not support it. In still greater contradiction to this story is a preliminary cost estimate from the firm of Topf & Söhne for the delivery of a cremation oven to Birkenau, dated April 1, 1943.⁷⁶ A preliminary cost estimate is, of course, always given *before* an order is placed. On the other hand, the Central Construction Office letter of January 29, 1943 cited above leads one to the conclusion that the ovens for the crematorium II were already installed and in operation by January, 1943, which is also in contradiction to the two previously mentioned documents. Finally, in Reinhard Kühnl's collection of documents, there is a facsimile of a letter from Topf & Söhne to the Central Construction Office in Auschwitz dated April 10, 1943, in which the firm promises to repair cracks that had "recently" appeared in the "8-muffle oven of crematorium IV."⁷⁷ From this one would assume that crematorium IV was in operation by March 1943.

Part of another letter Bischoff wrote to Kammler, reproduced in Adler, Langbein, and Lingens-Reiner's book *Auschwitz: Zeugnisse und Berichte*, also seems to substantiate the current version of the inauguration of the Birkenau crematoria. The document in question is an excerpt from a purported list of finished "construction projects" presented to the Auschwitz camp administration. In it the completion dates of the crematoria are recorded as follows:

- crematorium IV on March 22, 1943.
- crematorium II on March 31, 1943,
- crematorium V on April 4, 1943,
- crematorium III on June 25, 1943.

However, the authenticity of this document must be questioned until it can be shown where it was discovered and a full text is made available. The only indication as to its origin is a rubber-stamped imprint on the upper left-hand side: "Bauleitung der Waffen-SS u. Polizei [There follow three undecipherable letters] Auschwitz." This is obviously not in accord with the usual official designation: "Zentralbauleitung der Waffen-SS und

Polizei ⁷⁸

Faced with all these discrepancies and obscurities, even Gerald Reitlinger, who certainly cannot be suspected of doubting the extermination thesis, concludes that Bischoff's letter of January 29, 1943 is not a reliable source of information:

In fact Crematorium No. 2 was not ready till March 13th. On June 13th it was still the only crematorium of the four which was actually working, and the carpentry work was incomplete. On November 6th, 1943, an order for young trees to form a green belt between the crematoria and the camp only mentions Nos. 1 and 2. The working of all four crematoria was not put to the test till May, 1944, when the massive transports arrived from Hungary.⁷⁹ According to Reitlinger, then, the crematoria were not in full operation until exactly one year later than is officially claimed today.

Given all these discrepancies, one can only say that to this day there is still no reliable evidence on the completion dates of the Birkenau crematoria. With some assurance, one may even dispute whether there really were *four* crematoria at Birkenau. In 1972, a book was published containing sketches of everyday life at various concentration camps, drawn by an inmate named Alfred Kantor. None of the many views of Birkenau he sketched shows more than *one* crematorium or *one* crematorium chimney. A person who toured the grounds of the former Birkenau camp without a guide and who is

unquestionably reliable, so far as I am concerned, told me he saw the ostensible remains of crematoria II and III, but could find no trace of crematoria IV and V.

Nor are there any reliable data on the incineration capacity of the Birkenau installations. In the literature on the camp, yet another report by SS-Sturmbannführer Bischoff, dated June 28, 1943, is frequently cited. It states that the individual crematoria were capable of incinerating the following number of corpses *daily*:⁸⁰

I	old crematorium (parent camp)	340 corpses
I	new crematorium (Birkenau)	1,440 corpses
I	new crematorium (Birkenau)	1,440 corpses
I	new crematorium (Birkenau)	768 corpses
V	new crematorium (Birkenau)	768 corpses
		Total 4,756 corpses

Where this report was discovered is not mentioned. On the subject of the incineration capacity of the crematoria one usually cites as the authority a "Kalendarium der Ereignisse im Konzentrationslager Auschwitz-Birkenau" ("Chronology of the Events in the Auschwitz Birkenau Concentration Camp"), compiled by Danuta Czech, Custodian of the Polish State Museum at Auschwitz.⁸¹ I have been unable to determine whether this lady was ever interned at the camp or what her source of information may be.

The estimates listed above strike one as absurd. The sheer punctiliousness of the accounting -- right down to the very last corpse -- is suspicious, for cremation is a complicated technical process, involving so many variables that the incineration capacity of a crematorium is not always the same.

Some indication of the actual capacity of the crematoria may be found in a letter from the firm of Topf & Söhne to the Mauthausen concentration camp. It states that in the "coke-fuelled Topf dual-muffle cremation ovens . . . about ten to thirty-five corpses" could be cremated "in about ten hours," and that as many could be "cremated daily without overloading the ovens," even if the "cremations took place one after the other, day and night."⁸²

Presumably, the cremation ovens manufactured by Topf & Söhne were of uniform design, and thus the same type of oven was sent to Auschwitz as to Mauthausen and other camps. (The firm received the German patent number 861,731 for its cremation ovens).⁸³ The ovens might have differed slightly in the number of cremation chambers; one cannot otherwise account for any variation in their capacity.

Starting with the premise that there really were four crematoria in Birkenau, and that each crematorium contained one oven capable of cremating at most 35 corpses *per diem*, then the highest capacity of all four crematoria would be a total of 140 corpses daily. That does not seem excessive for a complex the size of Auschwitz, each component camp of which was planned for over 100,000 inmates -- all the more so, since contagious diseases were rampant there.⁸⁴ Leaving aside the normal mortality rate, epidemic and other diseases undoubtedly claimed numerous victims. Dr. Scheidl has reported that, during certain periods, there were between 69 and 177 deaths each day.⁸⁵

While these are no more than purely hypothetical estimates, they are probably closer to reality than the absurd figures given in the letter attributed to SS-Sturmbannführer Bischoff -- even if one assumes that all four crematoria had 46 cremation units, as is claimed in an official bulletin of the Polish State Auschwitz Museum, dated November 29, 1977. Butz also starts from this premise, and, based on the fact that it should take at least one hour to incinerate each corpse, calculates that the total incineration capacity *per diem* would be 1,058 corpses. Actually, this is still too many.⁸⁶ Even today, in the most modern facilities, it takes from one and a half to two hours to cremate human remains.⁸⁷ One can hardly

imagine that better results could have been achieved with the cremation techniques of forty years ago.

The claim that the Birkenau crematoria were built "only for use in a mass extermination program" thus proves to be totally false. In passing, I should like to remark that, according to the official publication of the Polish State Auschwitz Museum to which I have referred above, crematorium I (the old crematorium in the Auschwitz parent camp), was in operation only until July 1943, so there was no reason for Bischoff to include it in his alleged report, which is dated June 28, 1943.

It is worth noting that Bischoff, who resided in Bremen under his own name until his death in 1950, escaped the usual post-war harrassment.⁸⁸ He was never prosecuted as a "war criminal," nor, so far as I know, was he ever called to testify as a witness in any "war crimes trial." That is strange indeed when one considers that the former head of the Auschwitz Central Construction Office would have been an ideal witness on the Birkenau "death factory," since he supervised the building of the camp crematoria. Was someone afraid that he could have proved, maybe with documents still at his disposal, that all the allegations about the crematoria were baseless? The prosecution at the NMT "Concentration Camp" Trial, for instance, instead of Bischoff, made do with the testimony of one Wolfgang Grosch, who obviously had never laid eyes on the buildings about which he gave "evidence."⁸⁹

Likewise, it is worth noting that in the entire post-war "re-education" literature almost nothing is said about the building plans for the crematoria. Professor Rassinier alone mentions that the plans for crematoria II through V were presented in evidence at the NMT "Wilhelmstrasse" and "Concentration Camp" trials.⁹⁰ These plans, showing that the alleged "gas chambers" were really "corpse cellars" and shower rooms, have been consigned to oblivion, and so we may assume that Professor Rassinier's statement is correct.

There can be no doubt that such building plans existed. (With their famous thoroughness, the Germans certainly would not have undertaken any building project without a well-laid plan!) In fact, as I have stated above, there are building plans for the crematoria in the archives of the Polish State Auschwitz Museum, but they are unavailable to the public.⁹¹ Instead, visitors are shown a "scale model" of crematorium II -- complete with "gas chambers" -- that is purportedly based on "technical plans that were saved from destruction."⁹²

As I have mentioned, I have copies of these plans, and there can be no doubt as to their origin, since they bear the official stamp of the Polish State Auschwitz Museum. These copies show that the model differs from the building plan in several important details and no provision was made for anything like a "gas chamber." The area marked "corpse cellar," which is supposed to have measured 7 meters by 30 meters (210 square meters or about 2,260 square feet) would not have been suitable for the "gassings" to which some "eyewitnesses" have testified. In particular, it could not have held from 2,000 to 3,000 people at once, as has been claimed. According to the Auschwitz Museum, three smaller rooms in crematoria IV and V, with a total space of 236.78 square meters (2,550 square feet), were used as "gas chambers." The plans lend no support to this allegation, and, in any case, such use of the rooms would have been impossible because of their position. Significantly a model of these rooms has not been prepared for display to visitors of the Auschwitz Museum. In all the literature on this camp, then, there is no exact description of the "gas chambers" of crematoria IV and V.

I must cut short my discussion of this piece of evidence, since my purpose is to examine the evidence concerning the Auschwitz legend that has been presented, not documents that are -- for whatever reason -- being withheld, of which there are doubtless more. Our "contemporary historians" should at least take a closer look at these plans.

Even today, visitors to the Auschwitz Museum are shown a "gas chamber" in the old crematorium of the parent camp. But this is -- as the French scholar Robert Faurisson discovered -- merely a "reconstruction," something of which Auschwitz Museum tourists are, of course, not informed.⁹³ This "reconstruction" has little in common with the structure that actually existed. For one thing, a "gas chamber" has been made out of what were originally several rooms, as can be seen from the surviving ground-plan. The larger of these rooms is designated in the ground-plan as a "morgue" ("Leichenhalle"), a necessary adjunct to a crematorium. This is exactly the same kind of hoax the Americans perpetrated at Dachau.

Since the crematorium was no longer standing when the Soviets occupied Birkenau, no one will ever know just how the previously mentioned building plans were executed -- if indeed they were. Hence all we can say with absolute certainty is that the attempt to prove the existence of "gas chambers" at Birkenau from the presence there of one or more crematoria simply has not come off.

Even more questionable is the attempt to use deliveries of Zyklon B to Auschwitz as proof that the camp had "gas chambers" in which Jews were murdered with this highly toxic gas.

At the various Nuremberg trials, the prosecution submitted invoices for these deliveries as "evidence" that "gassings" had occurred. One of these invoices, dated March 13, 1944, appears in Reimund Schnabel's book *Macht ohne Moral* [Power without Morals], as "Document 134." This invoice attests to the delivery of 14 crates of Zyklon B, containing a total of 420 canisters (210 kilograms altogether), to the "Department of Disinfestation and Disinfection" at Auschwitz.⁹⁵ The task of this department -- as of such units everywhere -- was the disinfection of living quarters, clothing, and personal effects. According to the testimony of Arthur Breitwieser, a defendant in the Frankfurt Auschwitz Trial, it had nothing to do with exterminating human beings. Breitwieser, who for some time served as the director of this department, and so ought to be well-informed about its activities, was acquitted by the Auschwitz Trial court.⁹⁶ This is one of the many absurdities in that "trial." For the disinfectors were undoubtedly responsible for the storage and application of Zyklon B, and without their cooperation it would have been impossible to use this preparation to "gas" Jews.

Rassinier points out the well-known fact that Zyklon B had been used by the German Army since 1924. During World War II it was employed as a disinfectant in every branch of the service and in all the concentration camps. Invoices have been found for deliveries of Zyklon B to the Oranienburg and Bergen-Belsen camps, where -- as has been proved -- gas chambers for exterminating human beings did not exist.⁹⁷

One cannot deny that this preparation could have been used to exterminate people. Of course, that does not mean that it was. After all, nobody could be accused of being a murderer simply because he owned an axe, an instrument extraordinarily well-suited to homicide. Such an accusation would be laughed out of any court. But to "prove" the existence of "gas chambers" at Birkenau -- something for which real evidence is utterly lacking -- no argument, however idiotic, is disdained, even by certain "scholars."

For example, Professor Krausnick, in a footnote to his Auschwitz Trial deposition, cites an NMT document (NO-4465) that is so am biguous that most of the other writers on this subject do not venture to mention it. This is an order that the Central Construction Office of Auschwitz allegedly placed with the Deutsche Ausriistungswerke GmbH, an SS industrial firm near Auschwitz, for the manufacture of "three gas-tight towers . . . of exactly the same dimensions and type as the towers previously supplied"* ("drei gasdichte Türme . . . genau nach den Ausmaßen und der Art der bisher angelieferten Türme")⁹⁸ One asks oneself in vain what these towers might have to do with "gas chambers" -- a question Krausnick, of course, does not answer. None of the "eyewitnesses" to the "gas chambers" has anything to say about such towers.

*My translation. In the NMT translation of this document, the phrase "drei gasdichte Türme" is rendered into English as "*three gas-tight chambers*," but the translator was honest -- or puzzled -- enough to add the word "Türme" in brackets (NMT, Vol. V, p. 622). The "photocopy in the Institut für Zeitgeschichte" quoted by Krausnick is presumably a reproduction of an alleged German original (Prosecution Exhibit 660 in the NMT "Concentration Camp Trial" [Case IV; U.S. vs Pohl]). -- T.F.

In this order, dated March 31, 1943, there is also a reference to the filling of another order, placed on March 6, 1943, for a "gas door 100 x 192 cm for corpse cellar I of crematorium III . . . of exactly the same type and size as the cellar door of the crematorium opposite it, crematorium II, with a peep-hole made of double-strength 8-mm glass, with rubber gasket and [metal?] cap" ("Gastür 100/192 für Leichenkeller I des Krematoriums II. . . genau nach Art und Maß der Kellertürdes gegenüberliegenden Krematoriums II mit Guckloch aus doppeltem 8-mm-Glas mit Gummidichtung und Beschlag").

Could this be the famous peep-hole through which the SS physicians who allegedly supervised the "gassing" of inmates are said to have observed the death-throes of the victims? Probably not. Like the other documents of its kind, this order really proves nothing. At that time, gas-tight doors were not uncommon, since every cellar had to double as an air raid shelter. The peep-holes in these doors were a source of light and a means of observing the outside. Through such a peep-hole it would have been quite impossible to view the whole interior of a "gas chamber," especially if it were as large as these rooms are usually claimed to have been (i.e., had a capacity of 3,000 or more people). Air raid shelters had to be secure not only against explosives, but against gas as well. Considering that Birkenau had no other fortified places, it would only have been common sense to make the cellars of the crematoria into air raid shelters. Perhaps these "gas-tight towers" were intended as some kind of aboveground shelter.

In nearly all the collections of documents on Auschwitz, papers containing only routine information about the billeting and employment of inmates, their transfer to other camps, and similar matters are adduced as evidence of the alleged gassings. The commentators explain that seemingly innocuous words and phrases in these papers really denote the "gassing" of inmates. For such conjectures there is not the slightest factual basis. Not only does the term "special treatment," which we have already discussed (see p. 42 above), play a role in this connection, but phrases like "given special accommodation" ("gesondert untergebracht"), which is used in a wire from the Commandant's Office at Auschwitz in regard to a newly arrived group of Jews, are also interpreted as "murdered in the gas chambers"⁹⁹ Similarly, in their

commentary on a list of prisoners being transferred from Monowitz to Birkenau, Adler, Langbein, and Lingens-Reiner state that the persons listed had been designated for "gassing," even though the document itself does not contain the slightest indication of that.¹⁰⁰

All these attempts to read such things into both vaguely and unequivocally worded documents shamelessly capitalize on a critical ineptitude, gullibility, and prejudice that have resulted from years of brain washing. As any person with the capacity to think must admit, these "documents" on the alleged gassings have no value whatsoever as evidence. Even the *fait accompli* of some of them having been accepted in evidence at the Nuremberg trials cannot alter this fact. Consider the transfer list mentioned above, which was used in the NMT "IG-Farben Trial" (Document NI-14997). No historian who holds to the traditional scholarly methods of researching and evaluating sources would accept a mode of argumentation based on the premise that documents can be made to serve a desired end by the use of unwarranted assumptions and arbitrary interpretations. It is hardly necessary to go into every little detail of such documents, without which the legend of the "extermination of the Jews" would have gotten nowhere.

What has just been said applies equally to the exhibits of clothing and human hair from concentration camps, which in the post-war "re education" literature are frequently invoked as proof of the "extermination of the Jews."¹⁰¹ It is claimed that these articles came from prisoners who had been "gassed," even though that cannot be so much as inferred from any document. What is never mentioned is that, for hygienic reasons, the hair was cut off *all* incoming prisoners before they were sent to the showers. Afterwards, they were given a uniform to wear. Their street clothes had to be turned over to the authorities, as is standard procedure in all prisons.

Our survey of official documents from recent German history shows that there is no documentary evidence that proves the existence of "gas chambers" in Birkenau or a plan to "exterminate the Jews," or that would even cause one to suspect there might be something to such charges. It

also shows that the statement recently made by one of the vilest members of the Nuremberg lynching party, the Jewish-American prosecutor Robert M.W. Kempner, that the "historical assessments" on the "extermination of the Jews" are based "almost exclusively on official German documents of the Hitler regime that have been preserved by an experienced bureaucracy" is totally unfounded.¹⁰² Kempner's statement contradicts facts that must be well known to the man himself. The famous "Wannsee Protocol," which he may have had in mind when he made his remarks, has proved to be -- at least in part -- a crude forgery. We may pass over the recent conjectures that Kempner was responsible for that forgery -- it was he who "discovered" the "document." The validity of this charge cannot be established, though Kempner's general conduct as chief of the American prosecution team at Nuremberg might seem enough to warrant it.

The only document from the German official files in which the term "gassing" ("Vergasung") is used in connection with the Birkenau crematoria (Nuremberg Document NO-4473; see p. 46 above), owes its interpretation as "proof" that a "gas chamber" for killing Jews existed at Auschwitz to a mistranslation. As Butz has shown, the word "Vergasungskeller" ("carburation cellar") was rendered into English as "gas chamber." That even German scholars have adopted this misinterpretation testifies to how far removed our historical scholarship is from a free and objective examination of "Auschwitz" and everything that word connotes.

Since it has been established that the Auschwitz Myth does not rest on official documents, let us see in the following pages what other evidence has been prepared for us.

Speeches and Other Public Statements by Political Leaders of the Third Reich

As soon as one turns to the topic of the "extermination of the Jews," one finds that fragments of speeches made by the leading political figures of the Third Reich, in particular, Hitler and Himmler, are frequently cited as evidence. The rather strong language used with regard to the Jews in certain passages of these speeches is simply taken at face value, and, therefore, assumes an importance it really does not deserve. Often such passages are taken out of context, and their significance in relation to the whole text ignored. That has also been done with spoken and written statements the German leaders of the period made on subjects other than the Jewish Question.

Especially in the case of Hitler, such statements were made largely in response to the numerous threats to exterminate the German people uttered by Allied leaders and Jewish spokesmen. Perhaps the most vociferous of the latter was Theodore Nathan Kaufman. In a book entitled *Germany Must Perish* (1941), he expounded a plan to wipe out the German people by sterilizing German men and women.¹⁰³ Even better known is the "Morgenthau Plan." Henry Morgenthau, Secretary of the U.S. Treasury and a personal advisor to President Roosevelt, thought starvation and economic strangulation were the

best means of getting rid of the German people, and Roosevelt himself endorsed this plan.¹⁰⁴ Nor should one forget that it was Professor Friedrich Alexander Lindemann -- later Lord Cherwell -- who devised the plan on which the carpet bombing that annihilated countless German civilians was largely based.¹⁰⁵ Finally, the Soviet "expert on international law," A.N. Trainin, set forth a plan aimed at wiping out the German "ruling class" and intelligentsia. His plan led to the London Charter, the basis for the "jurisdiction" of the Nuremberg International Military Tribunal, which actually did condemn German leaders to death and imprisonment.¹⁰⁶ With the exception of Kaufmann's scheme, all these plans were at least partially executed. If they were not carried out in full, it was more for practical than humanitarian reasons.

Besides these very concrete extermination plans, which had no counterpart on the German side, numerous general statements were made along the same lines. Only a few of these will be mentioned here.

Perhaps the most famous exhortations to murder are those of Stalin's Jewish propagandist Ilya Ehrenburg, who expressed such sentiments as the following:*

No longer do we say: "Good morning" or "Good night." In the morning we say:

"Kill a German," and in the evening: "Kill a German."

Books, love, the stars no longer matter. The only thing that matters is to kill the Germans. To kill them all. To bury them... For us there is nothing more beautiful than German corpses. "Kill a German!" -- this is what the old mother begs of you. "Kill a German!" -- this is what a child implores. Germans are not human beings. Germans are biped animals, disgusting creatures, beasts. Germans are amoebae, soulless microbes, but equipped with machines, guns, mortars.

If you have killed one German, kill another -- nothing gladdens us more than German corpses.¹⁰⁷

*Unless a source is given in the notes, the English translations of the quotations in this section are my own. -- T.F.

That Ehrenburg's exhortations to murder were not without their effect is well known. What is not so well known is that these homicidal messages were translated into English for the benefit of the onward marching "Christian Soldiers."¹⁰⁸

To be sure, his incitements to murder appeared at a time when the war was at its greatest intensity. But long before the outbreak of war threats to exterminate the German people were being broadcast around the world. That is something, by the way, which one ought to take into account when considering the question of "war guilt."¹⁰⁹

As early as January 1934, Vladimir Jabotinsky, the founder of Revisionist Zionism, declared in the Jewish paper *Tatscha Retsch*: "Our Jewish interests require the final destruction of Germany; the Germans, each and every one of them, are a danger to us." Likewise, on May 24, 1934, the publisher of *The American Hebrew*, a leading Zionist, reportedly told the American publicist Robert E. Edmondson that Jewry was "going to bring a war on Germany." And on April 16, 1936, the *Youngstown Jewish Times* (Youngstown, Ohio), commented that after the next war there would no longer be a Germany. It predicted that "on signal from Paris," France and Belgium, as well as the peoples of Czechoslovakia, would be set in motion to attack the "German colossus," and, in a "deadly pincer-movement," sever Prussia from Bavaria, thus bringing Germany to extinction. (The only difference between this fantasy and the reality of post-war Germany is that the new borders were set elsewhere and the German people are not yet extinct, though they certainly seem to be heading in that direction.) Not long after this article was published, *The American Hebrew*, in its issue of April 30, 1937, expressed the same idea in a more general way when it stated that Germany deserved to be eliminated from the family of nations. This statement was echoed by the British newspaper *The People*, which, on September 3, 1939, described the German people as the "mad dog of Europe," and demanded their destruction. On the very same day, Churchill declared in the House of Commons that this war was England's war and its aim the destruction of Germany, ending his outburst with the paradoxical battle-cry: "Onward Christian Soldiers!"

No German statesman ever spoke of another people in such terms as the British hate-monger Lord Vansittart used against the Germans when attempting to justify the terror bombings: "The only good Germans are dead Germans, so let the bombs fall!"

Those bombs fell, exactly as intended, on women, children, and old people alike. This is the background against which one must consider the angry statements made by German leaders. Although they have inevitably been associated with the "extermination of the Jews," these statements were mostly made in response to a torrent of hatred against the German government and threats to annihilate the German people that was unleashed even before the war. *Wie man in den Wald hinein ruft, so schallt es heraus*. * What is more, some of the remarks attributed to the German leaders are either spurious

or have been misrepresented.

*~As ye sow, so shall ye reap" literally, "As you shout into the woods, so it echoes forth." -- TF.

There is a vast difference between words and deeds. The atrocities committed against Germans before, during, and after the war have been impeccably documented. They even received publicity at the time they occurred.¹¹⁰ The same cannot be said of the alleged murder of the Jews -- especially since the most prominent Jews, leaders of the Jewish intellectual elite and political leadership, who would have been the first victims of an actual extermination plan, survived internment in Auschwitz and other concentration camps."

But enough of these preliminary remarks. We shall now examine the relatively few declarations relating to Germany's supposed ambition to "exterminate the Jews" that come directly from German leaders of the time. As we shall see, their statements were no worse than any made against the Germans by the other side.

Adolf Hitler

Hitler quotations are usually introduced with the claim that Hitler announced his goal of exterminating the Jews by means of lethal gas in *Mein Kampf*. To support this claim, one cites the following sentences from his book:

Hiitte man zu Kriegsbeginn und wdhrend des Kneiges einmal zwiihf- oder fun! zehntausend dieser hebr~ischen Volksverderber so unter Gifigas gehalten, wie Hunderttausende unserer allerbesten Arbeiter aus alien Schichten und Berufen es im Felde erdulden muilten, donn wdre das Mihionenop/er der Front nicht verge bhich gewesen. Im Gegenteil: Zwtiitf tausend Schurken zur rechten Zeit beseitigt, htltte viehleicht einer Million ordenthicher, fur die Zukunft wertvoller Deutscher das Leben gerettet.

If at the beginning of the war and during the war twelve or fifteen thousand of these Hebrew corruptors of the people had been held under poison gas, as happened to hundreds of thousands of our very best German workers in the field, the sacrifice of millions at the front would not have been in vain. On the contrary: twelve thousand scoundrels eliminated in time might have saved the lives of a million real Germans, valuable for the future.¹¹²

These statements are found in Chapter 15 of Volume II, which is entitled "The Right of Emergency Defense." Here Hitler was attacking international Marxism, in Germany then led primarily by Jews. He was not attacking the Jews *per se*, still less advocating their general destruction. These lines, written in 1925, refer exclusively to a situation that existed at the end of World War I. From them one cannot infer that Hitler had some "general idea" of exterminating, let alone gassing, the Jews, as Karl Dietrich Bracher, for example, would have us believe.¹¹³ To interpret them objectively, one must bear in mind that Hitler is referring to the past, and, moreover, is discussing a specific situation. These remarks can be explained only in terms of Hitler's view of why Germany collapsed at the end of World War I, as well as his own experience of gas warfare (which the English, by the way, initiated).¹¹⁴ They should be taken as an emotional outburst, not as an embryonic plan. Indeed, *Mein Kampf* is for the most part more propagandistic than programmatic.¹¹⁵

This passage from Hitler's book recalls the humanitarian sentiments that Kurt Tucholsky, a Jew, expressed towards members of the German middle-class who did not share his peculiar "pacifism":

Moge dos Gas in die Spielstuben eurer Kinder schleichen. Mogen sie langsam urn sinken, die Pilppchen. Ich wunsche der Frau des Kirchenrats und des Chefredok teurs und der Mutter des Buldhauers und der Schwester des Bankiers, doll sie einen bitteren qualvohlen Tod finden, ahle zusammen.

May the gas creep into the play-rooms of your children. They should drop dead slowly, the little dolls. I'd like to see the wife of the churchwarden and the editor-in-chief and the mother of the sculptor and the sister of the banker die a bitter, excruciating death, all of them, together."¹¹⁶

Now, we certainly are not charging that Tucholsky planned or preached the murder-by-gassing of the German people. Yet it would be interesting to see how those who accuse Hitler, on the basis of the passage quoted above, of promoting the murder-by-gassing of the Jewish people would react to Tucholsky's far more drastic outburst.

The first remarks in which Hitler specifically uses the words "annihilation" ("Vernichtung") and "eradication" ("Ausrottung") in relation to "the Jews" or "Jewry" were made in 1939. They were a reaction to world Jewry's anti-German campaign, which, by that time, had reached a pitch of frenzy, as shown at the beginning of this section. In particular, Hitler's Reichstag speech of January 30, 1939 is often cited. There he declared, *inter alia*:

Wenn es dem internationalen Finanzjudentum innerhaib und aullerhaib Europas gelingen sohite, die Viliker noch vinnmal in einen Weltkrieg zu st,~rzen, donn wird dos Ergebnis nicht die Bolschewisierung der Erde und domit der

Sieg des Judentums sein, sondern die Vernichtung der jüdischen Rasse in Europa.

If international finance-Jewry, inside and outside Europe, should once again succeed in plunging the nations into a world war, the result will not be the Bolshevization of the earth, and with that the victory of Jewry, but rather the annihilation of the Jewish race in Europe.¹¹⁷

Obviously, this statement is nothing more than a response to the war threats that were constantly being made by influential Zionists. It was meant as an admonition to those war-mongers. Heinrich Hartle interprets this text as a sign of Hitler's deep commitment to peace. He believes Hitler did not intend to cause a war in order to annihilate the Jews, but raised the spectre of their annihilation in order to prevent a war.¹¹⁸ In using the word "annihilation," Hitler was only borrowing from the vocabulary of his Zionist foes. Even if one rejects Hartle's interpretation, one must not jump to the conclusion that the opposite interpretation is correct. As noted above, angry words were part of the vocabulary of the times. The rhetoric of Churchill and Roosevelt was no less vehement.

When quoted in context -- as they seldom are -- these remarks show that Hitler was not really suggesting the physical annihilation of the Jews. This is how he continued his speech:

Denn die Zeit der propagandistischen Wehrlosigkeit der nichtjüdischen Völker ist zu Ende. Das nationalsozialistische Deutschland und das faschistische Italien besitzen jene Einrichtungen, die es gestatten, wenn notwendig, die Welt über das Wesen einer Frage aufzuklären, die vielen Völkern instinktiv bewußt, nur wissenschaftlich unklar ist.

Augenblicklich mag das Judentum in gewissen Staaten seine Hetze betreiben unter dem Schutz einer demokratischen Presse, des Films, der Rundfunkpropaganda, des Theaters, der Literatur usw. Wenn es diesem Volk aber noch einmal gelingen sollte, die Millionenmassen der Völker in einen für diese gänzlich sinnlosen und nur jüdischen Interessen dienenden Kampf zu hetzen, dann wird sich die Wirksamkeit einer Aufklärung zeigen, der in Deutschland allein schon in wenigen Jahren das Judentum restlos erlegen ist.

For the non-Jewish peoples are no longer without the weapon of propaganda. Both National Socialist Germany and Fascist Italy have the equipment necessary to enlighten the world about the nature of a problem that many nations instinctively recognize, though they may lack a scientific view of it.

For the time being, the Jews may carry on their agitations in certain states under the cover of the press, cinema, radio, theatre, literature, etc., which are in their hands. But if the Jewish nation should once again succeed in goading millions of people from other nations into a totally senseless war, to serve only Jewish interests, the efficacy of the kind of enlightenment that in just a few years utterly defeated the Jews in Germany will become manifest.¹¹⁹

Thus Hitler's threat was that if another world war broke out, Zionism would be *politically* eliminated -- by disclosing to the peoples of the world its role in that catastrophe. He started from the premise -- and we may leave aside the question whether rightly or wrongly -- that the preservation of world peace depended largely on the stance of international Jewry, which did indeed have an extraordinarily strong influence on nearly all governments.¹¹⁹

Even after the outbreak of war, Hitler continued to make such threats. These, too, are cited in the literature on our topic as "proof" of his ambition to exterminate the Jewish people, when, perhaps, they should be viewed in terms of his repeated attempts to bring the western Allies to their senses.

For example, on January 30, 1941, Hitler allegedly threatened that, if another world war broke out, all European Jewry "would be done for" ("im Falle eines neuen Weltkrieges seine Rolle ausgespielt"). Likewise, in a speech delivered on January 30, 1942, he reportedly declared that the war would result in the "extermination of Jewry in Europe" ("die Vernichtung des Judentums in Europa"). And, on February 24, 1942, he is supposed to have "prophesied" that through this war Aryan man would not be exterminated, but the Jew extirpated ("durch diesen Krieg nicht die arische Menschheit vernichtet, sondern der Jude ausgerottet").¹²⁰ In other speeches, Hitler made similar utterances, but they are really not worth quoting.

None of these remarks are particularly shocking when compared with the strongly worded statements Allied leaders and influential Zionists made along the same lines. As I have said, it was then customary to use strong language against one's opponents. In any case, Hitler's "prophesies" about the eradication of the Jews had scarcely been fulfilled at that time, or even at the end of the war.¹²¹ More importantly, in all of Hitler's speeches and statements one cannot find a single reference to the alleged homicidal role of the concentration camps, in particular, Auschwitz-Birkenau, purportedly the center of "systematic mass extermination of the Jews."

In the final analysis, all the allegations regarding Hitler's "extermination policy" are at odds with a statement he is said to

have made towards the end of the war, on February 13, 1945:

Wenn ich den Krieg gewinne, so mache ich der jüdischen Herrschaft in der Welt ein Ende, ich versetze ihr den Todesstoß. Und wenn ich diesen Krieg verliere, so werden sie dieses Sieges nicht froh. Denn die Juden werden darüber den Kopf verlieren. Sie werden ihre Überheblichkeit bis zu einem solchen Grade steigern, daß sie selbst die Reaktion herausfordern.

If I win the war, I will put an end to Jewish domination of the world. I will deal it a death-blow. And if I lose this war, they will not rejoice in their victory. It will go to their heads. They will increase their arrogance to such a degree that they themselves will provoke a reaction.¹²²

These remarks are extremely interesting. If the "re-education" literature is to be believed, the Jews in the German sphere of influence had already been largely exterminated. According to this statement, however, Hitler planned merely to end "Jewish domination of the world" -- something quite different from physically destroying the entire race. Thus even as the war drew to an end, the "extermination of the Jews" could not have been Hitler's goal. This is also evident from the text of Hitler's Political Testament that was published by the Nuremberg International Military Tribunal (Nuremberg Document 3569-PS). Among other things, this document states:

Ich habe aber auch keinen Zweifel darüber gelassen, daß wenn die Völker Europas wieder nur als Aktienpakete dieser internationalen Geld- und Finanzverschwörer angesehen werden, dann auch jenes Volk zur Verantwortung gezogen werden wird, das der eigentlich Schuldige an diesem mörderischen Ringen ist: das internationale Judentum! Ich habe weiter keinen Zweifel darüber im Unklaren gelassen, daß dieses Mal nicht nur Millionen Kinder von Europäern der arischen Völker verhungern werden, nicht nur Millionen erwachsener Männer den Tod erleiden und nicht nur Hundert tausende an Frauen und Kindern in der Stille verbrannt und zu Tode bombardiert werden dürfen, ohne daß der eigentlich Schuldige, wenn auch durch humanere Mittel, seine Schuld zu büßen hat.

I also made it clear that, if the nations of Europe were again to be regarded merely as shares to be bought and sold by these international conspirators of money and finance, then that nation which is the real guilty party in this murderous struggle -- international Jewry -- would be called to account. Moreover, I made it clear to everybody that this time not only would millions of children in the European Aryan nations starve to death, not only would millions of grown men meet their death, and not only would millions of women and children be burnt and bombed to death in the cities, but the real culprit would have to pay for his guilt as well, even though by more humane means than war.¹²³

Two things are worth noting here. First, even shortly before his death Hitler apparently knew nothing about a mass extermination of Jews in "death camps," for otherwise he would have worded his Political Testament differently. Second, if Hitler aimed at exterminating the Jews and this had actually been accomplished, it would have been characteristic of him to boast triumphantly of the accomplishment. But he only says that the "real guilty party in this murderous struggle," "international Jewry" -- but not "the Jews" as such -- would have to pay for its guilt, even though by more humane means than war.¹²⁴ Thus Hitler was not referring to any possibility of physically eliminating the Jewish people, but anticipating that the Jewish leadership would receive some kind of punishment, which, in his own words, would be more "humane" than the slaughter of European soldiers and civilians in the war. His remarks could apply to the period after the victory for which he may still have entertained some hope. If so, it should be understood as a warning to the Jewish leaders and an assignment for his successors.

Heinrich Himmler

After Hitler's speeches, it is mainly the speeches of Himmler in which one seeks to find circumstantial evidence for the alleged racially motivated murder of the Jews. Speeches and excerpts of speeches of his supposedly relating to this subject have been published with a commentary by Agnes F. Peterson and Bradley F. Smith under the rather sensational title *Heinrich Himmler: Geheimreden 1933 bis 1945*.^{*} Of course, it is absurd to call a speech delivered before a relatively large audience "secret." Nor is it known whether Himmler ever designated any of his speeches so. Evidently the title was chosen in the hope of selling more copies of the book.

^{*}"Heinrich Himmler: Secret Speeches, 1933-1945." Although this volume was compiled and edited by two Americans, there does not seem to be an English-language edition of it. -- T.F.

According to the "Remarks on the Edition" at the end of the book these speeches were discovered in the files of the "Personal Staff of the Reichsführer-SS," which the Americans seized as war booty. Today they are reportedly in the Bundesarchiv in Koblenz. Before they were returned, they were microfilmed. Whether they are entirely genuine is open to question.

Himmler was in the habit of formulating his speeches as he went along, using notes that he had written down himself, which often consisted of no more than a dozen phrases. According to Peterson and Smith, there are only four or five completely prepared texts among the documents published in their collection, but they do not specify which ones. From the end of 1942, Himmler's speeches were frequently -- though not always -- phonographically recorded with two machines. These devices are said to have worked poorly, leaving big gaps in the recordings. Beginning in 1943, SS-Untersturmführer Werner Alfred Venn was solely responsible for making and keeping the transcripts of Himmler's speeches. It is not clear just who had this duty before. Venn is supposed to have taken down and typed out the speeches -- even making "corrections" (!) in the text, but changing the meaning "barely or not at all."¹²⁵

One can well imagine the possibilities for error involved in the preparation of these "documents." What is more, the American officials who "evaluated" the staff files of the Reichsführer-SS had ample opportunities to manipulate the papers, and probably took advantage of them, for some of Himmler's speeches were presented in evidence at the Nuremberg IMT trial.¹²⁶

Peterson and Smith claim that Venn sent his transcripts of the speeches to Himmler, who then revised them slightly.¹²⁷ Nobody asks whether this would have made any sense. If these were "secret speeches," there was little possibility of their ever being published. Moreover, it is doubtful whether Himmler had the time to go over his speeches carefully. Since they had already been delivered, that must have seemed a useless undertaking. How Peterson and Smith discovered these intimate details is a mystery.

There is considerable doubt as to whether the versions of the speeches that were presented to a horrified world after the fall of the Third Reich were identical with speeches Himmler may actually have delivered. Nevertheless, we are bound to discuss here those passages which are cited in support of the extermination thesis. Although they are constantly used to "substantiate" the charge that murders-by-gassing occurred at Auschwitz, they contain no mention of Auschwitz or any other alleged "extermination camp."

Most frequently cited is an address Himmler delivered on October 4, 1943 before a gathering of SS-Gruppenführer at Posen. Though basically a survey of the situation at the beginning of the fifth year of the war, it contains a discussion -- relatively brief -- of "The Clearing out of the Jews" ("Die Judenevakuierung"). At any rate, that is the heading this passage of the transcript was given when it was presented in evidence at the Nuremberg IMT trial (Nuremberg Document 1919-PS). According to this document, Himmler declared:

Ich will hier vor Ihnen in aller Offenheit auch ein ganz schweres Kapitel erwähnen. Unter uns soll es einmal ganz offen ausgesprochen sein, und trotzdem werden wir in der Öffentlichkeit nie darüber reden... Ich meine jetzt die Judenevakuierung, die Ausrottung des jüdischen Volkes. Es geht um die Dinge, die man leicht ausspricht -- Das jüdische Volk wird ausgerottet," sagt es jeder Parteigenosse, "ganz klar, steht in unserem Programm, Ausschaltung der Juden, Ausrottung, machen wir." Und dann kommen sie alle an, die braven 80 Millionen Deutschen, und jeder hat seinen anständigen Juden. Es ist ja klar, die anderen sind Schweine, aber dieser eine ist ein prima Jude. Von allen, die so reden, hat keiner

zugesehen, keiner hat es durchgestanden. Von euch werden die meisten wissen, was es heißt, wenn 100 Leichen beisammenliegen, wenn 500 doliegen oder wenn 1000 doliegen. Dies durchgehalten zu haben und dabei -- abgesehen von Ausnahmen menschlicher Schwäche -- anständig geblieben zu sein, das hat uns hart gemacht. Dies ist ein niemals geschriebenes und niemals zu schreibendes Ruhmesblatt unserer Geschichte, denn wir wissen, wie schwer wir uns taten, wenn wir heute noch in jeder Stadt bei den Bombenangriffen, bei den Lasten und bei den Entbehrungen des Kneiges -- noch die Juden als Geheimsaboteure, Agitatoren und Hetzer hatten. Wir würden wahrscheinlich jetzt in das Stadium des Jahres 1916/17 gekommen sein, wenn die Juden noch im deutschen Volkskörper wären.

Die Reichtümer, die sie hatten, haben wir ihnen abgenommen. Ich habe einen strikten Befehl gegeben, den SS-Obergruppenführer Pohl durchgeführt hat, daß diese Reichtümer selbstverständlich restlos an das Reich abgeführt wurden. Wir haben uns nichts davon genommen. Einzelne, die sich verfehlt haben, werden gemäß einem von mir zu Anfang gegebenen Befehl bestraft, der androhte: Wer sich auch nur eine Mark davon nimmt, der ist des Todes. Eine Anzahl SS-Männer -- es sind nicht viele -- haben sich dagegen verfehlt und sie werden des Todes sein, gnadenlos. Wir hatten das moralische Recht, wir hatten die Pflicht gegenüber unserem Volk, dieses Volk, das uns umbringen wollte, umzuliegen. Wir haben aber nicht das Recht, uns auch nur mit einem Pelz, mit einer Uhr, mit einer Mark oder mit einer Zigarette oder mit sonst etwas zu bereichern. Wir wollen nicht am Schluß, weil wir einen Bazillus ausrotten, an dem Bazillus krank werden und sterben. Ich werde niemals zusehen, daß hier auch nur eine kleine Füllnisstelle entsteht oder sich festsetzt. Wo sie sich bilden sollte, werden wir sie gemeinsam ausbrennen. Insgesamt aber können wir sagen, daß wir diese schwerste Aufgabe in Liebe zu unserem Volk erfüllt haben. Und wir haben keinen Schaden in unseren Innern, in unserem Charakter davon genommen.

I also want to talk to you, quite frankly, on a very grave matter. Among ourselves it should be mentioned quite

frankly, and yet we will never speak of it publicly. . . I mean the clearing out of the Jews, the extermination of the Jewish race. It's one of those things it is easy to talk about -- "The Jewish race is being exterminated," says one party member, "that's quite clear, it's in our program -- elimination of the Jews, and we're doing it, exterminating them." And then they come, 80 million worthy Germans, and each one has his decent Jew. Of course the others are vermin, but this one is an A-1 Jew. Not one of all those who talk this way has witnessed it, not one of them has been through it. Most of *you* know what it means when 100 corpses are lying side by side, or 500 or 1000. To have stuck it out and at the same time -- apart from exceptions caused by human weakness -- to have remained decent fellows, that is what has made us hard. This is a page of glory in our history which has never been written and is never to be written, for we know how difficult we should have made it for ourselves if -- with the bombing raids, the burdens and the deprivations of war -- we still had Jews today in every town as secret saboteurs, agitators and trouble-mongers. We would now probably have reached the 1916/17 stage when the Jews were still in the German national body.

We have taken their wealth from them. I have issued a strict order, which SS-Obergruppenführer Pohl has carried out, that this wealth should as a matter of course, be handed over to the Reich without reserve. We have taken none of it for ourselves. Individual men who have lapsed will be punished in accordance with an order I issued at the beginning, which gave this warning; Whoever takes so much as a mark of it, is a dead man. A number of SS men -- there are not very many of them -- have fallen short, and they will die, without mercy. We had the moral right, we had the duty to our people, to destroy this people which wanted to destroy us. But we have not the right to enrich ourselves with so much as a fur, a watch, a mark, or a cigarette or anything else. Because we have exterminated a bacterium we do not want, in the end, to be infected by the bacterium and die of it. I will not see so much as a small area of the sepsis appear here or gain a foothold. Wherever it may form, we will cauterize it. Altogether, however, we can say that we have fulfilled this most difficult duty for the love of our people. And our spirit, our soul, our character has not suffered injury from it.¹²⁸

All of this may come as a shock to the unbiased but uninitiated reader, who might get the impression that Himmler was actually talking about ideologically motivated, systematic murder of Jews. But those who are acquainted with the facts of this period in history will find it difficult to believe that Himmler made *all* these remarks, some of which are utterly nonsensical. A fair guess is that certain passages necessary to the continuity of the document are missing, for no logical connection really exists between the things Himmler purportedly discussed in this speech. He seems to be talking about several different matters, viz., the evacuation of the Jews, the efforts of the *Einsatzgruppen* to combat guerrilla warfare, the suppression of Jewish mutinies in Sobibor, Treblinka (autumn 1943), and, most especially, the Warsaw Ghetto (April-May 1943). That Himmler is not referring to large-scale, systematic murder of the Jews -- even when he is apparently discussing executions -- is evident from the comparatively small number of "corpses" he mentions:

100, 500, or 1,000. Far greater numbers of people are usually said to have perished in the "gas chambers" at any one time.

Let us examine some details of Himmler's alleged statements which not only indicate that the passage quoted above is incomplete, but also add to the suspicion that it may be forged.

Above all, it is astonishing that Himmler should have had no qualms about defining "evacuation of the Jews" as "extermination of the Jewish people." Of course, one may claim that he was simply employing the "code-words" purportedly used by functionaries involved in the "extermination program," but, as we have noted, there is no proof that such a jargon existed. The audience for this speech was definitely not composed of those SS leaders who might have been involved in the "secret extermination of the Jews" -- assuming for a moment there was such a plan. If they had been, Himmler surely would have commented in greater detail on this subject, instead of limiting himself to generalities. All things considered, it is quite improbable that he would have suddenly confronted an unprepared audience with the "real" meaning of the term "evacuation of the Jews." If the "extermination of the Jews" were, as is usually claimed, so highly secret that Hitler personally communicated to Himmler the order to carry it out, would Himmler have discussed this matter before a large assembly of men who had little or nothing to do with it? Here one recalls that it is frequently alleged, on the basis of statements made by Rudolf Höß, that Himmler personally transmitted Hitler's "secret order" for the "extermination of the Jews" to Höß, the commandant of Auschwitz, instructing him to keep absolutely silent about it.¹²⁹ If this were so, Himmler would not have enlarged the circle of initiates to any great extent, even without going into details. Hence this portion of the speech cannot be authentic.

It seems strange, too, that Himmler should allude to the "elimination" ("Ausrottung") of the Jews as being contained in the party program of the NSDAP, since it is neither mentioned nor implied there!¹³⁰ Himmler's supposed claim to the contrary, no level-headed Party Comrade would ever have seriously advocated such a thing. That Himmler uttered this nonsense in front of high-ranking SS leaders, who were perfectly familiar with the NSDAP program, is virtually impossible. Somebody who had not the faintest inkling of the actual contents of the NSDAP program must have slipped these remarks into the speech.

Just as incongruous is the statement in the second paragraph of the address: "We had the moral right, we had the duty to our people, to destroy this people which wanted to destroy us" ("Wir hatten das morahsche Recht, wir hatten die Pflicht gegenüber unserem Volk, dieses Volk, das uns umbringen wollte, umzubringen"). Himmler allegedly said this when discussing the confiscation of the evacuated Jews' wealth. In that context, it stands out as a foreign body. Since the Jews still residing in Germany and German-occupied territory were -- considering that a war was going on -- undoubtedly a security risk, as Himmler pointed out, their evacuation and internment in camps or ghettos was perhaps necessary, but not their murder, which is what the word "umbringen" ("destroy," "kill") denotes.¹³¹ It may be argued that the Jews were quarantined out of racial hatred, not for any logical reason. But that would not explain why Himmler had no reservations about discussing an "extermination plan" when the official line was that the Jews were simply being "evacuated" eastwards. To say that this was, after all, a "secret speech" is to beg the question.

Quite possibly, the words "Ausrottung" (which can mean either "extermination" or "uprooting") and "umbringen" (which can mean either "destroy" or "kill") were mistranslated -- deliberately or accidentally -- in the passage of the speech that appears in English under the heading "The Clearing Out of the Jews" (see p. 64 above) if indeed Himmler used these words. Deliberate mistranslations are nothing new. When President Roosevelt, who saw the mutual defense pact between Germany and Japan as the "back door" through which an unwilling American people could be herded into the European conflict, was zealously attempting to provoke a war with Japan, a U.S. government agency deliberately mistranslated a Japanese official ¹³² Thanks to Professor Rassiniere, we know that distorted translations were employed in the Nuremberg IMT trial. For example, in a retroversion of the English translation of the "Wannsee Protocol" the phrase "Zurückdrängung der Juden" ("pushing back the Jews," i.e., to the East European countries from whence they came to Germany) was rendered as "Vernichtung" ("extermination"). To give another instance, the American Chief Prosecutor cited a translation in which the expression "Ausrottung des Judentums" ("eradication of Jewry" or "Judaism") was made into "extermination of the Jews" -- which, of course, is something altogether different. For as Rassiniere has pointed out, Jewry is, among other things, an *idea*, or, to put it in other words, an expression of a common mentality, just as is Christianity (or Christendom). When one speaks of eradicating an idea, that does not necessarily mean physically exterminating the bearers of that idea, in this case, individual Jews. At least, one should not jump to that conclusion. Rassiniere maintains that in this speech of Himmler's the term "Ausrottung" is used not in the sense of "extermination," but rather "exclusion," or "elimination of the influence," of the Jews. ¹³³

Be that as it may, Nuremberg Document 1919-PS must be considered highly suspect, especially the part of it quoted above. It contains so many muddled, incongruous, and utterly nonsensical remarks that even in the post-war "re-education" literature it is usually cited only by the sentence. In their collection of "secret speeches," Peterson and Smith make only a brief mention of this address. Instead of reproducing it, they give the full text of another of Himmler's speeches, delivered two days later, on October 6, 1943, before a meeting of Reichsleiter and Gauleiter in Posen. It also contains a discussion of the "Jewish Question," which Peterson and Smith describe as the "most open and characteristic passage on the extermination of the Jews."¹³⁴ In point of fact, the train of thought is much the same as in Nuremberg Document 1919-PS, though this speech is somewhat better organized than the earlier one and lacks its crass absurdities. According to this text, Himmler made the following remarks on the "Jewish Question":

Ich dan hier in diesem Zusammenhang und in diesem allerengsten Kreise auf vine Frage hinweisen, die Sie, meine Parteigenossen, alle als selbstverstündlich hingenommen haben, die aber/fir mich die schwerste Frage meines Lebens geworden ist, die Judenfrage. Sie alle nehmen es selbstverst/~ndlich und erfreulich hin, doll in Ihrem Gau keine Juden mehr sind. Alle deutschen Menschen -- abgesehen von einzelnen Ausnahmen -- sind sich darüber klar, doll wir den Bombenkrieg, die Belastungen des vierten und des vielleicht kommenden fiinfsten und sechsten Kriegs jahres nicht aushalten batten und nicht aushalten wflrden, wenn wir diese zersetzende Pest noch in unserem Volksk/irper batten. Der Satz "Die Juden miissen ausgerottet werden" mit semen wenigen Worten, meine Herren, ist leicht ausgesprochen. Fflr den, der durchfuhren mull, was er fordert, ist es dos Allerhdrteste und Schwerste, was es gibt. Sehen Sie, natfirlich sind es Juden, es ist ganz klar, es sind nur Juden, bedenken Sie aber selbst, wie viele -- auch Party genossen -- ihr beriihmtes Gesuch an mich oder irgendeine Stelle genichtet haben, in dem es hiell, doll alle juden selbstverstündlich Schweine seien, doll bloß der Soundso em anstndiger Jude sef, dem man nichts tun dflnfe. Ich wage zu behaupten, doll es nach der Anzahl der Gesuche und der Anzahl der Meinungen in Deutschland mehr

anstndige Juden gegeben hat, als fiberhaupt nominell vorhanden waren. In Deutschland haben wir namlich so viele Millionen Menschen, die ihren etnen ben~hmten anstndigen Juden haben, doll diese Zahl bereits grdller ist als die Zahl der Juden. Ich will das bIoS anffihren, weil Sie aus dent Lebensbe reich Ihres eigenen Gaus bei achtbaren und anst~ndigen nationalsozialistischen Menschen feststellen können, doll auch von ihnen jeder einen anstndigen Juden kennt.

kh bitte Sie, dos, was ich Ihnen in diesem Kreise sage, wirklich nurzu hJren und nie doruber zu sprechen. Es trat an uns die Frage heran: Wie ist es mit den Frauen und Kindern? -- Ich habe mich entschlossen, auch hier vine

ganz klare Lasung zu finden. Ich hielt mich njmlich nicht ffir berechtigt, die Mdanner auszurotten -- sp rich also, umzubnngen oder umbringen en lassen- und die Reicher in Gestalt der Kinder ffir unsere S~hne und Enkel grolA werden zu lassen. Es muflte der schwere Ent schlull gefällt werden, dieses Volk von derErde verschwinden en lassen. Bar die Organization, die den Aufirag durchfuhren mulite, war es der schwerste, den wir bisher hatten. Er ist durchgefñhrt worden, ohne dali -- wie ich glaube sagen zu ban nen -- unsere Mfinner und unsere Ffñhrer einen Schaden an Geist und Seele erlitten batten. These Gefahr lag sehr nahe. Der Weg zwischen den beiden hier bestehenden Mdglichkeiten, entweder roh en werden und menschliches Leben nicht mehr zu achten oder weich en werden und durchendrehe bis en Nervenzusammenbruch -- der Weg zwischen Scylla und Cha,ybdis ist entsetzlich schmal.

Wir haben dos ganze VennJgen, dos wir be, den Juden beschlagnahmten -es gig zn unendhche Wette-bzs enm letzten Pfennig an den Reichswirtschaftsminister abgefñhrt. Ich habe mich immer auf den Standpunkt gestellt: Wir haben die Ver pflichtung unserem Volke, unserer Rasse gegen fiber, wenn wir den Kneg gewinnen wollen -- wir haben die Veipflchtug unserem Ffñhrer gegen fiber, der nun in 2000 Jahren unserem Volk einmalgeschenkt worden ist, hier nicht klein en sein und hier konsequent zu sein. Wir haben aber nicht dos Recht, auch nur einen Pfennig von dent beschlagnahmten Judenvenndgen en nehmen. kh habe von vorn he rein festgesetzt, dos SS-Mdanner, auch wenn sie nur vine Mark dovon nehmen, des Todes sind. kh habe in den letzten Tagen deswegen einige, ich hann es ruhigsagen, essind etwa em Dutzend -- Todesurteile unterschrieben. Hier mull man hart sein, wenn nicht dos Ganze darunter leiden soIl. -- Ich habe mich fur verpflichtet gehalten zu Ihnen als den obersten Willenstrfigern, als den obersten Wfirdentrdgeru derPartei, dieses politischen Ordens, dieses politischen Instruments des Ffñhrers, auch fiber eine Frage einmal ganz offen zu sprechen und zu sagen, wie es gewesen ist. -- Die Judenfrage in den von uns besetzten Lndern wird bis Ende dieses Jahres erledigt sein. Es werden nur Restbestnde von einzelnen Juden fib~ig bleiben, die untergeschlupft sind. Die Frage der mit nichtfidischen Teilen verheirateten Juden und die Frage der Halbjuden werden sinngemJll und vernfinftig untersucht, ent schteden und donn gel5st.

Dali ich grolie Schwiengkeiten mit vielen wirtschaftlichen Einnchtungen hatte, werden Sie mir glauben. kh habe in den Etappengebieten grolle Judenghettos ausgerdumt. In Warschau haben wir in einem Jude ghetto vier Wochen Stra&nkampf gehabt. Vier Wochen! Wir haben dort ugefñhr 700 Bunker ausgehoben. Dieses ganze Ghetto machte also Peltzmdntel, Kleider und Jhnliches. Wenn man fri~her dort hinlangen wollte, so hiell es: Halt! Sie st~ren die Kriegs wirtschaft! Halt! Rfistungsbettieb! -- Natfirlich hat dos mit Parteigenossen Speer nichts zu tan, Sie k5nnen gar nichts dazu. Es ist der Ted von ageblichen Rustugsbetrieben, die derParteigenosse Speer und ich in den nJchsten Wochen und Monaten gemeinsam remigen wollen. Das werden wir genau so unsentimental machen, wie mm Ifinflen Knegsjahr alle Dinge unsentimental, aber mit grollem He,zen Ifir Deutschland gemacht werden mfissen.

Damit nu5chte ich die Judenfrage abschliellen. Sie wissen nun Bescheid, und Sic behalten es fur sich. Man wird vielleicht in ganz spater Zest esnmal fiberlegen Mn-neti, ob man dent deutschen Volke etwas mehr dorfibersagt. Ich glaube, es ist besser, wir -- wir insgesamt -- haben dos fur unser Volk getragen, haben die Verantwortug aufuns genommen (die Vera ntwortung fur vine Tat, nicht nurfur vine Idee) und nehmen dann das Geheimnis mit in unser Grab.

In this connection, I may comment before this very tightly knit group on a matter which you, my Party Comrades, all take for granted, and which is the most difficult task I have ever faced in my life, the Jewish problem. All of you gladly take it for granted that there are no longer any Jews in your administrative districts. All Germans -- with a few individual exceptions -- are aware that we could not have endured the bombings, the hardships of the fourth year of the war, and could not endure fifth and sixth years of war that are perhaps yet to come, if we still had this demoralizing pest in our national body. "The Jews must be eradicated." This brief sentence is easily said. But for the man who must carry out what it calls for, it is the gravest and hardest thing in existence. Now, look, after all they're Jews, only Jews. That's plain enough. But just think about how many people -- including Party comrades -- have addressed to me and other officials those famous petitions of theirs in which they say: The Jews are all bastards, of course, but so-and-so is a good Jew and should be left alone. I daresay, judging by the number of such appeals and the number of people who express such opinions, the number of "good Jews" in Germany must have exceeded the total Jewish population! In Germany we have millions and millions of people who each have their "one good Jew." I mention this only because you can see in the vital field of your own administrative districts how many respected and upright National Socialists have their "good Jew."

I ask that you assembled here pay attention to what I have to say, but not repeat it. The question came up: Well, what about the women and children? -- I came to a determinedly simple conclusion about that, too. I did not believe that I had the right to wipe out the men -- rather I should say, kill them or have them killed -- and let their children grow up to avenge themselves on our sons and grandsons. The hard decision to wipe this people off the face of the earth had to be made. For us, the organization that had to carry out this task, it was the most difficult one we ever had. But it was accomplished, and without -- I believe I can say -- our men and their leaders suffering any mental or spiritual damage. That was clearly a danger. To become too brutal, too heartless, and lose respect for human life, or to be too soft and bring oneself to the point of a nervous breakdown -- the path between these two ever-present possibilities is incredibly narrow, the course between Scylla and Charybdis.

We have turned over to the Reich Ministry of Economics all the wealth we confiscated from the Jews -- the sums

were staggering -- right down to very last penny. I have always maintained: We have a duty to our people, to our race, we have a duty to a leader such as has been given to our people only once in 2,000 years, not to be petty here, but to go the limit, as we must do in all things if we are to win the war. Yet we do not have the right to take even one penny of the wealth confiscated from the Jews. At the outset, I laid down the line: Any SS men who take so much as a mark of it are as good as dead. In the past few days, I've had to sign a number of death sentences -- I might as well say it, there were about a dozen. One has to be strict here, or everyone will suffer. I considered it my duty to speak very openly to you -- the highest bearers of the will, the highest dignitaries, of the Party, of this political order, of this political instrument of the Führer -- about this matter and to give the facts as they are. By the end of the year, the Jewish problem in the lands we have occupied will be solved. There will be left only remnants, individual Jews who are in hiding. The problem of Jews who are partners in mixed marriages and the problem of half-Jews will, in accordance with this policy, be rationally examined, decided upon, and resolved.

Believe me, I've had lots of trouble with many units of the economic apparatus. I cleared out big Jewish ghettos in the area of the lines of communication. In Warsaw, we had four weeks of street-fighting in the ghetto. Four weeks! We had to clean out around 700 bunkers. The whole ghetto was making fur coats, dresses, and the like. Time was, if you tried to lay a hand on that place, you'd be told: Stop! You're interfering with the war effort. Stop! This is part of the armaments industry. -- Of course, Party Comrade Speer had nothing to do with that. There is nothing you people can do about it. It is a part of the so-called armaments industry that Comrade Speer and I will be cleaning up in the forthcoming weeks and months. We will do this quite unsentimentally, as all things must be done in the fifth year of the war, without sentiment but with a stout heart for Germany.

With this I'll wind up my discussion of the Jewish problem. You now have the necessary information, and you will keep it to yourselves. At some much later date, one may consider the possibility of telling the German people a little more. I believe that it is better that we all bear this together for our people, as we have done, and take the responsibility on ourselves (the responsibility for a deed, not just for an idea) and take this secret with us to our graves.¹³⁵

The "re-education" scribblers are fond of quoting this speech. In contrast to them, I have reproduced this passage in its entirety, so that Himmler's remarks can be seen in context. Even if it seems more polished than the Posen address, and, above all, does not contain as many glaring absurdities, this speech cannot be judged in any different terms. It is quite improbable that Himmler would have used such remarks to inform the Reichsleiter and Gauleiter of the genocide supposedly carried out by the SS on his orders.

No doubt the first and third paragraphs of this excerpt concern the evacuation of the Jews from Germany and the occupied Western European countries. This is especially true of the last part of the third paragraph (after the dashes), which, incidentally, contains an echo of the "Wannsee Protocol" in its approach to the problem of mixed marriages and persons of mixed parentage. Since Himmler mentions "remnants" who are "in hiding," he can only be referring here to the evacuation of the Jews from Germany and the occupied European countries. He could not be referring to the subsequent fate of Jews evacuated to the eastern ghettos and concentration camps, for there they would find no place to "hide." The sentence "The Jews must be eradicated" ("Die Juden müssen ausgerottet werden"), in the first paragraph, is an absurdity, and was probably forged into the text. Inasmuch as nobody in Germany had at that time heard anything about the "eradication of the Jews," Himmler would have had to provide these high-ranking national and regional administrators with some explanation of the term. Otherwise, these men, who were acknowledged leaders of the Party, would have been puzzled by it. In fact, if Himmler had discussed such a thing as killing off the Jews, he would most likely have chosen a word like "elimination" rather than "eradication."

When I asked two former Gauleiter, Karl Wahl and Rudolf Jordan, whether they had ever heard something from Himmler, directly or indirectly, about "this type of solution to the Jewish Question" (as I put it to Wahl) or something about the "mass murder of the Jewish people" (as I put it to Jordan), neither of them could recall anything.¹³⁶ And neither of them could remember specific details of the meeting at Posen on October 6, 1943. Gauleiter Wahl believes it is possible that he missed the conference because of illness. He told me: "In 17 long years" -- that is how long Wahl served as Gauleiter -- "I never heard him say anything that was not humane or moral . . . I cannot conceive of Himmler's being so stupid as to make any such remarks, or, if he did, which I do not believe, to preserve them so that these literary shysters could publish them 30 years later." This last point is remarkably well taken. It casts doubt on the authenticity of Himmler's alleged discourse on the "Jewish Question," especially the final paragraph of it. For how can any rational person believe that Himmler would have had his remarks written down for posterity if he wanted to take the "secret" of the "Final Solution" with him to the grave, and advised his listeners to do the same? The real author of these lines must have believed -- and it seems with good reason -- that the human race is awfully gullible.

Gauleiter Jordan told me that during the war he heard "some executions took place in connection with tactical problems of combating guerrilla warfare," but these had nothing to do with the so-called Final Solution; they were "necessary wartime measures." I brought up this interpretation when discussing Himmler's address of October 4, 1943 to the SS-

Gruppenführer (see p. 63 above), and I think the second paragraph of the excerpt from the speech of October 6, 1943 in disputably confirms it. As I have pointed out, the second paragraph of the excerpt has no discernible relation to the first paragraph. Some of Himmler's later speeches clarify and corroborate the fact that this reference must be to executions carried out against partisans (see p. 72 below).

Even if Wahl and Jordan did not attend the meeting at which Himmler delivered this talk, they no doubt would have heard, in some way or other, of his remarks on the "Jewish problem" had he actually made them. Their statements on this subject are therefore very pertinent. In my estimation, they are satisfactory proof that Himmler did not express the notions attributed to him in the present version of the speech of October 6, 1943. It would be a cheap shot to impugn the veracity of these two contemporary witnesses because of their former rank in the NSDAP -- particularly since Himmler, as I already pointed out, would have had no reason to discuss the "Final Solution" with outsiders like Wahl and Jordan.

Incidentally, parts of this talk are cited in Professor Krausnick's Auschwitz Trial deposition, which purports to be a scholarly production. There it is quoted as follows: *

**This is my translation, not the version that appears in the English-language edition of *Anatomie des SS-Staates*, where, by the way, the phrase "die Frage der mit nicht jüdischen Teilen verheirateten Juden" is incorrectly translated as "the problem of the non-Jewish partners in mixed marriages." -- T.F.*

I cleared out big Jewish ghettos in the area of the lines of communication. . . By the end of the year, the Jewish problem in the lands we have occupied will be solved. There will be left only remnants, individual Jews who are in hiding. The problem of Jews who are partners in mixed marriages and the problem of half-Jews will, in accordance with this policy, be rationally examined, decided upon, and resolved.'¹³⁹

In Peterson and Smith's collection, the first sentence of this excerpt appears as the second sentence of the fourth paragraph. ¹³⁸ Also, in their version Himmler's remark about the "Jewish problem" being solved by the end of the year does not follow this sentence, as it does in Krausnick's version, but appears at the end of the third paragraph, hence in a different context. I leave it to the reader to consider the possible conclusions one may draw from the transpositions. When each of these two sentences is placed in a different section, Himmler's comments on the "Jewish problem" take on another meaning. At the very least, the appearance of such variations in supposedly legitimate scholarly publications proves that some scholars do not hesitate to rearrange the contents of original sources -- assuming that is what this document is -- as the fancy strikes them. For the time being, we shall forgo discussion of how history-twisters untrained in the methods of scholarship -- and they are in the majority -- deal with these and similar historical sources.

Quite apart from all the misgivings one must have about these speeches because of the manner in which they were transcribed and transmitted, the manipulations disclosed above should make the unbiased observer think twice before regarding any "quotations" from them as absolutely reliable.

Proponents of the extermination thesis usually quote only the speeches mentioned above. Nevertheless, we shall discuss here a few other extracts in Peterson and Smith's collection, since they not only correspond to parts of the two Posen speeches, but also reveal even more clearly than those addresses that Himmler's remarks concerned difficulties in the ghettos and the fight against guerrillas.

In a speech he delivered before a group of naval commanders at Weimar on December 16, 1943, Himmler declared:

Wenn ich irgendwo gezwungen war, in einem Dorfe gegen Partisanen und gegen jüdische Kommissare vorgehen zu lassen -- ich spreche dies in diesem Kreise aus, als lediglich für diesen Kreis bestimmt -- so habe ich grundsätzlich den Befehl gegeben, auch die Weiber und Kinder dieser Partisanen und Kommissare umbringen zu lassen. Ich würde ein Schwächling und ein Verbrecher an unseren Nachkommen, wenn ich die halberfüllten Söhne dieser von uns im Kampf! von Mensch gegen Untermensch erledigten Untermenschen grollen liess. Glauben Sie mir: Dieser Befehl ist nicht so leicht gegeben und wird nicht so einfach durchgeführt, wie er konsequent richtiggedacht und in der Aula ausgesprochen ist. Aber wir müssen immer mehr erkennen, in welchem primitiven, ursprünglichen, natürlichen Rassenkampf wir uns befinden.

Whenever I was forced to take steps against the partisans and Jewish commissars in some village -- I'll say it for the information of this group only -- I made it a point to give the order to kill the women and children of these partisans and commissars. I would be a weakling and I would be committing a crime against our descendants if I allowed the hate-filled sons of the sub-humans we have liquidated in this struggle of humanity against subhumanity to grow up. Believe me, easy though it may be to talk in the lecture hall about carrying the idea behind this order to its proper, logical conclusion, it was not so easy to give the order and is not so easy to execute it. But we must come more and more to the realization that, we are engaged in a primitive, elemental, organic racial struggle.¹³⁹

Addressing a group of Army generals at Sonthofen on May 5, 1944, Himmler said, among other things:

Wir sind alle Soldaten, ganz gleich, wekhen Rock wir tragen. Sie mogen mir nachffhilen, wie schwer die Erifillug dieses mir gegebenen soldotischen Befehls war, den ich befo~gt und durchgeffhrt habe aus Gehorsam und aus vollster Uberzeu gung. Wenn wir sagen: "Bei den MJnnern sehen wir dos em, nicht aber bei Kin dern," donn doif ich an dos ennnern, was ich in meinen ersten Ausffhungen sagte. In dieser Auseinandersetzung mit Asien mfissen wir uns doran gew5hnen, die Spielregeln und die uns lieb gewordenen und uns viel nO,her liegenden Sitten vergan gener europdischen Knege zur Vergessenheit zu verdammen. Wir sind m. E. auch als Deutsche bef allen tie! aus unserer aller Herzen kommenden Gem fits regungen nicht berechtigt, die halle,ffillten RJchergroll werden en lassen, domit donn unsere Kinder und unsere Enkel sick mit denen ausetnandersetzen müssen, wed wir, die VJter oder Grollvater, en schwach und zu feige waren und ihnen das fiberliellen.

We are all soldiers, no matter what uniform we wear. You can sympathise with me about how difficult it was to carry out the military order I was given. I obeyed from a sense of duty and from total conviction. If you say "We can understand about the men, but not the children," then I must remind you of my previous remarks. In this conflict with Asia, we have to get used to the idea that the rules of the game traditional in European wars, likewise the moral usages, of which we are even fonder and to which we are even more attached, must be consigned to oblivion. In my opinion, we, as Germans, do not have a right -- whatever tender sentiments well up from the depths of our hearts -- to allow hate-filled avengers to reach adulthood. Our children and grandchildren would only have to contend with them, because we, the fathers and grandfathers, were too weak and too cowardly to do it ourselves.¹⁴⁰

On May 24, 1944, in another speech to the generals at Sonthofen, Himmler declared:

Ich glaube, meme Herren, dali Sie mich so weit kennen, dall ich ken blutrunstiger Mensch bin und ken Mann, der an irgend etwas Hartem, was er tan mull, Freude order Spall hat. Ich habe aber anderersezts so gute Nerven und en so grolles Pflichtbewulltsein -dos dart ich fur mich in Anspruch nehmen -dali ich dann, wenn ich vine Sache als notwendig erkenne, sie kompromillios durchfuhre. Ich habe mich nicht fur berechtigt gehalten -- das bet nifi njmlich die jfidischen Frauen und Kinder -- in den Kindern die Rdchergroll werden zu lassen, die dann unsere Vt,ter [sic!] und unsere Enkel umbnngen. Das hiitte ichfurfeigegehalten. Foiglich wurde die Frage kompromillios gellist. Zur Zed allerdigs -- es ist eigenartig in diesem Krieg -- fuhren wir zundchst 100000, spater noch eznmal 100000 mdnnliche Juden aus Ugarn in Konzentrationslager em, mit denen wir unterirdische Fabeiken bauen. Von denen aber kommt nicht ezner irgendwie in dos Gesichtsfeld des deutschen Volkes. Eine Uberzeugug aber habe ich, ich wfirde fur die mm Osten des Generalgouvernements aufgebaute Front schwarz sehen, wenn wir doti die Judenfrage nicht gelast batten, wenn also das Ghetto in Lublin noch bestfinde und dos Riesenghetto mit 500000 Menschen in Warschau, dessen Bereinigug, meine Herren, uns mm vongen Jahrffinf Wochen Strallenhampfgekostet hat mit Panzer wagen und mit allen Waffen, wo wir inmitten dieses abgezeiunten Ghettos rund 700 Hauserbunker gestfirmt haben.

I believe, gentlemen, that you know me well enough to realize that I am not a bloodthirsty man nor a man who takes pleasure or finds sport in the harsher things he must do. On the other hand, I have strong nerves and a great sense of duty -- if I do say so myself -- and when I recognize the necessity of something, I will do it unflinchingly. As to the Jewish women and children, I did not believe I had a right to let these children grow up to become avengers who would kill our fathers [sic!] and grandchildren. That, I thought, would be cowardly. Thus the problem was solved without half-measures. At this time -- it is one of those things peculiar to this war -- we are taking 100,000 male Jews from Hungary to the concentration camps to build underground factories., and will later take another 100,000. Not one of them will ever come within the field of vision of the German people. I am convinced that things would look bleak for the front that has been built up to the east of the Government General if we had not resolved the Jewish problem there, if, for example, the ghetto in Lublin, or the massive ghetto in Warsaw, with its 500,000 inhabitants, were still in existence. It cost us five weeks of street-fighting, using tanks and all sorts of weapons, to clean out the Warsaw ghetto last year. In that walled-in ghetto, we had to storm about 700 bunkers.¹⁴¹

Finally, on June 21, 1944, again before a gathering of generals at Sonthofen, he stated:

Es ist gut, doll wir die Hflrte hatten, die Juden in unserem Bereich auszurotten. Fragen Sie nicht,, wie schwer dos war, sondern haben Sie als Soldoten -- ich mochte fast sagen -- Verstdndnis dofur, wie schwer em soleher Befehl durchzufuhren ist. Ziehen Sie aber auch bei k?itischer Prffug, nur als Soldaten fur Deutschland denkend, den logischen Schl uS, doll es notwendig war. Denn allein der Bombenkrieg ware nicht durchzuhalten, wenn wir das jfidische Volk noch in unseren Stadten gehabt batten. Ich habe auch die Uberzeugug, dali die Front bei Lembeeg mm Generalgouvernement nichtzu halten gewesen wflre, wenn wir die grollen Ghettos in Lemberg, in Krakau, in Lublin und in Warschau noch gehabt batten. Der Zeztpunkt, zu dent wir das letzte grolle Ghetto in Warschau -- ich nenne Ihnen ruhig die ZahI -- mit fiber 500 000 Juden in fun! Wochen Stra&nkampfen ausgeraumt haben mm Sommer 1943, war gerade der letzte Zeitpunkt. Die Ghettos waren, so abgeschlossen sie auch gewesen sein mogen, die Zentralen jeder Partisanen- und jeder Bandenbewegung. Sie waren aullerdem Verg?ftugsherde fur die Moral der Etappe...Ebenso will ich auch eine Frage, die sicherlich gedacht wird, gleich beantworten. Die Frage heiSt: Ja, wissen Sic, doll Sie die erwachsenen Juden umbringen, dos verstehe ich, aber die Frauen und Kinder. . . ? -- Da mull ich Ihnen etwas sagen: Die Kinder werden eines Tages groll werden. Wollen wirso

unanständig sein, doll wir sagen: nein, nein, dozu sind wir zu schwach, aber unsere Kinder können sich mit ihnen mal abgeben. Die sollen das auch einmal ausbamp/en. Dann würde dieser jüdische Haß heute kleiner und später groß gewordener Rache sich an unseren Kindern und Enkeln vergreifen, so doll sie noch einmal das gleiche Problem zu lösen hätten. Wie gesagt, in Warschau haben wir fünf Wochen Häuserkampf gehabt und 700 Bunker ausgeflumt, Kellerbunker, manchmal zwei übereinander. Wenn ein Häuserblock erledigt war, dann kamen sie plötzlich hinten wieder hinaus. Der Jude hat immer Katakomben, Gänge, Kanäle. Das ist ein uraltes System. Er ist ein uralter Nomade. -- Es war, wie gesagt, der letzte Zeitpunkt, denn ich glaube nicht, daß die Front mit dem Generalgouvernement so leicht zu halten gewesen wäre.

It's a good thing we had the firmness to eradicate the Jews in our domain. Don't ask how difficult that was. As soldiers, you should appreciate -- if I may put it that way -- the difficulty of carrying out such an order. Also, as soldiers thinking only of what is best for Germany, you must, after critical examination, come to the logical conclusion that it was necessary. For the bombings alone would have been unbearable if we had still had the Jews in our cities. I am likewise convinced that the front at Lemberg, in the Government General, could not have been held if we still had the large ghettos in Lemberg, Cracow, Lublin, and Warsaw. The summer of 1943 was the last possible time for clearing out the last big ghetto, the one in Warsaw, which had -- I might as well give the figure -- over 500,000 Jews, and that took five weeks of house-to-house combat. The ghettos, no matter how sealed off they may have been, were the centers of every kind of partisan and bandit activity. Likewise, they were breeding grounds for the toxins of demoralization behind the lines ...

I also want to answer a question which I am sure is on your minds. The question is: "Yes, of course, you're killing the adult Jews. I can understand that. But what about the women and children?" -- Well, I have to tell you something. One day those children will have grown up. How could we be so contemptibly dishonorable as to say: No, no! We're too weak for this. Our children can take care of them. Let them fight it out, too! When the little Jews of today are all grown up, they'll vent their Jewish hatred on our children and grandchildren, who will have the same problem to solve as we did...

As I said, we had five weeks of house to house fighting in Warsaw, and we cleaned out 700 bunkers -- cellar fortifications -- sometimes one on top of the other. When we got finished with one block, they suddenly came at us from behind. The Jew always has his catacombs, passages, tunnels. It is an ancient system. He's been a nomad from time immemorial. -- As I said, this was the last possible time for this, and I don't believe that otherwise we could so easily have held the front in the Government General.¹⁴²

Even these excerpts -- Peterson and Smith do not give the whole texts of the speeches -- must be regarded with skepticism, for they were taken from documents that are manifestly unreliable. In contrast to the Posen speeches, however, they show rather clearly that Himmler refers to the execution of Jews only in connection with the fight against partisans and other bandits operating behind the German lines on the eastern front. When some general comment on the "solution of the Jewish problem" or the "eradication of the Jews" appears, one may be sure that it is either the result of manipulation of the text or an outright forgery. It is simply inconceivable that Himmler would have given these high-ranking troop leaders a lecture on "genocide."

The indiscriminate actions against women and children during anti partisan operations were undeniably inhumane and virtually indefensible in terms of international law. Because those actions could hardly be concealed, Himmler had every reason to justify them to these leaders of the Army. As every veteran of the Eastern Front knows, women and even children often took part in guerrilla warfare. If the Germans sometimes made indiscriminate reprisals, they did so to assure the safety of their fighting men and to protect their lines of communication. But these reprisals were nothing in comparison with the carpet bombing of residential areas in German cities, which Churchill ordered for the purpose of indiscriminately killing German civilians -- German women and children. For that slaughter there can be no justification whatever.¹⁴³

But the essential point about these speeches of Himmler's, so far as our inquiry is concerned, is that none of them contain any reference to "mass gassings" in "extermination camps." In none of his extant speeches does Himmler mention Auschwitz in this regard. Indeed, the second Sonthofen address suggests an alternative explanation of the fate of the Hungarian Jews who, in the spring and summer of 1944, were transported to Auschwitz and -- so the story goes -- "gassed": They were brought there as a labor force for the construction of underground factories.¹⁴⁴

From Himmler's remarks one can deduce that the *Einsatzgruppen* did deal harshly with the Jews in guerrilla-infested areas, proceeding mercilessly even against women and children. But it is also a fact that the Jewish population nearly always made common cause with the guerrillas. The operations of the *Einsatzgruppen* were a reaction to the insidious and illegal methods of warfare employed by a dastardly and vicious foe, and they can hardly be classified as "genocide." One recalls that Himmler himself, in a memorandum he sent to Hitler early in the war, called the idea of physically exterminating a people "un-Germanic and impossible" (see p. 30 above).

Hans Frank

We have fought against Jewry for years; and we have indulged in the most horrible utterances -- my own diary bears witness against me ... A thousand years will pass and still this guilt of Germany will not have been erased.

These words, which seem to confirm the allegations about the "extermination of the Jews," were spoken by one of the best known figures of the Third Reich, Hans Frank. Legal advisor to the NSDAP since the middle 1920's, Frank held several high offices after the Party assumed power in 1933, among them, the Presidency of the Academy of German Law. In October 1939, Hitler appointed him Governor General of Poland. He made the above statement under cross-examination at the Nuremberg IMT trial. Ever since then, his testimony, quoted verbatim or paraphrased, has been used to support the charge that genocide was committed against the Jews in the Third Reich.¹⁴⁵ At the Nuremberg IMT trial, the fact that the alleged extermination camps -- including Auschwitz, of course -- were located in Poland was used to saddle Frank with part of the responsibility for them. Actually, Frank had little opportunity to exert influence on the camps, since they were under the direct control of the SS. Studiously ignoring this fact, the proponents of the extermination thesis set great store by Frank's histrionic "confession of guilt": After all, if anybody "knew what was going on," wouldn't it be the Governor General? Nevertheless, as his interrogation before the Nuremberg Tribunal on April 18, 1946 shows, Frank knew nothing concrete about the "extermination of the Jews." Only once had he seen the inside of a concentration camp, Dachau, located in the German Reich proper. Of the "extermination camps" in the territory he administered he knew nothing beyond their names, if even that. In particular, he knew nothing about any "gassings. That alone detracts considerably from the significance usually attributed to this "confession." More important is the fact that this statement is almost always quoted only in part, and thus takes on a quite different meaning. Frank made this statement when Dr. Seidl, his defense counsel, asked him whether he had ever participated in the "annihilation of Jews." His full reply was:

Ich sage ja; und zwar sage ich deshalbja, weil ich unter dem Eindruck dieser fünf Monate der Verhandlung und vor allem unter dem Eindruck der Aussage des Zeugen Hall es mit meinem Gewissen nicht vereinbaren konnte, die Verantwortung dafür allein auf diese kleinen Menschen abzuwälzen. Ich habe niemals ein Judenvernichtungslager eingerichtet oder ihr Bestehen gefordert; aber wenn Adolf Hitler persönlich diese furchtbare Verantwortung auf sein Volk gewälzt hat, dann trifft sie auch mich; denn wir haben den Kampf gegen das Judentum jahrelang geführt, und wir haben uns in Außerungen ergangen -- und mein Tagebuch ist mir selbst als Zeuge gegenübergetreten -- die furchtbar sind. Und ich habe daher die Pflicht, Ihre Frage in diesem Sinne und in diesem Zusammenhang mitla zu beantworten. Tausend Jahre werden vergehen und diese Schuld von Deutschland nicht wegnehmen.

I say "yes"; and the reason why I say "yes" is because, having lived through the 5 months of this trial, and particularly after having heard the testimony of the witness Höß, my conscience does not allow me to throw the responsibility solely on the minor people. I myself have never installed an extermination camp for Jews, or demanded that such camps be instituted; but if Adolf Hitler personally had laid that dreadful responsibility on his people, then it is mine too, for we have fought against Jewry for years; and we have indulged in the most horrible "utterances" -- my own diary bears witness against me. Therefore, it is no more than my duty to answer your question in this connection with "yes." A thousand years will pass and still this guilt of Germany will not have been erased.¹⁴⁷

At the root of Frank's "confession" is a single hypothesis: If Hitler's personal responsibility for a terrible crime somehow devolved on the German people, then Frank, too, would share the blame. Frank was, as he admitted, influenced by the five months of court sessions, above all, by the testimony of Rudolf Höß. That says it all. As numerous investigators have confirmed, psychological tricks, sham evidence, and perjured testimony were all used at Nuremberg to "demonstrate" the "facts of the case" to the accused. By such means, most of the defendants probably were convinced that "mass gassings" did occur, though each of them emphatically and sincerely denied knowing anything about the matter.¹⁴⁸

Thus Frank's "confession" proves nothing whatever. In fact, when he heard about the mass expulsion of Germans by the Russians, Poles, and Czechs, he revised his statement about a "thousand years of guilt."¹⁴⁹ It may be that he was only trying to curry favor with the judges by an ostentatious display of contrition, as the diary of the prison psychologist Gilbert suggests, and eventually saw the futility of that maneuver.

Not only Frank's bogus "confession," but also his diary -- that "witness" against him -- is frequently conjured up in the literature on our topic. As source material this "diary" is highly dubious, and it has no more to say about the "Auschwitz death factory" than do any of the other documents we have examined thus far.

If Frank's "diary" is treated here and not in the following section, it is because the thing is really not a diary in the usual sense -- that is, a daily record of one's personal doings and observations. According to a statement his defense counsel made at the Nuremberg IMT trial, on July 11, 1946, which went uncontroverted, Frank did not write down a single line of it himself.¹⁵⁰ This thirty-eight volume document of more than 10,000 pages is simply a record Frank's secretaries and stenographers kept of his conferences, receptions, and other official functions. It is also a record -- often merely in paraphrase -- of his talks and speeches, and this, of course, is the part which the exterminationists are so fond of quoting.

Whether Frank himself ever read this "diary," let alone checked the accuracy of the transcription, is doubtful. When he affirmed its "authenticity" at the Nuremberg trial, he was simply acknowledging that these thirty-eight volumes are a kind of official documentation of his years as Governor General. Only part of this material was presented in evidence at the Nuremberg trial (Nuremberg Document 2233-PS.¹⁵¹ After the trial, all the volumes were handed over to the Polish authorities. Today they are reportedly in the files of the Ministry of Justice in Warsaw. They were "evaluated" in Poland, and in 1963 a detailed and lengthy study by Stanislaw Piotrowski appeared. That same year, Piotrowski also brought out an abridged German translation of his volume, under the title *Hans Franks Tagebuch*.

Let us dispense with such details and turn directly to those passages in this document which are usually adduced as "proof of the extermination of the Jews." Considering the size of this "diary," there are not many of them. For the most part, they are so vague and insubstantial that they carry little weight as evidence, particularly since -- as I have noted -- it is impossible to establish with any certainty the extent to which the "diary" is an accurate record of Frank's statements. Contrary to what one might expect, the most copious selection of Frank's alleged statements on the "murder of the Jews" is not to be found in Piotrowski's volume, but in Poliakov and Wulf's collection of "documents" *Das Dritte Reich und die Juden* [The Third Reich and the Jews]. In many of the statements quoted there, Frank is merely advocating the relentless conscription of Jewish labor -- a demand which, given the fact that the German people had been forced into a "Total War," can hardly be called unjust or even inhumane. We need not go into these statements, since they are not particularly relevant to our topic.

Frank's remarks at a governmental conference in Cracow on December 16, 1941 are customarily regarded as important and revealing. Hence they deserve to be quoted here at some length:

Mit den Juden -- das will ich Ihnen auch ganz offen sagen -- mull so oder so SchIull gemacht werden... Ich weill, es wird an vielen Malnahmen, die jetzt mm Reich gegenüber den Juden getroffen werd en, Kritik gefibt. Bewullt wird -- dasgeht aus den Stimmugsberichten hervor -- immer wieder versucht, von Grausamkeit, von Harte usw. zu sprechen. Ich mochte Sie bitten, einigen Sie sich mit mir zundchst, bevor ich wetterspreche, auf die Formel: Mitleid wollen wir grundsatzlich nur mit dent deutschen Volk haben, sonst mit niemandem auf der Welt. Ich mull auch als alter Nationalsozialist sagen: wenn die Judensippschaft in Europa den Krieg fiberleben wfirde, wir aber unser bestes Blut fur die Erhaitug Europas geopfert batten, donn wfirde dieser Krieg doch nur einen Teilerfolg darstellen. Ich werde daher den Juden gegen fiber grundsatzlich nur von der Erwartug ausgehen, doll sie verschwinden. Sie mfissen weg. Ich babe Verhandlungen zu dent Zweck angeknipft, sie nach Osten abzuschieben. It Januar findet fiber die Frage vine groRe Besprechung in Berlin statt, zu der ich Herrn Staatssekre~r Dr. Efhler entsenden werde. Diese Besprechug soll it Reichssicherheitshauptamt by SS-ObergruppenfuhrerHeydrich gehalten werden. Jedenfalls wird vine grolle ~dische Wanderug einsetzen.

Aber was soll mit den Juden geschehen? Glauben Sie, man wird sie it Ostland in Siedlungsda,fern unterbnngen? Man hat uns in Berlin gesagt: Weshalb macht man die Scherervien. Wir konnen mm Ostland oder it Reichskommissariat auch nichts mit ihnen anfangen, liquidiert sie selber! Meine Herren, ich mull Sie bitten, sich gegen alle Mitleidserwagungen zu wappnen. Wir mfissen die Juden vernichten, wo immer wir sie treffen und wo es irgend m6glich ist, um das Gesamtgefuge des Reiches hier aufrechtzuerhalten. Jedenfalls mfissen wir aber einen Wegfinden, der zum Ziel ffihrt und ich mache mir darfiber meine Gedonken. Die Juden sind auch fur uns aullergewiihnlich schadhche Fresser. Wir haben it Generalgouvernement scbatzungsweise 2,5, vielleicht mit den jfidisch Versz~bpten und dent, was alles daran bangt, jetzt 3,5 Millionen Juden. Diese 3,5 Millionen Juden konnen wir nicht erschienen, wir konnen sie nwht vergzften, werden aber doch Eingnffe vornehmen k/innen, die irgendwie zum Vernichtungserfolg fuhren, und zwar in Zusam menhang mit den vom Reich her zu besprechenden grollen Mallnahmen. Das Generalgouvernement mull genau so judenfrei werden, wie es das Reich ist.

As far as the Jews are concerned, I want to tell you quite frankly, that they must be done away with in one way or another. . . I know that many of the measures carried out against the Jews in the Reich, at present, are being criticized. It is being tried intentionally, as is obvious from the reports on the morale, to talk about cruelty, harshness, etc. Before I continue, I want to beg you to agree with me on the following formula: We will principally have pity on the German people only, and nobody else in the whole world . . . As an old National Socialist, I must say: This war would be only a partial success, if the whole lot of Jewry should survive it, while we would have shed our best blood in order to save Europe. My attitude towards the Jews will, therefore, be based only on the expectation that they must disappear. They must be done away with. I have entered negotiations to have them deported to the East. A great discussion concerning that question will take place in Berlin in January, to which I am going to delegate the State-Secretary Dr. Buehler. That discussion is to take place in the Reich Security Main Office with SS-Lt. General Heydrich. A Jewish migration will begin, in any case.

But what should be done with the Jews? Do you think they will be settled down in the "Ostland," in villages[Siedlungsd6rfern]?This is what we were told in Berlin: We can do nothing with them either in the "Ostland" nor in the "Reichskom missariat." So, liquidate them yourself.

Gentlemen, I must ask you to rid yourself of all feeling of pity. We must annihilate the Jews, wherever we find them and wherever it is possible, in order to maintain the structure of the Reich as a whole . . . We must find, at any rate, a way which leads to the goal, and my thoughts are working in that direction.

Also, the Jews are extraordinary malignant gluttons. We have now approx imately 2,500,000 of them in the

Government General, perhaps, with the Jewish mixtures and everything that goes with it, 3,500,000. We cannot shoot or poison those 3,500,000 Jews, but we shall nevertheless be able to take measures, which will lead somehow, to their annihilation, and this in connection with the gigantic measures to be determined in discussions from the Reich. The general government must become free of Jews, the same as the Reich.¹⁵²

These remarks do not contain a shred of evidence as to *how* the alleged murder plan was carried out -- least of all at Auschwitz -- and make it clear that no steps had yet been taken to "exterminate the Jews." All that can really be concluded from them is that Frank *thought* such measures were a *possibility*, obviously approved of it, and, more importantly, had no idea how such a large number of Jews could be annihilated. He seems to have expected forthcoming discussions in Berlin to come up with a solution to the problem. Presumably, he is referring to the Wannsee Conference, but, as we have seen, its solution to the "Jewish Question" was limited to deporting the Jews from Europe to the eastern territories, and putting them to work there.

These are the facts of the matter. While Frank's speech does not place his character in a good light, neither does it tell us anything about the alleged murder of the Jews, unless one chooses to believe that this swaggering upstart had some homicidal plan of his own. But one must remember that Frank, though he may have imagined himself a king in occupied Poland, had no real decision-making powers, as Krausnick noted in his Auschwitz Trial deposition.¹⁵³ The level-headed observer will see Frank's harangue as dramatic bluster with which he hoped to give himself the air of a staunch fighter in the struggle against world Jewry. He is the only "insider" who has indicated that a plan for the physical annihilation of the Jews existed at this time.

A detailed analysis Christoph Klessmann published in the *Viertel jahreshefte für Zeitgeschichte* in 1971 confirms that Frank was a braggart who loved to pose as a big shot and tough guy. As Klessmann aptly remarks: "Often he was carried away by his own ecstatic verbiage, and the content of his speeches, already weak, was drowned in a stream of pompous grandiloquence that even his contemporaries must have found ridiculous." Klessmann describes the former Governor General -- quite correctly -- as lacking a sense of reality: "His words did not always match his deeds. This is true not only of his cynical and hybrid invective, but also of his definite promises and plans."

Taking this into account, one can hardly attribute great significance to the rhetoric of Frank's "diary." Nevertheless, for the sake of completeness, we shall quote a few of the more important passages in it. They are taken from Poliakov and Wulfs collection *Das Dritte Reich und die Juden*. On December 20, 1941, Frank, addressing a Security Police banquet, said, among other things:

Kameraden der Polizei! Als ihr von der Heimat Abschied nahmt, do mag manche besorgte Mutter, manche besorgte Gattin zu euch gesagt haben: Was, zu den Polen gehst du, wo es lauter Lduse und so viele Juden gibt? Man kann natfirlich in vinem Jahr nicht samtliche Lause und Juden hinaustreiben, dos wird mm Laufe der Zeit geschehen mfissen.

Comrades of the police! When you took leave of your homeland, many a worried mother, many a worried spouse must have told you: "What, you're going to Poland, where they have all those lice and all those Jews?" Of course, one cannot expel all the Jews and lice in one year. That will only happen in the course of time. (*Das Dritte Reich*, p. 180).

That same year, he made similar remarks at the Christmas party of the 1st Cracow Guard Battalion (645th Infantry Regiment)¹⁵⁴ On January 25, 1943, at a police conference in Warsaw, Frank referred to himself as "War Criminal Number One":

Wir wollen uns doran erinnern, doll wir alle miteinander, die hier versammelt sind, in der Kriegsverbrecherliste des Herrn Roosevelt figurieren. Ich habe die Ehre, Nummer 1 zu sent. Wir sind also sozusagen Komplizen im welthistorischen Sinne geword en.

We must remember that we, who are gathered together here, figure on Mr. Roosevelt's list of war criminals. I have the honor of being Number One. We have, so to speak, become accomplices in the world historical sense. (*Das Dritte Reich*, p. 185).

Reading these lines today, one is inclined to suspect their authenticity, so strangely do they resemble the stuff dished out at the Nuremberg IMT trial. It is unlikely that any German leader of the time would have thought to describe himself so. At any rate, this statement is far too vague even to masquerade as evidence for the extermination thesis. Frank's penchant for swaggering and boasting shows itself again in the following passage of an address he delivered to members of the NSDAP Speakers Bureau on August 2, 1943:

Die NSDAP wird den Juden bestimmt fiberleben. Hier haben wir mit 3-1/2 Millionen Juden begonnen, von ihnen

sind nur noch wenige Arbeitskompanien vorhanden, alles ist -- sagen wir einmal -- ausgewandert.

The NSDAP will definitely survive the Jews. We started here with 3-1/2 million Jews, and only a few labor battalions are left. All the rest have, let us say, emigrated. (*Das Dritte Reich*, p. 185)

The fact is that there were hardly 3-1/2 million Jews in all the territory controlled by the Third Reich, much less in the Government General. While Frank stated in 1943 that only a few "labor battalions" of Jews existed, at a press conference held on January 25, 1944 he said: "At this time, perhaps 100,000 Jews are left in the Government General."

Now, "100,000 Jews" are certainly more than a few "labor battalions." Nothing could show more clearly than this how seriously his remarks -- assuming these *are* his remarks -- deserve to be taken.

Finally, let us consider a statement that Frank, according to his "diary," made at an NSDAP Speakers Bureau workshop at Cracow on March 4, 1944, which is seldom omitted in any account of the persecution of the Jews in the Third Reich: *Wenn heute do und dort em Wehleidiger mit Tranen in den Augen den Juden nachtrauert und sagt: Ist dos nicht grauenhaft, was mit den Juden gemacht worden ist, donn mull man den Betreffenden fragen, ob er heute noch derselben Meinung ist. Wenn wir heute diese 2 Millionen Juden in voller Aktivitat, und auf der anderen Seite die wenigen deutschen Manner mm Lande batten, wflrden wir nicht mehr Herr der Lage sein. Die Juden sind eine Rasse, die ausgetilgt werden mull; wo immer wir nur einen erwischen, geht es mit ihm zu Ende.*

Whenever you hear somebody whimpering about the fate of the Jews today -- "Isn't it terrible what was done to the Jews?" -- you ought to ask that person how he can still hold this opinion. If these two million Jews were fully active today, with just a few German men in the country, the situation would be out of control. The Jews are a race that must be wiped out. Whenever we catch one, he's finished (*Das Dritte Reich*, p. 185)

All this statement really shows -- besides the fact that he is always quoting different figures -- is Frank's habitual boasting and posturing. The millions of Jews who survived the Third Reich are a living refutation of this claim of his. In his book *Im Angesicht des Galgens* [Facing the Gallows], which he wrote in his Nuremberg prison cell, Frank lamented: *Man hat auch nie. . . untersucht, ob em wirklicher Kausalzusammenhang zwischen diesen gegen mich verwendeten Zitaten und dent wirklichen Geschehen bestand. Ich behaupte und erkläre, doll ich nie in meinem Leben einen Mord begangen habe, doll die Totungen aller Art in unmittelbarer. . . Befehlsbezogenheit Hitlers und Himmlers zu ihren Krfigers-Globocniksgeschehen sind. Das ist einfach die Wahrheit.*

Nor did one ever. . . investigate whether a causal relation actually existed between the quotations used against me and the real events. I declare and maintain that never in my life have I committed a murder; all killings of any kind were the direct . . . result of Hitler's and Himmler's orders to their Krügers and Globocniks. That is the simple truth.¹⁵⁵

When one is "facing the gallows," lying does not come so easily. No doubt this statement reflects Frank's mental depression, his despair over the failure of his defense strategy, from which he expected so much in the beginning. At any rate, after his examination in the witness stand, he told the prison psychologist Gilbert:

I kept my promise, didn't I? I said that, in contrast to the other people around the Führer who seemed to know nothing, I *did* know what was going on. I think the judges are really impressed when one of us speaks from his heart and doesn't try to dodge the responsibility. Don't you think so? I was really gratified at the way they were impressed by my sincerity.¹⁵⁶

Reading these lines, one would assume that Frank was thoroughly informed about the "extermination of the Jews" at Auschwitz, or some other place. Nothing could be farther from the truth. Frank was, in his own words, "influenced by these five months of proceedings and, above all. . . by the testimony of the witness Höß." Under examination he declared that he had read "a lot of things in the enemy and neutral press." One can only shake one's head woefully -- as Göring did -- at Frank's naive credulity.

The only bit of truth in the last sentence of this quotation from *Im Angesicht des Galgens*, which Frank wrote after the failure of his defense strategy of feigned "sincerity," is his affirmation of complete innocence. Though Frank seems to have believed that "all kinds of killings" took place, he still did not furnish any evidence that a "plan to exterminate the Jews" existed. It is quite obvious that his notions about this were formed by the nerve-racking Nuremberg show trial.

Alfred Rosenberg

This pretty much exhausts the stock of quotations from leaders of the Third Reich that are used to support the extermination thesis. Only the "Grand Inquisitor by the Grace of the Enemy," the Frankfurt attorney and erstwhile Prussian senior civil servant, Robert Max Wassili Kempner, attaches considerable importance to Alfred Rosenberg, the

former Reich Minister for the Occupied Eastern Territories, as a source of information on the "murder of the Jews." Kempner cites a "previously unpublished transcript, signed by Rosenberg" of a talk the Reich Minister gave members of the press, on November 18, 1941, which "nobody was allowed to write down." According to this document, Rosenberg said of the task awaiting him in the occupied territories:

Im Osten leben etwa 6 Millionen Juden, und diese Frage kann nur gelöst werden in einer biologischen Ausmerzung des gesamten Judentums in Europa. Die Judenfrage ist für Deutschland erst gelöst, wenn kein Jude mehr bis zum Ural auf dem europäischen Kontinent steht... Wir haben deshalb vorzubeugen, daß nicht ein romantisches Geschlecht in Europa die Juden wieder aufnimmt. Und dazu ist es nötig, sie über den Ural zu drängen, oder sonst irgendwie zur Ausmerzung zu bringen.

In the East there are about six million Jews, and this problem can be solved only by the biological elimination of all Jewry in Europe. The Jewish problem will be solved for Germany only when the last Jew has left German territory, and for Europe when no Jew remains on the European continent, up to the Urals . . . We must, therefore make certain that never again will a generation of sentimental Europeans take in the Jews. And for this it is necessary to push them beyond the Urals, or otherwise eliminate them."

It is astonishing how ingenious people like Kempner can be when it comes to producing "evidence" for the extermination thesis. But in their zeal they more often than not come up with things that lack even a semblance of plausibility. What is the point of holding a press conference at which reporters are not permitted to write down a word? Any unbiased reader with a grain of common sense must ask himself whether this "press conference" was actually held. It goes without saying that Kempner does not reveal where he "discovered" his "source document."

In all probability, it is just another forgery. For one thing, the "magic number" of 6,000,000 Jews makes an appearance in the very first line. That figure has been at the core of the extermination legend ever since the Nuremberg trials. According to the legend, 6,000,000 Jews were murdered in German-occupied territories; *ergo* 6,000,000 Jews must have lived there in the first place. However, at the time of Rosenberg's alleged statement that could hardly have been the case.¹⁵⁸ For another thing, the first sentence is so illogical that no one could reasonably attribute it to a man like Rosenberg. The matter of the Jews living in the East and the solution of the whole European "Jewish problem" are two separate things; they do not belong in the same sentence. This *non sequitur* is particularly evident in the next sentence, where Rosenberg abruptly launches into a discussion of the "Jewish problem" in Germany, for in Germany the "Jewish problem" had already been as good as solved through emigration.¹⁵⁹ In short, these statements are not only illogical, but also bespeak an ignorance of the whole subject.

Let us put aside for now these pertinent considerations and assume that this "document" really is genuine. It contains a reference to "biological elimination" ("biologische Ausmerzung"), which in ordinary usage has roughly the same import as "killing." From the last sentence, however, it is evident that Rosenberg is not suggesting the physical destruction of the Jews, but their expulsion to someplace beyond the Urals, well outside the European *Lebensraum*. To be sure, the use of "elimination" for "expulsion" is linguistically peculiar, but Rosenberg's alleged remark cannot be interpreted any other way. I suppose one might attribute this odd choice of words to the fact that Rosenberg was a Balt, and so may not always have been sure about proper German usage! But considering that the "document" was presented by Kempner -- not exactly a trustworthy source of information -- isn't it a bit more likely that we are dealing with deliberate manipulation of the text? (See p. 66 above.) It may very well be that Rosenberg did not even use the word "Ausmerzung" -- assuming, of course, that he made any of these remarks to press people. Only an examination of the original could establish the truth. Yet, like those of nearly all the other important documents on the "extermination of the Jews," it is not available for inspection.

In this section it has been established that the public statements of Third Reich leaders do not give any indication that "gas chambers" existed at Auschwitz-Birkenau. They are not satisfactory evidence that there was a plan to exterminate all Jews in German-controlled territory, nor do any measures taken against the Jews point to the existence of such a plan. Only some of Himmler's utterances, in the form they have come down to us, indicate that numerous Jews -- among them women and children -- were liquidated in the occupied Eastern territories, without benefit of trial or the equivalent. Those executions occurred, however, during a guerrilla war in which, as is well known, women and children took part, and in which several hundred thousand German soldiers were insidiously murdered.¹⁶⁰

Finally, we must note the significant fact that none of the public utterances of Göring and Goebbels, who were perhaps the men closest to Hitler, could be used in this connection.¹⁶¹

Contemporaneous Manuscripts and Private Papers

Journals and Letters

Handwritten memoranda from contemporary witnesses to the war years that have any real bearing on the "slaughter of the Jews" are rarer than is commonly supposed. In the literature on our subject, journals and letters are quoted very sparingly. Their authenticity can seldom be verified. Usually, the originals are said to repose in some inaccessible archive, when their location is divulged at all. In 1964, that enterprising hack Hermann Langbein, a former Communist and Auschwitz internee, put together a collection of what he considered important passages from such contemporaneous documents. Entitled ... *wir haben es getan* ... [we did it], his little book is "dedicated to skeptics" (this is the heading of the first section) and designed to quell their persistent skepticism about the extermination thesis. The first 16 of a total of 136 pages are a verbose attempt to convince the reader that any suspicions he may have about these "self-incriminating documents" from "accomplices to the Nazi murder actions" are completely mistaken. Since it is unlikely that Langbein left any stone unturned in his search for such material, his compilation is a good starting-point for our investigation. Let us inspect and evaluate the "evidence" he presents.

In the previous section, we dealt exhaustively with the various passages Langbein quotes from the "diary" of Hans Frank, so they require no further comment here. Likewise, the passages he quotes from the diary of Otto Bräutigam, an expert in the Ministry for the Occupied Eastern Territories, are not especially relevant to our topic since -- apart from a brief reference to pogroms the Lithuanian Auxiliary Police allegedly conducted with the tacit approval of the German occupation authorities -- all they are really concerned with is the employment of Jewish conscript labor in the east for the German war effort. They do not offer the slightest indication that the Germans were systematically murdering Jews *en masse* or contain any mention whatever of Auschwitz or other "extermination camps."

Langbein devotes more space to the diary of SS-Hauptscharführer Felix Landau and to an exchange of correspondence between a police officer named Jacob and a Generalleutnant Querner. Having once been neighbors, Jacob and Querner were well-acquainted with each other, which circumstance may explain the unusual character of their correspondence. Both were stationed in guerrilla-infested areas in the East, and that, too, is something one must bear in mind when reading their letters. Although they mention the liquidation of Jews, it presumably occurred in the context of the anti-guerrilla struggle, hence had nothing to do with systematic, racially-motivated "genocide." They never talk about "extermination camps," least of all Auschwitz. In commenting on the excerpts from Landau's diary, Langbein tries to give the impression that Landau was involved in the outright murder of Jews. However, Landau's notes were written between July 3 and August 2, 1941 -- that is to say, before the Wannsee Conference, which is usually considered the starting-point for the organized "extermination of the Jews." From Jacob's letters it is obvious that the policeman was trying to impress his high-ranking acquaintance. Thus one cannot exclude the possibility that they are full of exaggerations. Neither the Jacob-Querner correspondence nor the Landau diary gives any indication that an officially sponsored campaign of genocide against the Jews was underway in German-occupied territories (... *wir haben es getan*, pp. 54-73).

No more relevant to our inquiry are excerpts from letters a young physician named Fritz Mennecke wrote to his wife, Eva, between October 20, 1940 and April 7, 1943. With this correspondence, Langbein wishes to show the "genesis of the eradication of the Jews," according to his definition of the term. In his commentary, he hints that Dr. Mennecke's activities were connected with a euthanasia program, which supposedly was later extended to include Jews and other concentration camp inmates, as murder pure and simple. He even refers specifically to "selections" for death by gassing, though the letters in which Dr. Mennecke tells his wife about line-up examinations in hospital wards and concentration camps do not reveal their purpose. Likewise, the broadly worded "confession" Dr. Mennecke made while in detention pending trial contains nothing that is particularly relevant from the standpoint of penal law. Like so many other "confessions" made back then, Dr. Mennecke's was an understandable manifestation of detention psychosis.¹⁶² The excerpts from his letters also do not support anything Langbein would have us believe. "Skeptics" will remain unconvinced.

Langbein's collection is not the only book on the persecution of the Jews in which excerpts from the diary allegedly kept by Dr. Goebbels play an important role. What Langbein quotes from this "diary" is vague and contradictory. By dispersing these extracts throughout his little book, he can ignore the context in which they originally appeared. In one passage, he suggests that Dr. Goebbels was perfectly aware of the fate awaiting Jews deported to Auschwitz and other extermination camps. This is a good example of his habit of glossing over disputable points with his own commentary, a practice frequently encountered in the post-war "re-education" literature. Langbein's commentary differs from the usual "re-education" stuff in that he denies the alleged mass gassings at Auschwitz were so secret that no one but Hitler, Himmler, Eichmann, Höß, and a little group of executioners knew about them. One wonders how Dr. Goebbels, who very seldom left Berlin during the war and who hardly knew the names of the concentration camps, could have obtained reliable

information about occurrences in those camps.

Langbein definitely knew what he was doing when he scattered fragments of the Goebbels diary *à propos* the treatment of the Jews all over his little book and regularly glossed over them with commentary. A coherent presentation would hardly have served his purpose of "convinc ing skeptics." Therefore it may not be amiss to quote here a few of the diary passages in question from a relatively objective work, Heinrich Fraenkel and Roger Manvell's biography of Dr. Goebbels, which presents them in the sequence in which they were written.* Nothing could better show how little Dr. Goebbels knew about the treatment of the Jews. Whether Dr. Goebbels actually wrote these passages is, of course, debatable.

*Dr. Stäglich cites the German edition of this work (*Goebbels: Eine Biographie*, Verlag Kiepenheuer & Witsch, Cologne-Berlin, 1960), which differs in a number of respects from the English-language original. For one thing, not all of the quotations cited there appear in the English version (I have taken the English text of these quotations from Louis P. Lochner's edition of the Goebbels diaries). For another thing, the account of the discovery of the Goebbels diaries is augmented in the German version of Fraenkel and Manvell's book. I thought it better to translate that longer and more specific account than simply to quote the corresponding passage in the English text. -- T.F.

Fraenkel and Manvell introduce these quotations with the following statement:

That Goebbels was not only informed about every detail of the murder of millions of Jews, but also welcomed the establishment of extermination camps and even directly called for it, is proved by his diary.

The reader must decide for himself whether that is true. Here are the quotations:

14 Februar 1942: Der Fflhrer gibt nochmal seiner Meinung Ausdruck, doll er entschlossen ist, riicksichtlos mit den Juden in Europa aufzuraumen. Hierdor! man keinerlei sentimentale Anwandlungen haben. Die Juden haben die Katastrophe, die sie heute erleben, verdient. Sie werden mit der Vernichtung unserer Feinde auch ihre eigene Vernichtung erleben. . . Diese klare judenfeindliche Haltung mull auch mm eigenen Volke allen widerspenstigen Kreisen gegen fiber durchgesetzt werden.

February 14, 1942: The Führer once more expressed his determination to clean up the Jews in Europe pitilessly. There must be no squeamish sentimentalism about it. The Jews have deserved the catastrophe that has now overtaken them. Their destruction will go hand in hand with the destruction of our enemies . . . This uncompromising anti-Semitic attitude must prevail among our own people despite all objectors.

Obviously, here the expression "destruction" ("Vernichtung") does not mean the physical destruction of individuals. And the phrase "destruction of our enemies" refers, of course, only to the victorious outcome of the war, not to the killing of all the wartime opponents of Germany.

7 Miirz 1942: Die Judenfrage mull jetzt mm gesamteuropdischen Raum gel jst werden. Esgibt in Europa noch fiber 11 MillionenJuden. Sie mflssen spfltereinmal zuerst mm Osten konzentrert werden. Eventuell kann man ihnen nach dent Kriege elne Insel, etwa Madogaskar, zuweisen. Jedenfalls wird es keine Ruhe in Europa geben, wenn nicht die Juden restlos mm europaischen Gebiet ausgeschaltet werden

March 7, 1942: The Jewish question must be solved within a pan-European frame. There are 11,000,000Jews still in Europe. To begin with, they will have to be concentrated in the East; possibly an island, such as Madagascar, can be assigned to them after the war. In any case there can be no peace in Europe until every Jew has been eliminated from the continent.

This entry sheds light on that of February 14. It shows that even after the Wannsee Conference the Madagascar Plan was still under discussion.

20 Mare 1942:. . . Wir sprechen zum SchIull noch fiber die Judenfrage. Hier bleibt der Fflhrer nach wie vor unbittlich. Die Juden müssen aus Europa heraus, wenn nötig, unter Anwendung der brutalsten Mittel.

March 20, 1942: . . . Finally we talked about the Jewish question. Here theFführer is as uncompromising as ever. The Jews must leave Europe, if necessarythrough application of the most brutal methods.

27 Meire 1942: . . . Aus dent Generalgouvemement werden jetzt, by Lublin beginnend, die Juden nach dent Osten abgeschoben. Es wird hier vim ziemlich bar ba~isches und nicht naher zu beschreibendes Verfahren agewandt, und von den Juden selbst bleibt nicht mehr viel fibtig. Im grollen und ganzen kann man wohl feststellen, doS 60 Prozent dovon liquidiert werden mfissen, wJhrend nur 40 Pro zent in die Arbed eingesetet werden kdnnen. Der ehemalige Gauleiter von Wien, der diese Aktion durchfuhrt, tat dos mit ziemlicher Umsicht und auch mit vinem Ver fahren, dos nicht allzu auffellig wirkt. An den Juden wird em Strafericht vollzogen, dos zwar barbarisch ist, dos sie aber vollauf verdient haben. Die Prophezejug, die der Fflhrer ihnen fur die Herbeffihrug vines neuen Weltkneges mit auf den Weg gegeben hat, begznnt sich infurchbarster Weise zu verwirklichen. Man do,f in diesen

Digen kvine Sentimentalitjt obwalten lassen. Die Juden wfirden, wenn wir uns ihrer nicht erwehren wflrden, uns vernichten. Es ist vim KampfaufLeben und Tod zwischen der anschen Rasse und dent jfidischen Ba~illus... Gott sei Dank haben wir jetzt wahrend des Krieges eine ganze Rvihe Moglichkviten, die uns im Frieden verwehrt wdren. Die mfissen wir ausnfi~en...

March 27, 1942: . . . Beginning with Lublin, the Jews in the Government General are now being evacuated eastward. The procedure is a pretty barbaric one and not to be described here more definitely. Not much will remain of the Jews. On the whole it can be said that about 60 per cent of them will have to be liquidated whereas only about 40 percent can be used for forced labor. The former Gauleiter of Vienna, who is to carry this measure through, is doing it with considerable circumspection and according to a method that does not attract too much attention. A judgement is being visited upon the Jews that, while barbaric, is fully deserved by them. The prophecy which the Ffhrer made about them for having brought on a new world war is beginning to come true in a most terrible manner. One must not be sentimental in these matters. If we did not fight the Jews, they would destroy us. It's a life-and-death struggle between the Aryan race and the Jewish bacillus . . . Fortunately a whole series of possibilities presents itself for us in wartime that would be denied us in peacetime. We shall have to profit by this...

The entry of March 27 is in such glaring contrast to the others that some doubt arises as to its authenticity. Even so, it also does not indicate that Dr. Goebbels was aware of any details of the alleged liquidation of 60% of the Jews in the Government General. Perhaps this figure is derived from some rumor that rigors of evacuation and the epidemics that often raged in the transit camps and the ghettos took a high toll of lives among Jews deported to the East. That would not, however, have anything to do with "genocide."

29 Aptil 1942: ... Mit den Juden macht man in alien besetzten Ostgebieten kureen Prozell. Zehntausende ntflossen doran g~uben...

April 29, 1942: . . . Short shrift is made of the Jews in all eastern occupied areas. Tens of thousands of them are liquidated

What this means is uncertain. So far as the above considerations do not apply here, this entry could have reference to the efforts to combat guerrilla warfare, since, as is well known, most of the "partisan" gangs operating on the fringes of the Eastern Front were riddled with Jews and some even consisted entirely of Jews.

2 Mdre 1943:... Wir schaffen nun die Juden endgfilutig aus Berlin hinaus. Sie sind am vergagenen Samstag schlagartig zusantmengeschaJft wonien und werden nun in kureester Frist nach dent Osten abgeschoben. Leider hat sich ouch hier wieder herausgestellt, doll die besseren Kreise, insbesondere die Intellektuellen, unsere Judenpolitik nicht verstehen...

March 2, 1943: . . . We are now definitely pushing the Jews out of Berlin. They were suddenly rounded up last Saturday, and are to be carted off to the East as quickly as possible. Unfortunately our better circles; especially the intellectuals, once again have failed to understand our policy about the Jews...

This is the last of the Goebbels quotations. Fraenkel and Manvell con clude that "these and other such statements would have been sufficient to convict Goebbels in any court." They should have printed "those other" remarks, then, for the ones they quote do not justify this conclusion. As we have pointed out, it is debatable that the pages from which these quotations were taken (dated January 21, 1942 to December 9, 1943) are authentic. On this matter, Langbein simply remarks that they were discovered in the ruins of the Reich Chancellery in Berlin. He does not specify just where and by whom the diary was found. However, Fraenkel and Manvell relate the following story:

That these pages were rescued from the chaos of the fall of the Reich is due to chance. For his notes Goebbels used an unusually handsome and sturdy laid paper, such as the "average consumer" hardly ever got to see in those war years. After the capture of Berlin in 1945, some seven thousand sheets of this paper were lying around the courtyard of the Propaganda Ministry. Russian soldiers were about to burn these heaps of paper when a junk dealer, impressed by the quality of the hand-made paper, took the valuable and scarce commodity for himself, and thus saved the wartime memoirs of the Minister from the flames. Later, a great deal of effort was devoted to sorting and collating the scorched pages. In 1947-1948, Louis P. Lochner edited this material and published those portions of it that are of interest to the historian. The original manuscript reposes in the Stanford University Library in California, along with a copy of the Elberfeld Diary; a photocopy of the entire manuscript is to be found at the Institut ffr Zeitgeschichte in Munich. In those years, Goebbels no longer made his own entries in the diary, but dictated them to a co-worker, master stenographer Otte...

Goebbels, by the way, never took the time to revise and polish his lengthy dictation once it appeared in Otte's neat typescript. That explains why the text is repetitious and stylistically uneven...

In many respects, this is a strange tale indeed. How are we to believe that Russian soldiers were about to burn unexamined documents from a Reich Ministry, but then decided -- purely out of the goodness of their hearts, perhaps -- to make a gift

of them to a poor rag and bone man? It is strange, too, that a *journalist* "edited this material and published those portions of it that are of interest to the *historian*." Fraenkel and Manvell do not reveal how Lochner gained access to these papers. No doubt he had some story prepared to explain that, but refrained from telling it, lest the whole business appear even more improbable. Naturally, the "original manuscript" -- like so many other fragments of the German official files of that era -- is in the United States, where the possibilities for manipulation were unlimited, not in an archive in Germany, where it belongs.

In an evaluation he supplied the weekly news magazine *Der Spiegel*, Wilfred von Oven, the former adjutant of Dr. Goebbels, designated these scraps of the Reich Minister's diary as genuine. He based his opinion on the fact that they were written with a typewriter that had unusually large characters (nearly 1 cm high). Both Goebbels and Hitler used such a machine. Von Oven thought the content, style, and diction of the pages of which he received photocopies (the entries of June 1943) fully corresponded to that in Dr. Goebbels' other writings.¹⁶³ He was not provided with copies of the entries under consideration here, the most crucial of which may be the one dated March 27, 1943. In a personal letter to me, dated December 27, 1977, von Oven wrote that he would "most likely not have given such an endorsement" had he "known of these questionable passages," and pointed out that it is possible to forge individual phrases and passages in typewritten documents.¹⁶⁴

In any case, the Goebbels quotations cited by Fraenkel and Manvell and by Langbein obviously do not help answer the basic question of our inquiry. If these authors seek to give the opposite impression, they are simply misleading us. Neither Auschwitz nor any other "extermination camp" is mentioned in these diaries.

Only one chapter in Langbein's compendium of "evidence" from diaries and letters has any direct bearing on the subject of our investigation. Entitled "Der Herr Professor in Auschwitz," it deals with the diary of Dr. Johann Paul Kremer of Münster, an SS physician who was temporarily assigned to the parent camp at Auschwitz. In this chapter, Langbein adroitly uses the method of glossing over vague and insignificant diary entries with tendentious commentary to create a picture of horrors for the uncritical reader. Dr. Kremer is made to appear an unscrupulous type who followed orders automatically.

Despite his best efforts, Langbein does not manage to "convince the skeptic." Most of these diary entries are merely personal or professional memoranda, and contain nothing whatsoever to support Langbein's allegations about "extermination camps." Indeed, the real purpose of the Kremer quotations is apparently to flesh out an otherwise lean volume.

Only pages 81-93 concern Kremer's service as an SS physician at Auschwitz, which lasted from August 30 to the middle of November 1942, that is to say, somewhat less than a quarter of a year.

According to his notes, Kremer not only made medical examinations, but also participated in sundry executions (e.g., on November 10, 13, and 15, 1942) and in "special actions," some fourteen all told, which at one point he calls the "horror of horrors" (entry of September 5, 1942).

In his commentary, Langbein asserts that Kremer meant "selections" when he used the term "special actions." Whether or not this is true, it cannot be directly inferred from Kremer's notes. Nothing in this diary supports Langbein's claim that these "special actions" were "selections" of victims for the "gas chamber." Rassinier has written that inmates lived in constant fear of being selected for "gassing." It seems this apprehension can be traced to "latrine gossip" circulating in the camps. At any rate, Rassinier attests that the selections at Buchenwald and Dora, the two camps where he was interned, had nothing to do with the "gassing" of those unfit for work.¹⁶⁵ Since it cannot be inferred from Kremer's notes that the selections at Auschwitz were connected with "gassings," Langbein tries to fit the "special actions" Kremer mentions into the extermination legend by reproducing parts of the memoir Commandant Höß allegedly wrote in a Cracow prison, shortly before his death. Langbein would have done better to inform his readers of what Kremer testified about these special actions when he was on trial before a German court in Münster, after his release from ten years of imprisonment in Poland. Perhaps Kremer's testimony in this trial, which Langbein no doubt attended, clashed with the picture Langbein had drawn for himself. It was not possible for me to examine the records of the trial.¹⁶⁶

The only time Kremer uses the word "gassing" is in an entry dated September 1, 1942: "This afternoon at gassing [i.e., fumigation] of barracks block with Zyklon B for lice" ("Nachmittags bei der Vergasung eines Blocks mit Zyklon B gegen die Läuse").

Once again, we have it confirmed that Zyklon B was actually an insecticide used against the lice that plagued the camp. According to Kremer's notes, typhus epidemics raged almost constantly at Auschwitz, and even SS men took sick. At the conclusion of the Kremer quotations, which are totally inadequate as proof of the extermination thesis, Langbein remarks with an undertone of indignation:

None of the notes this university professor wrote in the long period after his return from Auschwitz would indicate that his experiences there affected him in the least. The few entries that are remotely connected with this subject are reproduced here p. 104).

Considering that the "few entries" about Auschwitz have nothing tangible to say about "mass gassings" or any other crimes committed against inmates, it may be that he was both ignorant and innocent of such things. If this is so, it is pointless to complain, as Langbein frequently does, that Kremer's stay at Auschwitz made no impression on him in this regard. Langbein's indignation is quite incomprehensible, especially when one reads his statement that "Kremer was even glad that the prosecution had obtained his diary; he hoped that these notes would remove any suspicions against him (p. 127).

What else could better testify to his innocence than that belief? Nevertheless, in one of his later books, Langbein tries to rationalize Kremer's attitude with some twaddle about "even intellectuals" being able to "suppress the consciousness of guilt."¹⁶⁷ Given the situation in which Kremer found himself, we can virtually rule out this possibility. If the diary contained incriminating evidence -- as Langbein claims -- Kremer certainly would not have welcomed its discovery. Suppressed feelings of guilt, memories of unpleasant experiences, have a way of surfacing when some tangible reminder appears. That Kremer was so glad the diary had been found only shows that he was sure it contained nothing incriminating.

In conclusion, we may state confidently that the quotations collected in . . . *wir haben es getan* cannot in themselves convince genuine skeptics. As for Langbein's commentary, it is so full of contradictions and tricky, shoddy argumentation that it can only increase skepticism about the extermination thesis, which even this pioneer exterminationist admits is widespread. Langbein would have done well, for example, not to quote Himmler's letter to Felix Kersten of March 21, 1945. For this letter, in which the Reichsführer-SS mentions the evacuation of 2,700 Jews to Switzerland, pointing out that this meant the resumption of the course of action he and his co-workers had pursued until 1940, when the "war with its worldwide irrationality made its continuation impossible," can only be taken as additional proof that the Reich leadership had no plan to annihilate the Jews, but merely intended to expel them from Germany and Europe. All Langbein can say in response to this significant datum is that Himmler was, after all, the "creator of the Auschwitz death factory-" With this supposedly ironic remark, Langbein is, of course, simply repeating the Q.E. D. of his little book. Couldn't he come up with any more convincing "evidence" for the extermination thesis than he presents in . . . *wir haben es getan*?

The War Refugee Board Report

In November 1944, the United States War Refugee Board (WRB) issued a booklet containing several "eyewitness" accounts of the "extermination camps Auschwitz and Birkenau."¹⁶⁸ Although this publication received worldwide attention, it also met with a certain amount of skepticism.

The first part of the WRB Report bears the title "The Extermination Camps of Auschwitz (Oswiecim) and Birkenau in Upper Silesia." It begins with the "firsthand accounts" of a pair of young Slovakian Jews who claimed to have spent two years in these camps before they managed to escape from Birkenau in April 1944. In Section I of their report ("Auschwitz and Birkenau"), one of these Jews recounts how he was deported from the camp at Sered to Auschwitz, whence he was transferred directly to Birkenau. This section, the most extensive in a document of some 26 pages, is particularly important because it contains a detailed "report" on "gassing installations" and crematoria at the Birkenau "death factory," based on the claims of both Jews. According to the foreword of the WRB Report, the second Jew was deported on June 14, 1942 from someplace in Slovakia called Novaky, and reached Auschwitz, by way of the Lublin and Maidanek camps, on June 27, 1942, as related in Section II of the WRB Report. He was assigned to various jobs in both these camps. At an unspecified time, he was sent -- for disciplinary reasons, he says -- to Birkenau, where he is supposed to have stayed for more than 18 months until his escape in April 1944. This is all he has to say about his term in Birkenau. Section III of Part 1 (which is otherwise untitled) contains what is said to be the report of two more young Jews who allegedly fled Birkenau, on May 27, 1944. Their account, which according to the foreword of the WRB Report reached Switzerland on August 3, 1944, mainly describes events in Birkenau between April 7 and May 27, 1944, though it contains a few rumors about what happened earlier at the camp. Oddly enough, the two "reports" join together without a stitch; the first account leaves off at the very point in time where the second one begins.

According to the foreword of the WRB Report, the first two accounts contain only what the authors "underwent, heard, or experienced at first hand," but "no individual impressions . . ." and "nothing passed on from hearsay."¹⁶⁹ The astute reader will note that this statement, which is intended to underscore the credibility of these "reports," is astonishingly self-contradictory.

Part 2 of the WRB Report bears the title "Transport," and is 19 pages long. According to the foreword, it was written not by a Jew, but by a "Polish Major," who was the only survivor of a group of 60 prisoners sent to Auschwitz from Cracow in March 1942. Obviously, this "report" is based mostly on hearsay. For example, it contains a detailed account of Birkenau (entitled "The Jews"), but the Major says that he himself lived and worked at the Auschwitz camp. He claims to have known at the time of his arrival, in March 1942, that inability to work meant automatic "liquidation by gas." Even if

this report, many parts of which are written in the style of a cheap novel, is not a fabrication, this claim shows that it is based not on the author's own experiences, but on hearsay. One recalls that even then interested parties were spreading rumors about "gas chambers" and the like in and around Auschwitz.¹⁷⁰

All the accounts in the WRB Report were published anonymously.¹⁷¹ We are told that this was done to ensure the personal safety of their authors. Strangely, the fall of the Third Reich changed nothing in this regard. Neither of the purported authors testified at the Nuremberg trials. Not until the 1960's did an analytical chemist living in Britain, Dr. Rudolf Vrba, and a Czechoslovakian Government employee, Alfred Wetzler, step forward as the authors of the first two sections of the WRB Report. Later on, both appeared as witnesses in the Frankfurt Auschwitz Trial. To this day, the identity of the two other Jews and the Polish Major has not been revealed.¹⁷²

It is worth noting that after the war the WRB Report was consigned to oblivion. This document was not presented in evidence at the Nuremberg IMT trials, or at any of the post-war trials conducted by the Allied victors. Likewise, it was retired from public circulation, and today few people have even heard of it."¹⁷³

This is all the more astonishing since the authors of the WRB Report were allegedly eyewitnesses to the horrible events they describe, and supposedly recorded those events while they were still fresh in their minds. What a neglect of valuable witnesses, especially for the Nuremberg trials! All the other accounts of this sort were made public years later, and the alleged authors are no longer among the living -- if they ever were.

Today the Vrba-Wetzler report is cited very infrequently, and then only in the form of excerpts, while the other three reports have been totally forgotten.¹⁷⁴ Those who quote parts of this report evidently overlook the fact that it is not always in accord with the current "official" version of the Auschwitz legend. In the book Dr. Vrba wrote about his "experiences," *I Cannot Forgive*, published in 1964, he himself contradicts many statements in the report he wrote with Wetzler, and, indeed, the most important ones. Even Vrba admits, by the way, that the WRB Report met with disbelief at first.¹⁷⁵

Anyone familiar with the subject matter can readily see why this report on Auschwitz-Birkenau was assigned little importance after the war. Though it does contain some pertinent information -- mostly well-known facts -- the Vrba-Wetzler report, in particular, is so full of inaccuracies that one may rightly doubt whether the authors ever were in Auschwitz or Birkenau. This suspicion is hardly diminished by the fact that Vrba and Wetzler purport to give precise figures on the deportation of specific groups to Auschwitz and detailed information about the subsequent treatment of these people. Supposedly, they were able to obtain this information because they occupied key positions in the camp hierarchy. Of course, there is no way of checking the figures they give, but their insistence on the accuracy of these statistics must itself arouse suspicion. It is difficult to imagine how even a prisoner belonging to the camp hierarchy could have conducted such an investigation. To record all those details -- especially the figures -- one would have required an almost phenomenal memory. No matter what the forward to the WRB Report says, much of Vrba and Wetzler's account is obviously based on hearsay. The critical reader will note that the authors contradict themselves on a number of important points.

All this simply leads one to the conclusion that the War Refugee Board -- an agency directly responsible to the Chief Executive of the United States -- issued this "Report" without bothering to ascertain its veracity, despite its assurances to the contrary. No doubt the officials of the War Refugee Board were delighted at finally having something concrete to present -- including a few statistical "facts" -- instead of the usual transparent atrocity tales. Their enthusiasm for these "eyewitness accounts," which they obtained through one of their representatives in Europe, probably overwhelmed their critical faculties. In a letter to Secretary of War Henry L. Stimson, who was officially responsible for the publication of the WRB Report, the American journalist Oswald F. Schuette declared that these accounts were so unbelievable that Stimson would not have sanctioned their publication had he actually read them, and urged that they be reappraised.¹⁷⁶ Is it any wonder that the WRB Report was relegated to obscurity after the war?¹⁷⁷

For lack of space, we cannot give here a detailed analysis of the various accounts in the WRB Report, with all their contradictions and absurdities. Hence we must limit ourselves to a few of the most important points.

Vrba and Wetzler state that SS-Obersturmbannführer Rudolf Höß was "camp commandant" at a time when he had already left Auschwitz. Höß was replaced by SS-Sturmbannführer Arthur Liebehenschel in November 1943, long before their escape in April 1944. He, in turn, was replaced by SS-Sturmbannführer Richard Baer¹⁷⁸ (When Baer died in detention shortly before the beginning of the Frankfurt Auschwitz Trial of 1963-1965, an event that gave rise to much speculation, one of the most important witnesses to Auschwitz was forever silenced).¹⁷⁹ Even the pair of Jews whose account supplements Vrba and Wetzler's report have nothing to say about these last two commandants of Auschwitz. Of the men

in the series of "commandants" they mention, all except Höß were actually just subordinates.

It is remarkable how little information the WRB Report contains about the physical structure of the camp, and most of that is highly contradictory, although the persons who allegedly wrote these accounts should have been very well acquainted with the layout of the camp in which they had supposedly been held for years. The sketches of the layout that are appended to their accounts correspond neither to their own descriptions of the camp nor to the ground-plans exhibited today.¹⁸⁰ They completely ignore the rather conspicuous fact that the Auschwitz parent camp consisted in part of the brick buildings of an old army barracks. The sketches also do not note this. In the sketch of Birkenau (Part 1, p. 22), there is a bath between crematoria II and III, but according to the ground-plans presented today, this spot was occupied by a filtration plant and the clothing storage area "Canada."¹⁸¹ Although Vrba claims to have worked in the "clearance squad," he evidently was not familiar with the inmate slang term "Canada." He and Wetzler never use this expression in their report.

A particularly striking blunder is to be found in the Polish Major's report. In several passages of his account Birkenau is equated with Raisko, though these were two different camps, separated from each other by about 5 kilometers. When this "authority" tells us that Raisko was the "Polish name" for Birkenau, he is simply demonstrating his ignorance of the facts (see Part 2, pp. 12 and 17).

In various passages of their report, Vrba and Wetzler discuss the transfer of Jews from Lublin-Maidanek to Auschwitz-Birkenau, where they were allegedly gassed and burnt in the "birch woods." Since these people are said to have been transferred to Auschwitz in May and June of 1942, one may well ask why they were not killed at the various camps in the environs of Lublin, where facilities for gassing were allegedly in operation already. According to the current official version of the Auschwitz legend, the first "gassings" of Jews at Auschwitz were experimental affairs carried out in converted farm houses.¹⁸² None of the accounts in the WRB Report mention these makeshift gas chambers. Vrba and Wetzler only say that prisoners selected for gassing were executed in a large barrack in a birch forest near the Birkenau camp, and their corpses burnt in an adjacent incineration pit (Part 1, p. 9).

Thus there is no end to the contradictions in the WRB Report. Each part of it cancels out something that is stated in another. Despite its glaring inconsistencies, the story about mass incinerations of corpses in the birch woods has outlived most of the stuff in the WRB Report. That these holocausts in the middle of the woods never resulted in a forest fire is another one of the marvels one regularly encounters in the literature on the camps. Incidentally, according to the memoirs of Rudolf Höß, a carefully "edited" document we shall scrutinize later on, the incinerations did not take place in the birch woods.

Let us conclude with a few words about the crematoria and "gas chambers" of Birkenau. This is the camp that really figures in the literature on our topic as the "death factory." The most interesting part of the WRB Report is doubtless that which concerns these facilities. More than anything else, it shows how untrustworthy the document is. We shall deal with this part of the WRB Report when we consider the subsequent testimony on this subject. Here we must limit ourselves to a few brief remarks on the claims regarding completion of work on these facilities.

According to Vrba and Wetzler, the first "modern" crematorium with a "gassing plant" went into operation at the end of February 1943. Although they do not specify when any of the other crematoria were constructed, they remark that "at present" -- that is to say, at the time of their escape in April 1944 -- four crematoria with adjoining "gas chambers" were in use, and even describe their appearance and mode of operation in some detail. A ground-plan of such a facility is appended to their report (Part 1, pp. 14ff.).

According to the Polish Major, however, four crematoria were already operative in autumn 1942. This "witness" also claims that, beginning in spring 1942, gassings took place in large "special barracks." Evidently he was unaware of any incineration pit in the birch woods.

Thus even on the vital point of the completion of the crematoria and "gas chambers" the WRB Report is inconsistent. That this document lacks the force of proof is shown by the fact that it was not presented in evidence at the Nuremberg trials or at any of the Auschwitz trials German courts have conducted. Of course, Vrba and Wetzler were called as witnesses in the Frankfurt Auschwitz Trial, but the WRB Report itself was never brought up there. Nor did the court ask them for details about the crematoria and "gas chambers." After all, the existence of gas chambers at Auschwitz was regarded as a "proven fact of contemporary history." This grave error of judicial procedure will be discussed further in our account of the Frankfurt Auschwitz Trial. Today this trial is widely believed to have proved that gas chambers existed at Auschwitz Birkenau¹⁸³ -- a charge that hardly anyone credited before then. Given the nature of the argumentation in those proceedings,

that belief seems more than a little off the track.

It should be clear now why the picture of Auschwitz-Birkenau drawn by Vrba and Wetzler -- not to mention the cryptic Polish Major and the other pair of Jews -- could not be incorporated *in toto* into the post-war version of the Auschwitz legend: Their account simply contains too much that is self-contradictory and grossly improbable. On the other hand, it cannot be denied that their collection of horror stories did provide the framework of the legend, as well as such embellishments as the four crematoria with the special gas chambers. Since their account to some extent shows the genesis of the gas chamber legend, we had to deal with it here. As for the rest of the WRB Report, it has not been "forgotten" without reason.

"Buried Manuscripts"

In their book *Auschwitz: Zeugnisse und Berichte*, Adler, Langbein, and Lingens-Reiner tell us that in November 1953 a "notebook was dug up which contains fragments of a chronicle in Yiddish."¹⁸⁴ They do not reveal exactly where it was discovered or who the author was. In a note to their excerpts from this "manuscript," they merely state that it was unearthed "on the grounds of the Auschwitz camp with the aid of instructions from survivors." The original document is now at the Jewish Historical Institute in Warsaw, which published the "chronicle" in the January-June 1954 issue of its bulletin. It appears that even Adler, Langbein, and Lingens-Reiner have not seen the original manuscript, and merely copied the text from the bulletin.

Presumably this document has not been examined and authenticated by any scholars outside the Soviet bloc -- as is usually the case with "finds" of this sort -- for Adler, Langbein, and Lingens-Reiner certainly would not have failed to mention its authentication. Since the custodians of the Yiddish manuscript apparently dare not submit it to independent experts, who might readily expose it as a forgery, one must consider it a highly questionable document. That there is good reason to view documents from the Soviet bloc with extreme distrust was substantiated by the testimony of the Polish exile Jan Pawlowski in a recent trial before the Higher Regional Court at Frankfurt. Pawlowski testified that the Polish Ministry of the Interior, for instance, has a team of experts who specialize in fabricating "evidence" and "documents."¹⁸⁵

However, from the passages quoted by Adler, Langbein, and Lingens-Reiner, it is obvious that the "chronicle" is a forgery, and a quite clumsy one at that. For it describes events that must not only be seen as completely impossible, but which in part at least could not possibly have been observed by the author of the "manuscript."

For example, according to one passage, SS-Hauptscharführer Otto Moll was in the habit of placing four people in a row and then felling them all with a single bullet, a feat right out of the tales of Baron von Munchhausen. Those who ducked were cast into a bonfire that was evidently kept burning just for that purpose. What an ingenious addition to the Auschwitz legend!

Another passage relates an incident that occurred during the gassing of a group of Poles and Dutch Jews. In the "gas chamber," a Polish girl delivered an "impassioned speech," exhorting the "assembled Jews" to avenge the Poles. Profoundly moved, the Poles knelt and sang the Polish national anthem, in their last moments full of hope for the future of their nation. With that, everyone -- including the assembled Jews? -- burst into the *Internationale*, and died "amidst song in the ecstasy of dreams of universal brotherhood and a better tomorrow."

This is quite a yarn. The bit about the inmates dying "amidst the strains of the *Internationale*" betrays the Communist origins of this schmalz -- an impromptu May Day pageant in the "gas chamber"! Since the Poles are inveterate Jew-baiters, the notion that Jews would avenge the Poles is downright grotesque. To a large extent, it was Polish Jew-baiting that the Germany of the 1920's had to thank for its inundation with Eastern Jews. No sooner had the Third Reich fallen than anti-Jewish pogroms of the most grievous kinds broke out in Poland.¹⁸⁶ Anyway, how could the Jews avenge their Polish "brothers" if, as we are told, they were gassed along with them? And how did the phantom chronicler find out everything that was said and done in the "gas chamber"? Unless this "chronicle" is a message from the hereafter, he could not have been inside the "gas chamber" himself. The reader can only shake his head at such unabashed lying. That it was presented to the German public in a volume purporting to be a collection of source material on recent history must break some kind of record for audacity.

But there is more. This "document" reports that Jewish deportees from Slovakia were killed in the gas chamber at the end of 1944. Since the "chronicle" is dated November 26, 1944, and the author tells us that he, too, was about to be gassed, he must have learnt of the gassing of these deportees after his demise. Perhaps the "chronicle" is indeed a message from

beyond the grave!

The "chronicle" is not only self-contradictory, but also at variance with other documents and testimony. Its author maintains that the walls of crematorium III were "razed" on October 14, 1944, and the "razing of the walls of crematorium I" began on November 25, 1944. After that, crematorium II was to be demolished, but first a motor which served to "pump out air" and the "pipes" would be removed and shipped to the Mauthausen or Gross-Rosen camp. To quote the "chronicle":

"Since they [the motor and pipes] could be used only for wholesale gassings, for which crematoria III and IV lacked the equipment, the suspicion arises that the same facilities for exterminating Jews had been constructed at the previously mentioned camps."

If this information is correct, there were no extermination facilities in crematoria III and IV. But numerous post-war accounts, as well as the War Refugee Board Report, state exactly the opposite. Moreover, some "witnesses" have claimed that gassing facilities existed at Mauthausen long before 1944.¹⁸⁷ Of course, it is now an indisputable historical fact that nobody was ever gassed at any camp in the German Reich proper, including Mauthausen.

These dates for the ostensible destruction of the crematoria do not correspond to those given in other parts of Adler, Langbein, and Lingens-Reiner's volume. According to the chronological table on page 385, Himmler supposedly ordered the destruction of gas chambers and crematoria on November 26, 1944, the very day the "chronicle" was allegedly completed. The Yiddish chronicler must have had a prophetic vision of Himmler issuing that order! In his foreword to *Auschwitz: Zeugnisse und Berichte*, Hermann Langbein tells us that at the end of November all gas chambers and crematoria were "blown up by the SS" -- not "razed" or "dismantled." However, Primo Levi, whose account is printed in the same volume, says it was prisoners in the *Sonderkommando* who "blew up one of the crematoria" in November. According to the chronological table, the *Sonderkommando* destroyed a crematorium -- supposedly crematorium IV -- on October 7, 1944, and it was arson, not an explosion. Combining both versions, a certain Israel Gutman insists that crematorium IV was set afire *and* blown up during a mutiny of the *Sonderkommando*, though he does not specify when that occurred. On the other hand, in Kazimierz Smolen's little book *Auschwitz: 1940-1945* we read that during this mutiny -- once again, no date is given, -- crematorium III was set afire and crematorium IV only *damaged*.¹⁸⁸ According to the same publication, crematorium II and III were not demolished by the SS until January 20, 1945, and crematorium V was destroyed on the nights of January 25 and 26, 1945. However, Otto Wolken, a former Birkenau inmate whose account begins on January 17, 1945, says that he knows only of the destruction of crematorium V, which he claims was blown up on the nights of January 23 and 24, 1945.¹⁸⁹ The former SS man Pery Broad gives a totally different version. He says that *all* the "buildings in which the greatest mass murder in the history of mankind had been carried out" were blown up in January 1945, because of the Russian advance.¹⁹⁰

Here we have a maze of contradictions, and all that can be said for certain is that not only is this "buried manuscript" highly dubious, but so are these other accounts. To add to the confusion, a certain Bernhard Klieger tells us that four crematoria *cum* "gas chambers" were torn down in the winter of 1944-1945, the site leveled and covered with a plot of grass. Only a fifth crematorium remained to serve the daily needs of the camp." Perhaps there was only one crematorium all along. How could a plot of grass be planted in the middle of winter?

But let us return to the Yiddish "chronicle," which poses other riddles. At the conclusion of this document, the author informs us of the various places where he hid other copies of his manuscript. One was allegedly placed "in a bone pit in crematorium I." Yet earlier he told us that this crematorium was torn down on November 25, 1944, the day before he finished his "chronicle." An additional copy is said to have been hidden "in a pile of bones" on the south side of the yard of crematorium I. And he claims to have buried still other copies "under the ashes in crematorium II," which, according to his previous statements, also was to be demolished.

All this leads us back to the question: Where was the manuscript published by the Jewish Historical Institute in Warsaw discovered? It seems to be the only "find" of this sort thus far. The alleged hiding places are as mysterious as they are unbelievable. No bones are left after cremation, nor are ashes usually permitted to accumulate in crematoria. Since the exact location of the hiding places can no longer be determined, and the things that allegedly mark them are so subject to change, new "finds" could be made nearly anywhere on the Auschwitz grounds. Perhaps we shall soon be hearing more about the "discovery" of "missing" manuscripts. There is already some indication of this. In the Viennese magazine *Profil*, a certain Walfried Reismann writes:

Every now and then, mouldering manuscripts are discovered, which prisoners in the *Sonderkommandos* (who attended the

crematoria and gas chambers) buried in bottles, preserving jars, and tins for posterity. The evaluation of these writings, which will not be completed until 1980, will provide the first well-rounded, scholarly picture of Auschwitz-Birkenau. ¹⁹²

So we shall have to wait until 1980 -- even though the forgery workshops are presumably working at full speed on these "documents." After all, the forgers must take into account the increasingly weighty objections of impartial scholars to the existence of the alleged gas chambers. It is no longer as easy to forge such documents as it was, say, twenty or thirty years ago. And people will, in any case, be more skeptical of such "finds" than they were before.

Photographic "Documents"

Many of the works on the anti-Jewish measures of the Third Reich contain photographs illustrating their theme. To be sure, pictures of Auschwitz are relatively uncommon, and the ones presented in those works are without the slightest probative value, so far as the "extermination function" of the camp is concerned. Most frequently depicted are the wrought-iron main gate of the so-called parent camp, with its scrollwork motto "Arbeit macht frei" ("Work makes one free"), which points to the real function of the camp; a few barracks; and parts of the surrounding fence. None of these pictures gives any indication that Auschwitz was an "extermination camp." One searches in vain for photographic documents which might elucidate the conflicting statements about the crematoria and "gas chambers," and specifically, prove the latter did exist.

A possible explanation for the dearth of photographic evidence is, of course, that taking pictures was forbidden. But experience proves that such a ban would in fact encourage picture-taking. Members of the resistance movement in Auschwitz, which is said to have been very well organized, reportedly smuggled their secretly made photos out of the camp. It is even reported that the Central Construction Office of the SS and Police in Auschwitz made photographs of the "extermination facilities," right after their completion, and exhibited them in the anteroom of a crematorium, so proud was it of this accomplishment.¹⁹³ These pictures are also lost -- that is, if they ever existed. Given the total absence of pictorial evidence for the presence of "extermination facilities" at the camp, one may rightly suspect there was nothing in Auschwitz to photograph which would corroborate this atrocity story, except for one or more crematoria of the kind used for the disposal of the dead in every large city. Had "extermination facilities" existed, the illegal prisoners organization would surely have done its utmost to obtain pictorial evidence of them, and, if successful, hidden it in a secure place.

That this last point does not rest on idle speculation is substantiated by someone who should know, Kazimierz Smolen, the Director of the Polish State Auschwitz Museum. From his booklet *Auschwitz: 1940 -- 1945*, an "official" source, as it were, we learn that prisoners were indeed able to make "illegal" photographs at Auschwitz. Smolen relates that the "resistance movement" sent pictures of "gassings" out of the camp in 1944, together with a "scrap of paper" containing this message:

Urgent. Send 2 metal rolls of film for 6 x 9 camera without delay. There exists a possibility of taking pictures. We are sending you pictures of Birkenau -- of a gassing. One shot is of a funeral pyre outdoors, where corpses are burnt because the crematoria cannot cope with the incineration of the dead. In front of the funeral pyre are corpses which will later be cast into it. The other shot shows one of the places in the woods where people disrobe, ostensibly to take a bath. Instead, they are gassed. Send the rolls immediately! Dispatch the enclosed photos to Tell at once. -- We are of the opinion that the enlargements should be forwarded.

It is highly probable that the photos described here are identical with the two plates in Adler, Langbein, and Lingens-Reiner's *Auschwitz: Zeugnisse und Berichte* (PP. 341f.); which bear the following captions:

When the ovens of the crematoria could not keep pace, prisoners in the Sonderkommando had to burn corpses on funeral pyres.

The next victims waited in a small woods until the gas chamber was ventilated.

The picture of the burning funeral pyre with the corpses in the foreground appears in the literature on our topic more frequently than the other picture does. Walendy calls this picture a fake.¹⁹⁴ But it is at least proof that corpses were being incinerated outdoors someplace, though where remains a mystery, since it lacks any point of reference. In our bombed-out cities, one recalls, the bodies of air-raid victims frequently had to be disposed of in this manner." Nothing in the second picture bears out the allegation that the people depicted were "Waiting to be gassed," as the caption has it. What is more, the note from the "resistance movement" claiming that victims had to undress in the woods conflicts with the usual story that proportionately spacious "disrobing rooms" adjoined the "gas chambers."

These are not the only photographs that are represented in the literature as photos taken illegally by prisoners. The other pictures are no more credible as proof that an extermination program existed than are the two mentioned above. Precise

information about the source of such photographs is never given. If prisoners belonging to the resistance movement really had the opportunity to take pictures, it is utterly incomprehensible that there is not a single photograph of even the exterior of the Birkenau crematoria, which are supposed to have been rather close to each other and would have been visible from afar because of their tall and massive chimneys. Granted it would have been difficult to photograph the interior of the legendary subterranean "gas chambers." But why did not inmates at least photograph one of those crematoria which are said to have had adjoining "gas chambers" aboveground?¹⁹⁶

In the Polish State Auschwitz Museum, there are supposedly photos of two different types of crematoria, one having a single chimney, the other two chimneys (I cannot locate these pictures in any of the standard works on the subject. Why are they being withheld?). In some books, merely a "crematorium under construction" is depicted, allegedly an "illegal" photo some prisoner made.¹⁹⁷ It shows a partially completed stone building with a chimney-like smokestack of not very large proportions. To judge by the relative size of the people shown in the photo, this building was not as large as the usual descriptions of the Birkenau crematoria would cause one to expect. The photo could have been taken anywhere. Nothing in the photo identifies it with Birkenau or any other concentration camp. As with most of these photos, we are not told when and under what circumstances it was made, or given any other information necessary for its evaluation. Yet even if this were an authentic picture of a crematorium, that would not in itself prove the people whose corpses were cremated there had been gassed to death.

But this point, which cannot be overemphasized, applies more so to the numerous pictures of cremation ovens, where we also find evidence of chicanery. For example, the very same photograph of a cremation oven is sometimes described as having been taken in Dachau, at other times in Birkenau.¹⁹⁸ A row of about five cremation ovens shown in an other picture is identified in some "documentary works" as the "cremation ovens" of Birkenau, in others as those of Maidanek.¹⁹⁹ One could go on with such comparison, but it is hardly worth the effort. Swindles employing genuine or spurious photographs are nothing new in the field of atrocity propaganda.²⁰⁰

Yet another story are the photographs of the old crematorium and "gas chamber" in the Auschwitz parent camp. As noted earlier, this building and everything inside it were put into their present state after the war, by the creators of the Polish State Auschwitz Museum (see p. 51 above). When this crematorium was shut down in July 1943, the building was converted into an air-raid shelter, with an operating room for the SS sick-bay. At that time, the chimney was razed. I have in my possession an unpublished photo which shows the back of this building in its present state. One can readily see that the "restored" chimney is purely window-dressing. It is not even attached to the structure. Likewise, the "gas chamber" is simply a prop in the show.

In some of the literature there are photographs of the remains of the foundations of crematoria II and III, or, rather, what are now exhibited as such to Auschwitz Museum tourists. The captions tell the viewer what he is supposed to see, for instance: "Birkenau, Ruins of the Gas Chambers and Crematorium II."²⁰¹ If only because of its size, the rubble pictured could not be the ruins of one or more "gas chambers" that each had a capacity of 2,000 to 3,000 people.²⁰² One cannot even tell whether this debris is actually the remnant of a crematorium.

If four gigantic crematoria really existed at Birkenau, they would have left behind a proportionately large expanse of ruins. One would expect the Soviet occupation forces to have made as many photographs as possible of this testimony in stone to an extermination program that allegedly claimed 12,000 to 20,000 victims daily. Yet no photos of such massive ruins seem to exist.

To be sure, Professor Nicolai Alexeiev, the Russian witness in the Frankfurt Auschwitz Trial of 1963 -- 1965, testified that Soviet archives contain additional photo-documents on Auschwitz.²⁰³ However, these are probably the same photographs the Soviet prosecution placed in evidence at the Nuremberg IMT trial (They form an appendix to Nuremberg Document 2430-PS.²⁰⁴ That the Soviets should have withheld, from the international public such significant documents on the largest "extermination camp" is quite unlikely. None of the photographs they presented at Nuremberg has the slightest probative value (I am assuming that all the photos they submitted were reproduced in the "Documents in Evidence" section of the published trial record). Not one of these photos shows a great expanse of ruins at Birkenau, if such a thing existed. The pictures mainly show barracks, fences, prisoners, piles of corpses, bundles of clothing, and other things that have no valid ity as proof of the alleged mass gassings.²⁰⁵ Nuremberg Document 2430-PS does include a photograph of cremation ovens. It was presented in evidence not by the Soviet, but by the French prosecution team.²⁰⁶ Its only caption is "Fours crématoires" ("Cremation ovens"). We may be sure that these are not the Auschwitz ovens. Otherwise, the Soviet prosecution would have introduced the picture. Here one should remember that the Soviet Union was the only one of the victorious Allied powers that was in the position to present any kind of evidential material on Auschwitz, since no Western investigators or journalists were permitted to explore the Auschwitz camp and its environs and conduct inquiries (see p. 7

above).

It may not be amiss to note how the German Reich handled the discovery of mass graves of Polish officers in the Katyn forest. In contrast to the Soviet policy on Auschwitz, the German Government enabled journalists and experts from all over the world to make an on-the-spot investigation of this crime and allowed them to take photographs. Why didn't the Soviets do likewise in the case of Auschwitz?

None of this augurs well for the credibility of the photographic "evidence" on the Birkenau "death factory." The standard works on the subject attempt to make up for this deficiency with photographs of such vaguely circumstantial evidence for the gassing thesis as mountains of shoes, tons of human hair compacted into bales, piles of shaving brushes, rings, spectacles, and dentures that were allegedly taken from murdered Jews.²⁰⁷ Udo Walendy describes these photographs, which for the most part were not made public until long after the war, as photographic "drawings," that is to say, composite photos fabricated in the darkroom.²⁰⁸ However, the articles depicted in them are reportedly on display for tourists at the chamber of horrors known as the Auschwitz Museum. They are seemingly immune to the ravages of time -- perhaps they are replaced when necessary. Be that as it may, exhibits or pictures of such articles prove little or nothing. That also goes for pictures of corpses. Unless some relation between these things and the alleged mass gassings can be demonstrated, they are not valid evidence. Such a relationship has never been established, and can hardly be now, after four decades. The question arises: Why didn't the Soviets, directly after they occupied the camp, make arrangements to secure unimpeachable evidence of what actually happened at the place, enlisting the cooperation of impartial scholars and journalists? Instead, they kept the grounds of the former concentration camp hermetically sealed for more than ten years. No doubt they knew what they were doing.

We are now at the end of this chapter. Our examination of the basic contemporaneous documents presented in the literature on the Auschwitz camp has shown that none of them, either alone or in conjunction with others, provides so much as an indication that systematic extermination of Jews took place at Auschwitz-Birkenau. It is not surprising, then, that the extermination mythologists rely heavily on witness testimony, most of which, significantly, did not come to the surface until after the fall of the Third Reich. We shall deal with this testimony in the next two chapters.

CHAPTER FOUR

THE AUSCHWITZ TRIAL

Legal Proceedings as a Source of Material for Historians: Fact and Fiction

WHEN THE EVIDENCE in the Auschwitz Trial had been presented and the defense and prosecution were delivering their summations, one could glimpse an unavoidable and telling flaw in the none too meticulously fabricated public image of these proceedings as an "ordinary criminal trial." With ill-concealed smugness, Accessory Prosecutor Henry Ormond declared at the end of his summation:

If the survivors of the hell of Auschwitz could no longer bear witness -- and certain circles are waiting for just that--then Auschwitz would become nothing more than a legend in a short time. Were it not for this trial, in which the truth was heard out of the mouths of the survivors, those who refuse to learn would have continued their attempts to minimize. That this is no longer possible is, next to the punishment of the guilty, the lasting achievement of this exemplary trial.²

This statement amounted to an expose of the Auschwitz Trial. Yet, even at the outset, an impartial observer of these proceedings would have received the impression that they were designed primarily, if not exclusively, for the purpose of giving a judicial stamp of approval, as it were, to a still widely disputed view of an episode in recent history.

Now that a member of the clique behind this travesty of justice was openly proclaiming its main purpose, it does not come as a surprise that the prominent defense attorney Dr. Hans Laternser, in his plea for Dr. Capesius, unequivocally condemned this function of the Auschwitz Trial as beyond the proper authority of a court of law.³ In his summation, delivered on August 6, 1965, Dr. Laternser even went so far as to speak of these proceedings as a "show trial," a view other members of the defense had apparently expressed earlier.⁴ However strange this charge may seem within the general context of German jurisprudence, we shall see that in this case it is not so far-fetched.

Accessory Prosecutor Ormond was not the only person to announce the purpose of the Auschwitz Trial. Hermann Langbein, Secretary General [217-218] of the International Auschwitz Committee, who, in addition to serving as a witness, was a constant observer of the trial, and had been instrumental in putting it together, expressed similar views in his two-volume collection of documents on the trial.⁵

Describing the Auschwitz Trial as a "documentation of Hitler's largest extermination camp against which nobody could have any logical objections," Langbein goes on to claim that it will "serve future historians, and, above all, give the younger generation in Germany food for thought and enable them to orient themselves in the right direction." He concludes with an admission that is remarkable for one of the men behind the Auschwitz Trial:

To serve this purpose to the utmost, the picture of the Auschwitz extermination camp had to be put together under the direction of German jurists.

Likewise, Robert M.W. Kempner, the former Nuremberg Trial prosecutor, cited as the authority for his recent charge that the "extermination of the Jews" was implemented by "planned administrative teamwork on the part of all State and Party agencies" not any independent post-war historical research but "evidence and testimony in German courts," and he specifically mentioned the "Auschwitz trial in Frankfurt."⁶

Throughout the proceedings, it was quite obvious that their main purpose was to define a period in recent history, and, at present, the desired result has by and large been achieved. In the long run, however, this attempt will prove to have been a failure. Scholars will have the final say about what goes into the history books as definitive historical knowledge. Myths seldom attain to the rank of historical fact, and the picture of Auschwitz that emerged from the Frankfurt Auschwitz Trial was essentially based on a myth, the most important constituents of which we have discussed in previous chapters. Conscientiously truthful scholars will certainly not take it as their point of departure. One day there will be historians who are free of the dogma of our times, and therefore dispassionate and unbiased. No doubt they will shake their heads in astonishment or disgust when they see how unscrupulously "documents" were used and what kind of nonsensical, contradictory "testimony" was admitted in the Auschwitz Trial. Despite the most careful editing, Hermann Langbein failed to eliminate contradictions and discrepancies from the material in his collection of trial documents.

The objectivity that will some day make serious historical scholars question the basis and results of the Auschwitz Trial and similar proceedings is, of course, not to be expected from the "official" historians of our time, especially those who are affiliated with institutions. If they questioned the Auschwitz legend, they would be placing their jobs in jeopardy. At least insofar as this subject is concerned, the right to free speech has its limits. This observation applies not only to German scholars on both sides of the Brandenburg Gate, but even to historians [218-219] in other countries. The French historian Paul Rassinier and, more recently, the American university professor Dr. Arthur R. Butz learned by experience that violating this taboo entails considerable risk.⁷ Hence the British scholar at the University of London who wrote *Did Six Million Really Die?* elected to publish his work under the pseudonym "Richard Harwood." The whole situation was nicely summed up by the American historian whose anonymous work was published in 1969 under the title *The Myth of the Six Million*. In the introduction it was noted that the book had to be published anonymously because the author intended to keep his position as a college professor until he could collect his hardearned pension.⁸

Thus historians who wish to be "taken seriously" avoid treating the subject of the "extermination of the Jews," or else simply embellish the picture drawn at the Nuremberg Trials, which, in turn, was largely modelled on war propaganda. In the latter case, all they can do is try to lend a bit of plausibility to the old clichés by incorporating into the prescribed design such novel details as can be gleaned from the likes of the Auschwitz Trial. A good example of this approach is Arndt and Scheffler's essay "Organisierter Massenmord an Juden in Nationalsozialistischen Vernichtungslagern" [Organized Mass Murder of Jews in National Socialist Extermination Camps].⁹ Although the authors make the very sound observation that "responsible historiography cannot be based solely on judicial decisions," they do not adhere to this principle themselves: their treatment of Auschwitz is based largely on the decision of the Frankfurt Assize Court and -- what amounts to the same thing -- on the memoirs Rudolf Höß allegedly wrote while imprisoned in Cracow, which the judges did not hesitate to admit in evidence (along with some equally dubious witness testimony), even though they had seen only photographs of the document.

Brotszat's introductory note to Arndt and Scheffler's treatise also betrays the fact that the authors are merely paying lip service to this idea. He asserts that the judiciary in the Federal Republic, with its large and experienced investigative

apparatus, has made a greater contribution to shedding light on National Socialist crimes and criminality, especially in regard to the extermination camps, than any historians could make." But he really gives away the whole show when he remarks later on that he expects the forthcoming publication of the main results of such legal proceedings to refute the findings of the Revisionists "in regard to the extermination camps."¹⁰

What a declaration of intellectual bankruptcy! Here the Director of the Institut für Zeitgeschichte, an outfit that specializes in the history of the Third Reich, is admitting the extent to which historians concerned with proving the extermination thesis feel they must depend on the results of judicial proceedings against "Nazi criminals" (the so-called Nazi Crimes of Violence trials). Perhaps the most remarkable thing about this confession [219-220] is that it so boldly contradicts the generally accepted view that determining the facts of history is the business of scholars, not jurists. Even the judges in the "Nazi Crimes of Violence" trials usually called attention to this point, and summoned "experts" to provide the criteria for judging the historical background in the case. For lack of knowledge, they trusted implicitly the presentations of these experts, most of whom were -- as Broszat very well knows -- members of the Institut für Zeitgeschichte. *Difficile est satiram non scribere*.^{*11}

*"It is hard not to write satire" -- Juvenal.

Since the judiciary has been made into the character witness, as it were, for what is passed off as "knowledge" about the "extermination of the Jews," it is necessary that we examine briefly the dominant epistemological methods of both historical scholarship and penal jurisprudence. Each of these fields has a different working method. Nobody with any common sense could expect jurists in a penal case to be able to arrive at a definitive explanation of a historical event, quite apart from the fact that a trial has other purposes to serve.

The method historical scholars employ to reconstruct events basically consists in researching, comparing, criticizing, and evaluating sources. A synoptic presentation of a historical event that is faithful to reality can result only when the historian has sorted out, appraised, and compared every available source -- written documents, contemporaneous accounts, material remains, and so forth -- taking into account any other relevant information. This task requires much time, and often special expertise. It could never be accomplished by a court in a penal trial.

In the field of recent German history, it is sometimes no easy matter to do the source research that is so obviously indispensable to genuine historiography. After the fall of the Third Reich, the German archives were plundered by the Allies. Even today, most of these captured documents, which the victors used to fabricate the indictments in their show trials against Germans, have not been returned. In many cases, one cannot even determine their whereabouts. No conscientious and responsible historian would undertake a study of such a grave matter as the alleged extermination of the Jews without examining the relevant original documents. Of course, it is precisely those documents which are being withheld today. Up to now, this material has been gone over solely with a view to incriminating Germany. Only by accident have exonerating documents been made public.

As we have said it is incumbent upon the historian to assess, compare, and criticize all relevant source materials he has obtained. One may reproach contemporary historians for not maintaining any real critical distance *vis-à-vis* their source material. For it is above all in the field of recent history that the researcher is liable to encounter forged material. Thus he can never dispense with critical evaluation of the form and content of his sources. One finds hardly a trace of such critical [220-221] distance in the literature on the "extermination of the Jews," even though--as in the case of the Höß memoirs--some writers create the impression that they have misgivings about the authenticity of certain sources. Leaving aside the forgery problem, most of the known sources on the "extermination of the Jews" admit of varying interpretations. As Dr. Butz has persuasively argued, almost every particular detail of this legend has a dual meaning, that is to say, one can interpret according to the legend things that are quite commonplace and innocuous, if one is so inclined.¹²

In approaching any source, it is not enough to ask: "Is it really what it purports to be?" Often one must also ask: "Am I reading into it what I should like to believe it says?" To answer these questions requires extensive investigation, comparison, and, sometimes, complex mental operations as well. If one neglects to ask these questions, which apply to every part of a given source, the only possible outcome is deception or error.

A synoptic presentation of a historical event can emerge only from the kind of methodical research of which we have given a very simplified description here.¹³ Only after the historian has completed such research and evaluation may he give his personal views, and then only within certain limits. In the "new" Germany, however, historians are accustomed to proceed in exactly the opposite fashion when focusing on the subject of the Third Reich. They subordinate the selection and interpretation of their sources to preconceived ideas, taken over from the "war crimes trials" of the Allied victors. Their

approach is simply alien to sound historical scholarship.

Even if they attempted to employ the method described above, judges in a penal trial could not reach any definite conclusions about a historical event. For that they lack both the time and the training. Moreover, their task is *fundamentally* different from that of the historian. It is simply to determine whether the defendant is innocent or guilty of a legally punishable offense, and, if guilty, impose the sentence prescribed by law. In reaching a verdict, they need consider only facts which are relevant, according to the usually quite strict definitions of penal law, to the case they must adjudicate, and are obliged to follow the principle *in dubio pro reo*, which means: in case of doubt, decide in favor of the accused. In other words, judges in a penal trial do not have to pronounce on matters that cannot be cleared up on the basis of legally admissible evidence, whereas a historian dealing with some episode in history is obliged to pursue his inquiries until he has arrived at what he believes to be a complete and accurate picture of events. Thus it is utterly absurd to say that the findings of some court represent "secure knowledge of recent history," as do those members of the Institut für Zeitgeschichte who look above all to judicial decisions for confirmation of their views -- something that in itself ought to make one wary of these "contemporary historians."

[221-222]

In a criminal proceeding, the facts of the case are determined by evidence presented to the court in the manner specified in the *Rules of Judicial Procedure in Penal Cases* (the *Strafprozeßordnung*, "StPO" for short). ~ Even if the defendant has pleaded guilty, the court is not bound by his admission of guilt but must continue to examine the evidence. In hearing evidence, the court is concerned only with such facts and proofs as are relevant to the case before it (§244, Para. 2 StPO). Of course, it may sometimes be necessary to clarify the background of a crime, for example, to determine the motive of the culprit -- which is an important factor in passing sentence. But the specific criminal act is always what matters most, not some historical issue. In the "Nazi Crimes of Violence" trials, this principle has frequently been ignored, especially with respect to the hearing of witnesses and consultants. Assertions about a historical event made in a trial must not be regarded as though they were the definitive conclusions of historical scholarship. The time allotted a trial is not usually sufficient to permit a thorough investigation of a historical event, using the method described above, nor do jurists ordinarily possess the requisite training to conduct such an inquiry.¹⁵

That is why judges call on *experts* when it seems necessary to clarify some historical matter. According to the StPO, the depositions of experts are *evidence*. This judicial practice attests to the fact that the courts have not yet taken over the job of the historians. Nevertheless, our "new" German historians persist in basing their work to a considerable extent on the decisions of the very courts before which they were called to testify as "experts." The notion that German courts have uncovered "definite information" about the implementation and scope of the "extermination of the Jews" in the Third Reich can be traced largely to the claims of these "contemporary historians."

One more point needs to be made here. As Arndt and Scheffler have noted in their essay "Organisierter Massenmord an Juden in nationalsozialistischen Vernichtungslagern" (see page 219 above), the courts do not have at their disposal any material evidence whatever on the alleged extermination of the Jews.¹⁶ Although in some of the "Nazi Crimes of Violence" trials, on-the-spot investigations have been undertaken-- as in the Auschwitz Trial -- these visits to the "scene of the crime" contributed nothing to an objective clarification of the legal issues, and, more particularly, nothing to the clarification of the historical background, real or alleged, in any of these cases.

As we have said, court proceedings necessarily fail when it comes to determining historical truth, since trials have another purpose to serve and the judicial *modus operandi* does not lend itself to historical inquiry. But these are not the only reasons. In such trials, all involved -- the defendant or defendants, the defense counsel, the prosecuting attorneys, and, last but not least, the judges -- have conflicting interests. There is no way all participants could cooperate to arrive at a determination [222-223] of historical truth. If anything, their activity necessarily lends itself to distortion of the facts of history. So far as determining the historical background of a given crime is concerned, the court can at best arrive only at a kind of *ad hoc* historical verisimilitude, basically relevant to that case alone. From such trials, the historian may, of course, obtain some bits of information, which he must assess very carefully, using other sources as his criterion. Were he to accept offhand as "secure knowledge" the total historical picture constructed in a "Nazi Crimes of Violence" trial, he would be placing his reputation for scholarship in jeopardy. For *none* of the participants in those trials are really concerned with ascertaining historical facts. They *all* have their personal interests or professional duties in mind, and those interests can only hinder the quest for historical truth.

Naturally, the defendant in any penal trial is eager to be acquitted, or, at least, to come away with the most lenient sentence possible. If he is guilty, he will seek to attain this end by making denials and false statements. Culprits who feel remorse

over their misdeeds and confess to them are a rarity in the history of criminology. Seldom does truth play even a subordinate role in the statements of guilty defendants.

But even if the defendant is actually innocent, he will not always stick to the truth. Particularly when certain pieces of circumstantial evidence speak against him, he may think it necessary to bolster his story with a phoney alibi or other false information.

On the other hand, there are, as everybody with any practical experience in criminal law knows, numerous cases in which a demonstrably innocent person accuses himself of wrongdoing, for any number of reasons.¹⁷ Article 54 of the *Constitutio Criminalis Carolina* of 1532, the very first German penal code, prescribes that the judge shall question the accused about such circumstances of which an innocent person could know nothing.¹⁸ Although this provision may owe its existence to the fact that back then confessions were frequently extracted by torture, its inclusion in the Imperial book of law is still highly significant. Psychological considerations alone prompted Carl Joseph Anton Mittermaier, one of the leading professors of penal jurisprudence of his time, to demand that all confessions be verified. In his book *Die Lehre vom Beweise im deutschen Strafprozeß*, [The Rules of Evidence in German Criminal Procedure], published over 150 years ago, he stated:

In attempting to determine the whole truth by means of rational inquiry, one will seek additional proof of the veracity of the confession. Not only must the facts of the confession be proved independently, but it must also be shown that the person who has made the confession is familiar with circumstances surrounding the crime of which an innocent person could have no knowledge.¹⁹

Today it is an undisputed tenet of forensic psychology that confessions are not always rendered with the whole truth in mind. In the "Nazi Crimes of Violence" trials, the judges did not pay much heed to this principle [223-224] As a rule, they accepted at face value every statement of the accused that fit into the prescribed pattern, almost with a sigh of relief, and never gave the question of truth a second thought.

In the "Nazi Crimes of Violence" trials, the defendants' view of the historical background of the case counted for nothing, even if they were found innocent. Thus they had less incentive to insist on the truth -- so far as it was known to them -- than merely to say what was expected of them. (Perhaps such conduct is just an expression of human nature. Some of the defendants in the Allies' post-war trials acted no differently.)²⁰ From the outset, the defendants in the "Nazi Crimes of Violence" trials knew that it was utterly pointless to dispute all or part of the picture of the "mass murder of the Jews" in which they were accused of having taken part, since that picture had been inculcated into the public mind long before the trials began. To the defendants it must have seemed the most expedient course not to dispute that the alleged murders occurred, only that they were involved in them. Particularly if they lacked an airtight alibi, the defendants had to secure the goodwill of the court. In short, they had but one aim in mind: their own acquittal.

Without doubt, they were simply acting in accordance with the advice of their attorneys, who, of course, were interested in basically the same thing as the defendants. Every defense attorney naturally strives to secure an acquittal for his client, or, at least, to obtain for him the lightest possible sentence. To do so he must not only present whatever facts may exonerate the accused, but also win the favor of the judges and even to some extent of the prosecution. Above all, he tries to avoid doing anything that might antagonize these decision makers of the judicial system. According to Dr. Latenser, at least one defense attorney in the Auschwitz Trial induced his client, against his own better judgement, to make a partial admission of guilt in order to "meet the court halfway."²¹ This attorney's action was an utterly inexcusable dereliction of duty, and it may even have been a violation of professional ethics. The only possible explanation for such conduct is that the attorney himself must have been secretly convinced of his client's guilt. It goes without saying that no defense attorney can, for the reasons previously stated, fundamentally challenge the alleged historical background in a "Nazi Crimes of Violence" trial. What is more, some of the defense attorneys in these cases are actually believers in the extermination legend. They plan their courtroom strategy accordingly, and try to get their clients to go along with it. There are exceptions to this attitude and approach, of course, but, as always, the exception merely serves to confirm the general rule.

On the whole, the defense attorneys in the "Nazi Crimes of Violence" trials have never shown the slightest interest in establishing historical truth. Indeed, they are under no obligation to help elucidate even the historical background of the specific crimes of which their clients have [224-225] been accused. They may and therefore do limit themselves simply to presenting whatever facts they believe are most beneficial and least detrimental to their case. Any evidence presented in

court they will consider exclusively from this standpoint. It is a matter of complete indifference to them what relation historical events may actually have to the alleged crime so long as they can cast enough doubt on the personal involvement of their clients to get them acquitted according to the judicial principle in *dubio pro reo*. Although this approach only serves to obscure the historical facts, taking the path of least resistance is often the most effective defense strategy in these cases. It is certainly the most common.

Likewise, the prosecution has interests of its own. Naturally, it should be concerned first and foremost with arriving at the truth, just as the court is supposed to be, and this is indeed what German penal law requires. Our prosecuting attorneys are fond of hearing themselves described as the "most objective officials in the world," and, in fact, under §160, Para. 2 of the StPO, the prosecution is constrained to inquire not only into those facts and circumstances which tend to incriminate the defendant, but also those which may exonerate him. The popular view that the prosecution aims solely at securing the conviction of the accused is generally incorrect. Of course, "Nazi Crimes of Violence" trials have their own peculiar set of rules, as anyone who has attended such a trial will tell you.

There are several reasons for this state of affairs. For one thing, even prosecuting attorneys are not altogether free of the preconceived ideas regarding recent history that have been drummed into the German public by decades of propaganda. This in itself is sufficient to induce bias against individual defendants in "Nazi Crimes of Violence" trials. For another, one should not overlook the fact that a prosecuting attorney is a civil servant who is subject to orders from his superiors, consequently dependent on the reigning political forces in the state. Their position on these matters requires little comment. They batten on the continuing diabolization of the regime which the Allied occupation allowed them to succeed. The passage of decades has changed nothing in this regard. Quite rightly, many prosecutors in the "Nazi Crimes of Violence" trials are convinced that a promotion could depend on the number of "Nazi criminals" they helped convict. That may be why they have taken so few pains to discover and bring to bear evidence that tends to exonerate the defendants, even though the law requires them to do so. In every one of these politically inspired trials, the version of the historical background that was set down by the men behind the scenes has met with the unqualified acceptance of the prosecution.

This brings us to a feature of the legal system that is peculiar to the "Nazi Crimes of Violence" trials. We are speaking of the *Zentrale Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Verbrechen* [225-226] (Central Office of the Regional Judiciary for the Investigation of National Socialist Crimes -- called the "Central Office" for short). This agency was established in autumn 1958 at Ludwigsburg on the decision of a conference of regional ministers of justice and put in action on December 1, 1958. It is difficult to place the Central Office within the administrative structure of the Federal Republic of Germany. According to the first head of this agency, Chief Prosecuting Attorney Adalbert Rückerl, its task is to conduct comprehensive and systematic investigations of "Nazi Crimes of Violence," i.e., brutalities and murders allegedly committed in the concentration camps and during commando (*Einsatzgruppen*) operations.²² Created as a result of strong political pressures, the Central Office does not rest on any firm legal foundation either with respect to its existence as an institution or its functions.²³ The very character of this special office of public prosecutions thus insures that the investigations into these alleged crimes will be pursued in a totally one-sided manner, something that is fairly obvious from Dr. Rückerl's own book, *NS-Prozesse*.

Here we should note first of all that the "documentary material" from which the staff of the Central Office concocts the "material grounds" for "Nazi Crimes of Violence" indictments comes primarily from archives -- a better term would be *forgery factories*--in the Eastern Bloc states.²⁴ The Central Office has also developed a "lively working relationship" -- to use Rückerl's phrase -- with "responsible agencies" of other western countries and "last but not least, Israel." Functionaries of the Central Office have undertaken numerous trips to these countries in their search for incriminating documents.²⁵ It is worth noting, too, that one of these employees smugly boasted that he discovered an "important piece of evidence" right in the city of Ludwigsburg: the 42-volume record of the Nuremberg IMT Trial, copies of which the occupation forces "generously distributed throughout the German judiciary, including the lower courts."²⁶ We have discussed this document several times before in the present volume.

In its search for incriminating material, the Central Office relies almost entirely on those forces which are ideologically and financially interested in pinning on the German people as many crimes as possible against other nations, particularly Jewry. The Central Office acknowledges that the published work of the Jewish Historical Institute in Warsaw and the Yad Vashem Museum and Library in Jerusalem have been of great help to it.²⁷ Thus it should come as no surprise that Rückerl attempts to justify the Nuremberg Trials in his book *NS-Prozesse*.²⁸ In line with this attitude, the Central Office basically operates according to the methods developed by the prosecution in the old Allied "war crimes trials." Just as back then the occupation forces carried out the greatest manhunt in history as a result of charges made in war propaganda,²⁹ so the prosecutors of the Central Office began [226-227] their inquiries by searching through the relevant published works. They

then conducted a systematic investigation of all surviving former members of the Reich agencies mentioned in connection with "crimes" in these works.³⁰ By 1965, the Central Office had about 200 investigators at its disposal for this manhunt. They were assigned to the task on a fulltime basis, and assembled in a special office.³¹ (In the meantime, more sleuths have doubtless been assigned to the Central Office. With such a waste of law enforcement personnel, no wonder the number of unsolved crimes is on the rise!) After "clarification of the essential facts," the case is handed over to prosecutors within the proper jurisdiction, and they naturally feel obligated to respect the findings of the preliminary investigation. That is to say, as far as the Central Office is concerned, legal jurisdiction is a secondary matter in the proceedings it initiates.³² For someone to come under suspicion of having committed a "Nazi Crime of Violence" it is quite enough that he once belonged to an organization or governmental agency mentioned in some piece of atrocity literature. Once a person has been named as a "Nazi Criminal," "witnesses" can always be found who will swear under oath they are "positively certain" that he was responsible for the murder of at least a few thousand Jews. If necessary, the investigators will show the "witnesses" photographs of the suspect to refresh their memories, which are, however, almost invariably immune to the ravages of time.³³

In his book *NS-Prozesse*, Rückerl repeatedly expresses the idea that it was absolutely necessary for the prosecutors of the Central Office to devote themselves to the study of contemporary history, since "particularly in evaluating a Nazi crime ... the deed ... must be viewed in its historical context."³⁴ The kind of thing to which this leads becomes evident when one reads the article Chief Prosecutor Manfred Blank contributed to Rückerl's volume. Among other things, Blank relates a description of the "gas chambers of Treblinka" from the verdict of the Dfisseldorf Assizes. According to this description, which apparently goes back to the "findings" of the Central Office, there were "6 to 10 rooms" of this kind, "each measuring approximately 8 x 4 x 2 meters" and each with a "capacity of 400 to 700 persons."³⁵ The startling "exactness" of this description is itself a cause for suspicion. Of course, it is so mathematically improbable that one imagines the Central Office functionaries who made it -- and the judges who copied them -- must have flunked grammar school arithmetic. If one squeezed even the minimum of 400 persons into a room that had a surface area of 32 square meters and was 2 meters high, there would be about 13 people to each square meter -- an utter impossibility. Here we could cite similar instances of nonsensical and erroneous conclusions in the work of the Central Office, but let us leave it at this.

Considering the *modus operandi* and ideological orientation of the investigative bureau which supplies the prosecution in individual "Nazi [227-228] Crimes of Violence" trials with the "material grounds" to support their accusations, it would be simply unrealistic to assume that prosecuting attorneys in such a trial could make a worthwhile or even relevant contribution to elucidating the historical background of the case. And as we noted above, these attorneys, subject to orders from their superiors as they are, would hardly feel themselves impelled to do so. They are quite content to rely exclusively on the material with which the Central Office has supplied them.

The task of the judges in "Nazi Crimes of Violence" trials is -- or should be -- solely to establish whether the deed of which the defendant is accused bears the earmarks of a legally punishable offense, and, if he is found guilty, to mete out the prescribed sentence. It is definitely not their task to investigate and establish the whole historical background of a case. As we examine the Auschwitz Trial more closely, we shall see that judges do not always observe this rule. But again, it would be unrealistic to suppose that the judges in these trials, despite their constitutionally guaranteed independence, could simply cast aside the version of "historical truth" ordained by the Central Office and supported by scores of "experts" and "witnesses." After all, judges are only human. As a group, members of the judiciary are just as reluctant as other people to risk their jobs and chances for promotion on a matter of principle. What is more, they are just as likely to be wearing intellectual blinders. Members of the judiciary have not been immune to forty years of propaganda designed to bring a whole epoch in German history into disrepute.

From everything we have noted here it should be obvious that penal trials are by their very nature unsuited for determining the facts of historical incidents and events, least of all such politically oriented proceedings as the "Nazi Crimes of Violence" trials. In those trials, the prosecution, subject to orders from above as it is, cannot concern itself with historical truth, but must uphold a "political truth," which the defense and the accused, if they have any instinct for self-preservation, will refrain from challenging. Moreover, the judges are, for a variety of reasons, "pre-programmed" to accept only one view of recent history, though they are usually careful to keep within the bounds of correct judicial procedure. Consequently, one cannot expect any conclusions about historical issues that would be of value to scholars to emerge from such trials. On the contrary, the "historical background" and the probable validity of the charges against the defendants have been decided long before the beginning of the trial -- in no small measure through the efforts of the mass media.³⁶ To the extent that "Nazi Crimes of Violence" trials really are "ordinary criminal trials," this "historical background" merely serves to emphasize the exceptional moral depravity of the alleged crimes of the accused. At bottom, however, these are politically inspired proceedings held largely for the purpose of presenting an "official" view of recent history to a still

doubting public, and, perhaps, [228-229] too, of providing "contemporary historians" with "evidence" they would be unable to come up with on their own. As such, they come very close to being "show trials," in which the defendants are simply a means to an end.

A "show trial" may be defined as a judicial proceeding which is intended to have some politically demonstrative effect on the public at large. Ordinarily, this term is used in connection with the political purges in the Soviet Union during the 1920's and 1930's. But it would be a mistake to assume that such trials occur exclusively under the Communist system, as is often done. Nor is the elimination of persons who have fallen out of favor with the régime the only purpose a show trial can serve. An additional purpose -- even the main purpose -- of a show trial may be to intimidate the population or influence its thinking in a particular direction. Very often, though not always, the "confessions" of the defendants bear every sign of having been extracted by torture or brainwashing. However, the essential characteristic of a show trial is that political objectives quite alien to law and justice are being pursued by means of a highly publicized judicial proceeding that has the semblance of legitimacy. Such trials have occurred from time immemorial and under every kind of governmental system. The "war crimes trials" the Western Allies held in conquered Germany are proof that "democratic" governments are no slouches when it comes to staging show trials ~

The statements quoted at the beginning of this chapter would seem to confirm the suspicion that the Frankfurt Auschwitz Trial was conceived from the start as nothing but a show trial. There is not much point in debating whether the judges and prosecutors were secretly aware that it was a show trial or sincerely believed that it was an "ordinary criminal trial." In fact, it is quite possible that they were unknowingly used to serve illegitimate ends. Be that as it may, the crucial question remains: Did the Auschwitz Trial have the characteristics and effects of a show trial? If the answer to it is affirmative, the "Nazi Crimes of Violence" trials in general, and the Auschwitz Trial in particular, are utterly worthless as sources of historical information.

In the next section, we shall examine more closely the conduct of this trial and draw some conclusions from it.

The Auschwitz Trial -- A Show Trial?

The Background

The almost uniquely significant judicial proceeding known as the Auschwitz Trial began with an incident that borders on the trivial. On March 1, 1958, a onetime Auschwitz inmate named Adolf Rögner, who was then incarcerated in Bruchsal Prison, filed charges against the former SS-Oberscharführer Friedrich Wilhelm Boger for allegedly committing [229-230] "crimes against humanity" at the Auschwitz concentration camp. According to Bernd Naumann's account, Rögner was being held in pretrial custody. Angry that prison authorities had confiscated a shipment of medication prescribed for him, Rögner sent a complaint to the Public Prosecutor's Office in Stuttgart, and along with it his denunciation of Boger.³⁸ Langbein, however, describes the informer as a "convict" rather than simply a prisoner, in his "documentary" volume *Der Auschwitz-Prozeß*. He does not mention exactly how the charges against Boger came to be made; he merely states that the Auschwitz Trial began purely "by chance."³⁹

Both stories are quite implausible. In point of fact, Rögner's denunciation of Boger, which was destined to have consequences extending far beyond the Auschwitz Trial itself, did not result from Rögner's annoyance over the confiscation of his drugs, nor was this curtain-raising episode "pure chance." There is reason to believe that Rögner's action was a gambit devised by behind-the-scenes forces which, for a variety of reasons, had a vested interest in continuing and expanding the prosecution of "Nazi Crimes of Violence."

From Rögner's denunciation -- as described by Langbein -- it is obvious that organized interests were behind this whole affair. The denunciation Rögner made contains information that a single person, let alone somebody locked up in jail, would be hard pressed to collect. For example, Rögner claims that in 1946 Boger escaped from a "convoy" of prisoners assembled at "War Crimes Camp 29, Dachau," for "extradition to Poland," and hid out at Unterrath near Schwäbisch Hall until 1948. He even gives Boger's current residence and place of work. And, perhaps in an attempt to explain why he was filing charges so late in the game, Rögner opens his denunciation with the statement: "Ich habe nunmehr folgendes in Erfahrung gebracht" ("I have just learned the following.").

This statement, in particular, confirms the suspicion that Rögner had backers who induced him to file charges. A prisoner, whether being held for questioning or serving out a sentence, would hardly be in a position to make inquiries about the

background and present whereabouts of another person, even if he did not have other things to worry about.

The possible identity of these backers is also evident from Rögner's denunciation. As sources of proof for his charges he mentions the International Auschwitz Committee in Vienna, the Central Board of Jews in Düsseldorf-Benrath, and, finally, the Auschwitz Museum Archives in Poland. It is unlikely that this petty criminal would ever have heard of any of these groups unless they contacted him first, either singly or together. In all probability, "Secretary General" Langbein -- that is how Rögner refers to him -- of the International Auschwitz Committee was most instrumental in this affair. We do know that Langbein soon emerged as one of the leading strategists in the preparations for, as well as the staging of, the Auschwitz Trial. At any rate, Rögner sent a copy of [230-231] his formal allegations to the International Auschwitz Committee.⁴⁰ That the three groups mentioned above were acting under the direction of some higher Jewish organization is, by the way, entirely within the realm of possibility. International Jewry has many arms.⁴¹

Thus Rögner was simply being used by behind-the-scenes forces which were trying to revive the persecution of former National Socialists, a witchhunt that had steadily been losing momentum in the 1950's.⁴² He cannot possibly have acted on his own initiative. For one thing, his denunciation of Boger, taken as a whole, shows that he had no knowledge of any other particular crimes committed at Auschwitz, where he was allegedly imprisoned from May 6, 1941 to January 16, 1945, presumably as a habitual criminal. His accusations against Boger are themselves totally vague and wholly unsubstantiated. That may be why Rögner-- who is mentioned in Langbein's volume, by the way, only under the initials "A.R."--is not cited in any of the literature on Auschwitz or the Frankfurt Auschwitz Trial as a witness to any specific crimes at the camp.

The reason that those who were interested in prolonging the "Nazi" witchhunt took this course of action is fairly obvious. After the occupation forces were done with their "war crimes trials," which at least in part were carried out with the most inhuman methods, the German people soon lost interest in charges about the alleged "Nazi" atrocities. Most Germans really did not believe in them, anyhow. At the very least, they were skeptical about the purported extent of the "extermination of the Jews." Revelations of the cruelties perpetrated against Germans interned in Allied camps, the barbaric "punishments" imposed for "crimes" that had never been proved, and, last but not least, the "denazification" tribunals over which "Germans" presided and which reached into almost every German home -- all these things produced a high degree of bitterness among the population at large, even awakened sympathy for the victims of the rancorous "justice" of the Allies.⁴³ As time went on, "antinazi" witchhunting became more and more unpopular. People had seen and heard enough. They were simply fed up with the whole business. By the end of the 1950's, when it turned out that the "gas chambers" the Allies exhibited after the war never existed in Germany during the Third Reich, at Dachau or any other camp, people began to voice their opposition to Chancellor Adenauer's program of financial "reparations" to Israel.

44

It must have this latter circumstance, above all, which alarmed those who were profiting, and wanted to continue profiting, from our national prostration and the myth of the six million. It looked as though the German people could not be politically and financially blackmailed much longer. New methods had to be devised to keep the racket going. No doubt enemies of Germany, above all international Jewry, knew they had to take prompt action. [231-232]

Given the almost proverbial German respect for authority, an obvious solution was to use the German judicial system in a massive effort to revive our national guilt complex. In the past, German authorities had not found much occasion to initiate prosecution of "Nazi crimes." The courts handled mostly cases in which individuals preferred charges against individuals. These trials generally received no more and no less publicity than any other criminal proceedings.⁴⁵ Moreover, so long as the Allied occupation forces took it upon themselves to hold "war crimes trials," the jurisdiction of German courts was restricted to offenses that occurred within the territory of the former Reich.⁴⁶ After it became obvious that no "Nazi crimes" worth mentioning were committed there, those who had a vested interest in using "war crimes" allegations to keep the German people subservient realized they must try to focus public attention on atrocities Germans supposedly committed in Eastern Europe and Russia during the war. Also, they had come to realize that the usual atrocity propaganda, which had largely been exposed as fraudulent, was no longer sufficient for their purposes. But the judgements of German courts, for which the mass of Germans had unlimited respect -- so they shrewdly calculated -- would penetrate deeply into the national mind. Judicial decisions along the same lines as their atrocity propaganda could be used to banish, once and for all, the lingering doubts about whether the "gassing" of the Jews and similar inhumanities actually occurred.

Nor could it have been "pure chance" that the judicial machinery was geared up for this purpose in 1958. For it was exactly around this time that the grounds of the former concentration camp at Auschwitz were being opened for visitors, the very camp that was now to become the focal point of the extermination legend. At this time, too, the Institut für Zeitgeschichte brought out its "scholarly edition" of the memoirs Rudolf Höß allegedly wrote in a Cracow prison. This

volume was particularly helpful in creating bias among German judges and prosecutors, who, with their modest knowledge of recent history, dared not question the credibility of the Institut für Zeitgeschichte, many of whose members held the rank of full professor. Thus the stage was set for a new witchhunt.

One question remains to be answered. Why did the stage managers of this show choose for their curtain raiser a man who had repeatedly been convicted of crimes and to whose accusations the authorities presumably would pay little attention? Surely, they could have found a more "credible" accuser, or even have filed the charges themselves. As one would expect, the matter was at first treated with great caution by the Public Prosecutor's Office, and hardly anything came of it.

But it seems that was part of the plan. To understand why, one merely has to picture what would have happened had the Public Prosecutor's Office taken Rögner's charges seriously from the outset. The result would have been an ordinary criminal trial before a court within [232-233] the proper jurisdiction, if upon further investigation his charges had been found to be valid. Perhaps Boger would have been convicted of mistreating or even killing a few Auschwitz prisoners. But the trial would have received hardly more than local publicity. Undoubtedly, nothing like the huge Frankfurt Auschwitz Trial, with its worldwide impact and all its far-reaching implications, would ever have come to pass. And what the promoters of the revived witchhunt were apparently seeking was an extensive, centrally directed, and highly publicized "Nazi Crimes of Violence" trial that would lead to a series of "extermination camp" trials. That alone could serve the purpose of hammering into the minds of the largest possible number of Germans, of every social stratum, the notion that the German nation was guilty of uniquely monstrous atrocities, and thus enable the foreign blackmailers to continue, perhaps even expand, their political and financial extortion racket. Had they picked an intrinsically credible accuser, his charges might have received only the usual treatment, and that is exactly why they avoided doing so. They had much larger objectives in mind.

For similar reasons, they rejected the course of taking legal action that would put the Auschwitz camp collectively, as it were, on trial, as they could have done by having some outfit like the International Auschwitz Committee make charges. That might have resulted in the enormous trial they were seeking, but the stage-managers would also have drawn the attention of the public to themselves, and, one may assume, would have provoked a defensive reaction on the part of the German people. Such a trial would have had much less credibility than one the German authorities had apparently initiated on their own.

In order to attain their objectives, they had to proceed in a somewhat roundabout fashion. Obviously, without a concerted effort on the part of interested organizations, it would have been virtually impossible to gear up the German legal apparatus for an extensive, centralized prosecution of "Nazi Crimes of Violence." By using a front man in the initial stage of the operation, these organizations managed to avoid drawing public attention to themselves. Moreover, the natural reluctance of German prosecutors to act on charges made by a convict gave the International Auschwitz Committee and other non-German forces an opportunity to insinuate themselves into the investigative process, unbeknown to the public -- as though "by chance" -- and to expand the investigation of Rögner's charges into the basis for a judicial spectacle. In his book *Der Auschwitz-Prozeß*, Hermann Langbein, the Secretary General of the International Auschwitz Committee, reveals how adroitly he and his organization managed to do this. Although Langbein's smug and verbose account does not disclose every aspect of this operation, for instance, how political pressure was employed, it tells quite enough.⁴⁷ One thing is certain: Langbein contributed mightily to the establishment of the "Central Office" in 1958. His efforts to expedite the processing of [233-234] Rögner's charges brought him into contact with various representatives of the German legal system, including officials of the Federal Ministry of Justice, and he used this opportunity to play up the "inefficiency" and "inadequate background" of local prosecutors for their supposed "investigative tasks." Indeed, the most important thing these alien intriguers achieved with the Rögner gambit may be the centralization of pre-trial inquiries into "Nazi Crimes of Violence" and the progressive co-ordination of all such investigative work under the extra-legal Central Office. At any rate, they were satisfied that they had now accomplished what they set out to do. Langbein was exhilarated over the new judicial atmosphere: "Ein anderer Ton, ein neuer Geist!" ("A change of tune, a new spirit!")⁴⁸ Exactly according to the plan of the promoters of this revived witchhunt, the investigation was soon extended to include all of the surviving Auschwitz camp personnel. After Boger was arrested, on October 8, 1958 -- he was never to draw a free breath again -- the "intimate collaboration" between the Central Office and the International Auschwitz Committee resulted in a wave of arrests, starting in April of 1959.⁴⁹ Rögner had played his part well, and exited the stage.

One tricky problem remained to be solved: How could all the cases involving crimes allegedly committed at Auschwitz be consolidated into a single trial? Separate trials of former SS members, even more or less important ones, for specific crimes before courts having jurisdiction in each particular case would not have had the desired effect on the public. In order to establish Auschwitz in the public mind as the symbol of the extermination of millions of Jews, the "official" version of

what happened at the camp had to be presented in a mammoth trial before one court and endorsed in its final verdict. Only thus could the gruesome picture of Auschwitz that these venomous propaganda artists had worked for years to create obtain widespread, uniform publicity and receive the finishing touch of judicial notice, which is what it needed to be accepted as "incontestably true" by the public at large and even groups that had hitherto been skeptical of the extermination thesis. At first, it seemed this would pose some difficulties. The accused had to be indicted by prosecutors and arraigned before courts having jurisdiction over the localities in which they lived. The Central Office was responsible only for the preliminary investigations (see p. 226 above). It had no legal jurisdiction of its own, nor could it serve as the basis of a new judicature.

Once again, "chance" came to the rescue of the initiators of the Auschwitz Trial -- at least, that is what Langbein tells us. It seems that the Chief Public Prosecutor of the State of Hesse, Fritz Bauer, a Jewish émigré who returned to Germany after the war, happened one day upon a "package of signed documents" concerning the "murder" of Auschwitz inmates. He is said to have turned these papers over to the Federal Court of Appeal, which thereupon designated Frankfurt as the place of jurisdiction for all offenses related to Auschwitz. A journalist purportedly [234-235] "discovered" these documents "by chance" in the Frankfurt apartment of a certain Emil Wulkan. Now, that seems pretty odd, but odder still is the story Wulkan served up to the authorities about the origin of the "documents." He explained that these papers, allegedly Auschwitz camp files containing the names of prisoners slain there and those of the SS men who took part in the slayings, came from the Lessing Lodge in Breslau, where a good friend of his found them in early May 1945.⁵⁰

All this is pretty incredible. Assuming for a moment that the documents are genuine, one searches in vain for an explanation of how they found their way from the files of the Auschwitz camp to a Masonic lodge in Breslau. But we shall let this matter pass. A far more important question is whether the sudden appearance of these Auschwitz "documents" in Frankfurt was really the decisive factor in the Federal Court of Appeal's ruling that the whole Auschwitz case be placed under the jurisdiction of the Frankfurt courts. One could not answer this question definitely without inspecting and verifying these "documents." Of course, the Rules of Judicial Procedure in Penal Cases (the StPO) does contain a provision that cases involving connected offenses may be brought together under common jurisdiction, even in the pre-trial inquiry state. Supposedly, in this "practicality" is the foremost consideration.⁵¹ However, leaving aside the question whether such a judicial monstrosity as the Auschwitz Trial was in any way "practical," one may dispute whether the diverse crimes of which the defendants were accused--individual murders committed in various ways, summary executions, "euthanasia" by means of lethal injections ("Abspritzen"), and complicity of whatever kind in the alleged "gas chamber" murders -- constituted "connected offenses" in the sense that term is used in the Rules of Judicial Procedure in Penal Cases. For according to §3 of the StPO, such a connection exists only when either one person is accused of having committed several punishable offenses (known in German legalese as "Tatmehrheit"; plurality of offenses) or when several persons are accused of having committed or been accessory to *one* punishable offense ("Tütermehrheit"; plurality of offenders).⁵² The mere fact that "documents" concerning Auschwitz were "discovered" in Frankfurt thus could not have been the decisive factor in the assignment of jurisdiction.

All things considered, it could not be too far off the track to say that the assignment of jurisdiction was less the result of legal considerations than of the Auschwitz Trial promoters' desire -- manifested to the authorities in some clandestine manner -- for a trial of the largest possible dimensions. The "chance" discovery of some rather obscure documents in Frankfurt was a legally dubious foundation for the assignment of jurisdiction. The tall tale about the "documents" was probably concocted just to pull the wool over the eyes of the public.

Using these thoroughly devious methods, the promoters of the Auschwitz Trial managed to get all the investigations into the Auschwitz [235-236] case combined into a single inquiry, with the veteran "Nazi hunter" Chief Public Prosecutor Fritz Bauer heading it. Further investigations were then pursued to the fullest "in close cooperation with the International Auschwitz Committee."⁵³ Two prosecutors were made available exclusively for this purpose. The names of more and more former SS members cropped up, and the scope of the case kept on widening. A flood of "incriminating evidence" streamed from the International Auschwitz Committee and other interested parties. The prosecuting attorneys wasted little time pondering whether this material was genuine -- at least, that is the impression one gets from Adalbert Rückerl's book *NS-Prozesse*, a "report on the activities" of the Central Office at Ludwigsburg. There is no reason to suppose that the Frankfurt prosecutors were more meticulous than their colleagues in the Central Office, who, after all, boasted greater expertise in this field. In addition to supplying the authorities with "documents," the International Auschwitz Committee also put them in touch with "witnesses"-- as Langbein proudly reports -- from countries with which the Federal Republic of Germany at that time had no diplomatic relations. Moreover, Langbein arranged for the prosecuting attorneys and examining magistrates to take trips to Auschwitz, so that they could "familiarize themselves with the place" and study "documentary evidence."

How intensively and effectively the International Auschwitz Committee and its General Secretary Hermann Langbein supported the investigation is shown by a letter from Chief Prosecutor Wolf of the Central Office to Hermann Langbein, dated December 12, 1959. In this communication, Wolf expresses "thanks and recognition . . . for the vigorous and valuable assistance." To quote the letter verbatim:

During the preparations for the extensive trial relative to the unexplained crimes of Auschwitz, you have greatly alleviated our difficult and responsibility-laden task by providing us with important evidential material and by interviewing numerous witnesses in this and other countries.

We understand the concern and apprehensions of the survivors, and hear the warning voices of the millions of mute victims in whose name you speak. We will make every effort to discover all the anonymous murderers we can and give them their just punishment.⁵⁴

Perhaps the most significant thing about this obsequious and pompous letter is that it shows the "servants of justice" had already made up their minds that Auschwitz claimed "millions of victims." It nicely illustrates the prejudicial attitudes of the examining magistrates in this case, especially since it correctly refers to the "crimes of Auschwitz" as "unexplained" -- a Freudian slip, perhaps? With a clarity that could hardly be excelled, it shows just who was in control of the Auschwitz proceedings.

In reviewing the background of the Auschwitz Trial, we must not neglect one further point: the treatment of the defendants during the pre-trial investigation. Almost every one of them was remanded in [236-237] custody after his arrest, even though the lawful reasons for detention -- risk of flight or danger of prejudicing the course of justice -- were absent in each case. For how, in the case of these criminal charges going back for more than ten years in the past, could this clearing up of the alleged "crimes" possibly be "prejudiced" -- i.e., jeopardized -- by the accused? Anyway, most of the defendants were SS small-fry who held only minor positions in the administrative hierarchy of the camp. Risk of flight was even less of a possibility. Not only did all the defendants earn their living in the Federal Republic of Germany, but they were also of an age at which the mental and physical prerequisites for escape are minimal or no longer exist. Indeed, the charges against them were so fantastic that it must hardly have seemed necessary to avoid facing them.

The only possible explanation for the imprisonment of nearly all the defendants is that one wanted to "soften them up," mainly in order to get them to admit that an "extermination program" had been in effect at Auschwitz and that "gas chambers" were the means used to execute it. Without examining the records of the investigation, one cannot say for sure whether this objective had already been achieved during the pretrial interrogation period, and, if so, how. That it was achieved, at least to some extent, is shown by the behavior of the defendants in the course of the trial, a matter we shall discuss later on. Even during the pre-trial investigation, some of the defendants may have admitted -- whether in good faith or not -- that they had "heard" about the "gassing of Jews" while they were stationed at Auschwitz, in order to secure their release from custody. At first, this concession may have seemed quite harmless. In all probability, none of the defendants knew or could even have imagined that participation in a selection" on the Auschwitz-Birkenau railway platform, for example, guard duty, would be construed as complicity in the alleged "gas chambers" murders.

At the beginning of the Auschwitz Trial, nine of the twenty-two defendants, that is to say, almost half, were still being held in custody. Some of them had been imprisoned for more than four or five years, which can only be called absolutely out of the ordinary. During the course of the trial, eight other defendants were taken into custody, one by one, almost always as a result of witness testimony against them. The illness of two of the defendants, Heinrich Bischoff and Gerhard Neubert, resulted in their cases being severed from the indictment; Bischoff died a few months afterwards. Only three of the defendants remained at liberty throughout the proceedings: Breitwieser, Schoberth, and Schatz. Most of the accused who were not retained in custody had to post bond of up to DM 50,000.⁵⁵ Under these circumstances, it is beyond doubt that all the defendants were under enormous psychological pressure, from the beginning of the investigation to the conclusion of the trial. This is exactly the situation in which the defendant in a show trial always finds himself.

[237-238]

Particularly noteworthy is the fate of the most prominent of the defendants, Richard Baer, the last commandant of Auschwitz. He did not live to see the beginning of the trial. In December of 1960, Baer was arrested in the vicinity of Hamburg, where he was employed as a lumberjack. He died in June of 1963 under mysterious circumstances while being held in pre-trial custody.⁵⁶

According to various sources, which, in turn, rely on reports that appeared in the French press, Baer adamantly refused to confirm the existence of "gas chambers" at the camp he once administered. Although it has been alleged that he was

eliminated by poisoning on account of this refusal, the cause of his death has never been established. His wife claimed that he was in excellent health.

While Langbein merely states that an autopsy revealed that he died of "natural causes," Naumann specifies a "circulatory ailment" as the cause of death. Of course, a circulatory ailment is only a symptom of preexisting disease that has causes of its own. It is quite possible, however, that the physical condition of this strong and healthy outdoor laborer deteriorated as a result of his treatment in prison.⁵⁷ That would be damning enough to those suspicious of the whole affair when one reads the report on the autopsy performed at the Frankfurt-Main University School of Medicine: "The ingestion of an odorless, non-corrosive poison . . . cannot be ruled out."⁵⁸ Nevertheless, there was no further probe into the cause of Baer's death, and Chief Public Prosecutor Bauer ordered his body cremated. One may dismiss the possibility that Baer committed suicide, since, according to his wife, he was counting on an acquittal. Moreover, shortly before his death Baer complained to the guards that he was feeling ill and asked for a physician. That is hardly the action of someone who intends to take his own life.

This very mysterious event hardly attracted public attention, and presumably the affair was systematically hushed up. When one considers the reaction the death of an inmate in a German prison usually calls forth among officials, legislators, and the mass media, it seems astounding that this case was kept so quiet, all the more so because Baer was no ordinary prisoner, but a man whose testimony could have had the greatest impact in the upcoming trial.

The suspicion that interested parties had Baer removed by means of poison--as has often been claimed--cannot be dismissed. The motives for such an action are obvious. If anyone at all knew the truth about the "gas chamber" allegation, it was Baer, the last commandant of Auschwitz. That he refused to give his authoritative confirmation to the "gas chamber" story is shown by the fact that the statements he made during his interrogation were not read into the trial record. They must have been of no value to the prosecution. What the main defendant had to say about the central accusation regarding Auschwitz was anything but a matter of indifference to the initiators of the trial. Had Baer [238-239] resolutely contested this' allegation and been able to show its absurdity, he would not only have made it difficult for them to attain their primary objective -- to reinforce the "gas chamber" myth and establish it as an unassailable "historical fact" -- but he might also have caused the proceedings to take an entirely different course. By his steadfastness, Baer would have set an example for the codefendants to follow, and perhaps even influenced some of the other participants in the trial. Hence one should give some credence to the charge that Baer's refusal to play the role assigned him in the script is the reason the trial could not begin until after his death.⁵⁹ We shall not delve into this matter. The fact is that the Auschwitz Trial did begin almost immediately after Baer's death. Laternser is of the opinion that there was too much haste involved.⁶⁰ However, the preliminary investigations were completed on October 19, 1962, as Langbein informs us,⁶¹ so nothing much really could have stood in the way' of the start of the trial -- except, of course, Baer's "stubbornness."

Was Baer murdered in jail? Ever since the brutal abduction of Adolf Eichmann in Argentina -- as a matter of fact, even before -- it has been common knowledge that the Israeli secret service is capable of just about anything.⁶² Given such circumstances as the fact that Chief Public Prosecutor Bauer was a Zionist -- for which reason he should not have been permitted to head the combined investigation--it is quite possible that the mighty arm of international Jewry was able to reach into Baer's jail cell, though for lack of conclusive proof, this question must remain open. At any rate, one may assume that Baer's sudden death came as a great shock to the other defendants. Since his position on the "gas chambers" allegation must have been known to them, some of the defendants may have taken his unexpected and mysterious demise as a warning, and altered their own stance accordingly. For the promoters of the trial, Baer's death could only have been a welcome development. The composition of the court is something that must have had a considerable effect on the course of the trial. Now, in all trials the empanelment of the tribunal is determined according to the judicial calendar, which is not insusceptible to manipulation, since it is usually valid for only a year. Naturally, the promoters of the Auschwitz Trial were eager to see the proceedings placed in the hands of a court that would give the case more or less the kind of treatment they desired. In particular, Chief Public Prosecutor Bauer, the right-hand man of the initiators of the trial, must have had definite ideas in this regard. Thus it is interesting to learn, from Laternser's book, *Die andere Seite im Auschwitz-Prozess* [The Other Side in the Auschwitz Trial], that meetings took place between members of Bauer's staff, the Presiding Judge of the Regional Court, and the prospective head of the Assize Court, during which, among other things, the opening date of the trial and the related matter of the composition of the court were discussed. At the very beginning of the [239-240] trial, Laternser formally protested that manipulation had been involved in the empanelment of the tribunal, but the court did not rule on his petition until February 3, 1964, more than a month after the proceedings had started, and rejected it without deliberating the proofs and arguments he submitted ⁶³

Taking the whole background of the Auschwitz Trial into consideration, one gets the distinct impression that the forces

behind these proceedings were intent from the very beginning on staging an out-and-out show trial.⁶⁴ As we noted above, the essential characteristic of a show trial is that it aims, first and foremost, at producing a politically demonstrative effect rather than arriving at an objective judicial decision. Even in the preliminary stages, the Auschwitz Trial bore every conceivable trait of such a proceeding. The pre-trial investigation was centralized without regard to established legal jurisdiction; extra-judicial forces that were hardly disinterested parties in the Auschwitz case were allowed to influence the preparations for the trial; the framing of the indictments was entrusted to a prosecution staff under the direction of a veteran Zionist; the empanelment of the court involved manipulation; and, last but not least, the accused were treated in a manner out of keeping, to put it mildly, with the German judicial system, something that -- together with the mysterious death of the most prominent defendant in pre-trial detention -- must have had an effect on their will to defend themselves and, no doubt, was responsible for their often ambiguous conduct during the trial.

The Conduct of the Trial

For those who were unable to attend the proceedings against Mulka, et al. before the Frankfurt Assize Court, the reportage of Bernd Naumann, Hermann Langbein, and Hans Laternser gives a rather good picture of the course of the trial. While Naumann, who covered the trial for the *Frankfurter Allgemeine Zeitung*, a daily newspaper, gives a chronological depiction of the proceedings in his book *Auschwitz: Bericht über die Strafsache Mulka und andere vor dem Schwurgericht Frankfurt**, Langbein, who likewise was able to observe the trial almost continuously, arranged his documentary account of the trial, *Der Auschwitz-Prozess*, according to subject matter, discussing the alleged crimes of the defendants and presenting the testimony of the witnesses within this framework. Augmenting our picture of the trial is the illuminating study by the defense attorney Dr. Hans Laternser *Die andere Seite im Auschwitz-Prozess*.

*Auschwitz: Report on the Criminal Case of Mulka et al. before the Frankfurt Court of Assizes.

On the basis of these three documentary works on the trial, we shall examine in the following sections of this chapter how the proceedings were implemented.⁶⁵ Here let it be noted that Laternser's account is devoted primarily to the juridical aspects of the trial, whereas the other two authors, both of whom are laymen, basically confine themselves to [240-241] reporting the testimony of the defendants and witnesses. Naturally, they do not spare us their own opinions, which, naturally again, are fully in accord with the fundamentals of the Auschwitz legend, and doubtless influenced their selection of material. Even Laternser proceeds from the basic premises of the legend, as is obvious not only from what he writes in his foreword to *Die andere Seite im Auschwitz-Prozess*, but also from his summations, which appear in the book. The fact that he is "above suspicion" simply makes his criticism of the proceedings all the more valuable. Both of the other authors are virtually uncritical of the Auschwitz Trial.

Now let us get down to particulars.

The Trial Setting

The Auschwitz Trial was not held in the Frankfurt Courthouse, since it supposedly lacked a suitable courtroom.⁶⁶ To those unfamiliar with judicial practice, this may seem to have been an unavoidable necessity. After all, given the extraordinary publicity surrounding the Auschwitz Trial -- it attracted worldwide attention -- a large number of journalists were expected to be on hand. Also, from the very beginning, it was planned -- in accordance with what Naumann calls the "ethical, social, and educative implications" of the trial -- to compel groups of young people, for example, army units and school classes, to attend sessions of the proceedings. And, of course, one counted on heavy attendance by politically oriented groups and associations.

But all this really did not justify the rental, at additional expense to the public, of "courtrooms" outside the courthouse, particularly in view of the fact that attendance at the trial would be artificially high as a result of an orchestrated publicity campaign. At first, sessions were held in the assembly room of the Frankfurt Municipal Council, the "Römer" hall. Beginning on April 3, 1964, the auditorium of the recently constructed "Haus Gallus" was appropriated for this purpose. However, neither place suited the requirements of a court proceeding -- as Laternser shows in considerable detail -- and that alone should have prevented their use in a trial of such importance.⁶⁷

Although the law prescribes that court proceedings be held publicly -- something that is especially important in the case of penal trials -- the relatively small space in courthouses ordinarily imposes certain limitations on public attendance. When all seats are occupied, the courtroom doors are closed. I cannot recall a single case of a large trial in which sessions were regularly held outside the courthouse. Even the unusually large number of defendants, attorneys, and other participants in the Auschwitz Trial did not warrant this exodus from the courthouse. Every courthouse has at least one chamber that

could, with a little effort, be made to accommodate such a crowd. Leaving all this aside, the [241-242] Auschwitz Trial would not have reached almost grotesque physical proportions had not the initiators of the trial insisted on the legally dubious measure of trying all the defendants under one jurisdiction.

Thus one cannot shake off the impression that even the courtroom was selected with the purpose in mind of producing the greatest possible politically demonstrative effect, and, as we have shown, this is a basic element in all show trials. The fact that the rooms did not meet the requirements of a court proceeding merely underscores this point. No ordinary criminal trial would have been conducted under such handicaps. As Laternser points out, insufficient physical distance between the spectators and the participants in the trial, among other things, resulted in some very unpleasant problems. At least at the beginning of the trial, the participants had trouble communicating -- an intolerable condition by itself. Worst of all, the seating arrangement in both of these makeshift courtrooms was a considerable handicap to the defense attorneys, especially during cross examinations.

So far as the externals of the trial go, there are several other circumstances that point to the show trial-like character of these proceedings. We are not considering here so much the fact that they were soon transferred to a theater, with the court on stage -- though certainly symbolic, that was probably just a gaffe on the part of the staggers of this travesty of justice. No, what really strikes us is how publicity was used to accomplish the desired objective, namely, to produce a widespread conviction that it is an indisputable fact that genocide was committed on an immense scale at Auschwitz.

In this connection, one thinks first of the "job" done by the mass media whose uniformly biased reportage was apparently the result of planning and coordination. To be sure, it is the legitimate task of the press, radio, and television to keep the public informed about significant trials. Especially in the case of penal trials, it is of the utmost importance that the coverage be objective and impartial, and usually it is. A fundamental principle of a nation based on laws is that the defendant is to be presumed innocent until proved guilty. In the case of the Auschwitz Trial, this principle was, it seems, simply cast to the wind. Even prior to the trial, the entire mass media portrayed the alleged events at Auschwitz and the alleged participation of the defendants in them as long established facts, at times going even so far as to describe the accused, who were in no position to defend themselves, as "beasts in human shape." Numerous prosecution witnesses were given an opportunity to talk about their alleged experiences at Auschwitz over the radio, on television, and in the press. By making public statements before they appeared in court, some witnesses practically committed themselves to giving a certain line of testimony.⁶⁸ During the trial, the reporting was just as biased as before -- if anything, more so. With rather inappropriate understatement, Dr. Laternser simply refers in this connection to the [242-243] kind of "pressure" certain sections of the mass media exert on participants in "trials of a political nature"-- a well-known characteristic of show trials⁶⁹

The judges cannot be held responsible for this manipulation of public opinion. In fact, they were also under "pressure" from the mass media. Attorneys of the prosecution team were the ones who kept feeding the mass media "information." For example, the reports that between two and four million Jews were killed in Auschwitz alone can be traced to press releases from the Ludwigsburg Central Office and the Frankfurt District Attorney's Office.⁷⁰

This propaganda activity reached its culmination in the Auschwitz Exhibition that opened in the Frankfurt Paulskirche,* of all places, on November 18, 1964, while the trial was still in progress. The impetus for this, exhibition came from Chief Public Prosecutor Bauer and the Frankfurt attorneys who represented the co-plaintiffs. When it first began, captioned pictures of the defendants were displayed, and they were removed only after the defense formally protested. The defense attorney Dr. Laternser filed a complaint with the Hessian Minister of Justice about Bauer's unprofessional conduct, but it was rejected as "unfounded." Laternser concludes his account of this truly scandalous affair with the terse remark: "In this trial, the normal standards did not apply, even though there are no others."⁷¹

That really sums it all up.

Finally, let us return to a matter we mentioned at the beginning of this section. Throughout the proceedings, school classes and other groups of young people were continually brought to attend the trial. These field trips were evidently organized in response to orders from on high. Their purpose could hardly have been to teach the younger generation about the German judicial system through observation of a trial. No trial could have been less suited to that purpose than this one. Because of its basic structure and its scope, not to mention the way it was conducted, the Auschwitz Trial could provide them at best only with a very incomplete view of practical jurisprudence. Of course, this judicial monstrosity was the perfect medium for an insidious morality play designed to implant a permanent guilt complex in the minds of the generation that would one day shape the German future. Langbein was elated to see German youth forced to witness this show, and thereby he

revealed once again the true purpose of the Auschwitz Trial:

*The Frankfurt Paulskirche, a Lutheran church built in early Neo-Classical style, destroyed by Allied bombing raids during World War II and later partially reconstructed, was the meeting place of the German National Assembly of 1848-49, which attempted to bring about the unification of the Reich on the basis of liberal and nationalist principles similar to those on which the United States was founded. As a patriotic shrine, it may be compared to Independence Hall in Philadelphia. The insulting maliciousness on the part of the organizers of this "Auschwitz Exhibition" is self-evident. --T.F.

[243-244]

Likewise, the fact that classes of school pupils attended the proceedings every day they were in session, except during the school holidays, along with other groups of young people, shows that *the significance of the trial for contemporary history* was understood by many of those who hold positions of authority. At times, schools had to make their reservations weeks in advance to get space at the trial.⁷² (emphasis added)

This is fully in line with Langbein's previous statement that the trial was "primarily of historical, not legal," significance. As one of the main initiators of the Auschwitz Trial, he ought to know.

The Trial Participants

The Judges

The success of a show trial like the Frankfurt proceedings depends above all on the judges, particularly the presiding judge.⁷³ Should the presiding judge decide to conduct the proceedings according to the view that only issues relevant to the trial as a penal case will enter into the court's decision, and avoid anything that merely serves to produce a politically demonstrative effect, then he would be hindering the attainment of the objective of the forces behind the trial, if not sabotaging it entirely. Alas, the conduct of the Auschwitz Trial shows that it is doubtful whether the presiding judge and his judicial colleagues even considered doing this. Nevertheless, Presiding Judge Hofmeyer felt himself called upon to deny, in his oral opinion, the defense attorneys' charge that this trial had been a "political trial" and a "show trial." He went on to say that "those who followed this trial know that it was anything but a show trial, a trial in which the verdict is agreed on in advance and the trial itself is nothing but a farce designed to give the public a show."⁷⁴ This comment -- which does not appear in the written opinion -- is highly significant. It is supposed to be perfectly obvious and worthy of no special mention that show trials do not exist in a state based on law, and beneath the dignity of any judge to take such a suggestion seriously.

As a matter of fact, the essential characteristic of a show trial is not that the "verdict is agreed on in advance" and that all the defendants will be convicted, if that is what the Presiding Judge meant to say. Were this the case, the Nuremberg "war crimes" trials staged by the Allies could not be considered show trials, since some of the defendants were acquitted -- as in the Auschwitz Trial. The decisive factor is whether judicial rules and procedures are ignored or violated outright in order to achieve a politically demonstrative effect, something that does not, of course, exclude the possibility of certain juristic formalities being observed. Even show trials must have a *semblance* of legality.

Throughout the course of the Auschwitz Trial, it was evident that the main purpose of these proceedings -- supported even by the bench -- was to establish as an incontestable historical fact the picture of Auschwitz [244-245] that the initiators of the trial found politically desirable. From the outset, the judges made it clear that they regarded Auschwitz as the center of the destruction of millions of Jews, planned by and executed under orders from the German leadership. The whole trial was simply an effort to "corroborate" this "fact" and present a comprehensive picture of it to the public. At no point in the argumentation were the basic premises of the indictment and the *raison d'être* of the trial disputed, a phenomenon characteristic of show trials. Laternser's observation that the German witnesses all gave the "impression of being downright cowed" is further testimony to the show trial character of these proceedings.⁷⁵

To be sure, the Presiding Judge is said to have stated in his oral opinion that it was not the task of the court to fulfill the wish implicit in the trial (!), or "to master the past"* through a comprehensive historical presentation of the contemporary events; its only function was "to examine the validity of the charges" and not to "strive for other goals."⁷⁶

These statements, though they express a view of the proper function of a court of law that is indubitably correct, are actually nothing but hollow rhetoric so far as the Auschwitz Trial is concerned. The facts about that trial tell a different story. In various ways, the court allowed ample opportunity -- as we shall show in detail later on -- for the treatment of recent history, made numerous pronouncements on the subject in its written opinion, although there was no reason to do so, and even convicted defendants whose deeds themselves would otherwise have borne no relation to the crime of murder, or any other legally punishable crime, on the basis of the totally unsubstantiated "gas chamber" allegation. Thus it cannot be said that the court limited itself to "examining the validity of the indictments." As a matter of fact, the court did not -- strictly speaking -- even examine the validity of the indictments. And thereby it underscored, whether intentionally or not, the show trial character of these proceedings.

It may be that the mass media had convinced the court, particularly its Presiding Judge, that millions of Jews were killed, specifically, "gassed," at Auschwitz. The influence of the mass media, even on intelligent people, is one of the sad facts of our times. A critical look at the literature on recent history would have shown the court that there is at least some doubt about this propaganda charge. But the judges lacked either the time or the courage to come to grips with this material.

*To render the phrase "die Vergangenheit zu bewilltigen" as "to master the past" is perhaps too literal. The original German has connotations of rewriting history, specifically, for the purpose of "re-educating" the German people. At least in German revisionist circles, the term "Vergangenheitsbewilltigung" is used in the sense of "history-twisting."--T.F.

[245-246]

It is not outside the realm of possibility that all or some of the judges knew better, or had certain doubts, but felt it would be inopportune, as it were, to cast the slightest doubt on the story of the "extermination of the Jews." Laternser says that he even got the impression that the Presiding Judge was visibly anxious to avoid making any "mistakes" that might bring negative comment from the press ~ One can readily imagine the grave consequences the judges would have suffered for their heresy had they voiced any doubt about the Auschwitz legend.

Be that as it may, the net result of this judicial bias was to put the stamp of a show trial on these proceedings. Some of the characteristic features of a typical show trial are lack of objectivity and impartiality in the conduct of the proceedings, presentation of one-sided and thoroughly insufficient evidence, and the making of allowances for the political objectives of the initiators of the trial. All these things, which along with the constant hammering into the public mind of the court's "findings" are usually enough to accomplish the purposes for which the show trial was designed, were present in the Auschwitz Trial. Whether the judges were desirous, or even aware, of what was happening is, in the last analysis, beside the point.

That the Auschwitz Trial court, particularly its Presiding Judge, behaved in a manner typical of a show trial court is abundantly clear from the examples Laternser gives in his book, of which we can cite only a few here.⁷⁸ This conduct is evident even from Langbein's and Naumann's documentary volumes on the trial, although it certainly was not the intention of these authors to call attention to it.

Typical of the atmosphere of this trial is a remark which the Presiding Judge made in the initial stage of the proceedings: "hearsay" would be assigned "greater weight" in this trial because such a long time had elapsed since the alleged events.⁷⁹ This is a statement guaranteed to raise eyebrows among professional jurists. In an ordinary criminal trial, testimony based on hearsay is immediately rejected. For one of the basic rules of a scrupulous argumentation is that only what the witness actually knows firsthand may be taken into account. Apparently, the Presiding Judge did not consider it necessary, or at least expedient, to conduct this trial as an "ordinary criminal trial." Given the "liberal" attitude of the court, prosecution witnesses could practically lie a blue streak. In passing let it be noted that the reason the Presiding Judge gave for the admission of "hearsay" in this trial is absolutely illogical. Every experienced practitioner of criminal law knows that witnesses find it difficult to recall their *own* experiences properly after a period of time has elapsed, even if they are in good physical and mental shape. The testimony of hardly impartial witnesses about things they *heard* almost two decades before must be even less reliable. Nevertheless, [246-247] the judges in the Auschwitz Trial were willing to listen for hours to all sorts of prison gossip, provided it fit into the accepted picture of Auschwitz, and thus contributed to the success

of the "show."⁸⁰

The treatment of witnesses by the court was totally lacking in the judicial fairness customary in ordinary criminal trials. All the prosecution witnesses, most of whom came from abroad, were treated with the utmost courtesy and respect. Very seldom did the judges cast doubt on their claims, no matter how fantastic the tale may have been. Their testimony was not scrutinized in the light of other relevant testimony and evidence, as is normally done in penal trials. Attempts by the defense to do so met with all kinds of procedural sleight of hand. Exonerating testimony was treated with the greatest skepticism by the court. Defense witnesses who once belonged to the SS risked being arrested in the courtroom if they did not take at least a modicum of care that their testimony did not deviate too far from the "line" set by the court, or if their testimony aroused the slightest suspicion that they had been involved in the alleged murder of Jews. On the other hand, the foreigners who testified for the prosecution had a kind of *carte blanche*: They could freely return to their homelands even when they had obviously committed perjury or come under suspicion of having murdered a fellow inmate.⁸¹

How lacking in objectivity and impartiality the court was can be seen from the general attitude of the judges towards the accused. Typical of this was a remark the Presiding Judge made during the session of July 23, 1965--which no doubt reflected the sentiments of the other judges -- that the trial would have progressed far better had the defendants told the truth from the first day on.⁸² That a member of the court should have made this blanket condemnation of the defendants is almost incredible. It was both unfounded and hardly in keeping with the judicial reserve taken for granted in normal trials. What is more, the Presiding Judge reiterated this accusation in the oral opinion. There he claimed that the defendants "have not furnished any clues to help in the search for truth, have kept silent on many points, and have largely failed to tell the truth," adding that "the defendants have no right to feel discriminated against if in one or the other instance the court accepted the word of a witness, since the defendants failed to rectify witness testimony by truthful accounts of what happened."⁸³ This is tantamount to saying that the court gave credence to prosecution witnesses not because their testimony was trustworthy, but because the defendants either did not challenge it or said something else, which, after all, was entirely within their rights. To put it another way: If a witness told the court what it wanted to hear, he was always telling the "truth."

One might argue that in other trials judges have been lacking in objectivity and impartiality. Though this objection may be basically correct, one must recognize a considerable qualitative and quantitative difference [247-248] between the constant partiality of the Auschwitz Trial court, especially the Presiding Judge, and the occasional breaches of judicial objectivity found in some other trials. This is the impression one gets from all the documentary volumes on the trial, not just from Laternser's account.

Given this situation, it was almost to be expected that the Presiding Judge never made an attempt to stop or restrain those in the audience who loudly heckled and insulted the defendants and their attorneys, that he frequently interrupted the defendants and their attorneys, and did not admit relevant questions from the defendants and their attorneys. In this way, he finally brought them to the point where they hardly bothered to exercise their procedural rights. Truly, the normal standards did not apply in this trial.⁸⁴

Under these circumstances, nobody will be surprised to hear that the defense felt handicapped by the way the court conducted the proceedings, as Dr. Laternser frequently remarked.⁸⁵ This situation might have some bearing on the curious fact that neither the accused nor the defense at any time dared to cast doubt on the claims that Auschwitz functioned as an "extermination camp" and that "gas chambers" existed there. For the bench had -- as all the documentary volumes on the trial show -- already indicated by its questioning of witnesses and defendants its preconceived ideas about this matter. It would have been futile, if not dangerous, for the defense to challenge those ideas. The court acquitted itself perfectly of the task assigned it by the promoters of the trial.

In conclusion, one cannot describe the show trial-like atmosphere which the prejudicial conduct of the bench gave these proceedings more aptly than in the words of the most widely respected attorney for the defense, Dr. Laternser:

At no time in any of the great international trials in which I have participated -- not even the International Military Tribunal Trial in Nuremberg-- was there the kind of charged atmosphere that prevailed in the Auschwitz Trial. Those trials had a far more objective atmosphere, even though they took place immediately after the cessation of hostilities.⁸⁶

A more devastating verdict on this trial cannot be imagined, especially if one bears in mind that the victors' trials of the post-war era, which Laternser mentions by way of comparison, have always been subject to severe criticism, even in the conquerors' own countries. Today few people would deny that they were purely show trials.

An equally devastating verdict on the Presiding Judge of the Frankfurt Assize Court appeared in a Swiss newspaper a few days after the beginning of the trial: The Presiding Judge was described as being probably the "best prosecutor in the courtroom"!87

It is perhaps superfluous to add that such a court could never arrive at a determination of historical truth.

[248-249]

The Prosecution and Accessory Prosecutor

By overemphasizing political and historical matters, the prosecutors and accessory prosecutors in the Auschwitz Trial greatly contributed to giving these proceedings the character of a show trial.⁸⁸ The prosecution considered all the defendants "guilty" simply because they happened to serve at the Auschwitz "extermination camp." In this regard, the prosecution did not make an exception even of Dr. Schatz, who served at Auschwitz as a dentist, though not a single witness could be found to testify against him. It demanded that he be sentenced to life imprisonment, and one of the accessory prosecutors even suggested "30,000 consecutive life terms," a suggestion that Laternser rightly described as "strange"⁸⁹

The prosecutors and accessory prosecutors thus revealed themselves to be not the servants of justice, but the instruments and representatives of those political forces which aimed from the very start at staging a show trial -- not that objectivity could be expected from the accessory prosecution, anyhow. As we have already noted (see p. 225 above), the prosecution in trials of a political nature frequently neglects its legal duty, set forth in §160, Paragraph 2 of the StPO, to search out facts which exonerate the defendants. This is only natural, since such trials are always initiated at the behest of a higher authority, and even prosecutors who are otherwise very scrupulous may consider it unwise to act contrary to the wishes of their patrons and superiors in the political system. The Auschwitz Trial was no exception in this regard. Assistant Prosecutor Wiese occasionally dared cross-examine witnesses on behalf of the accused.⁹⁰ In general, however, the prosecutors did not seem to consider themselves under any obligation to inquire into exonerating circumstances. They did not even seem interested in whether the witnesses were telling the truth, something about which there was often considerable doubt. Their rule of thumb was, as Laternser notes, that foreign witnesses always tell the truth, German witnesses are to be regarded with suspicion, and former SS members usually lie. They did not even balk at taunting and personally insulting the defendants and their attorneys. In an ordinary criminal trial, that would have been inconceivable. They could afford to be offensive since the Presiding Judge rarely censured such unprofessional and unfair conduct. As a matter of fact, he frequently overruled the objections of the defense to these tactics.⁹¹ It is not difficult to imagine the kind of psychological war of attrition the prosecutors carried on against the defendants during the years of pre-trial interrogation. In short, the search for truth was impeded, rather than furthered, by the prosecution. That is exactly the role the prosecution always plays in show trials.

The efforts of the prosecution to create, at the expense of the defendants, the picture of Auschwitz which the promoters of the trial thought [249-250] politically desirable were supported by the so-called accessory prosecutors, who were, of course, under no legal obligation to search for the truth. Their part in the trial was simply to represent the relatives of the alleged victims of Auschwitz. As Laternser emphasizes~ they strove above all to give the public a false notion of the number of victims, and with their legally groundless motions~ they were always trying to create a sensation.⁹² What is more, the accessory prosecutor Friedrich Karl Kaul often used the courtroom as a forum for Communist propaganda. For example, he tried to connect leading figures in West German industry with the Auschwitz concentration camp.⁹³ The very fact that this representative of a Communist regime was even given an opportunity to agitate in the court of a state supposedly based on law underscores the fact that the Auschwitz Trial was nothing but a show trial.

The Defense

Unfortunately, the defense in the Auschwitz Trial did not form a united front. As Laternser notes with a certain bitterness, the defense attorneys hardly ever agreed on anything. According to his account, some of them even avoided the defense attorneys' lounges preferring in stead to chat with the prosecutors and accessory prosecutors during recesses. ~" Evidently, they wanted to display aloofness from their clients~ though, of course~ their conduct can be explained otherwise. It is easy to imagine how depressing and demoralizing even the outward bearing of the defense attorneys was to the defendants. If in the course of the trial the defendants hardly bothered to put up any resistance, so far as the basic issues in the trial were concerned, and merely tried to save their own necks, that was at least partially the result of lack of encouragement from

their attorneys.

Far more important and remarkable is the fact, which emerges from all the documentary volumes on these proceedings, that none of the defense attorneys challenged the basis of the trial, namely, the allegation that Auschwitz was an "extermination camp." That would have required some research on their part, though that celebrated faculty called common sense is really enough to provoke skepticism about the allegations that keep the extermination legend alive. However, the defense seems to have taken at face value the picture of Auschwitz spread by the mass media. One would assume that in a trial as important--and not just to the accused --as this one, the defense would have shown a bit of initiative in acquiring information, and independence in interpreting it. At least, one would expect some member of the defense team to have requested permission to introduce into the proceedings an expert whose viewpoint on these matters was sharply antithetical to that of the prosecution. That expert could easily have been' the French historian Professor Rassinier, a man extremely well versed in the subject of the [250-251] concentration camps, whose most important works had already been published in German translation when the Auschwitz Trial began. He could have testified on the question of whether the alleged gassings were technically feasible, for example, or whether the Höß memoirs, which played a certain role in this trial, were actually genuine .95 Since none of the defense attorneys had the courage to do so, the whole defense team is open to the charge of having behaved in a manner typical of the performers in a show trial. They simply did not use every available means to oppose the political aims served by the trial, and thus failed the German people. From their conduct it is obvious that they could or would not recognize the tremendous social and political importance of this trial. Each one of them was concerned solely with securing an acquittal, or, at least, a more lenient sentence, for "his" client.

Sorry to say, this applies even to Dr. Laternser, who was the most steadfast member of the defense, and was therefore often attacked. Although it must be conceded that he constantly tried to oppose any argumentation that was irrelevant to the alleged crimes of the defendants and served only the political aims of the trial, he never left any doubt that he regarded the tale of the "extermination camp" with its "gas chambers" as a historical fact. At the beginning of his opening plea, he expressed his agreement with the prosecution's charge that "never in history has there been a persecution of the Jews equal in extent and gravity to that of the National Socialist regime." Further, he claimed that only the turn of events in the war and "not remorse or some other honorable motive" was the reason "Hitler and his accomplices did not finish the job of exterminating the European Jews ~"96

I am not really sure whether Dr. Laternser, an astute and experienced trial lawyer, actually believed all that himself, or whether he only pretended to believe it for tactical purposes. There is some reason to think the latter is the case. By taking this position -- which involved disregarding all the evidence against the extermination thesis -- he could argue, for instance, that the defendants were not "guilty" of "complicity to murder" by participating in "selections." True, the prisoners singled out as "unfit to work" were supposedly "gassed" forthwith; but Laternser insisted that Hitler had ordered the killing of all Jews transported to Auschwitz, so the "selections" actually "saved" part of the arriving Jews from immediate extermination. Since the others would have been "gassed" anyway, Laternser argued, mere participation in a "selection" could not be a legally punishable act.⁹⁷

But leaving this stratagem aside, Laternser may also have been of the opinion that a frontal attack on the extermination legend would have no hopes of success, and might even bring additional difficulties for the accused. We recognize this position from the Nuremberg Trials. A characteristic feature of the show trial syndrome is that the accused, whether from rational considerations or as a result of brainwashing, [251-252] nearly always adapt themselves to the political sum and substance of the trial. When a defense attorney takes the approach of accommodation (perhaps even forcing it on his client), the individual defendant may benefit in some cases. Morally this posture is deserving of condemnation, of course, if those who have chosen it are aware of the truth.

The Defendants

When one contests the allegation that Jews were gassed en masse in Auschwitz-Birkenau, the reply is often that even the defendants in the Auschwitz Trial admitted that this happened. For example, Langbein writes in his book *Menschen in Auschwitz*: "None of the accused SS members tried to deny that gassing facilities were present at Auschwitz." 98

Of course, this claim is no substitute for concrete evidence that "gas chambers" existed at Birkenau, evidence that is still lacking. If it were, one could claim with equal validity that witches really exist because during the Middle Ages some people accused of witchcraft "confessed," in many cases without their having been tortured.⁹⁹ But even Langbein's generalization is misleading. In most instances, the defendants in the Auschwitz Trial simply replied, when asked about

"gas chambers" and such, that they had "heard" something about them. Only two of the defendants, Stark and Hofmann, "confessed" to having taken part in some "gassings." (We shall return to this matter later on.) Furthermore, the defendant Broad claimed to have witnessed, from a hiding place, the "gassing" of Jews in the old crematorium, a claim we have already examined in detail (see pp. 145ff. and 164ff. above). A long line of defendants--Boger, Schoberth, Bischoff, Scherpe, Neubert, and Bednarek -- had nothing in particular to say about "gas chambers." It may be they were not even questioned about "gas chambers," since they were not involved in the charges against them. Two of these defendants were eliminated from the trial in the early stages: Bischoff (who died) and Neubert (who fell ill). Had they been asked, of course, they, too, might not have contested the "gas chamber" allegation.

In the introductory essay to his volume of documents on the trial, Langbein asserts that nothing prevented the accused from objecting to and refuting exaggerations.¹⁰⁰ From where he stands, this statement may make some sense, but actually it is totally at odds with the facts. No refutation of the gas chamber legend could have been expected from these people, who were without exception men of rather modest intellect. It is even possible they believed rumors about such things that they had heard someplace or other. Perhaps more decisive, however, was the trial atmosphere, the attitude of the other participants, including the defense, and the psychological stress of a pre-trial investigation lasting many years. Almost inevitably, this caused all the defendants to [252-253] resign themselves to their situation and defer to the presumptions of the court. In this, too, their behavior was typical of that of the defendants in a show trial.

As a rule, the defendants in show trials, whose "crimes" are the ostensible *raison d'être* of the proceedings, do "confess," and it is beside the point whether they do so as a result of brainwashing or in order to secure legal advantages for themselves. In the Auschwitz Trial, the latter was probably the case, even though some of the defendants, judging by their behavior, appear to have been victims of psychological manipulation that made them believe in the "mass gassings." We are acquainted with this phenomenon from the Nuremberg Trials.

Now, the mere fact that some of the defendants in the Auschwitz Trial "confessed" does not tell us whether their statements have any bearing on historical events. What matters is the content and reliability of those "confessions." As we have previously noted, even confessions must be thoroughly checked against other known facts and evidence before one can draw any conclusions about their credibility. The judges in the Auschwitz Trial neglected their judicial duty to check the facts, even when that was absolutely necessary, as in the case of Stark's and Hofmann's testimony regarding their direct participation in the "gassing" of Jews. The utter vagueness of these defendants' statements on an issue of such importance in this trial should have prompted the court to ask them a number of questions to clarify certain details of their testimony. But if we may rely on Naumann's reportage and Langbein's collection of documents on the trial, questions which might have helped get at the truth of the matter were never asked. This fact adds to the suspicion that we are dealing with a show trial. In their own view, the court and the prosecution were just acting logically. For neither the judges nor the prosecutors considered the "gassing of the Jews" to be anything less than an *a priori* fact, and, as we have shown, the defense shared this assumption. It makes no difference whether the judges realized their true purpose in the trial was merely to "sanction" this idea. By hook or crook, the show trial function of these proceedings, so glaringly conspicuous in this particular instance, was maintained from start to finish.

There can be no doubt that the defendants made "confessions" supporting the exterminationist dogma simply in order not to appear "uncooperative." These "confessions" were nothing more than an attempt to placate the court and the prosecution. They were probably made on the advice of the defense attorneys. If an attorney could succeed in persuading his client to "confess"--falsely--that he had shot inmates,¹⁰¹ how much easier it must have been to convince him that it is only to his advantage to affirm that he knew, at least from "hearsay," that "gassings" of Jews occurred, and even to acknowledge that he played some part in them, albeit a not particularly important one. Could one really expect these defendants not to have conformed, more or less, to [253-254] the "extermination camp" dogma underlying the Auschwitz Trial? Some of them had been illegally detained for years; they had perhaps been "brainwashed" under the direction of the Jewish Chief Public Prosecutor Bauer; they may have taken the mysterious death of the "reticent" Commandant Baer as an object lesson; and, finally, they found themselves at the mercy of a blatantly prejudiced court in a trial conducted in a climate of near hysteria.

All this quite plausibly accounts for the behavior not just of those defendants who stated that their "knowledge" of "gassings" was based on hearsay, but also for that of the defendants who claimed to have participated -- if only to a very limited extent -- in the alleged murder of Jews. After all, they could not deny that Auschwitz was an "extermination camp" and had "gas chambers" without going against the general line set by their attorneys. None of the defendants had the requisite courage for such independent action.

Taken strictly, Stark's testimony has few implications for the problem under discussion here. Stark was in Auschwitz only

until November of 1942. He was stationed at the parent camp, and never laid eyes on Birkenau. Some "witnesses" claimed to have seen him at a "gassing" in the old crematorium of the Auschwitz parent camp. Stark himself asserted that Commandant Höß had once ordered him to the roof of the crematorium to help with the "pouring" of Zyklon B into the "pouring holes." He testified that only one man, a member of the disinfection squad, was there to aid him. The alleged victims were 150 to 200 Jews and Poles who, he was purportedly told, had been sentenced to death by a summary court. Stark said that he could not disobey the order since Commandant Höß had threatened to gas him too, when he showed signs of hesitating.¹⁰²

Obviously, this "testimony" is of very little relevance to the extermination charge, since it concerns the purported execution of a summary court sentence, not the liquidation of Jews for racial reasons. Such executions were carried out by a firing squad, of course, not a disinfection squad. Stark's claim that an execution was carried out with gas is simply unbelievable. From everything known about these matters, it must be called an outright lie.

From Nuremberg Documents NI-9098 and NI-9912, which we have already mentioned in another connection, we know that Zyklon B was an extremely toxic gas; that its effects were immediate; that special training was necessary for its use; and that those who worked with it had to wear gas masks equipped with a special filter (see p. 211 above). All these facts were corroborated during the cross-examination of the defendant Arthur Breitwieser, who for some time was head of the disinfection squad at Auschwitz 103 Stark did not mention that he received any special training or that he wore a gas mask equipped with a special filter during the alleged "gassing." Since according to his own [254-255] testimony, he did not perform any specific task in this "gassing action," he could not have plausibly claimed that he had worn such a mask. Either on purpose or for want of knowledge about the whole subject, the court passed over these contradictions.

In addition, Stark insisted, when questioned further by the Presiding Judge, that the victims screamed for about ten to fifteen minutes after the gas had been introduced into the "gas chamber." Given the instantaneous effect of Zyklon B, this is impossible. When asked to describe how people gassed to death look, Stark was at a loss for an answer. It would be a waste of time to say anything more about the "testimony" of this "witness" other than it got him a relatively lenient sentence. Stark was sentenced to ten years imprisonment under juvenile law, since he was a minor when the alleged crime was committed, and according to one of the court's experts had been emotionally immature for his age.¹⁰⁴

The other defendant who, "after initial denials," as the Auschwitz Trial opinion puts it, admitted to a certain degree of participation in the "gassing" of Jews in a Birkenau "gas chamber" was the onetime Chief Guard of the Auschwitz camp penal compound Franz Johann Hofmann. From April to September 1943, he was in command of the Gypsy compound at Birkenau, that is, at a time when, so the story goes, the "gassings" had just begun in the "gas chambers" of the newly constructed crematoria 105 Hofmann must have been very well informed about these events, assuming for a moment they actually occurred, since he occupied a rather important post in Birkenau, and the Gypsy compound he administered was in close proximity to the new crematoria. Nevertheless, his testimony regarding these matters is vague and imprecise. According to both Naumaun and Langbein the core of this testimony is as follows:

There were beatings and physical abuse as Jewish details pushed the prisoners into the gas chambers which were disguised as shower rooms. The details were then gassed as well. That always led to great confusion; I even had to watch out to see that working prisoners weren't gassed along with the others. Yes, and sometimes we helped push. Well, what were we supposed to do? We were under orders.¹⁰⁶

That is all the defendant Hofmann had to report about the alleged "gassings" and "gas chambers." Certainly, it is not much, and should have elicited further questioning. His description of the "gassing" process contradicts all the other accounts. Usually, it is claimed that prisoners were taken to the "gas chambers" quite peaceably, since the disguising of the "gas chambers" as shower rooms effectively served its purpose of deceiving the prisoners about their fate. Hofmann, too, alludes to this camouflage, and so a contradiction arises that shows up the absurdity of his whole "testimony" on the subject of the "gassings": "There were *beatings and physical abuse* as Jewish details *pushed the prisoners* into the gas chambers, which were *disguised as shower rooms*."

[255-256]

Yet, the court failed to notice -- or chose to ignore -- the discrepancies in Hofmann's testimony. At least, it did not bother to ask any of the obvious questions. When Prosecuting Attorney Kfigler asked Hofmann for details, he replied: "I cannot give any more specific information than this"¹⁰⁷

Nothing could better illustrate the worthlessness of this "confession" as historical source material.

One question remains to be answered: What was the motive behind Hofmann's self-incrimination? Considering the position he occupied at Birkenau, only two possible courses of action were open to him. First, he could choose to tell the truth and deny that he had ever seen "gas chambers" at the camp; second, he could do as the other defendants did and "acknowledge" that they existed. If he chose the latter course, he would be forced to include some reference to his own participation in the "gassings," since, after all, he was a camp official. This might have seemed the easiest way out, if he thought he could prove his "participation" in the "crime" was minimal. To be the only defendant who disputed the basis of the whole trial, though that would have served the cause of truth, may have seemed to him an exercise in futility.

But Hofmann had another, more compelling reason to fall in line, and not offend the court and prosecution by an apparent lack of "remorse" for his "crimes." He had already been sentenced to life imprisonment by Assize Court II in Munich, on December 19, 1961, for two murders he allegedly committed at the Dachau camp, and he was now serving that sentence. It seems that Hofmann, like so many other former SS members who had to work in the concentration camps, had fallen victim to "professional witnesses." At any rate, a re-trial was initiated, and had not been concluded while the Auschwitz Trial was still in progress.¹⁰⁸ Were Hofmann to be sentenced to another life term, in the Auschwitz Trial, an appeal on his previous conviction would have rather doubtful prospects for success. He was thus eager to come away from the Auschwitz Trial with only a determinate sentence, from which the time he had already served on the previous conviction could be deducted if he won the appeal. The only conceivable way to obtain this advantage from the Auschwitz Trial court -- so his attorney must have advised him -- was to refrain from disputing the dogma underlying the trial and to admit his participation in the alleged "gas chambers" murders, something about which the court had no doubt, anyway, in such a manner that he could be convicted at most of complicity in murder. Unfortunately for Hofmann, this turned out to be a miscalculation.

Partly because of this miscalculation, partly because of manipulation by others, he was impelled to make a false confession. That may explain his outburst of anger when the Presiding Judge pressured him to make additional self-incriminating statements. According to Naumann and Langbein, Hofmann shouted: **[256-257]**

If I had to do it all over again, I wouldn't say one word. I am being saddled with one charge after another. If I had known everything that was still to come, I would have said nothing. Everybody is shouting for Hofmann: Hofmann is there and Hofmann isn't there. I don't know what you want from me.¹⁰⁹

These are not the words of someone with murder on his conscience. They are a cry of despair. Years of persecution and imprisonment had left Hofmann a broken man. He probably would have been at a loss to explain the statements he was forced into making.

It is possible, of course, that Jewish details did herd new arrivals into various rooms, as Hofmann testified. However, those rooms were just shower baths, not "gas chambers." Nothing could be more natural than to give new arrivals at a concentration camp a thorough washing and delousing. ¹¹⁰

To sum up, we can say that not a single one of the defendants in this trial gave convincing testimony that "gas chambers" existed at the Auschwitz camp. It is obvious that any statements they made to that effect were intended to help them get through the whole sticky business. Quite a few of the defendants "overdid it" in saying what was expected of them.¹¹¹ That is evident not only from the statements of Stark and Hofmann, but also from those of some of the other defendants who testified in the same vein. Their testimony clearly shows they were simply paying lip service to the Auschwitz Trial dogma in order to secure some advantage for themselves. Often they got so bogged down in details that they defeated the purpose. For instance, the defendant Stefan Baretzki explained his "knowledge" of the "gassing of the Jews" by claiming that camp personnel were "taught daily the reasons for the extermination of the Jew."¹¹² This is an obvious lie. Even the court acknowledged that Baretzki was not directly involved in the alleged gassings, but had merely participated in "selections." According to every version of the extermination tale, the "gassings" took place in total secrecy, and the circle of initiates was kept as small as possible. It is therefore altogether unlikely that Baretzki, who merely stood guard at "selections," would have received lectures from his superiors on the necessity of the extermination of the Jews. In his toadying to the court and prosecution, Baretzki went a little too far -- not that they held it against him.

Just as reckless -- and even more thoughtless -- was a statement made by Dr. Willi Schatz, who was accused of participating in "selections" at the Auschwitz railway ramp. "Never in my life," he said, "did I imagine that the 'ramp' would be my downfall."¹¹³ This remark can only mean that Dr. Schatz knew, while serving at Auschwitz, that the "selections" were not a preliminary to "gassings." Yet he had previously insisted -- no doubt in conformity with the guidelines of his attorney -- that it was "common knowledge" among camp personnel at that time that "Auschwitz was an

extermination camp" and "what selection duty was all about."¹¹⁴

[257-258]

Thus, in his attempt to accommodate those who were trying him, the defendant made statements blatantly contradicting the truth, well known to him, that the separation of the able-bodied from the infirm among new arrivals had nothing whatever to do with any homicidal designs.

However, Emil Hantl was the defendant whose claim to "knowledge" of "gassings" most distinctly revealed itself to be nothing more than a concession to the seemingly inalterable assumptions of the court. Though at first he dissociated himself from the alleged "gas chamber" murders, Hantl finally claimed that he had "saved the lives" of inmates who were to be gassed at Mauthausen towards the end of the war.¹¹⁵ His "knowledge" of "gassings" at Mauthausen was on the same level as his "knowledge" of "gassings" at Auschwitz-Birkenau. Today not even the Institut für Zeitgeschichte would dispute the fact that there were neither "gassings" nor "gas chambers" at the Mauthausen camp. This fact was also well known at the time of the Frankfurt Auschwitz Trial. That a defendant was allowed to get away with making such a statement, simply because it fit in so nicely with the extermination legend, once again points up the show trial character of these proceedings. The Hantl episode was typical of the whole atmosphere of this trial.

The Argumentation

At the heart of every penal trial lies the effort to determine the factual basis of the charges in the indictment. The court does this by weighing the evidence according to the ground rules set forth in the Rules of Judicial Procedure in Penal Cases (the StPO). In the following section, we shall examine how the Auschwitz Trial court handled the hearing of evidence.

The charges against the defendants in this trial were of the most diverse kind. Some of them were accused of murdering, as well as maltreating, individual prisoners and small groups of prisoners. Even taking part in the execution of death sentences pronounced by summary courts counted as complicity in murder. But the main charge against nearly all the defendants was that they had participated in some way or other in the "mass gassing" of Jews. In most cases, this accusation was limited to their participation in "selections," the sole purpose of which was allegedly to pick "gas chamber victims." Some were also accused of taking victims to the "gas chambers" or even supervising the administration of the "gassing agent" Zyklon B.¹¹⁶

The charge relating to direct or indirect participation in "gassings" was, of course, predicated on the assumption that "gas chambers" really existed at Auschwitz-Birkenau. As we have seen in the course of our inquiry, that has yet to be proved. The "gas chamber" allegation is precisely the point that should have been subjected to the closest scrutiny during the trial, but the court -- and everybody else involved in [258-259] these proceedings -- acted as though the research of contemporary historians had long since confirmed it as an indisputable fact. Despite the many absurdities and contradictions in the "gas chamber" legend, none of the trial participants ever questioned the physical existence or the technical feasibility of the alleged gas chambers. Even the defendants and their attorneys were careful not to cast doubt on the "gas chamber" legend. We cannot stress this point too much. For it was their position on this matter which resulted in, or, at least, contributed to, the shoddy argumentation in this trial.

Here again, we are reminded of a similarity between the Frankfurt Auschwitz Trial and the show trials the Allies staged after the war. In the Nuremberg trials, the basic rule was that a "fact of common knowledge" did not require proof. It was enough for the court to take "judicial notice" thereof.¹¹⁷ The same device was employed in the Auschwitz Trial. Since the post-war "re-education" of the German people, founded on Zionist and Bolshevik atrocity propaganda, had made the "gas chamber" legend into a "fact of common knowledge," the judges in the Auschwitz Trial *had* to take "judicial notice" of it, in a certain sense, since otherwise they would have been subjected to the most grievous professional disadvantages and personal attacks. Thus they set great store by evidence tending to prove that the defendants had performed certain tasks at the Auschwitz camp. Both from the standpoint of morality and penal law, these actions were in themselves usually quite neutral. Only with the tacit or express agreement of the trial participants could they be construed as complicity in "crime." The putative "crimes" themselves were seldom, if ever, put to the test of proof.

Given these circumstances, it may seem superfluous to delve any further into the nature of the evidence presented to the Auschwitz Trial court and the use that was made of it. However, we shall briefly consider these matters in the next few pages, since they shed additional light on the show trial character of the proceedings.

Depositions from Experts

Depositions from expert witnesses are defined as evidence in the Rules of Judicial Procedure in Penal Cases (§§72ff. StPO). According to Langbein, no less than twelve consultant depositions were submitted in the Auschwitz Trial.¹¹⁸ For the most part, they dealt with particular issues that are irrelevant to our inquiry. The most important consultative depositions in the trial are generally considered to be those of the experts on contemporary history. After the trial, they were published under the auspices of the Institut für Zeitgeschichte in two volumes entitled *Anatomie des SS-Staates*. This collection of documents contains the following depositions: [259-260]

Dr. Hans Buchheim: "Die SS--das Herrschaftsinstrument" ("The SS--Instrument of Domination") and "Befehl und Gehorsam" ("Command and Obedience"); Dr. Martin Broszat: "Nationalsozialistische Konzentrationslager 1933--1945" ("National Socialist Concentration Camps, 1933-45");

Dr. Hans-Adolf Jacobsen: "Kommissarbefehl und Massenexecutionen sowjetischer Kriegsgefangener" ("The Commissar Order and Mass Executions of Soviet Russian Prisoners of War"); Dr. Hehnut Krausnick: "Judenverfolgung im Dritten Reich" ("The Persecution of the Jews in the Third Reich").

According to Dr. Latenser, Broszat also contributed a deposition on "National Socialist Polish Policy," but it is not to be found in the published collection.¹¹⁹

From the very titles of the deposition, one can tell that they have little, if anything, to do with the main issue in the Auschwitz Trial or the alleged deeds of the defendants. The closer one studies these depositions, the more this impression is confirmed. To give but an example: Less than four printed pages of Krausnick's 165-page deposition are devoted to the "gas chambers" of Auschwitz-Birkenau -- the keystone of the extermination legend. What is more, in his treatment of this subject that "expert" relied largely on the memoirs Höß purportedly composed in a Cracow prison, which we have already shown to be completely inaccurate, indeed, possibly a forgery (see pp. 196ff. above). Thus Latenser is quite right when he says these depositions were "made in a vacuum" and "academic exercises so far as this trial is concerned."¹²⁰ Evidently the court lost sight of the function of experts in a trial when it commissioned these depositions.

In German trial law, experts are defined as helpers of the court. Their task is simply to provide the court with technical information (e.g., as to pathology, psychiatry, toxicology, ballistics, or other such matters) which it may not have at its disposal but which has been shown in the course of the trial to be absolutely indispensable to a judicial decision. Such information must, therefore, concern matters that pertain more or less directly to the main issues in the trial or to the defendant himself. As a rule, the questions that may be asked of the experts are narrowly circumscribed by the court, and for the most part must focus on certain specific points. "General discourses" on subjects not directly related to the charges in the indictment -- such as the Auschwitz Trial depositions mentioned above -- do not contribute to the purposes of a trial and are thus inadmissible. Had the Auschwitz Trial really been an "ordinary criminal trial," this rule would have been observed. However, as we have seen, the instigators of these proceedings never intended them to be an "ordinary" trial. They had other objectives in mind, and it was those objectives, above all, that the court was obviously endeavoring to further when it decided what evidence would be heard. The admission of such depositions as those cited above can be explained only in terms of [260-261] the show trial nature of the proceedings, what Naumann calls their "ethical, social, and educative implications." These depositions were designed as a kind of crash course in the version of contemporary history the instigators of the Auschwitz Trial wished to have presented to the press, public, and, of course, any jurors or other trial participants who might not think exactly as they were supposed to about such matters. Had the usual aims of a penal trial come first in these proceedings, the court would have thought it vital to consult a variety of experts on the questions presented by the extermination legend, if for no other reason than to gain an idea of the credibility of the witnesses and some of the documents. Here are a few such questions:

1. How long did it take Zyklon B gas to work and what were its effects?
2. How long did the gas remain active in a sealed room (without ventilation and/or with ventilation immediately after use)?
3. Could one enter such a room without a gas mask thirty minutes after application of Zyklon B gas, as some insist?
4. Could corpses be completely incinerated in a crematory oven within twenty minutes?
5. Can crematory ovens be operated day and night without interruption?
6. Can human bodies be incinerated in ditches a few meters deep, and, if so, in what length of time?

Obviously, the Auschwitz Trial court could not permit this heretical line of questioning. Had qualified experts been allowed to answer questions like these, most of the allegations made by the prosecution would have inevitably been demolished, the "eyewitnesses" to the "extermination of the Jews" exposed as liars, and the curtain would have fallen on the whole show. Nor did the experts commissioned by the court volunteer any answers to such questions -- after all, keeping the extermination legend alive was their bread and butter.¹²¹

It goes without saying that scholars representing a dissenting point of view were not even consulted in this trial. The French historian Professor Paul Rassinier, a former inmate of the Buchenwald and Dora concentration camps, who made a great contribution to bringing to light what actually happened in the camps, was not even allowed to attend the trial as a spectator. No doubt the forces behind the scenes were afraid of his keen intellect and ready pen.¹²²

If the historical aspects of the concentration camp question were indeed at issue in this trial, nothing could have been more appropriate than to bring in Rassinier, a man who had intensively studied the matter for well over a decade, as a consultant. The thorough and deliberate exclusion [261-262] of experts whose views were known to diverge from the official doctrine is just one more bit of evidence that the extermination legend was an inviolable taboo in this trial. The court made no exceptions.

In brief, we can say that in the Auschwitz Trial "experts" were carefully picked to insure the "correct" historical backdrop for the show. The court did not simply fail to oppose this maneuver on the part of the stage manager but aided it. The numerous and lengthy depositions presented by the "experts" from the Institut für Zeitgeschichte, which is devoted to the "re-education" of the German people, in no way served the purpose of evidence. Their "findings" were either immaterial or inadequately documented, though all the trial participants -- especially the judges -- proceeded on the assumption they were pertinent and factual.¹²³ In this trial, depositions from experts were reduced to the status of theatrical props.

Documents

In general, documentary evidence constitutes the surest and most reliable mode of proof, that is, assuming that the document in question is of indisputable authenticity and contains relevant information about a particular issue in the case. A written document becomes part of the argumentation in a legal proceeding when it is read into the record (§249 StPO). From the standpoint of penal jurisprudence, anything that expresses an idea is considered a "document," whatever its material substance, whatever its form, and whatever it means of expressing that idea.¹²⁴ Only written documents played a role in the Auschwitz Trial. As evidence for the extermination thesis, none of these documents went beyond anything we have encountered in the course of our inquiry. That is simply another way of saying they furnished no proof at all of gassings or gas chambers at Auschwitz. To review them here would be a waste of time, but a few supplementary remarks may be in order.

When Langbein writes, in the commentary to his collection of documentary material on the Auschwitz Trial, that a "wealth of documents" were read in evidence during the proceedings, he is apparently seeking to give the impression that copious proof of the extermination thesis -- in the particularly reliable form of written documents -- was produced at this trial.¹²⁵ Nothing could be further from the truth. Leaving aside the possibility that Langbein has grossly exaggerated the quantity of documentary evidence, one notes that the overwhelming majority of documents presented at the trial were only of secondary importance insofar as the "gas chamber" question is concerned, that is, they did not bear directly on the alleged gassings or gas chambers. What is more, he counts as "documents" even the depositions of deceased or absent witnesses, of which there were a great many. Under certain circumstances, the reading in evidence of a deposition [262-263] may serve as a substitute for the usual cross-examination of the witness during a trial. Of course, all it proves is that a certain witness made certain statements about certain subjects; it does not prove whether those statements are true or false. Such documents are in and of themselves no more proof that the witness' statements are factual than is any other form of oral testimony. In fact, they have even less probative value than oral testimony, since one cannot form a personal impression of the witness, something that is very important when it comes to evaluating testimony.

What we have said here about written depositions applies particularly to the court-ordered reading in evidence of interrogation transcripts from the "Belsen Trial" the British occupation forces conducted in 1946. The depositions in question are those of the Birkenau commandant Josef Kramer and the Auschwitz camp physicians Dr. Fritz Klein and Dr. Friedrich Entress.¹²⁶ Although it may seem nearly incredible that as late as the middle 1960's a German court would still use as evidence transcripts from military trials held during the foreign occupation, since by then there could no longer be any doubt that the defendants in those "trials" were frequently subjected to inhuman and illegal treatment, it was an irregularity quite typical of the Auschwitz Trial. Any testimony from those "trials" that gassings occurred at Auschwitz

was either obtained under duress or simply forged. Given the circumstances under which those "trials" took place, no evidence from them could be regarded as having any probative value whatsoever.¹²⁷ The admission of such "evidence" had nothing to do with justice or fact-finding, and only in a show trial would it have been possible.

Great importance was attributed to the so-called Broad Report (see pp. 145ff, 164ff above) and the memoirs Rudolf Höß allegedly composed while in a Cracow prison.¹²⁸ The complete text of the former, and sections of the latter, were read in evidence. In the case of both these documents, the court had only photocopies¹²⁹ to go by. Now, documentary argumentation may certainly be conducted with the aid of photocopies, but considering how suspect these documents are, one is astonished that the court was satisfied merely with reproductions, even though a few "experts" vouched for the authenticity of the "documents." As we have seen, the photocopy of the "Broad Report" presented at the trial was a reproduction of a typescript of the hand-written "original," and the only "corroboration" of its identity with that "original" was some highly dubious witness testimony (see pp. 213ff above).¹³⁰ As for the Höß memoirs, the court was satisfied with the expert Broszat's "credible assurance" that the copies he presented were faithful reproductions of the "originals" kept under lock and key in Poland.¹³¹ It never occurred to the judges to ask whether the "original notes" were themselves genuine.¹³² Here we see once again that the crucial question in this whole trial -- namely the alleged existence of gas chambers at [263-264] Auschwitz -- never really became the subject of argumentation, but was accepted from the outset as an established "historical fact." Otherwise one would necessarily have given some consideration to the authenticity of the Höß memoirs, parts of which were important for the evaluation of that question. As for the rest of their contents, they had no bearing on the issues in this trial.

The reading in evidence of these two "documents," which do not contain a word implicating any of the defendants in the alleged murder of Jews, could have only the purpose of arousing emotions -- with the aid of appropriate press coverage -- in order to strengthen the popular image of Auschwitz as a huge "death factory." Thus they were really not evidence at all, but simply a means of producing a demonstrative effect, in true show trial fashion. In show trials of every kind, such means are commonly employed to create a mood that will facilitate public indoctrination. A court that felt its first duty was to truth and justice would, at very least, have regarded documents so obscure in both origin and content with a critical eye. The Auschwitz Trial court did not bother to question even their formal authenticity.

Physical Evidence

Another aspect of argumentation, less strictly defined and regulated by law than witness testimony, consultations, documents, and interrogations, is the inspection of physical evidence, known in German legalese as *Augenschein*.¹³³ Above all, this term denotes the inspection of the scene of the crime and the examination of such exhibits as weapons, tools, articles of clothing, and other material objects connected with the crime or the criminal. Under the same general heading comes the viewing of photographs and locale sketches, likewise the hearing of tape recordings; in short, the scrutiny of any relevant physical evidence. As a mode of proof, physical evidence -- if genuine -- can be no less effective than documentary evidence in accurately reconstructing the sequence of events in a crime and in establishing the identity of the culprit beyond a reasonable doubt.

On June 8, 1964, the 53rd day of the trial, Accessory Prosecutor Henry Ormond requested a "site inspection of Auschwitz, the scene of the crime," explaining that not even the best sketches and slides could serve as a substitute for personal impression of the "extermination camp."¹³⁴ Apparently the exhibits to which he was referring were the plans of the camp displayed in the courtroom and the scale-model of a gas chamber which the Polish Auschwitz Museum had supplied for the trial.

For procedural reasons, the inspection of physical evidence can take place only before a full court and with all trial participants in attendance.¹³⁵ Evidently the court had some misgivings about that. In any case, on October 22, 1964, it issued a ruling that only one member [264-265] of the tribunal, District Court Justice Hotz, would undertake a site inspection of the former concentration camp at Auschwitz, provided an agreement could be reached between Bonn and Warsaw. This site inspection took place from December 14 to 16, 1964. The rest of the trial participants were given leave to visit Auschwitz at their own discretion. Only the fourteen defendants who remained in custody were denied permission to travel to Auschwitz. Besides Justice Hotz, all four prosecuting attorneys and the three accessory prosecutors took part. However, only thirteen defense attorneys -- not even half of the defense team -- and only one of the six defendants who remained at liberty, Dr. Lucas, went along. From the very beginning, the defense attorney Laternser energetically opposed the site inspection. His objections to it were pertinent indeed. In his argument of June 22, 1964, he pointed out that not

only must "natural changes have given the place an entirely different appearance" in the course of twenty years, but that the camp had also been "turned into a museum," which involved "extensive renovations" and "tendentious amplifications."¹³⁶

He was absolutely right. We have already seen, for example, that the crematorium in the Auschwitz parent camp was "restored" to its present state by the Poles after the war, at which time the purported "gas chambers" were added (see p. Sif. above). No doubt the Soviet occupation forces and the Polish authorities made many other changes in the camp and its environs during the ten-year period when they had the area cordoned off to outsiders. It is quite possible that the Frankfurt Assize Court had no detailed information about these alterations. Nevertheless, the court should have taken into consideration the fact that the changes time had wrought made it unlikely that a site inspection would yield any reliable evidence, as Dr. Latenser noted.

Since site inspection was not to be used in evidence at the trial, the pseudo-site inspection undertaken by one member of the tribunal was a procedural superfluity and plainly reflected judicial opportunism. The report on this visit to Auschwitz was, in fact, entered into the record. Thus, through the circuitous route of documentary evidence, a legally questionable site inspection ultimately became part of the argumentation.

This site inspection did not yield anything important enough to justify its expense. There is no indication in the Auschwitz Trial opinion that it was absolutely essential to the verdict, which would have been its only possible justification.

It did, however, contribute to the acquittal of the defendant Arthur Breitwieser, since it gave the lie to the only witness against him. This witness had claimed he saw Breitwieser at a gassing of inmates in the "Bunker." But the site inspection revealed that the "witness" could not have observed the defendant at the stated place. Between the "Bunker" and his alleged observation point stood a building that would have [265-266] blocked his line of vision. In fact, even if the building had not existed at the time, his claim should have been dismissed out of hand, for he asserted that he had recognized the defendant at a distance of 70 to 80 meters -- at night! ¹³⁷

Still, the site inspection gave the journalists who went along for the ride a good opportunity to intensify the effect of the show trial with emotion-laden, melodramatic reports, of which Bernd Naumann's outpourings in the *Frankfurter Allgemeine Zeitung* are but one example. ¹³⁸ Langbein, who called the "inspection of the place" an "important event in the trial," opined:

It made a deeper and more lasting impression on everybody who participated than any documents and testimony could have done. Judge Hotz, the only member of the tribunal who made the trip to Poland, took a considerably more active part in the cross-examination after his return. Auschwitz and Birkenau also gave some of the defense attorneys food for thought.¹³⁹

That the tour influenced the thinking of the defense may very well be true. Quite possibly, the aim of this whole business was to "soften up" the defense attorneys, or at least a few of them. Of course, it is doubtful that those who toured Auschwitz-Birkenau could have gained much of an idea of what the camp was really like when it was in operation. Leaving aside Latenser's cautiously phrased remarks, nobody bothered to call attention to this fact, which, in an "ordinary criminal trial," would have been thought worthy of mention.

Just as questionable as the site inspection itself was the display of pictures in the courtroom for evidential purposes. Nobody asked whether the groundplans of the camp were authentic or on the basis of what data the scale-model of a gas chamber was constructed. That these exhibits came from the Polish State Auschwitz Museum was presumably considered proof enough of their genuineness~ though, of course, the opposite should have been the case. It is significant that the court and its helpers -- as Langbein quipped with idiotic self-satisfaction -- "found their way around" those groundplans of Auschwitz better than many witnesses who had been interned at the camp. Only a single witness was on hand to explain the gas chamber model.¹⁴⁰ Naturally, he swore to its accuracy -- that was the purpose for which he had been summoned from Poland. Langbein went so far as to emphasize the importance of this witness in the following terms:

Only from his testimony did the full significance of the model become apparent.

Rather than rely on the claims of this witness, the court would have done well to demand that the data used for the construction of this "scale-model" be placed at its disposal, or even have the model-maker testify on the specifications from which he worked. But nobody involved in this grotesque trial seems to have thought of that.

[266-267]

Witness Testimony

All the evidence we have examined thus far was designed to produce the politically demonstrative effect so fervently desired by the promoters of the Auschwitz Trial. It contributed hardly anything to establishing the guilt or innocence of the accused, which rested for the most part upon witness testimony, which was even more of a problem here than it is in other trials. In its judgement, the court itself complained that the available factual information was thoroughly inadequate to determine the veracity of the testimony in this trial:

The court lacked almost all of the means normally used in homicide trials to piece together a picture of what actually happened. There were no corpses of the victims, no autopsies, no testimony from experts on the cause and time of death, no clues regarding the murderers, no murder weapons, etc. Only in rare instances was it possible to ascertain the validity of the witnesses' testimony.¹⁴¹

This statement is revealing indeed. It shows the whole procedural dilemma of this trial. Noteworthy is the court's admission that no traces of the legendary gas chambers are to be found in Auschwitz -- at least, that is how one might interpret the rather vague statement about the absence of murder weapons and so forth, since most of the defendants were accused of complicity in murders by gassing. Nonetheless, the court even acted as though the existence of such gas chambers were an incontrovertible historical fact, and so did not see any need to scrutinize witness testimony on that point.

More than a year was required to take the depositions of the 409 witnesses. Of these 248 were former inmates of Auschwitz, 91 had been members of the SS, and 70 did not belong to either group.¹⁴² Naturally, the overwhelming majority of these people, including some of the former SS men, were witnesses for the prosecution.¹⁴³ Just as in the Nuremberg trials, the defense had a hard time obtaining witnesses. Potential defense witnesses living in the Eastern Bloc were not able to get exit visas, since the authorities in those countries did not -- as Latenser was able to prove in some cases -- see the necessity of their testifying in a trial conducted by a German court.¹⁴⁴ And if such witnesses were eventually able to obtain a visa, or gave their depositions in their native lands, one could be sure they had become "turn coats" and would testify against the accused. ¹⁴⁵ As one would expect, German witnesses for the defense were extremely reserved, to say the least, in their testimony.

In this context, we should return to the problem of the reliability of witness testimony *per se* (see Chapter Three, Section I; pp. 107ff. above). Let it be repeated that witness testimony is generally the least reliable mode of evidence. That is why it is so important that all witness testimony be scrutinized in the light of known and certain facts. The Auschwitz Trial court had -- as it admitted -- hardly any possibility of [267-268] doing this. What is more, it evidently did not dare cast doubt on the testimony of foreign witnesses for the prosecution. On this point Latenser remarks:

They appeared before the court, gave their testimony--the origins of, and motives behind, which could not be checked--and departed for home. Their testimony involved almost no practical responsibility. However, the fact that a witness *must* bear responsibility for his testimony is a very important factor in the evaluation of it. In the view of the defense, a lot of these witnesses gave the impression that they did not think they needed to be too particular about what they said against "beasts in human shape," as a large section of the press called the defendants.

How much time and effort is devoted in a normal penal trial to determining the accuracy and origins of witness testimony! In the Auschwitz Trial, only the attorneys for the defense made the effort . . . It seemed as though the other trial participants accepted the testimony of foreign witnesses at face value. And one received the impression that the prosecution was determined to prevent by any means detailed and thorough questioning of foreign witnesses. To an extreme degree, the accessory prosecutors took the side of these foreign witnesses. Sorry to say, the court sustained the overwhelming majority of the objections the prosecution and accessory prosecution raised to questions asked by the defense. Thus most of the attempts to defend the accused were rendered futile.
146

Once again we are faced with the inescapable conclusion that the attitude of the court and the prosecution fit in perfectly with the general pattern of a show trial, in which the objective is not to discover the truth but to produce a politically demonstrative effect.

These observations do not apply to foreign witnesses only. German witnesses were not sounded out, either, if they gave the "correct" testimony. If they did not, they ran the risk of being arrested right in the courtroom.¹⁴⁷ On the other hand, foreign witnesses who had obviously committed perjury had nothing to fear. In its opinion, the court tried to dispel the impression that it was wanting in vigilance or objectivity. At the end of the previously quoted passage on the lack of

factual information available to it, the court stated:

For this reason, the credibility of witnesses had to be carefully checked . . . Whenever certain witnesses seemed to be inclined to telling fantastic tales, whether from a desire to show off or some other such motive, . . . the court did not make use of their testimony at all.

These fine phrases were intended to suggest to the reader that the court thoroughly checked all testimony. In practice, however, it gave credence to witnesses whose testimony was utterly nonsensical. Here are just a few examples -- we could cite many more.

For a start, let us take another look at Dr. Konrad Morgen, a person with whom we have already dealt in our discussion of the Nuremberg IMT Trial. In testifying about his visit to the "Birkenau extermination camp" at the "end of 1943 or the beginning of 1944," he made the following statement: [268-269]

In the enormous crematorium everything was spick-and-span. There was nothing whatsoever to indicate that just the night before thousands of people had been gassed and incinerated there. Nothing was left of them, not even a speck of ash on the cremation equipment. 148

We recall that when Dr. Morgen testified at the Nuremberg IMT Trial he described *Monowitz* as the "extermination camp" (see p.132ff. above). That he later tailored his version of the extermination legend to fit current fashion apparently did not move the court to question his credibility. But even the rest of his statement has all the earmarks of mendacity. There is no way in the world that thousands of people could be so thoroughly "exterminated" in a single night that "not even a speck of ash on the cremation equipment" was left to tell the tale.

None of Morgen's testimony, by the way, concerned any alleged deeds of the defendants 149 He incriminated nobody directly. Hence one may rightly call him a mere bit player in the Auschwitz Trial "show."

Another witness whose lack of credibility is obvious -- at least to those who have any familiarity with the literature on Auschwitz -- was Dr. Rudolf Vrba, who was brought over from England for the trial. (On the character and alleged experiences of the Auschwitz "eyewitness," see pp. 93ff, 160ff above.) If one may give credence to the documentary volumes on the trial, Vrba avoided going into tangible details, nor did the court question him about the contradictions and discrepancies in his earlier, written accounts. Above all, his accusations were directed against the defendant Robert Mulka. Solely on the basis of the testimony of this notorious liar, Mulka was remanded in custody, though he had been released a few months before on account of his failing health.¹⁵⁰ Thus it seems the court regarded even this teller of fantastic tales as a credible witness. Here we shall not go into the question of whether the court did not dare question the credibility of this witness, or whether it was simply ignorant of his literary productions. In the latter case, the worst that could be said is that the judges were ill-prepared for their duties in this trial.

A particularly neat example of how unquestioningly the court accepted any inculcating testimony, no matter how far-fetched, is the case of the Czech witness Filip Müller. According to his own account, he was a member of the *Sonderkommando* for the crematoria. (In his book *I Cannot Forgive*, Vrba claimed that Müller worked in one of the crematoria as a "stoker" and, therefore, was in a position to estimate the number of corpses burnt from the amount of fuel consumed!)¹⁵¹ Surprisingly, Müller -- again by his own account -- tells us that he worked in the *Sonderkommando* for the crematoria from 1942 on, that is to say, he escaped what was -- so the extermination legend goes -- the usual fate of *Sonderkommando* workers: Every three or four months, they, too, were "gassed and cremated," for "security reasons." Though he failed to give a convincing explanation for his survival, he was otherwise quite talkative. 152 [269-270]

For example, this frustrated martyr told of giant pits, near crematorium IV, in which corpses were incinerated. He described them as follows:

The 120-foot-long, 18-to-24-foot-wide, 7-to-8-foot-deep pits had indentations at one end into which the human fat ran off. The prisoners had to pour this fat over bodies so that they might burn more easily.

Further, he claimed that the "boss of the crematorium," SS Oberscharfuhrer Moll, would "take a child from its mother, carry it over to Crematory IV, which had two big pits, and throw the child into the seething fat." He also had something to say about "experiments" conducted in the crematoria. Once a "hunchback was put into a tub containing various chemical salts and acids, in order to obtain his skeleton." Also, SS men "cut flesh from the thighs of people shot in the crematories." For what possible reason that might have been done, this witness was at a loss to explain.

Any commentary on this "testimony" would be superfluous. One must say that it is astonishing that seasoned judges

would even listen to such utter--and in part, physically impossible --nonsense, when they should have immediately struck it from the record. Yet even though this man's tendency to tell fantastic tales was patent, the court never expressed any fundamental doubts about his credibility, and, what is more, even based its conviction of three defendants -- Stark, Lucas, and Frank -- on some of his stories.¹⁵³

Even these few examples are sufficient to warrant the conclusion that the credibility of witnesses. was not so carefully checked by the court as the previously cited passage from its opinion would have us believe. In the case of foreign witnesses, its dread of casting doubt on testimony incriminating the defendants was perfectly obvious.

Hence it ignored the fact that most of the witnesses for the prosecution were in some way dependent on, or influenced by, various interested parties. Dr. Latenser has brought to light numerous examples of the coaching and virtual subornation of ~ Perhaps his most damning discovery was that the International Auschwitz Committee sent information sheets to all these witnesses, to help them "orient themselves." Besides containing allegations about the overall situation in Auschwitz, they listed the purported crimes of the defendants, gave personal information about them -- including photographs -- and even their seat numbers in the courtroom.¹⁵⁵ Given such a state of affairs, it is simply incredible that the court was able to attach any significance at all to the professed recognition of a defendant by a former inmate. To be sure, this bit of judicial laxity was quite in keeping with the general pattern of a show trial.

Here we shall only note in passing that the testimony of many of these witnesses was, despite the most intensive "coaching," extremely [270-271] contradictory. If the reader thinks it worth his while, he may confirm this himself by consulting the volumes of documents on the trial, from which, presumably, the most drastic contradictions have been expunged. In this respect, the literature on the Auschwitz Trial presents the same familiar picture as the literature on the Auschwitz camp itself.

A very significant datum in determining whether or not these proceedings were a show trial is the fact that many witnesses for the prosecution did not stick to testifying in regard to the alleged crimes of the individual defendants, but wandered off into digressions about general conditions at the camp or alleged personal experiences having little or nothing to do with specific points in the indictment. Again we see that the main purpose was to achieve a politically demonstrative effect. In this case, it was facilitated, even promoted, by the presiding judge, who, as superintendent of the proceedings, could have called a halt to such meanderings the moment they started, as was incumbent upon him to do.¹⁵⁶

So far as witness testimony is concerned, perhaps the clearest evidence that we are dealing with a show trial is the fact that the first three ex-inmates who testified gave the court -- as Langbein notes with obvious satisfaction -- "only a general survey." These were the witnesses Otto Wolken, Ella Lingens-Reiner, and Hermann Langbein himself, who was instrumental in laying the groundwork for the Auschwitz Trial. For two whole sessions, Otto Wolken stood in the witness-box and recited to the court a series of totally unverifiable atrocity stories about camp conditions, some of them well-known, others obscure. All were obviously intended to fuel the claim that Auschwitz was an extermination camp, but completely unrelated to any specific charges against the defendants.¹⁵⁷ The witnesses Lingens-Reiner and Langbein gave similar performances. When, at last, Dr. Latenser rather cautiously admonished Langbein to keep his testimony to the point, the presiding judge turned a deaf ear to his plea, and let the witness ramble on.¹⁵⁸

More than anything else, what put the stamp of a show trial on these proceedings was the fact that so much of the testimony consisted of broad statements -- "general discourse" -- lacking any tangible point of reference to the alleged crimes of the defendants. There can be no doubt that one aim of a show trial is to implant in the public mind certain notions, demands, or-- as is particularly true of concentration camp trials -- unfounded guilt feelings. Nothing, it seems, could be better suited to attain this aim than impressing a large number of average citizens with testimony making a purely emotional appeal for the message one wishes to get across. No doubt it was with the view in mind that the International Auschwitz Committee and similar groups went about providing a supply of well-coached witnesses for the trial, something that may be unparalleled in the history of German [271-272] jurisprudence. Through an orchestrated mass media campaign, the tales of these "witnesses" were represented as incontrovertible fact to those who were unable to attend the trial. Here we see the extensive "social, ethical, and educative implications" of the Auschwitz Trial, to use the phrase coined by the courtroom journalist Bernd Naumann.

Langbein has claimed that the picture of Auschwitz that emerged from the witness testimony at this trial is of "historical value" and will "provide source material for the historians of the future."~~ Leaving aside the content of this testimony, his claim must be disputed simply on the basis of the manipulations disclosed by Dr. Latenser, who was in general hardly critical of the Auschwitz Myth.

Not one witness could describe beyond a reasonable doubt how a gas chamber looked and operated. Even to the Auschwitz "expert" Langbein that was perfectly obvious. With regard to the Birkenau crematoria, he admitted: "Only very little of what happened in these, the largest, buildings in the Auschwitz camp can be recounted by witnesses today."¹⁶⁰

In other words, none of the witnesses ever had a good look inside the walls of the buildings in which the extermination of the Jews supposedly took place. The lone witness who explained the scale model of a "gas chamber" from the Auschwitz Museum (see p. 266 above) is certainly no proof to the contrary. It may be worth noting that Langbein does not tell us either the man's name or occupation, and Naumann does not mention him at all. Presumably he was an employee of the Auschwitz Museum, whose only knowledge of "gas chambers" was the scale-model, which undoubtedly was the product of someone's imagination.

This brings us to the end of our survey of the evidential material in the Auschwitz Trial. It was, as we have seen, like everything else in these proceedings, designed to serve the purposes of the producers of the show. That the show had its effect on the public cannot be denied. History proves, however, that the effect of all show trials is short-lived, and this will also hold true for the Auschwitz Trial.

In the next section, we shall examine how even the Auschwitz trial decision carried to absurd lengths the gas chamber legend based on this muddled testimony.

The Judgement

The judgement in the Auschwitz Trial was everything one would expect of a trial that was not conducted according to normal rules of penal jurisprudence, but staged as a political show. It was not so much a judicial decision as a recapitulation of the distorted picture of events drawn in the course of the proceedings. Not the verdict and sentencing, but rather the judicial opinion, was the essential product of this trial. The defendants were little more than waxwork figures in a chamber of horrors tableau designed to impress on the German and international public [272-273] the historicity of the extermination legend. With this verdict, the whole German people was convicted of-- so the phrase goes -- "letting Auschwitz happen."

The panorama of horrors depicted in the court's written opinion loses some of its impact when one considers the disproportion between the sentences pronounced and the enormity of the alleged crime. Three of the defendants (Johann Schoberth, Arthur Breitwieser, and Dr. Willi Schatz) had to be acquitted since the "evidence" against them was not convincing enough even for this court. A particularly remarkable acquittal is that of Breitwieser, who was for some time the chief of the disinfection department of Auschwitz, which would have put him in charge of the men who allegedly introduced Zyklon B into the "gas chamber." As a practical matter, the acquittal of Breitwieser reduces to gas chamber allegation to absurdity. For in view of the fact that Breitwieser himself was "chief of the "gassing detachment," the circumstance that it could not be proven -- because of a most embarrassing breakdown in the stage management of the trials -- that he had ever been present at a "gassing" (see pp. 265 above) strictly speaking ought not to have borne any weight in the matter at all. Presumably the acquittal was thus some kind of "Freudian slip" on the part of the court.¹⁶¹

Eleven of the defendants received limited prison sentences. Most of them were given credit for time served in pre-trial custody, and had only to serve the remaining time. In two cases, those of Emil Hantl and Herbert Scherpe, this meant the prisoners went free the moment after their sentences were passed.¹⁶² It seems as though the purpose of such sentences was merely to forestall claims for indemnity. Hantl, by the way, was one of those defendants who exhibited the greatest "remorse," since he labelled not only Auschwitz, but also Mauthausen, as an "extermination camp" (see p. 332 above)!

Six defendants received life sentences, and they were not even the ones who, according to the indictment, had the most murders on their conscience. This peculiar sentencing rested on a legal regulation then in effect: Someone who committed even just a single murder automatically incurred a life sentence, whereas the accessory to the murder could -- but did not have to -- receive a lighter sentence.¹⁶³ The defendant Emil Bednarek, a former Auschwitz trustee ("Kapo"), who, according to the verdict, killed 14 inmates with his own hands, received a life sentence, while the defendant Dr. Lucas, whom the court found guilty of "mere" aiding and abetting in the murder of at least 4,000 people in the "gas chambers" of Birkenau, got off with a sentence of three years and three months. Assuming for a moment the alleged murders did occur, no rational person could regard the gross disproportion in the severity of the sentences as just. Something that may have played a role in the sentencing of Dr. Lucas is that, throughout the trial, he accepted the extermination thesis and showed "remorse." In general, however, [273-274] the kind of sentences imposed on defendants accused of participation in large-

scale "gas chamber" murders lead one to suspect that the court had its doubts -- at least subconsciously -- about whether these crimes actually occurred. Here we see the consequences, so baneful to the cause of justice, of the opportunistic attitude the court displayed throughout the trial.¹⁶⁴

But now let us turn to the Auschwitz Trial opinion.

Even though the presiding judge, stressed, in his oral opinion, that the "treatment of historical events" was not the proper task of the court, the written opinion, like the trial, dealt extensively with historical matters, instead of confining itself to determining whether the accused had committed legally punishable offenses, as would have been the case in an ordinary criminal trial.¹⁶⁵ The trial opinions reflect the same general abnormality, the same specific anomalies, as the argumentation. They are often irrelevant, unrealistic, contradictory, and even illogical; last, but not least, they are just as unconvincing in their assessment of the defendant's guilt as the previously mentioned sentences. In a manner of speaking, they are a mirror image of the whole show trial.¹⁶⁶

The first section of the written opinion deals with "The Establishment and Development of Concentration Camps in the National Socialist State."¹⁶⁷ It is a general, overall view and has nothing to do with the main issues in the trial. The second section treats in great detail various aspects of the "Auschwitz Concentration Camp": its construction, organization, living conditions, and related matters.¹⁶⁸ Admittedly, some of this material might be of slight value in a legitimately conducted trial. However, what made all these elaborations so necessary was that they could be used -- and this was the real aim of the Auschwitz show trial -- to connect the alleged extermination of Jews at the camp with a systematic murder program" created by the leadership of National Socialist Germany. More specific "findings" of this kind appear in the sections of the opinion dealing with the individual defendants and their supposed "crimes." For instance, in the section on the former camp adjutant Robert Mulka there is a lengthy discourse on the meaning of the so-called "selections," a term which the judges understood in the sense it is used in atrocity propaganda, and on the implementation of the "gassing of Jewish people" that purportedly followed them.¹⁶⁹

For want of space, we cannot reproduce all the nonsense contained in these general findings of the court, but here are a few of the more choice bits.

The description of living conditions at Auschwitz contains the following statement: "In Birkenau and its environs there was no drinking water. All the wells were contaminated with coliform bacteria."¹⁷⁰

Had that been the case, then probably no human being could have survived even a month there. Nevertheless, there are masses of former inmates who were imprisoned in Birkenau for years. A few of them [274-275] appeared as witnesses in the Auschwitz Trial, which should have given the court pause for thought.¹⁷¹ And, of course, the SS guards who lived there also could not get along without drinking-water. All this is obvious, just as obvious as the mental laxity of the judges who lent their names to this statement.

The idea that human life was not worth much at Auschwitz runs like an unbroken thread through the entire opinion, and often enough is explicitly stated. It is all the more surprising, then, that in the second section of the opinion the court goes into the "Guidelines for the Treatment of Prisoners" laid down by Reichsführer SS Himmler, which were binding for all the concentration camps.¹⁷² It even quotes, among other things, the following pledge of honor, which every SS member detached to Auschwitz had to sign:

Über Leben und Tod eines Staatsfeindes entscheidet der Führer. Kein Nationalsozialist ist daher berechtigt, Hand an einen Staatsfeind zu legen oder ihn körperlich zu mißhandeln. Bestraft wird jeder Häftling nur durch den Kommandanten.

Life and death of an enemy of the State is decided by the Führer. Hence no National Socialist has a right to lay a hand on an enemy of the State or physically abuse him. Any punishment of an inmate is administered only under orders from the Commandant.

Later on in the opinion, it is pointed out that corporal punishment of inmates required permission from the Inspector of Concentration Camps, SS-Gruppenführer Richard Glücks, and, moreover, could be carried out only in the presence of a physician, who had to examine the physical condition of the prisoner beforehand. In the higher ranks of the SS -- as the court notes on page 52 of the opinion -- it was an unspoken law that an SS man did not strike or shove an inmate, indeed, even so much as touch him.

All this seems rather paradoxical for an "extermination camp." Not until later on in the opinion does it become clear exactly why the court chose to bring up these guidelines issued by the Reichsführer SS, which certainly do not fit into the

general frame of reference of its judgement: The court needed them to establish the personal culpability of defendants accused by witnesses of having slain one or more inmates outside the "normal" "extermination program." If the defendant was not acting "on orders," but "against orders," that supposedly would be conclusive proof of criminal intent.¹⁷³ Of course, it is quite improbable that any SS man would have acted on his own in that way. In the Third Reich-- especially in the ranks of the SS -- discipline and obedience were the highest values, and infractions against them were ordinarily punished with the utmost severity. But this fact did not bother the court in the least. It even made the general assertion that SS officers, SS non-coms, and SS troops "constantly disobeyed" the guidelines for the treatment of prisoners and "not infrequently" maltreated inmates "to the point of death."¹⁷⁴ This "finding" of the court rests solely on witness testimony

[275-276]

and the consultations of "contemporary history experts." In the Auschwitz Trial, it was that easy to transform a fact contrary to the propaganda lies about Auschwitz into incriminating evidence.

A particularly embarrassing gaffe appears on pages 99-100 of the opinion. It shows just how little thought the judges gave the factual basis of the gas chamber theory. On page 99, the court asserts that the "disrobing and gassing areas" of crematoria I-IV were "underground, and the cremation ovens aboveground." On the very next page, it states that in crematoria III and IV the Zyklon B was introduced "via a small side window." Evidently two conflicting stories told by witnesses got mixed up here, and the court did not notice. The whole absurdity of the gas chamber legend could hardly be illustrated any better.

The general "findings" of the court on the "Auschwitz Concentration Camp" (section two of the opinion) are founded primarily on the "cogent and well-grounded depositions of the experts," as well as the memoirs Höß allegedly wrote in a Cracow prison and the Broad Report, the latter two of which contradict each other on many points.¹⁷⁶ We have already said what is necessary about the contents and quality of the expert witness depositions (see pp. 259-262 above). Likewise, our examination of the Höß memoirs and the Broad Report, elsewhere in this book (see pp. 164-168 and 196-216 above), has shown that these "documents" are highly dubious, both in origin and content. It is significant that the court's attempt to remove all doubt as to the authenticity and reliability of the Höß memoirs was a failure.

Apart from Brotszat's corroboration of its authenticity (see p. 263 above), the judges considered the whole of the memoir allegedly written by the former Auschwitz commandant to be genuine because -- as it stated in the opinion -- the author must have been "a person very familiar with conditions in Auschwitz" and "commanded a view of not just a part of the camp, but all of it."¹⁷⁷ This may be true in a general way, but that does not affect the judges' assertions in regard to the parts of the memoir pertaining to the "extermination of the Jews." And they are precisely the parts that matter. Höß' statements are none the more believable for the court's insistence that

Höß took pains to be exact and objective. With the accuracy of a bookkeeper, he depicted events in detail. Since those points on which his statements could be confirmed by witnesses were confirmed, the other facts in his memoirs also appeared to be credible and pertinent, except for a few dates about which the author did not seem to be entirely sure. ¹⁷⁸

Among the "facts" that the court regarded as "credible" and "pertinent" are that a single Birkenau crematory oven was capable of completely incinerating three corpses within twenty minutes, that one could enter a room without a gas mask a half hour after Zyklon B had been administered, **[276-277]** that thousands of corpses could be burnt to ashes in open pits without constant oxygenation and addition of fuel, and similar nonsense. When the court speaks here of "exactness," "objectivity," and the "accuracy of a bookkeeper," it only reveals its ignorance and credulity, if not opportunism. Did it really not occur to any of the judges that the witnesses who "confirmed" details of the statements attributed to Commandant Höß may have read the Höß memoirs, published in 1958, and gained their "knowledge" therefrom? And, after all, their contents merely corresponded to what had been appearing in the mass media for years, but especially during the period of the Auschwitz Trial. How can one believe that such "confirmation" has the slightest value?

Finally, let us take a look at the "crimes" of which the defendants were convicted. The purpose of a penal trial is, of course, to ascertain that a crime was committed, though the Auschwitz Trial -- as we have seen -- went above and beyond this modest goal. But, then, the Auschwitz Trial was no ordinary criminal trial. Of that there can no longer be any doubt.

A few of the defendants were convicted because, in the view of the court, it could be proved that they were guilty of maltreatment resulting in the death of inmates or of slaying inmates with intent. Perhaps one or two of these convictions were justified. Excesses of that kind in prisoner of war camps were nothing new, and no doubt they will occur again in the future. Since these convictions had nothing to do with the real Auschwitz question, namely, the alleged systematic murder of Jews in "gas chambers" as a result of orders from on high, we need not dwell on them. However, we should mention

the fact that the court reckoned the shooting of hostages and summary executions as "murder," as in the cases of the defendants Friedrich Wilhelm Boger, Hans Stark, Franz Johann Hofmann, and Oswald Kaduk.¹⁷⁹

Another series of crimes that figure in the opinion were related to the alleged killing of inmates by means of the injection of phenol into the heart, known in Auschwitz inmate jargon as "Abspritzen."^{*} This is also something that may actually have happened, but the court did not pursue the implications of the defendants' claim that this measure was reserved for the terminally ill, people who were, in the words of the defendant Josef Klehr, already "half dead."¹⁸⁰ Taking this into consideration, one could dispute that such euthanasia performed under the conditions then prevailing could really be considered murder, especially since — as is indubitably clear from the testimony of former inmates — it was undertaken only after medical treatment at the camp infirmary had failed to restore the health and working capacity of the invalid. In any case, these acts, which lead to the conviction of the defendants Josef Klehr, Herbert

"Abspritzen" may be roughly translated as the "knock-off shot."—T.F.

[277-278]

Scherpe, and Emil Hantl, had nothing to do with the "genocide" usually associated with the word "Auschwitz."¹⁸⁰

Nevertheless sixteen of the twenty defendants were charged with participating in legally punishable aiding and abetting in this much-cited "genocide." All the defendants who were convicted -- with the exception of the trustee Emil Bednarek -- were sentenced on the basis of this charge, either solely or in conjunction with other offenses. One is astonished at the kind of acts that were sufficient for the court to convict defendants of this particularly grave crime.

The basis of these convictions was the court's supposition that Jews were killed *en masse* in various areas of the Auschwitz complex by means of the insecticide Zyklon B, as a rule directly after so-called selections, whether these took place in the infirmary, at the railway ramp upon the arrival of a new convoy of prisoners, or in some other part of the camp. The court proceeded on the assumption that all the unfit, among whom were reckoned "women with children, the elderly, cripples, the sick, and children under sixteen years of age," were sent to the "gas chambers" forthwith. According to the Auschwitz Trial opinion, only between 10 and 15 percent, seldom more, of a newly arrived convoy were "selected," for labor and never more than 25 percent, and now and then, it happened that a whole convoy was sent to the "gas chamber."¹⁸¹

Here it must once again be emphasized that the court's whole ruling is simply based on supposition. As we have shown in the course of our inquiry, no solid and cogent proof of the existence of "gas chambers" has ever been produced, nor did the court demand it. Even the court's statistics lack any real, factual basis. They rest entirely on the speculations and assumptions of "experts" from the Institut für Zeitgeschichte, as well as some equally shaky witness testimony.¹⁸²

Given this state of affairs, only the "confessions" of the defendants Stark and Hofmann (see pp. 327-330 above) regarding their own "participation" in the "gassing of Jews" lent the convictions a semblance of legal propriety, since they admitted to acts which could be directly related to the crime, if it did indeed occur.¹⁸³ But all the other defendants would have been acquitted had normal standards of penal jurisprudence been applied, at least on the charge of aiding and abetting in the alleged "gas chamber" murders. The charges levelled against them in this connection were simply ridiculous, and only go to show how little factual substance there is to the "gas chamber" legend.

According to the Frankfurt Assize Court, the following acts were enough to warrant its conviction of these defendants for aiding and abetting in the supposed "gas chamber" murders:¹⁸⁴

Receiving and passing on teletype messages announcing the arrival of prisoner convoys (Robert Mulka and Karl Höcker);

Procuring Zyklon B for the Disinfection Department of the camp and placing an [278-279] order for an airtight door with the firm Deutsche Ausrüstungswerke GmbH (Robert Mulka);

Being in command of the guards during the arrival of prisoners at the Auschwitz railway ramp (Robert Mulka);

Standing guard at the railway ramp during the arrival of convoys of prisoners (Klaus Dylewski, Pery Broad, Franz Hofmann);

Participating in the selection of prisoners at the Birkenau railway ramp (Robert Mulka, Friedrich Wilhelm Boger, Dr. Willi Frank, Dr. Franz Lucas, Stefan Baretzki, Dr. Victor Capesius, Josef Klehr);

Participating in the selection of prisoners in the infirmary or other parts of the camp (Herbert Scherpe, Josef Klehr, Emil Hand, Stefan Baretzki, Bruno Schlage, Oswald Kaduk, Friedrich Wilhelm Boger).¹⁸⁴

At the time of the Auschwitz Trial, the legally punishable offense of aiding and abetting, which now comes under §27 of the Penal Code (the StGB), was covered by §49. According to this statute, a person was subject to prosecution for aiding and abetting if he knowingly aided, by moral or physical force, the chief actor in the commission of a felony or misdemeanor. This is not the place to examine all the legal ramifications of the statute. Here it should be enough to adhere to the prevailing view that this offense consists in aiding the crime of another with the intent of promoting its accomplishment by such acts as are generally suited to that purpose. Such aid may be given in the preparatory stages of the crime. The act of aiding and abetting need not bear a causal relation to the main offense, in the sense that it could not have been committed without that support. It must, however, tend to *further* in some way ("by moral or physical force") the accomplishment of the act that forms the sum and substance of the crime (the so-called *corpus delicti*), for example, in murder, the actual death of the victim. Naturally, all this presupposes that a crime has been committed, or, at least, attempted. Aiding and abetting is thus dependent (*akzessorisch*, as one says in German legalese) upon the main offense. Moreover, the accessory as well as the principle must act with premeditation. Likewise, he must know all the major circumstances of the crime, though he need not be aware of every detail of its execution. If he regards his actions as not tending to further the crime, if he sincerely believes that it would inevitable have been accomplished without his own contribution, then criminal intent is usually lacking, since intent on the part of the accessory, as well as the principal, must be directed towards the realization of the crime.¹⁸⁵ If the definition of aiding and abetting recognized in every ordinary criminal trial were applied to the previously mentioned acts of the defendants, the jurist would have to regard their classification as aiding and abetting in the alleged "gas chamber" murders -- for which there is no concrete evidence in each individual case, anyway -- as downright false, or, at very least, questionable. The layman, too, can only shake his head in disbelief at the conviction of the defendants for "aiding and abetting" the "crime." Perhaps *raisons d'état* had something to do with these convictions?

[279-280]

It is hard to imagine how receiving and passing on wires or requisitioning Zyklon B and placing an order for an airtight door could be construed as "aiding and abetting in murder." None of Mulka's and Höcker's papershuffling could have had the slightest effect, one way or the other, on the arrival of convoys or the subsequent fate of the prisoners. The wires they received did not even contain orders to "gas" these people, which purportedly had already been given in some roundabout way.¹⁸⁶ Even if one proceeds on the assumption that Jews were "gassed," this activity on the part of the camp adjutants in no way tended to "further" the "commission of the crime," as the statute on aiding and abetting puts it. Likewise, there was nothing criminal in requisitioning Zyklon B or placing an order for an airtight door. In Auschwitz, as in every other concentration camp, as well as in the army, Zyklon B was used to disinfect buildings and clothing. ¹⁸⁷ Airtight doors could be found everywhere during the war, in bunkers and air-raid shelters that certainly were not used to "gas" Jews. Though the court may have believed that the door was "intended for a gas chamber," it failed to state the grounds for that belief. (According to the purchase order, the door was bought for the mortuary of crematorium III; see p. 53 above.) Since it was impossible to determine the use to which the Zyklon B and the door Mulka ordered were put, he should have been acquitted on the basis of the principle *in dubio pro reo* (in cases of doubt, decide in favor of the accused). One gets the definite impression that both Mulka and Höcker *had* to be convicted, since their acquittal would have clashed with the general picture and certainly have caused a great uproar.

Just as incredible is that the court saw participation in the "selections" at the Birkenau railway ramp as an act of aiding and abetting. Taken objectively, these "selections" had nothing in the least to do with the alleged "gassings" of the Jews. In fact, Latenser aptly contended that they saved the lives of part of the new arrivals, who, so the story goes, were *all* to be "gassed" right away, under express orders from the Führer.¹⁸⁸ If this were so, the "selection" of the fit would have been in disobedience to those orders, and doubtless saved many people from certain death. So far as I know, one tenet of the extermination legend that has never been disputed -- it appears even in the Auschwitz Trial consultations -- is that able-bodied Jews were spared from immediate "gassing" as a result of policy disagreements within the SS-hierarchy.¹⁸⁹ Since the court evidently accepted every tenet of the extermination legend, including this one, its ruling that participation in "selections" constituted punishable aiding and abetting in murder makes it rather obvious that it was under considerable pressure to convict the defendants -- by whatever means.

Less ambiguous is the conviction of those defendants who did not "select" the new arrivals at the ramp, but stood guard, in

order to prevent them from fleeing, as was always a possibility. Thus the act of aiding [280-281] and abetting of these defendants consisted in ensuring that nobody destined for "gassing" escaped his fate, which, of course, presupposes that the arriving Jews were actually to be gassed and that the guards were aware of it. Even though the court proceeded on this unwarranted assumption, it should have made an effort to discover whether the defendants believed this act tended to "further" the gassing of the Jews, or whether it would have inevitably occurred without their assistance. In the latter case, they should have been acquitted, on the basis of the statute cited above, because criminal intent was lacking.

All the above considerations regarding the part of the defendants in the "selections" would be meaningful only if-- as we have noted -- those "selections" led, in each and every case, to the "gassing" of the unfit. In the literature on Auschwitz, however, we find instances of prisoners unfit for work being received into the camp or transferred to special camps, *ergo* not "gassed."190 Not only were the Auschwitz Trial judges unable to prove the opposite; they even confirmed it in the case of the defendant Oswald Kaduk -- who had enough charges against him, already--when they ruled that, despite his participation in a number of "selections" of sick inmates at the camp, he could not be convicted, since it could not be proved "beyond a reasonable doubt" whether "those selected were gassed or transferred to another camp."191 Why the court had these doubts with respect to only some "selections" is a mystery, for there is no tangible evidence to suggest that prisoners singled out as unfit to work in any "selection" were actually "gassed." Not even the precise dates of the various "selections" could be reliably determined. Given the general uncertainty about the subsequent fate of the "selectees," the defendants should not have been convicted on this count, if only because, as noted above, aiding and abetting is predicated on the proven occurrence of a main offense. Once again, it behooved the court to apply the principle *in dubio pro reo*. In the case of Oswald Kaduk, the court itself revealed the absurdity of the contention that the "selections" always meant "gassings."

In passing, let it be noted that the court showed a distinct lack of logic in its arbitrary estimates of the number of "victims" in these "selections." Sometimes it was 750, others 1,000, still others as many as 2,000 people who -- according to the verdict -- found their way into the "gas chambers." There is no rational basis for these disparate estimates.192

That the Auschwitz Trial court could not determine in a single case precisely when the selection in which the defendants were involved took place, and whether the selectees were really gassed, is perhaps the legally most disputable point about the convictions. The fact that complicity depends upon the clear-cut occurrence of a main offense should have made it absolutely necessary to find out these things in each particular instance.

[281-282]

This leads us to the inevitable conclusion that the court reached its decision entirely on the basis of presumption. Its manner of adjudication bears a distressing resemblance to the methods of the medieval witch trials. In those days, the occurrence of the "crime" had only to be presumed, since basically it could not be proved. Even the most distinguished jurists of the time -- for example, Benedikt Carpzow -- were of the opinion that in the case of "crimes difficult to prove" one could dispense with inquiring into the objective basis of the deed if "presumption" spoke for its occurrence.193 The medieval judges found themselves in the same position *vis-à-vis* the demonstrability of fornication with the Devil at the Witches Sabbath as the "enlightened" judges of the 20th century do in regard to the murder of the Jews in "gas chambers." They *had* to believe in such fictions, or else they would have been burned at the stake themselves. In a figurative sense, this also held true for the judges in the Auschwitz Trial.

This brings us to the end of our investigation. The final results leave no doubt that the Auschwitz legend is rooted not in historical actuality, but in the morass of muddled myth-making. There is not one shred of evidence for its historicity. The main pillars of the legend of the Auschwitz "extermination camp"-- the Cracow Höß memoirs and the Auschwitz Trial -- have proved too feeble to support it. What remains is for courageous and honest historians to make this clear to the international public. If this volume spurs them to do that, it has not been written in vain. Until then, may it provide intellectual ammunition and moral support to all those men and women of good will who are fighting against the defamation of the German past.