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*Our occupation policy
is dangerous*

Denazification or Renazification?

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THE elimination of Nazi influence from German political life rightly enjoys a high priority among Allied objectives. The war would have been fought in vain if the evils which brought it about were permitted to continue. American public opinion, therefore, generally accepts denazification as a necessary, even though unpleasant, task.

The more desirable an aim, however, the more necessary it is to avoid dogmatic insistence on a particular set of means. Should the wrong means be chosen, the efforts made would not only fall short of the goal but they might well aggravate the evils which are to be eradicated. In the case of denazification this warning is especially pertinent. The term itself evokes such a favorable emotional response that the average person will feel that hardly anything done in this field is sufficient. In such an atmosphere, quantity is easily accepted as a substitute for quality. The more people who are covered by the measures taken and

the harsher their punishment, the more popular is the entire policy likely to be.

American policy towards vanquished Germany, in regard to denazification as well as other matters, was at first planned on a rational and realistic basis. About a year after Pearl Harbor, the State and War Departments, always in touch with their English counterparts, began to make their plans for the enemy countries. The results of their work, so far as Germany is concerned, were eventually incorporated in the *Handbook for Military Government in Germany* and in the original version of what later became known as the Joint Chiefs of Staff (usually abbreviated J.C.S.) Directive 1067. These documents have not yet been made public, but enough is known of their contents to indicate that they aimed at a program which was moderate as well as practical. Essential American aims were to be secured but, in accordance with the principles of the Atlantic

Charter, chief reliance was placed on positive rather than on negative measures.

The plans in question were radically changed during the year preceding the Nazi surrender. In the summer of 1944, Colonel Bernard Bernstein, Mr. Morgenthau's representative in the European theatre of operations, succeeded in having the *Handbook for Military Government in Germany* discarded; the officers responsible for it were relieved of their assignments. The State and War Departments, however, were still clinging to what was more or less their own original version of J.C.S. 1067. On March 10, 1945, there took place a meeting of the Interdepartmental Committee in which Mr. Morgenthau took vigorous exception to this draft, which then bore the initials of President Roosevelt. A new directive was drawn up during March and April; it meant a substantial victory for the policies advocated by the then Secretary of the Treasury.

In the case of denazification, the change in policy meant the addition of more and more groups to the list of those liable to arrest or dismissal.

Ultimately the members of no fewer than 60 organizations became subject to "denazification;" the same applies to those covered by about 70 additional categories. There was no difficulty in finding reasons for these additions. It is the essence of a totalitarian state not only to force a large number of people into the ruling party, but also to draw every other form of social organization into its orbit. Organizations which are not disbanded are "coordinated." In this way, the majority of the

people are brought into at least nominal contact with the totalitarian system. If all those involved are to be eliminated from the country's social and political life, the blows are no longer aimed at the former ruling minority, but they affect the people as a whole. Indeed, the thesis of collective guilt, which obliterates the distinction between the instigators and operators of a totalitarian system and the people living under it, was at that time officially accepted in Washington. Denazification, as finally instituted, cannot be understood except in relation to this fact. On May 5, 1947, a War Department press release reported that, in the American zone of occupation, 3,278,000 out of a total of 11,825,000 persons were chargeable as Nazis and militarists. This was after the so-called Christmas and youth amnesties, and if we bear in mind that those chargeable included a high percentage of heads of families, it will be seen that "denazification" applied to such a large sector of the population affected all by its direct or indirect consequences.

MASS ARRESTS

In the early stages of denazification, mass arrests were its most spectacular feature. The number of those arrested in the American zone, and often interned in the concentration camps of the defunct Gestapo, reached a peak of 100,000. Protestant as well as Catholic leaders in Germany protested. A dispatch to the News Service of the National Catholic Welfare Conference, dated May 6, 1946, gave the following details about the background of the protests:

Blueprint patterns thus are applied perfunctorily even to people who have produced dependable witnesses and ample evidence to prove their consistent hostility to and active resistance against the Nazi regime. There are instances of Catholics and even members of religious orders, who were interned months ago under American, British or French military orders without ever having been given a hearing and often without being granted the privilege of communicating with their families and friends. Agencies such as the Army's Counter-Intelligence Corps, sometimes operating with methods that senior military government officers have termed caustically as those of 'junior G-men,' frequently have perpetrated arrests wantonly. Commanding officers have admitted to this correspondent that people often are hired as special agents who lack experience and a sense of discretion, and even people motivated by petty instincts of revenge and personal hatred who hardly had gone through the most elementary training for so delicate and responsible a job.

These facts may come as a surprise to many of the readers of this article. It should, however, be borne in mind that arrests without warrant, and without *habeas corpus* were and still are quite "legal." The Potsdam declarations—preceded, in this respect as in others, by a corresponding provision in the final version of J.C.S. 1067—provided that the military authorities could arrest not only members of certain groups, but also "any other persons dangerous to the occupation and its objectives." Thus anyone could be ar-

rested without redress. Strange incidents occurred. There was a provision that people arrested as members of a certain group were not to be released under any circumstances. In this case as in others, some arrests were due to mistaken identity. When the facts were uncovered, the military authorities first professed to be helpless, and changed their attitude only after a well-known American journalist threatened to publicize the errors made. The situation is unsatisfactory even in the case of those who were arrested for good reason. Tens of thousands of them have now been held for more than two years. During this time no effort was made to re-educate those who might have proved redeemable. All, including many able-bodied men, were kept in idleness and fed at public expense, in spite of the fact that a scarcity of labor developed, and that properly supervised reconstruction work was the least which those really guilty could have done in expiation for their deeds.

Removals from office were, of course, more numerous than arrests. At first, they were, for the most part, limited to public employment where they did not fail to produce their share of unexpected results. In one Bavarian district it was found, for example, that more than 90 per cent of the judges were members of the Nazi party and had as such been summarily removed from office. This, of course, implied that they could not be employed except as ordinary laborers, and that they might be expelled from their homes. The high percentage of party members seemed strange to the legal divi-

sion of the Military Government. Investigation revealed that the Nazi boss of this particular area had wanted money in order to build himself a palatial office building. So he went to see Hitler, and after his return he called a meeting of all court employees from janitors to judges. He told them: "Our beloved Feuhrer is very pleased with the work which we are doing in this district and, as a result, he has conferred upon all of you the honor of membership in the party. Heil Hitler!" All had to pay their initiation fees and their dues, and the palace was built. The prompt action of the legal division of the Military Government secured redress in this instance; the case of each justice was investigated separately, and a decision made upon his personal merits, which made possible the reinstatement of the majority of the judges.

SCHOOLS

In Germany, practically all teachers, from the grade schools to the universities, were public officials. The *Report of the United States Education Mission to Germany* contains these remarks on the denazification of schools:

Meanwhile children have not stopped coming to school age, nor will they stop. So the schools had to face and will have to face their basic problem of educating all German children with a professional personnel inadequate in both quality and quantity. Nor is recruitment ready even if it were more ready than it is. For the time lag between recruitment and graduation of new teachers, many former teachers who are almost

certain to be exonerated by the courts remain idle, their function unperformed, and their plight an easy focus of community discontent.

Removals of people from their positions in professional and business life were, in many ways, more important in their immediate effects than removals from administrative or teaching positions. Large-scale dismissals of all kinds of employees in industry are the result of the so-called "Law No. 8" which was promulgated, and became effective (and some also say, conceived and drafted) on September 26, 1945. Those dismissed could not be re-employed except as ordinary laborers. Neither Potsdam nor J.C.S. 1067 made such sweeping prohibitions necessary. Mr. Laird Bell, the former Deputy Director of the Economic Division of the Military Government, in a lecture delivered before the Chicago Association of Commerce on March 20, 1946, had this to say on the background of this law:

Military Government detachments responsible for their districts as they came in on the heels of the armies had, in order to prevent starvation, to put to use anybody or thing that they could lay hands on. They wanted the waterworks to pump even if the engineer had been a Nazi. They wanted the railroads to run despite the fact that probably 90 per cent of the personnel were party members.

But immediately a clamor arose from this side of the water that Military Government was not being tough enough. Now if there's anything that insults a regular Army officer, it is the

charge that he is not being tough. So whenever a newspaper at home used those dreadful words, something violent had to be done about it in Germany next day. Steps of increasing severity were taken—drastic and showy if possible or at least accompanied by a press release. But still the press was not satisfied.

I might pause here to consider a phenomenon that puzzled me a great deal in Germany, the sensitiveness of the professional military man to criticism in the press. Here are men secure in their jobs, always able to justify themselves as simply carrying out orders from higher authority, supposedly above the heat and fury of political controversy; you would think they might be somewhat immune to press criticism. But the smallest article in an obscure journal seemed to agitate the high command as the mouse is supposed to trouble the elephant. And another phenomenon that went with this was the bloodthirstiness of the so-called liberal press. They seemed to feel any deviation from the Morgenthau line was somehow wicked, and the combination of military jumpiness and the willingness of the minor press to take advantage of it had the effect of making our application of our punitive policy self-consciously harsh.

Examples testifying to the detrimental effects of this law could be multiplied. Inasmuch as coal production is of such crucial importance not only to Germany, but to all of Europe, it is interesting to note that the report of a British parliamentary committee which visited Germany in the summer of 1946 contains this



Burck in *The Chicago Times*
"HIS DISH"

sentence: "No man, for instance, who has been a Nazi can in 1946 be a technician in a mine, whereas, in 1945, no man could be a technician in a mine unless he was a Nazi." Or take the fact that in the American zone more than 10,000 railroad employees, mostly technical personnel, such as engineers and brakemen were dismissed on the same day. It was generally anticipated that the result would be a lowering of both the efficiency and the safety of the railroads, a fact which must be evaluated in combination with the circumstance that, in the summer of 1947, the bottleneck in transportation became as bad as, if not worse, than, the bottleneck in the production of coal. Besides, even if a locomotive engineer or, for that matter, a postman, had been a Nazi (provided that he was not a criminal, or a notorious Nazi) is that reason to

expect political danger from his continued employment?

So far as the professions are concerned, consider the example given by Lord (formerly Sir William) Beveridge in his booklet, "An Urgent Message from Germany:" "A British officer concerned with public health named me as one of his difficulties that nearly all the best surgeons and medical specialists in his region were behind our bars. The best oculist in Hamburg is no longer allowed to save people from blindness." Lord Beveridge concludes: "The policy of de-Nazification that we accept in Potsdam is a policy fit only for a totalitarian state." Another observer, Dr. Hans von Hentig, an exile from Nazi Germany, who is now teaching at the University of Iowa, commented: "Former surgeons now make chairs; former judges paint dolls; university teachers pluck hops or repair fences. The ones hardest hit, on the basis of party membership, are the grade school teachers. Hundreds of thousands of them have sunk into a sub-proletarian existence."

It will be said that the entire program of denazification has now been handed over to the Germans, and that it is up to them to administer it in such a way as to exclude injustice. Essential provisions, however, of the so-called "Law for Liberation from National Socialism and Militarism" were not contained in the German draft; considerable pressure had to be brought to bear on the German leaders before they could be induced to accept the American program. The German objections, which are shared by a great many of our own officials, center on

the following provisions: first of all, in the appendix of the law there reappears the large list of organizations and categories which had been drawn up in Washington at a time when wartime passions had reached their peak. Some of these groups do not belong there on any count; others should be eliminated because the task involved cannot be handled properly as long as it is not reduced to reasonable proportions. The *Spruchkammern* can handle tens of thousands of cases, but not millions. Second, those covered by the provisions of the law are presumed to be guilty unless they prove themselves innocent. This is contrary to the rules of criminal procedures prevailing in countries where the common law applies. In other countries, to be sure, the opposite rule obtains, but then this is hardly a commendable feature of their legal system, and besides, in the past (always, of course, excluding dictatorships) the practical handling of indictments and trials greatly mitigated the evils inherent in this rule. Careful investigation of every single case preceded an indictment. In the case of denazification, indictment is brought against millions without previous investigation. Third, when a German *Spruchkammer* classifies people as mere followers, or as anti-Nazis, the special branch of the military government may review their cases and often does. This prolongs uncertainty, and is contrary to the professed intention of "dumping it all into the laps of the Germans."

A great many additional details could be mentioned, and some of the oddities characteristic of the operation of the law could be related.

Suffice it to say that the task handed to the *Spruchkammern* is so vast that some have calculated that their work will not be completed before the year 2000. Optimists are willing to cut the time in half, but those deprived of their positions, their homes, and of higher rations may be forgiven if they are not impressed with the difference in the estimates. Irrevocably, harm has already been done; much more harm will be done unless a drastic change is adopted without delay. Men who were on the spot have left no doubt about this necessity. Professor Max Rheinstein of the University of Chicago, a member of the Legal Division of the Military Government, made the following remarks in the course of a talk which Senator Morse inserted into *The Congressional Record* of March 31:

Economic rehabilitation is delayed and the millions of outcasts are being welded into a solid block of malcontents and desperadoes who are driven back to nazism or driven into it for the first time . . . Our denazification methods are making martyrs of inconsequential little fellows, are hitting too many wrong people, bar the road toward conversion of the former Nazi who has learned his lesson, retard economic rehabilitation, thus prolong semi-starvation, i.e., the worst possible climate for democracy, and are driving into sterile hatred and resentful opposition millions of people who might otherwise have been sincere democrats.

The point has now been reached where diplomatic necessities have added their weight to that of the arguments set forth above. In

August, an order was issued by the supreme commander of the Russian forces in Germany, which not only stated that denazification had been completed in the Russian zone, but provided that the vote was to be restored to all former Nazis who had not "participated in crimes against the peace and the security of other peoples or in crimes against the German people." It was, of course, known that the Russians did not take denazification too seriously—in fact no one took it quite seriously except the Americans—but this particular order went a great deal farther than could have been expected. It can hardly be understood except as a diplomatic move against the Western powers, whose own countermove was slow to materialize.

What should be done? Aristotle, in his *Constitution of Athens* reports that, after the overthrow of the tyranny of the Pisistratidae, "the Athenians, with the usual leniency of the democracy, allowed all partisans of the tyrants who had not joined in their evil deeds in the time of troubles, to remain in the city," where, apparently, they were left undisturbed. It might be argued that this policy of "denazification" was eminently successful, assuming that the ultimate aim is "democratization," for Athens was afterwards, with two brief interruptions, a democracy for 170 years.

In the case of Germany, it would indeed be wise to give immediate attention to major offenders and have them brought to justice. This task is now delayed by the necessity to clear the great many little people who will have to be cleared some

time; if a general amnesty were granted in their favor a concentrated effort to deal with criminals and the leading supporters of the Nazi system would become possible. Criminals are easy to identify; in regard to those whose guilt consisted in political acts, a satisfactory definition is difficult. A solution might be found by letting the German authorities frame their own measures in regard to political offenders. They might not do too badly. When at the conclusion of the Nuremberg trials von Papen and Schacht were acquitted, a genuine wave of indignation swept over Germany, indicating that the majority of the people were guided by the right instinct. If such feelings can be translated into action, the problem can be solved. That it should be solved by action genuinely originating with the Germans would seem to be required by the fact that when nationals of a country have committed deeds as reprehensible as were committed by Germans under the Nazi system, a

people has the duty as well as the right to purge itself of the responsible elements. Moral regenerations can, after all, not come from the outside.

There have recently been reports that General Clay was considering a change in denazification methods which would eliminate the bulk of the little people by having them pay a fine. The willingness to make a change is more important than the method proposed, which might or might not be satisfactory. These reports were immediately followed by protest from well-meaning people in this country who were afraid of leniency to real Nazis. They were not aware of the extent to which "denazification" as now handled has in reality contributed mightily to the renazification. A Congressional investigation, in the course of which all the cards could be laid on the table, would clarify the situation. The average American will not support the present form of denazification if he has access to the facts.

A carefree dealer wanted to borrow \$50,000. "That's a lot of money," said the banker. "Can you give me some kind of a statement?"

"Yes," replied the dealer with enthusiasm, "I'm optimistic."

* * *

Air travelers arriving in London are no longer permitted to kiss or hug persons awaiting them. Too many use the embrace as a means to smuggle in goods duty-free.

* * *

Red-Feather Colbert, famous Chickasaw Indian painter, was the chief attraction at a woman's club dinner. He was dressed in tribal costume, with a necklace of cruel-looking teeth.

"What kind of teeth are they?" asked one of the women.

"Alligator teeth," the Indian replied.

"No doubt," the enlightened guest said, "they mean the same to you as pearls do to us."

The Chief smiled. "Well, not quite. Any man can extract pearls from an oyster."

Don't Chain the Movies!

By Max Knepper

Author, Journalist

MORE agitation exists today for some type of government censorship of motion pictures than at any time since the early thirties, when Hollywood's flouting of conventional moral standards brought about the formation of the Legion of Decency and a tightening of the Hays Code. Since freedom of the movies, unlike press, speech and assembly, is not a constitutional right nor an Anglo-Saxon tradition, Hollywood is far more vulnerable to censorship threats than the older forms of public expression.

Desirability of motion picture censorship involves the question of the movies' influence on public morals and behavior because that influence is the only excuse for the existence of a censorship. Political censorship is highly repugnant to most Americans and would not be intentionally instituted by them. Censorship to protect the social order, which might appeal to conservatives, is unnecessary, as Hollywood's products consistently demonstrate the material benefits of capitalistic society. Where else can a \$40-stenographer live in a penthouse and wear furs even *before* she marries the boss' son?

Examination of current sentiment for public regulation of motion picture production shows that it derives from belief—mostly sincere—that

the movies are a contributing factor in the rising wave of delinquency and general lowering of moral standards characteristic of the day. Religious groups strongly opposed to divorce or drinking are especially bitter about what they feel is Hollywood's tendency to propagate these evils. Their ranks have been fortified by influential newcomers hailing from the professions of sociologist, probation officer and crime prevention authorities. During the past few years, prominent spokesmen from these fields have boldly indicted Hollywood as a cause of our mounting juvenile delinquency. Since the motion picture industry has exercised self-censorship for more than 20 years under its Hays Code, the implication is that "self-control" has not been a successful experiment and a more drastic control is required.

For the uninitiated, it must be explained that the Hays Office (now the Eric Johnston Office) has no legal authority but instead is a private institution supported by the motion picture producers themselves. Its rules are voluntarily adhered to by the film makers, and the rigidity of its censorship relaxes with producers' demands, box-office currents, and the degree of pressures from special groups. By and large, the producers observe the code in letter but not always in spirit, which is