

**Denazifying Germany:
German Protestantism and the Response to Denazification in the American
Zone, 1945-1948**

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Abstract

Following the Second World War, Germany underwent a process designed to remove elements of Nazism from its population called denazification, and this process was the most far reaching in the United States' Zone. As Germany lay in ruins, the Church experienced a surge in popularity, and the Protestant church in particular began to explore issues of guilt and judgment. In this dissertation, I aim to explore the relationship between the US Military Government, led by General Lucius Clay, and the Evangelical Church of Germany (EKD), led by Bishop Theophil Wurm, Martin Niemöller and others, on this issue of denazification. The first phase of denazification, which lasted from May 1945 – March 1946 was administered by the United States. This was the harshest phase of the process, where everyone in the US Zone had to defend their time during the war years, and many were arrested without trial simply for having an affiliation with Nazism. Due to the size of the task and the return home of many American troops, however, denazification was transferred over to German administration in 1946, and generally made more lenient thereafter. Although the council of the EKD accepted their own guilt at Stuttgart, they believed that denazification could not morally rehabilitate the Germans into society. They fought against denazification in letters, statements, sermons, testimony, and numerous other ways that I will explain in my work. I aim to complete a picture started by other historians and explain the relationship between US Military Government and the EKD drawing heavily on German, British and American sources found in archives, memoirs, memorandums, laws, newspapers, and secondary historical works. The aim is to give equal focus to both the German Protestant church's moves against denazification and the US Military Government's response.

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Author's Declaration

I confirm that the work contained herein is my own and has not been previously submitted at this or any other institution for another award.

Introduction

*“Almost the entire world indicts Germany and the Germans. Our guilt is discussed in terms of outrage, horror, hatred, and scorn. Punishment and retribution are desired, not by the victors alone but also by some of the German émigrés and even by citizens of neutral countries. In Germany there are some who admit guilt, including their own, and many who hold themselves guiltless but pronounce others guilty. The temptation to evade this question is obvious...”*¹

- Karl Jaspers, *The Question of German Guilt*

*“World history is the world’s court of justice.”*²

-Friedrich Schiller, *Resignation*

In 1945, shortly after the fall of the Third Reich, the philosopher, psychiatrist, and theologian Karl Jaspers began a series of public lectures that asked the question that would define the occupation years: “Are the German people guilty?”³ In these lectures, Jaspers’ main argument was that “[t]he guilt question is more than a question put to us by others, it is one we put to ourselves. The way we answer it will be decisive for our present approach to the world and ourselves.”⁴ Jaspers was a committed anti-Nazi who had lost his teaching position in 1937 for writings that criticised racism and nationalism, and for having a Jewish wife.⁵ From his perspective there were varying degrees and types of guilt, and these differences were the basis for his lectures. His ideas were condensed in 1947 in his short book *Die Schuldfrage*, or *The Question of [German] Guilt*, which stood not as an “evasive apology nor a thorough condemnation” but rather an examination of

¹ Karl Jaspers, *The Question of German Guilt*, trans. E. B. Ashton (Fordham University Press: New York, 2000), 21.

² “*Die Weltgeschichte ist das Weltgericht*”.

³ Jaspers, *The Question of German Guilt*, vii-viii.

⁴ *Ibid*, 22.

⁵ *Ibid*, xvi.

degrees and types of guilt to explain how Germans might carry criminal, political, moral, and metaphysical guilt.⁶ Of these, he found metaphysical guilt the most interesting; his definition for it was that “[t]here exists a solidarity among men as human beings that makes each co-responsible for every wrong and every injustice in the world, especially for crimes committed in his presence or with his knowledge. If I fail to do whatever I can to prevent them, I too am guilty.”⁷ His conclusion was that the only way to create a new Germany was to confess German guilt to the world, and restructure society with God at the centre.

Then, what was the process known as denazification? Was it anything more than a foreign attempt to force individual Germans to reflect and be punished for their own roles within the Third Reich? Or more pragmatically, was it simply an effort to ensure that people with Nazi sympathies were removed from positions of influence? Jaspers said that if one had adapted himself or herself to the party and enjoyed those benefits, they should not complain when they were later disadvantaged.⁸ However, denazification was not a process which dealt with a few individuals, but rather with millions; he acknowledged that “[d]enazification throws countless numbers out of their past course.”⁹ Jaspers argued against the policy by saying that it did not make sense to charge an entire people with these crimes, rather, “[t]he criminal is always only an individual” because “there is no

⁶ Ibid, 25-26.

⁷ Ibid, 26.

⁸ Ibid, 97.

⁹ Ibid, 15.

such thing as a people as a whole.”¹⁰ He broke this down further by positing, “[a] people cannot perish heroically, cannot be a criminal, cannot act morally or immorally; only its individuals can do so. A people as a whole can be neither guilty nor innocent, neither in the criminal nor in the political (in which only the citizenry of the state is liable) nor in the moral sense.”¹¹ However, with denazification the Allies were seen to be casting verdicts, and only one group was left in Germany to raise any sort of protest.

After a generation that experienced the upheavals of the First World War, the failed Weimar Republic, National Socialism, and World War II, German society was in total disrepair. The Government, the education system, the military, almost everything had been destroyed. Allied bombing and eastern expulsion had caused around twenty-six million Germans to become homeless.¹² To the Germans in 1945, the churches were the “only major institutions that had largely maintained their institutional identities and structures from before the Nazi period.”¹³ They had been, like everything else, divided and co-opted by the Nazis, but following the destruction of Germany through the Second World War “[u]ntil a German government was reestablished in 1949, the churches

¹⁰ In the late sixties, the historian Constantine FitzGibbon echoed this sentiment when he wrote that “[t]heologically ‘collective guilt’ must be a meaningless term, since there is no such thing as a ‘collective soul’”, and that the concept “Legal Collective Guilt” makes more sense, as accomplices are tried in a court of law, and almost all Germans were either active or passive accomplices. Constantine FitzGibbon, *Denazification* (Michael Joseph: London, 1969) 97.

¹¹ Jaspers, 34, 35.

¹² Richard Bessel, *Germany 1945: From War to Peace* (Pocket Books: London, 2010) 6.

¹³ Jeffrey J. Olick, *In the House of the Hangman: The Agonies of German Defeat, 1943 – 1949* (The University of Chicago Press, 2005), 203.

constituted the most powerful and articulate voice of the German people.”¹⁴ In the American Zone particularly, the churches were the only organisation that could represent a leaderless population to the United States Military Government (from here onwards Military Government), and the fact that the rest of Europe contained their own denominations of churches also made the Church the only institution in Germany that could build international relationships.

As a Hague report written in 1947 stated, “[d]espite the warfare waged against organised religion by the Nazis, the churches survived the Nazi defeat and, for a brief period, constituted the only organs of social continuity in an otherwise atomised society.”¹⁵ The churches, as the only possible leaders in a defeated Germany, had a difficult set of tasks. Many cities had been burnt to the ground, and in the aftermath of the fall of the totalitarian system, resuming daily life became a challenge for most. The country was in a state of uncertainty as to what the plans of the occupiers were and whether people would be able to stay warm or find food. Many Germans saw the Church as the only place they could turn to for help, rather than the American Military Government, which was an agent of a government that had so recently bombed their houses, killed their soldiers, and raped their women.¹⁶ What I want to focus on, however, is how the Protestant Church responded to Military Government regarding denazification,

¹⁴ Frederic Spotts, *The Churches and Politics in Germany* (Wesleyan University Press: Middletown, 1973) 51.

¹⁵ Hoyt Price; Carl E. Schorske; *The Problem of Germany: Two Reports for Consideration by a Preliminary Conference on The German Problem, The Hague October 7-10, 1947* (Council on Foreign Relations: New York, 1947).

¹⁶ Matthew D. Hockenos, *A Church Divided: German Protestants Confront the Nazi Past* (Indian University Press: Bloomington, 2004) 53.

the demoralising and indiscriminate policy that was synonymous to many with “re-education” and “was popularly equated with the Gestapo.”¹⁷

In 1945, the Allies in the conquered state of Germany were in a unique position. They had gone to war not just to defeat Germany, but also Nazi ideology, and their witness to concentration and extermination camps made them believe that a new sort of mechanism was needed to cleanse Germany of Nazism and rebuild on a moral foundation.¹⁸ As occupiers they were now in a position where they had to eradicate all the Nazi laws, officials, and organisations.¹⁹ The mechanism chosen for the removal of Nazi influence from public life was denazification. The main guidelines were set by the victors during the Potsdam Conference in the summer of 1945, and detailed further by the Allied Control Council in Berlin, but for the most part the authorities of each zone could decide how they would enforce it.²⁰ In contrast with denazification, which was aimed at the civil servants and private workers who worked for or profited from the Third Reich, war criminals were judged in Nuremberg up until 1949 in a separate tribunal system, which I will detail briefly in the epilogue.

There was a disagreement among the zones on how denazification should be administered, and the American Zone alone made denazification the paramount goal of

¹⁷ Stewart Herman, *The Rebirth of the German Church* (London: S.C.M Press, 1946) 98. Olick, *In the House of the Hangman*, 130.

¹⁸ Here I mean the Western Allies – the Soviets had their own work camps back home, and had different aims for denazification, which I will explore later on.

¹⁹ John H. Herz, “The Fiasco of Denazification in Germany” *Political Science Quarterly*, Vol: 63, Issue: 4, December 1948, 570.

²⁰ Giles MacDonogh, *After the Reich: The Brutal History of the Allied Occupation* (Basic Books: New York, 2009) 11.

its military government, with an aim of discovering the background of every German in that zone.²¹ It is this zone that I shall be focusing on. The moral failures of Nazism had made a process like denazification necessary for the creation of a new German state, one where former Nazis would not play a role. Today, there is little argument that this sort of process was needed, as many ordinary Germans were complicit in the crimes of the Third Reich, but there has been a consensus among German, British, and American historians, political scientists, and theologians that in practice denazification was a failed policy.²² To understand failure early on, it is worth quoting the political scientist John Herz's 1948 critique of the denazification "fiasco". He wrote:

the standards were over – mechanical. Persons who had played an important role under the Nazis could escape the purges because, for one reason or another, they did not fall in one of the categories. On the other hand, there were large numbers of minor or merely nominal Nazis who, because they happened to have occupied certain rank or position, would be deprived of job and livelihood.²³

²¹ Victoria Barnett, *For the Soul of the People: Protestant Protest Against Hitler* (Oxford University Press: New York, 2002) 218.

²² Barnett, *For the Soul of the People*, 219; Perry Biddiscombe, *The Denazification of Germany: A History 1945-1950* (Tempus: Chalford, 2007) 217; Walter Dorn, *The Unfinished Purge*. Manuscript detailing the history of denazification that was unfinished at the time of Dorn's death. Found in Columbia University's Rare Book and Manuscript Library, 18. Robert P. Ericksen, *Complicity in the Holocaust: Churches and Universities in Nazi Germany*, (Cambridge: 2012) 168; Herz, "The Fiasco of Denazification in Germany", 569; William E. Griffith, "Denazification in the United States Zone of Germany" *Annals of the American Academy of Political and Social Science*, Vol. 267, Military Government (January 1950) 74; John G. Kormann, *US Denazification Policy in Germany 1944-50* (Historical Division: Office of the Executive Secretary: Office of the US High Commissioner for Germany: 1952) 140; MacDonogh, *After the Reich*, 357; Olick, *In the House of the Hangman*, 134; Helmut Thielicke, *Notes from a Wayfarer: The Autobiography of Helmut Thielicke*, trans. David R. Law (James Clark & Co: Cambridge, 1995) 231; Harold Zink, *The United States in Germany 1944-1955* (Greenwood Press Publishers: Westport, CT 1957) 164.

²³ Herz, "The Fiasco of Denazification in Germany", 571.

Germany has had a long and unique history with Christianity. In 1933, the year that Adolf Hitler became Chancellor and the Nazi Party took power, about forty-one million of Germany's sixty-five million people were classified as Protestant, and a further twenty-one million were classified as Roman Catholic.²⁴ This unique divide in European history stems from the work of Martin Luther and the Treaty of Augsburg in 1555, "which gave each imperial prince the right to choose whether he and his subjects would therefore be Lutheran or Catholic."²⁵ Following the Thirty Years War with the Treaty of Westphalia in 1648, those regional ecclesiastical divisions were firmly rooted in Germany until the Second World War.²⁶ The church, Protestant or Catholic, had a long tradition in Germany of working in alliance with German states.²⁷ Throughout all of German history, there has been a lack of formal separation between Church and state. In 1933 the churches, with very few exceptions, had "celebrated the rise of Hitler and the National Socialists."²⁸ They had despised the Weimar Republic and were hoping the Nazi accession to power signalled a German renewal. Many Christians in Germany were nationalists by nature, as they equated "being a good Christian with being a good German."²⁹ This soon changed as the nature of Nazism became apparent, and there was a

²⁴ Hockenos, *A Church Divided*, 4. Less than one per cent were Jewish.

²⁵ Spotts, *The Churches and Politics in Germany*, 4.

²⁶ *Ibid*, 22.

²⁷ Benjamin Carl Pearson, (2006). *Faith and Democracy: Political Transformations at the German Protestant Kirchentag*. (Doctoral dissertation). Retrieved from ProQuest Dissertations and Theses. (Accession Order No. 3289016) 13.

²⁸ *Ibid*, 22.

split in the dominant Lutheran Church between the Confessing Church, which defined itself as independent from the Nazi state, and German Christians, who worked with the Third Reich. So after the war the Confessing Church, in its capacity as one of the only institutions that was able to represent the German people, was depended on by the Allies to take a commanding role in executing denazification.³⁰

The debate around denazification has been centred on *Schuldfrage*, war guilt, and the questions of guilt caused a divide between leaders in the post-war Church. Some of the nuances of the guilt have been demonstrated by Karl Jaspers, and the question of guilt will continue to be a recurring theme throughout this dissertation. Guilt has a long tradition in history – it was used by the Romans against the Carthaginians, Napoleon against Russia, and against the Germans at Versailles. In post-war Germany the term quickly became a political one, ensuring that guilt would be linked to other themes, and therefore rarely properly considered by ordinary Germans.

Hans Habe, an Austrian born writer who had been expelled from the Reich and had moved to the United States, wrote in 1953, that according

to American and English standards, [the Germans] were [collectively guilty]. They had voted a raving maniac into power. He might have falsified a majority into unanimity, the majority still existed. They had allowed him to abuse the institutions of democracy in order to finally destroy them. He met no resistance in his days of

²⁹ Hockenos, *A Church Divided*, 87.

³⁰ Barnett, *For the Soul of the People*, 217.

It should be kept in mind that the religious map of Germany looked radically different in 1939 than it did in 1945. There was a massive migration of Germans, both Catholic and Protestant in 1945, and whereas before the war most regions of Germans were homogenously either Catholic or Protestant, after the war this framework was destroyed as eastern migrants and refugees began to settle in places not based on their religion. This flux would continue over the next few years. Spotts, *The Churches and Politics in Germany*, 50.

glory and very little in his days of doom. They actively sustained, silently tolerated, or irresponsibly overlooked the most abominable crimes ever committed in the history of mankind. They openly prepared and happily pursued a war, and only objected to it when it was lost.³¹

Habe had been against the policy of denazification as it was practiced, arguing that it would not lead Germans to self-reflection or increase their readiness for re-education.³²

He argued later that “[i]f the Germans were collectively guilty, we should have concealed it from them.”³³

This was a view not widely shared inside Germany. According to the American zone’s Military Government’s public opinion polls about seventy per cent of those asked “rejected the notion that Germans bore total responsibility [*Gesamtverantwortung*] for the war” in the early post-war years.³⁴ Theodor Heuss, the first president of West Germany, argued that seeing every German as guilty was similar to the Third Reich seeing every Jew as guilty, and instead argued that Germans should feel collective shame.³⁵ Others have argued that instead of thinking of guilt, perhaps the better term would be debt, as

³¹ Hans Habe, *Our Love Affair with Germany*, 2-3; cited in Olick, *In the House of the Hangman*, 182-183.

³² Frederick Taylor, *Exorcising Hitler: The Occupation and Denazification of Germany* (Bloomsbury: London, 2011) 286.

³³ Olick, *In the House of the Hangman*, 182-183.

³⁴ Robert G. Moeller, *West Germany under Construction: Politics, Society, and Culture in the Adenauer Era* (The University of Michigan Press, 1997) 77.

³⁵ “‘One has spoken of a collective guilt [*Kollektivschuld*] of the German people. The word collective guilt and what stands behind it is a crude simplification [*simple Vereinfachung*], it is a reversal namely of the same way the Nazis saw the Jews: that the fact of being a Jew already contained within it the phenomenon of guilt.’ In contrast, Heuss offered collective shame: ‘Something like a collective shame [*Kollektivscham*] has grown and remained from this time.’” Olick, *In the House of the Hangman*, 268.

guilt lasts forever, but a debt can be repaid. In the Bible, the Old Testament refers to the guilt of nations, while the New Testament has guilt more focused on the individuals. With this understanding, the Catholic Church argued that all guilt was individual, and therefore the church institutions had done nothing wrong.³⁶

The Protestant Church, however, did publicly acknowledge its guilt as early as October 1945. I will explain the importance of the Stuttgart Declaration of Guilt in the second chapter, but it is important to note that, in its role as the leaders of a leaderless population, the Protestant Church did accept its own guilt for the crimes of National Socialism.

Ultimately, collective guilt was not useful in rebuilding Germany and making it an ally in the Cold War, so the United States informally let go of the idea, and formally ended its involvement in denazification, in 1948. Germans began to make distinctions between “the regime” and “the Volk”, placing the guilt on the former. The Church was still busy working to address unemployment, lack of coal and food, travel, what was happening in the Soviet Zone, amongst a myriad of other pressing concerns. These issues kept the Church busy for years - denazification was important, but it was hardly the Church’s only concern.³⁷

The document that brought the war in Europe to an end was signed on 8 May 1945, a date that some call the *Stunde Null*, or zero hour, for the German people, at least

³⁶ Ibid, 229.

³⁷ “Report of the [British] Council’s [of Churches] Delegates to the German Church” [28. November – 13. Dezember 1945] in Clemens Vollnhals, *Die evangelische Kirche nach dem Zusammenbruch: Berichte ausländischer Beobachter aus dem Jahre 1945* (Göttingen: Vandenhoeck & Ruprecht, 1988) 293.

in the short term.³⁸ After the chaotic final four months of the war, “Nazism was no longer identified with economic recovery, order, conquest and strength, but rather with fear and wanton murder.”³⁹ The term “zero hour” is a controversial one amongst historians, because continuities existed in Germany beyond 8 May 1945; however, to the Germans in the post-war era, “[w]hen it was all over, the overwhelming feeling was at once of exhaustion and relief; Germans reacted almost as though Hitler and the Third Reich belonged to a distant past.”⁴⁰ Depending on how one looks at it, Germany was either defeated this day or liberated from the evils of National Socialism. Few in Germany thought of themselves as liberated, rather they used the term *Zusammenbruch*, meaning disastrous collapse, to define the current state of Germany.⁴¹ Either way, a unified German state ceased to exist on this day, and was soon replaced by four economically and politically independent occupied zones. The American Zone, which will be the focus of my research, consisted of what was roughly the southeast quadrant of Germany, and included Bavaria, Hesse, and Baden-Württemberg. The United States Military Government was headquartered in Frankfurt am Main, although this was not set up as the capital because, as the Military Governor Lucius Clay put it, creating a capital “might lead to charges that we were setting up a separate government.” Other cities within the zone included Stuttgart, where a permanent secretariat was installed, Bremen, which was

³⁸ Or rather, due to a late start the treaty was signed just after midnight on 9 May, with 8 May written on the document and thus used as the traditional dating. Bessel, *Germany 1945*, 131.

³⁹ *Ibid*, 66; 336.

⁴⁰ *Ibid*, 147.

⁴¹ John S. Conway, “How Shall the Nations Repent? The Stuttgart Declaration of Guilt, October 1945” *Journal of Ecclesiastical History* Vol. 38, No. 4, October 1987, 603.

carved out of the British zone to give the United States a port, Munich, Heidelberg, Nuremberg, Karlsruhe, and the American section of Berlin.⁴² Harry Truman, the new United States President, had not been left with a clear policy fashioned by Franklin Roosevelt's administration when he had assumed the presidency upon Roosevelt's death in April of 1945, so as President he was responsible for the fashioning of the United States occupation policy.⁴³

Before I discuss denazification, however, a bit more ink should be used to discuss the harsher alternative that Germans feared: the Morgenthau Plan. Although it was never put into action, it caused many Germans to look upon their occupiers with fear and suspicion. Henry Morgenthau Jr., the United States Secretary of the Treasury, initially presented the plan at the Quebec conference of September 1944. In its essence, the plan called for Germany to be transformed from an industrial to an agricultural state that could not have the means to wage war. Morgenthau was from a prominent American Jewish family; his father had been the ambassador to the Ottoman Empire under President Woodrow Wilson, and he had served with Roosevelt for all four of his terms in office. Contemporaries were able to discredit (and historians have since explained) Morgenthau's proposals by stressing his Jewish heritage, but this does not completely explain his position. As a young man in Turkey, Morgenthau had been in close proximity to Armenia during that genocide, and had deeper, more pragmatic reasons to oppose what

⁴² Lucius D. Clay, *Decision in Germany* (Garden City, NY: Doubleday & Company, 1950), 86.

⁴³ Griffith, "Denazification in the United States Zone of Germany", 68. Of course, even if there had been a clear policy, the decisions were now Truman's, and he could choose to ignore Roosevelt's plans.

had happened in Germany.⁴⁴ Still, many people only saw Morgenthau as reacting to the Third Reich's anti-Semitic policies; in this respect, he proved more useful for Nazi propaganda than for US policy - for example, Joseph Goebbels's term for Morgenthau was *jüdische Racheengel* or the "Jewish Angel of Revenge."⁴⁵

Although Morgenthau had initially received the support of Roosevelt, Joseph Stalin, and a reluctant Winston Churchill, at the end of the war President Harry Truman rejected the plan, going so far as to call it "crazy."⁴⁶ Morgenthau was not the only man in high office to take such a hard line towards post-war Germany; he enjoyed the company of the English diplomat Robert Vansittart.⁴⁷ The United States post-war policy debate, however, was between Henry Morgenthau's plan for deindustrialisation and neutering Germany and the desire to turn Germany into a partner in democracy, as expressed by the War Department, led by Henry L. Stimson.⁴⁸ This debate fit in with a larger narrative of two Germans, one that was militant and from which National Socialism was a natural outgrowth, and the other a land of culture that was ruled by an unrepresentative segment of the population.⁴⁹

⁴⁴ Olick, *In the House of the Hangman*, 76.

⁴⁵ Ibid, 29.

⁴⁶ Ibid, 92; MacDonogh, *After the Reich*, 8.

⁴⁷ MacDonogh, *After the Reich*, 5

⁴⁸ Olick, *In the House of the Hangman*, 17.

⁴⁹ Ibid, 153.

Ein Volk von Dichtern und Denkern / Ein Volk von Richtern und Henkern (A people of poets and thinkers / a people of judges and executioners).

In the end the War Department's plan, authored by Stimson and Assistant Secretary of War John J. McCloy, was more influential in crafting the occupation policy. Only traces of Morgenthau's plan, in a watered down state, were included in Joint Chiefs of Staff (JCS) directive 1067. Although Morgenthau had been denied, the United States did not take a lenient attitude towards the Germans – rather, JCS 1067 stated “Germany will not be occupied for the purpose of liberation but as a defeated enemy nation. Your aim is not oppression but to occupy Germany for the purpose of realising certain important Allied objectives.”⁵⁰ Unlike the Morgenthau Plan, JCS 1067 was a short-term directive, and represented the policy of the American Zone for the “initial post-defeat period,” 1945-1947, and was “not intended to be an ultimate statement of the policies of this [i.e. the US] Government concerning the treatment of Germany in the post-war world.”⁵¹ The policy provided, amongst other provisions, prohibition of payment of “all military pensions, or other emoluments or benefits, except compensation for physical disability limiting the recipient's ability to work, at rates which are no higher than the lowest of those for comparable physical disability arising from non-military causes.”⁵² Although Morgenthau's plan (as originally conceived) was never realised, it continued to be part of the German narrative of victimisation at the hands of the Allies, a narrative Germans conflated with denazification.

⁵⁰ Directive to Commander-in-Chief of United States Forces of Occupation Regarding the Military Government of Germany; April 1945 (JCS 1067) Part 1, Section 4, Subsection B. Found: <http://usa.usembassy.de/etexts/ga3-450426.pdf> on 31 July 2014.

⁵¹ Directive to Commander-in-Chief of United States Forces of Occupation Regarding the Military Government of Germany; April 1945 (JCS 1067) Preamble. Found: <http://usa.usembassy.de/etexts/ga3-450426.pdf> on 8 September 2014.

⁵² Moeller, *West Germany under Construction*, 99.

Despite the fact that the Morgenthau plan was never implemented, the first few years of occupation were very harsh on most Germans. Those in the American Zone arguably had it best, because it was the only zone in which the occupiers did not face food shortages at home; but this early stage was full of migration from the east, hunger, cold, automatic arrest, and mass denazification. What I have to say about denazification cannot be summed up here – indeed, most of the dissertation will be devoted to it. Denazification was the process of removing Nazis from public life outlined in JCS 1067, and later Military Law No. 8.⁵³ At first a special branch of Military Government’s Public Safety Branch (called “Special Branch”) administered the denazification *Spruchkammer*, the term for the tribunals, but in March of 1946 Military Government passed the Law for Liberation from National Socialism and Militarism and German tribunals from then on administered denazification proceedings.

After three years, the United States Congress decided that Military Government had had enough time and resources to remove Nazi influence from Germany, and cut off funding for denazification in 1948. The focus was at this point shifted onto rebuilding the nation under the Marshall Plan.⁵⁴ In June of that year, using currency reform as a pretext, the Soviet Union closed off the western occupied parts of Berlin, denying access to outside food supplies. This was an attempt to take control of the city, and the United States responded by airlifting food, medicine, fuel, and other types of aid to their former

⁵³ Military Law No. 8 - as Major George Wham stated “no one who was a member of the Nazi party could be a member of any part of the government, even down to the...dog catcher.”

George Wham, (Economics Officer in Karlsruhe, Germany, 1945), interview with the author, Dec 23 2013, Hightstown NJ.

⁵⁴ Richard L. Merritt, *Democracy Imposed: US Occupation Policy and the German Public, 1945-1949* (Yale University Press: New Haven, 1995) 184-185.

enemies. It was now apparent that Germany was no longer to be treated as a defeated nation, but rather a potential ally in the rising Cold War. Within one year of the Berlin Blockade the Western Zones of Germany, now the Federal Republic of Germany, would hold free and fair elections, electing Konrad Adenauer, leading a party based on Christian values called the Christian Democratic Union, as Chancellor.

I have considered closely the theology of the key Protestant figures, because some of the writers of the secondary history have not appeared interested. I think this lack of interest has prevented them from having a full understanding. However, my main focus is in looking at the Protestant Church as a social institution with the ability to define guilt and influence the politics surrounding denazification. I have chosen to study the Protestant Church and not the Catholic Church because as I read through my source material, I began to feel that only the surface had been scratched on this subject, and that I could make a real contribution to what had already been researched and written. This study is limited from 1945 to 1948, and furthermore only to areas of denazification in which the Protestant Church was involved.

After this introduction, I have three chapters and an epilogue in which to explore these issues. In the first chapter, I aim to explore the Church structure from the Third Reich to the end of denazification. This means looking at the Confessing Church at the end of the war, in particular its leadership, men such as Karl Barth, Theophil Wurm, Martin Niemöller, Hans Asmussen, and F. K. Otto Dibelius. I will explore their commitments to anti-Nazism, their relationship with Military Government, as well as their stances on guilt. I will also give some background into the development of denazification, and how each zone implemented it.

The next two chapters will be more chronological than thematic, and will tackle how these churchmen tackled denazification. Chapter two will trace the phase of denazification, under the control of Military Government, and the organisation of church leadership in the *Evangelische Kirche in Deutschland* (the Evangelical Church of Germany, from now on to be referred to as the EKD) as well as the Stuttgart Declaration of Guilt. In the final chapter, I will detail denazification following the Law for Liberation, which placed the process under German administration. I will also explore the amendments of October 1947 and March 1948, which helped to bring denazification to an end. After that I will examine the Darmstadt Declaration, a Protestant statement that attempted to place the Third Reich into a theological framework, giving Christians the ability to reflect upon their sins and move forward in harmony with God's plan. The chapter will conclude when the process was put to an end in May of 1948. In the epilogue I will explore what happened with denazification and the EKD from 1948-1950, the further political endeavours of Protestant church leaders, and the legacy of denazification.

Within this semi-chronological outline, a number of diverse sources will fill the narrative of the Church's response to and interaction with Military Government. Because the early years of the EKD and the United States denazification policy are usually studied separately, there is a wide variety of secondary source literature. Every study of German churches in the early post-war years begins with Frederic Spotts' 1973 book *The Churches and Politics in Germany*, which illustrates both Protestant and Catholic rebuilding in the post-war years, and devotes significant attention to denazification. Clemens Vollnhals' 1989 work *Evangelische Kirche und Entnazifizierung 1945-1949* probably most resembles my research, but deals less with the American Military

Government perspective and more with the considerations of the Church. Vollnhals also published a collection of primary sources in 1988 titled *Die evangelische Kirche nach dem Zusammenbruch*, which included several interviews with and impressions of Confessing Church leaders in the post-war years. More recently, Robert P. Ericksen published a short essay titled “Hiding the Nazi Past: Denazification and Christian Postwar Reckoning in Germany”, which considers parts of my argument, although not to the same depth. Matthew Hockenos’ work *A Church Divided* has been another particularly important piece of secondary literature, as it explains the ecclesiastic debates that surround the statements of guilt made at Stuttgart and Darmstadt, although he does not explore denazification. The secondary sources written by Richard Bessel, John S. Conway, Jeffrey J. Olick, and Giles MacDonogh, were helpful because they describe, at length, Germany in 1945, church debates, guilt, and occupation policy, respectively. Sometimes primary sources, such as letters and statements, can be hard to track down, and the best I can find in some cases are descriptions from these sources.

Stuart Herman, an American church representative who had preached at an American church in Germany until 7 December 1941, wrote a book titled *The Rebirth of the German Church* in 1946. He had toured Germany in an effort to understand German church concerns in the post-war years, attended the Treysa conference and met with men such as Theophil Wurm, Karl Barth and Martin Niemöller, and his book is invaluable for understanding their post-war milieu. In his work, he puts the definitive question of the post-war Church as:

Can the Church and Military Government combine forces for the strenuous work of German rehabilitation in the society of nations, or will the Church eventually feel obliged to adopt Nehemiah’s plan for the reconstruction of Jerusalem’s devastated

walls to its own circumstances: work swiftly with the tools of spiritual revival, but stand ready to repel every new enemy with the weapons of religious resistance?⁵⁵

Many of the key figures that took part in denazification felt strongly enough about what had happened that they would later reflect upon the subject in memoirs and histories, such as Theophil Wurm, Helmut Thielicke, Hermann Diem, Otto Dibelius, Marshall Knappen, and Walter Dorn. Perhaps the figure that merits the first introduction and examination, however, is General Lucius Dubignon Clay. Clay's memoir *Decision in Germany*, as well as the collected two volume *The Papers of General Lucius D. Clay Germany 1945-1949* have been the most useful writings from a key figure because not only does Clay admit his overall admiration for the German commitment to Christianity, but also his frustration in dealing with Church leaders on denazification. General Clay was the deputy military governor of the United States Zone of Occupied Germany under General Eisenhower from 1945-1947, and military governor from 1947-1949. Clay is most famous for his role in orchestrating the Berlin airlift in 1948, but I am more interested in his role in denazification, which he reflects upon in depth in his memoirs. He details the origins of denazification, the introduction of the Law for Liberation, and his quixotic attempt to keep it alive after the United States Government had lost interest. He is at once compassionate "for the plight of the average German," and pragmatic in his approach to creating a state that could function without American taxpayer aid.⁵⁶ A man of fierce integrity, Clay offered his resignation eleven times during the course of his

⁵⁵ Herman, *The Rebirth of the German Church*, 122.

⁵⁶ Jean Edward Smith, *The Papers of Lucius D. Clay Germany 1945-1949: Volume One* (Indiana University Press: Bloomington, 1974) xxix.

governorship when given orders to do something he did not believe in. His resignation was refused every time, and he prevailed in the bureaucratic policy wars.⁵⁷

Lucius Clay was convinced that a political purge of Germany was a necessity. His zealous attitude towards denazification was not because he wanted to be brutal or punish the Germans, rather he believed in the policy.⁵⁸ In some circumstances, Clay showed clemency, such as when he commuted the death sentences of Erwin Metz and Ludwig Merz, two convicted war criminals who had put over three hundred and fifty Americans into forced labour, seventy of whom died under their brutality. The commutation of their sentences inclined Germans to be more favourable towards the American occupiers.⁵⁹ He also shortened the sentence of Ilse Koch, the “Bitch of Buchenwald”, who had “flaunt[ed] her sex, emphasized by tight sweaters and short skirts, before the long-confined male prisoners.” Clay wrote that as he examined her record, he could not identify her as a participant to Buchenwald’s major crimes. For this he was accused of being soft on former Nazis, which he saw as an awkward accusation considering he had approved death sentences for more than two hundred German war criminals.⁶⁰

⁵⁷ Ibid, xxx.

⁵⁸ Lucius Clay had also been an opponent of the Morgenthau Plan. To best understand Clay’s motivations, it is important to remember that he was a staunch believer in democracy – he was against Morgenthau’s plan because he was afraid it could lead Germany to turn to communism, and he was for denazification because he wanted to root out all fascist elements of the country.

⁵⁹ “Lucius Clay letter to Dr. Jacob A. Cantor, Sept. 4, 1948, “Clemency,” “Army JAG War Crimes,” RG 153, 100-486, Box 49, Vol. 1, Part 2, Folder 2, National Archives referenced in Flint Whitlock, *Given Up for Dead: American GI's in the Nazi Concentration Camp at Berga* (Westview Press: Cambridge, MA, 2005), 217-218.

⁶⁰ Clay, *Decision in Germany*, 254.

Another important source that helps to explain Military Government's perspective is John G. Kormann's Columbia 1950 Ph.D. dissertation *US Denazification Policy in Germany 1944-50*. As a soldier during the war, Kormann had been a member of a team that specialised in capturing high-level Nazis. When the war ended, he was put in charge of a Counter Intelligence Corps (CIC) office, where he helped to administer denazification. His dissertation "was later published by the Department of State, by [High Commissioner of Germany]'s Historical Division as a monograph in response to requests from Congress for information on denazification in Germany."⁶¹ Kormann's history was a great find for my work, as he was able to blend his own experiences and proper historical methodology to create a work that carefully articulates the history of America's denazification policy. In his work, he also includes the March 1946 agreement as to how the churches would denazify their clergymen, which I have included as an appendix.

I had the opportunity to visit the *Zentralarchiv* of the EKD in Berlin in late March and early April of 2014 and the National Archives in London in July, and looked over private correspondence, notes, and declarations from the EKD (usually to the United States Military Government) that are relevant to this work, and I will explain their purpose as they arise. Included in the *Zentralarchiv* was a collection of speeches, sermons, and memorandum by the EKD collected by Konrad Merzyn in 1993 entitled *Kundgebungen*. I have also been fortunate to have relevant sources sent to me from the Center for Barth Studies at Princeton, the Andover-Harvard Theological Library, and the Rare Book and Manuscript Library of Columbia University. Martin Niemöller, Karl Barth, Otto Dibelius, and Theophil Wurm all wrote extensively about guilt in documents

⁶¹ John G. Kormann, interviewed by Moncrieff J. Spear, The Association for Diplomatic Studies and Training, Foreign Affairs Oral History Project, February 7, 1996.

I have been able to find, but often said little about denazification in their published writings. One of the best example of this was a widely circulated short book I found in the University of Edinburgh special collections titled *Die Schuld der Anderen (The Guilt of Others)*, which is a series of letters by two former Confessing Church preachers, Helmut Thielicke and Hermann Diem, debating the role of guilt.

Because of its importance in understanding the EKD's post-war attitude, the text of the Stuttgart Declaration of Guilt is in the appendix, and I have been able to find interviews with some of the signatories expressing their opinion on the statement. Other primary sources include newspaper and magazine articles that are about the key figures or help to explain the denazification process.

Finally, I want to discuss one of my favourite sources for this research. On 23 December 2013, I had the pleasure of interviewing Dr. George Wham, a man who almost seventy years ago served as Major George Wham US Army, an economics officer and sometimes as a denazification judge in Karlsruhe, Germany. Besides this interview, Dr. Wham allowed me to photocopy a report that he had written to the Military Government on 31 October 1945, detailing the economic situation in Karlsruhe that month, as well as giving an update on how denazification was being handled. Included in the report is the full text of Military Government law No. 8, the law that kept any former party member from achieving anything except the lowest level of employment. The text of the law was especially useful, and parts of his report are quoted throughout this dissertation.

What I am seeking from all of these sources is an understanding of how the leaders of the Protestant Church interacted with Military Government during the process

of denazification.⁶² Although historians such as Lutz Niethammer, Perry Biddiscombe, Rebecca Boehling, James F. Tent, and Tom Bower have looked at this issue, it has only been part of the larger context of the denazification tribunals: by focusing in on the church leaders, I hope to explain the most articulate and pressing complaints about the process from within Germany. As for the German language, in the footnotes and bibliography I make note if what I have read was translated, otherwise I have provided the translations. Throughout my work I introduce phrases in German first, such as *Spruchkammer*, *Schuldfrage*, and *Fragebogen*, and then give the definition, such as tribunal, question of war guilt, and denazification questionnaire.

Despite the failures of denazification, I believe Germany has since made a serious effort to accept blame and move on. The war left Germany destroyed, occupied and divided between the victors. Following the war and the reconstruction of Europe under the Marshall Plan, West Germany experienced the *Wirtschaftswunder*, an economic miracle that provided them with a rapidly growing GDP and an unemployment rate that hovered around zero per cent. By the 1960s the West German economy was so strong that the West Germans alone could not sustain it, and guest workers from Italy and Turkey were brought in to work. Capitalism is of course a boom and bust cycle, but West and unified Germany's busts have been short, and today Germany is an economic powerhouse, with the highest GDP in Europe, fourth highest in the world, and it continues to enjoy lower unemployment than its neighbours. In our postmodern time it is important to reflect on our biases and understand the purpose of our writing, so I want to make it clear that by focusing on guilt and denazification I do not mean in any way to say

⁶² With this representation, Protestant means the Lutheran, United, and Reform Churches, all of which had representation within the EKD.

that contemporary Germany is built by former Nazis who managed to avoid denazification. I instead want to illustrate how the Protestant Church took what it believed was a moral stance against denazification, because it believed that it was the church's responsibility to rebuild Germany with a Christian foundation and because church leaders believed the process of denazification was failing Germany. To better understand the churches response to and interactions with denazification, it is now time to turn the page back to 1945, the end of the war in Germany.

Chapter 1

The Confessing Church and Occupied State

“The German Church must act as custodian of German National Policy so that the human rights of the population might be continually protected.”¹

- Martin Niemöller, *Neue Zürcher Zeitung*, 3 September 1945

“For better or for worse, the German Church – like any other – is a piece of Christendom; what it did or did not do, what it is doing or is not doing, represents a subject of far-reaching importance to all Christians”²

- Stuart Herman, 1946

The Protestant Church had not been able to remain completely independent under the Third Reich, and there had been a divide between the *Deutsche Christen*, or German Christian Church, which had worked with the Nazi state to bring the churches in line with party policy, and the *Bekennende Kirche*, or Confessing Church, which resisted any state control of the church. When Adolf Hitler was appointed Chancellor, many Protestant leaders supported his general worldview, acknowledging the failures of the Weimar Republic. For the spiritual malaise of the 1920s, “Nazism had falsely presented itself as the cure.”³ National Socialism promised to return dignity to a defeated Germany, it promised the German people secure employment, “security for the individual and his family, a generous provision of good housing for families with many children, and equally generous pensions for old age.”⁴ When Hitler named Ludwig Müller as his

¹ Spotts, *The Churches and Politics in Germany*, 51.

² Herman, *The Rebirth of the German Church*, 13.

³ Noel D. Cary, *The Path to Christian Democracy: German Catholics and the Party System from Windthorst to Adenauer* (Harvard University Press: Cambridge, MA, 1996) 162.

⁴ *Ibid.*

Reichsbischof in 1933, Protestant leaders were upset by his German Christian policies, but they largely blamed Müller, and did not find this indicative of Hitler.⁵ When Müller personally fired both the head of the Bavaria and Württemberg synods, Hans Meiser and Theophil Wurm, in 1934 for not falling in line with the German Christian movement, Hitler soon reinstated them in the wake of massive protests.⁶ It is from here that we have a split, and the beginnings of the Confessing Church.

When the war ended, most of the German Christians resigned or were arrested; those who remained lacked tangible influence.⁷ This created a power vacuum in the church, which was to be filled by members of the Confessing Church. It was the pastors and theologians who had been in the Confessing Church that would be charged with restructuring post-war German Protestantism structurally, politically, and morally. The German Christians dealt with its role in the Third Reich through silence, denial, and rationalisation. Despite being arrested and tried, many of these German Christians would later be granted clemency and would return to church work.⁸ Most German Christians had never joined the Nazi party. Nazism was inherently opposed to religion, and German Christians had assumed the impossible task of marrying Christianity to the Third Reich.

The origins of the Confessing Church can be traced back to Pastor Martin Niemöller, who formed the *Pfarrernotbund*, or Emergency Covenant of Pastors, in 1933.

⁵ The historiography is rather one sided. There have been biographies of men such as Niemöller, Barth, Dibelius, and histories of the Confessing Church and the EKD, but there is a lack of serious study of the German Christians.

⁶ “Foreign News: Meiser v. Müller,” *Time* (October 22, 1934).

⁷ Hockenos, *A Church Divided*, 4.

⁸ Susannah Heschel, *The Aryan Jesus: Christian Theologians and the Bible in Nazi Germany* (Princeton: Princeton University Press, 2008), 244.

His goal was to organise church leaders to defend the independence of their churches from the German Christians. It was set up after that group had introduced legislation to remove any Jewish influence from Christianity, such as the so-called “Aryan Paragraph”, which stated that nobody who worked for the Church could have Jewish ancestry, as well as a separate push to remove the Old Testament from German Bibles.⁹ Niemöller’s group of dissenting churches evolved into the Confessing Church, which reached its highest point in 1934 when leaders met in the city of Barmen and published the Barmen Declaration of Faith, which rejected the subjugation of the Church to the State. Working within the confines of the Nazi state, the church leaders at Barmen were careful not to criticise the Nazis, but rather focused on the German Christians.¹⁰ The Swiss Reformed theologian Karl Barth authored the declaration, and soon the unity that the document created was lost because Barth’s ideas began to cause a divide amongst Lutherans.¹¹

It should be noted that although the Barmen Declaration had been written in response to the “Aryan Paragraph”, the Confessing Church did not necessarily stand up for the Jews. Anti-Semitism was too institutionalised in the Church for there to be any sort of official statement condemning Nazi actions, and many church leaders remained silent on the issue during the war and until an official statement was made in 1950.¹²

⁹ Robert P. Ericksen; Michael J. Halvorson; *A Lutheran Vocation: Philip A. Nordquist and the Study of History at Pacific Lutheran University* (Pacific Lutheran University Press: Tacoma, WA, 2005) 140.

¹⁰ *Ibid*, 141.

¹¹ Hockenos, *A Church Divided*, 25.

¹² *Ibid*, 54; Message Concerning the Jewish Question (Council of Brethren of the Evangelical Church, Darmstadt, April 8, 1945) found in Hockenos, *A Church Divided*, 195.

Although he did not survive into the post-war period, one cannot discuss the Confessing Church or its legacy without discussing Dietrich Bonhoeffer, who was executed just a month before the war ended at the age of 39. Unlike Karl Barth, whose work is written for an intellectual theological audience, Bonhoeffer wrote with the intention of being read and understood by the average parishioner. Bonhoeffer believed that the Nazis were a society that had fallen away from Christ, and as early as 1931 he looked to a denazified Germany. He believed in collective guilt, and believed that Germany's redemption could only be achieved through confession. He was the most radical member of the Confessing Church, and was executed by hanging at the Flossenbürg Concentration Camp for his connections to the 20 July 1944 plot to kill Hitler. His legacy is as a Christian Martyr, but not all church leaders saw him that way, since his example highlighted his isolation and made other church leaders look worse for having survived the Nazi years.¹³

From 1935 onwards the Confessing Church lacked tangible unity and split into two weak and divergent communities, the conservative Barmensians and the reform minded Dahlemites.¹⁴ This split, and the fact that Barth returned to Switzerland in 1935 and Martin Niemöller was imprisoned in 1937, led to the Confessing Church's failure to have any successful influence against Nazism. In this *Kirschenkampf* (church struggle) between the German Christians and the two factions of the Confessing Church, many Christians in Germany decided not to support any group. There seem to be no reliable

¹³ Conway, "Coming to Terms with the Past", 380.

¹⁴ Of the key Protestant figures mentioned in this dissertation, Wurm and Meiser were Barmensians and Asmussen, Barth, Diem and Niemöller were Dahlemites. Hockenos, *A Church Divided*, 28-41.

statistics on how many people were part of each group, but as many as eighty per cent of Germans were in the neutral category, looking to either abstain from making any commitment or to find their own position between the two.¹⁵

There was a widespread religious revival for both Catholics and Protestants in Germany when the war ended in 1945, occasionally referred to as “the hour of the church”.¹⁶ There have been various theories as to why the Church experienced post-war popularity – perhaps it was a rejection of Nazism and return to a more traditional German culture, or it might have been a way to help cope with defeat and loss. Alternatively, Germans might have wanted a warm space in which to spend a few hours a week in and a community that might be able to help them find food or work.¹⁷ How authentic this religious revival was is also debatable – the historian Perry Biddiscombe notes that “[t]here was some debate among church-men... about whether their new popularity owed to a genuine religious awakening amongst their countrymen, or if masses of ex-Nazis and supporters of Hitler were simply trying to whitewash themselves by claiming a new spirituality.”¹⁸ The Confessing Church naturally became the face of

¹⁵ Ibid, 6.

¹⁶ Bessel, *Germany 1945*, 312-313; Hockenos, *A Church Divided*, 90. Ernst Jünger, the controversial nationalist and anti-Nazi author, wrote after the war that the destruction can only be fixed by a joint effort from humanity, and that “[t]he people must be brought back to Christian morals, without which they are rendered as defenseless prey to destruction.” Ernst Jünger, *Der Friede*, trans. Stuart O. Hood (Henry Regnery Company: Hinsdale, Illinois, 1948) 72-73.

¹⁷ Olick, *In the House of the Hangman*, 201.

¹⁸ Biddiscombe, *The Denazification of Germany*, 201. The phrase “hour of the church” is not one that all of the former confessing church leaders agreed with – particularly, Niemöller, Diem, and Barth were more critical. See Hockenos, *A Church Divided*, 45.

Protestant Christianity in Germany, but when the nation was defeated in May of 1945, little remained of the organisation. Dietrich Bonhoeffer had been executed only a month prior, and many other leaders had been killed, imprisoned, deported, removed from office, or otherwise compromised. Eager to get back to work, the remaining leaders of the Confessing Church soon met under Allied auspices in Treysa to begin work on healing the spiritual wounds of the country. Before I get to that meeting, however, it would be appropriate to give an introduction to some of the most important church leaders.

Key Figures of the Confessing Church in 1945

Bishop Theophil Wurm called the meeting at Treysa after convincing the Allies to allow him to tour the western zones in an effort to re-establish the Church.¹⁹ He has usually been given the credit for organising the Evangelical Church of Germany (EKD). Wurm was one of many church leaders who initially favoured the Nazis as an alternative to the Weimar republic, but he soon grew disenchanted over the Nazi's religious policies. Unlike Barth and Niemöller, Wurm chose to avoid deportation or imprisonment and instead occasionally cooperated with the Nazis to secure his position in the Wurttemberg church hierarchy; nevertheless, he continued to condemn programmes he disagreed with, especially euthanasia. In 1941 he made the accusation that "Nazi leaders are waging war against Christianity," but it appears that he openly criticised the Nazis and the Third Reich more often towards the end of the war (when it was too late to have much effect).²⁰ Despite his compromising, the German Christians removed his title of bishop twice

¹⁹ Spotts, *The Churches and Politics in Germany*, 11.

²⁰ "Religion: Prelates against Hitler" *Time* (December 15, 1941); Tom Bower, *Blind Eye to Murder: Britain, America, and the Purging of Nazi Germany, A Pledge Betrayed* (Granada: London, 1983) 189.

because of his support for the Barmen declaration, and it was only reinstated when Hitler pardoned him in the wake of protests from his parishioners.

It is important to remember that Wurm was seventy-seven in 1945, a senior churchman, which helped establish him as the *de facto* leader of the German Protestants before the Treysa meeting. Wurm was also the only church leader that both the opposing Dahlemite and Barmensian wings of the Confessing Church were enthusiastic about.²¹ This made him the ideal person to organise the meetings to form the EKD.

Wurm did not believe in stressing the collective guilt of all Germans. He believed that this concept was too much of a burden to put on the German people at this juncture, and that an admission of guilt would cause people to turn their backs on the Church.²² He instead cited Lutheran doctrine of separating the political and ecclesiastical spheres. Although few church leaders were favourable to the American Military Government, Wurm was perhaps the most vehemently distrustful, fearing it would use the church as a tool to further punish the defeated Germans. He saw denazification as a manifestation of this fear. In a memorandum to Military Government on a conversation he had had with Wurm, the American diplomat Jacob D. Beam wrote that “[t]here is no doubt that Bishop Wurm is nationalist in his outlook and will try all along the line to get an amelioration of the restrictions and terms imposed upon his people. He regards himself as the unquestioned leader of the German Protestant Church and said his position as such was recognized...”²³

²¹ Hockenos, *A Church Divided*, 38.

²² Olick, *In the House of the Hangman*, 223.

Wurm, like many other Christian leaders, was against communism, and as he grew increasingly embittered with Military Government, he began to compare denazification to communism, telling the *New York Times* that “extreme left elements are using the denazification laws to destroy Germany’s leading classes of educated men... There is something Bolshevistic about it.”²⁴ He was not the only one who held this belief, as the historian Frederic Spotts argued that the churches “realized that if denazification swept out everyone who was tainted virtually only Social Democrats and communists would remain eligible for positions in civil government, industry, and education,” a prospect which “fairly terrified” them.²⁵ This was a common criticism of denazification, held by both the Protestant and Catholic churches.²⁶

Pastor Martin Niemöller was the theological leader who best represented Christian resistance to Nazism in the post-war era, and this made him instrumental in the formation of the EKD after the war. Niemöller had angrily told Hitler on 25 January 1934 that the Church would not allow the Nazis to take control or exert influence over their congregations.²⁷ He was later arrested for anti-Nazi rhetoric at the Dahlem Lutheran Church in Berlin and was imprisoned in Dachau and later Sachsenhausen concentration

²³ Jacob D. Beam: Memorandum of a Conversation with Bishop Wurm of Württemberg [1. Juli 1945] in Vollnhals, *Die evangelische Kirche nach dem Zusammenbruch*, 34.

²⁴ Spotts, *The Churches and Politics in Germany*, 102.

²⁵ *Ibid*, 97.

²⁶ Price; Schorske, *The Problem of Germany*, 117.

²⁷ Martin Niemöller, *Of Guilt and Hope* trans. Renee Spodheim (Philosophical Library: New York, 1947) 71.

camps from 1937 to 1945, mostly held in solitary confinement.²⁸ Here he was Hitler's personal prisoner, and as such could not be harmed by anyone without the *Führer's* orders, could continue to collect a salary from the Dahlem church, and was allowed occasional visits with his wife, Else.²⁹ When he was released in 1945, Niemöller decided not to return to his duties as pastor at Dahlem, rather he remained in Hesse working on foreign relations and was eventually elected president of the Nassau-Hesse synod.³⁰

Despite his anti-Nazi views, Niemöller had a reputation as a committed nationalist. During World War I, he served as a U-boat commander, and both he and his brother, Pastor Wilhelm Niemöller, had supported and voted for the Nazi party when they were still a fringe group in the nineteen twenties.³¹ When World War II broke out, he wrote a letter to Admiral Raeder, Commander in Chief of the Navy, from his prison cell asking if he could reenlist for submarine duty. He was denied, but when the war ended he did not hide this information, rather he acknowledged it and admitted he had felt a duty to Germany. This, of course, compromised his position in German society immediately after the war.³² Three of his sons did enlist, and his son Jan died on the eastern front in April of

²⁸ He became Hitler's personal prisoner after his original sentence was suspended. Hitler had said "It is Niemöller or I" "Niemöller or I," *Time* (July 10, 1939).

²⁹ The Director of the Education & Religious Affairs Branch of the American Occupation Forces, Marshall Knappen, wrote that later that Niemöller was "retained in custody not as a criminal but as a potential menace to the Nazi state." Marshall Knappen, *And Call it Peace* (University of Chicago: 1947) 110-111.

³⁰ Otto Dibelius, *In the Service of the Lord: The Autobiography of Bishop Otto Dibelius*, trans. Mary Ilford (Faber & Faber: London, 1961) 175.

³¹ Ericksen, Halvorson, *A Lutheran Vocation*, 138.

³² James Bentley, *Martin Niemöller* (Oxford University Press: 1984) 160; Hockenos, *A Church Divided*, 34.

1945.³³ Immediately following his release from the concentration camp the Allies made him one of their own prisoners in their military HQ in Naples, thus beginning his bitter relationship with the Military Government.³⁴ He was flown around Europe to give advice to occupation authorities, and was only set free when he protested his detention with a hunger strike.³⁵

Although Niemöller had been both an opponent and a victim of Nazism, he refused to dwell on his suffering, preaching that he had not been mistreated, and that he had believed the brutality he had witnessed to be isolated acts.³⁶ Instead, Niemöller acknowledged his own guilt in not fighting hard enough against Nazism. Niemöller felt that he should have been in prison as early as 1933, and that until 1937 he had only been against the policies that affected the independence of the Church, instead of having had a broader political quarrel.³⁷ Although a critic of Allied policy, Niemöller often focused more on collective guilt, arguing simply that “[w]e Christians must accept this guilt and confess it... Because we Christians in Germany have incurred guilt” and recounting that “[t]here is much crying and lamenting about our hunger and affliction...but I have not yet heard one man in Germany, whether from the pulpit or anywhere else, express regret for the terrible suffering that we, we Germans, have brought upon others.”³⁸ In 1946, Martin

³³ Martin Niemöller, “The Word of God is Not Bound,” *Princeton Seminary Bulletin*, vol. 41, no. 1 (1947) 19.

³⁴ Busch, *Barth*, 326.

³⁵ Bentley, *Martin Niemöller*, 157.

³⁶ *Ibid*, 160.

³⁷ Hockenos, *A Church Divided*, 97.

Niemöller fully outlined his views on collective guilt in a book that would reach an international audience titled *Of Guilt and Hope*. In it, he calls for an open confession of all Germans to anyone who suffered under National Socialism. He wrote that a confession to God was the place to start, but that “[n]evertheless, we cannot find peace with God if we refuse to confess our guilt to people who suffered because of it.”³⁹ This open admission of his guilt, as well as the profession of the guilt of all Germans, helped Niemöller’s standing as a popular international figure, but at home his remarks were greeted with hostility, and he was labelled a “tool of the Allies.”⁴⁰ Other stances he took were popular at home and not with the Allies, as we will see with denazification: in discussing his opinion on the subject, Niemöller repeated Augustine’s remark that the Church should “hate the sin, but love the sinner.”⁴¹ Niemöller was a strongly principled figure, and never bent his beliefs to support what was popular.

Like Karl Barth, the mainstream Lutheran Church labelled Niemöller a ‘radical’, as he wanted to turn Lutheranism into an entirely non-hierarchical church structure, and merge the German denominations.⁴² This extended to his opining that Theophil Wurm, Hans Meiser, and Otto Dibelius should not continue to use the title “Bishop” after the

³⁸ Olick, *In the House of the Hangman*, 218-219.

³⁹ Niemöller, *Of Guilt and Hope*, 17.

⁴⁰ James F. Tent, *Mission on the Rhine: Reeducation and Denazification in American-Occupied Germany* (The University of Chicago Press: 1982) 74.

⁴¹ Niethammer, Lutz, *Die Mitläuferfabrik – Die Entnazifizierung am Beispiel Bayerns* (Verlag J.H.W. Dietz Nachf. Bonn, 1982) 89.

⁴² Niemöller, *Of Guilt and Hope*, 45.

Treysa meeting.⁴³ Although he and Barth held different theological views, they were in agreement for how the Church should help shape the social and political landscape of post-war Germany.

Niemöller's most well known work is a short poem that he rewrote several times, a poem that serves both as a warning and an expression of guilt called *First they came...* All versions follow the same format, with the specific people "they came for" interchangeable: "First they came for the socialists, and I did not speak out because I was not a socialist. Then they came for the trade unionists, and I did not speak out because I was not a trade unionist. Then they came for the Jews, and I did not speak out because I was not a Jew. And then they came for me, and there was nobody left to speak for me." This honest and pointedly personal admission of guilt made him popular internationally, and he made a habit of talking about guilt often in personal terms. This put him in stark contrast with other church leaders, such as Hans Asmussen, who spoke of guilt in impersonal ecclesiastic language.⁴⁴

Although Niemöller often espoused that the Church should remain out of politics, in a letter written to his brother, Rev. Wilhelm Niemöller, on 10 November 1945, Martin Niemöller outlined a political function for the Church.⁴⁵ He recognised that it was likely that the EKD would never become the Church of Germany, but that an independent EKD

⁴³ This was a rejection of the traditional *Land* (regional) church structure, which was supported by Wurm, Meiser, and Dibelius. Knappen, *And Call it Peace*, 104. Bishop Dibelius had only taken up that title a few months prior, when the Russians had taken Berlin, as a way to exert church influence. There was "no Episcopal consecration". Dibelius, *In the Service of the Lord*, 174.

⁴⁴ Hockenos, *A Church Divided*, 96.

⁴⁵ Niemöller, *Of Guilt and Hope*, 41.

could still exert influence if it governed its congregations by implementing the principles of the Barmen declaration.⁴⁶

Karl Barth was among the most respected names in Christian thought during his lifetime. A native of Switzerland who had dual German citizenship, Barth had spent the war in Switzerland after having refused to sign an oath to Hitler while teaching in Bonn. Barth had been a “major inspiration for the establishment of the Confessing Church at Barmen in 1934, and remained an important voice during the war.”⁴⁷ The historian Matthew Hockenos summarised Barth’s theology as follows:

through the incarnation, death, resurrection, and exaltation of Jesus Christ we experience God’s unconditional love and enter into a fellowship with God. This act of reconciliation of God and man in the spiritual kingdom, Barth contended, imparted to man the freedom to live according to God’s message of reconciliation in the earthly kingdom. Christian freedom was the freedom to act in the world as a disciple of Christ.⁴⁸

Barth was a Swiss Reformed theologian, which made him an outsider, as most of the other post-war church leaders were Lutheran. Theophil Wurm noted in his memoirs that Barth’s presence at the Treysa meeting sparked tension with some of the Lutherans, and although Barth was present at this and other meetings and continued to offer advice, he was never a member of the EKD.⁴⁹

⁴⁶ Ibid, 44-45.

⁴⁷ Olick, *In the House of the Hangman*, 207.

⁴⁸ Hockenos, *A Church Divided*, 123.

⁴⁹ Theophil Wurm, *Errinerungen Aus Meinem Leben: Ein Beitrag zur neuesten Kirchengeschichte* (Quell-Verlag: Stuttgart, 1953) 182.

Barth's views on denazification are a bit more complex than the other figures, due to his outsider status as a Swiss Reformed theologian. Like most of the Germans, Barth supported the policy of cleansing Germany of Nazism in principle, and rarely publicly spoke out against it, and when he did he only focused on specific problems. He did, however, eventually grow disillusioned with denazification, but he kept himself on the sidelines, focusing more on German guilt. He made his greatest contribution in this area on 8 April 1945, when he wrote a reply to the question posed by the *Manchester Evening News* "How Can the Germans be Cured?" In his reply, Barth accepted German collective guilt, and followed that up by saying that Germany should look to Switzerland for friendship "in spite of everything", and that, like the Swiss, the Germans should "retire from the stage of history".⁵⁰ Barth included a negative interpretation of the *Sonderweg*, saying that the unique history of Germany had led to National Socialism.⁵¹ He argued that "the cure for the character of Germany must not only take account of the crass corruption of the Hitler period, but go back to the roots of the disease at the time of Bismarck and indeed of Frederick the Great."⁵² The Allies, argued Barth, could cure the Germans by showing how gentlemen act when they are put in charge of a nation, and he called upon the British to lead by example.⁵³ Towards the end of the war, when Nazi defeat began to appear certain, Barth changed his rhetoric – instead of attacking Nazism,

⁵⁰ Eberhard Busch, *Karl Barth: His Life from Letters and Autobiographical Texts*, trans. John Bowden (SCM Press: London, 1976) 323. Olick, *In the House of the Hangman*, 212.

⁵¹ *Sonderweg* is the German word for Special Path, the idea that German history was somehow exceptional.

⁵² Busch, *Karl Barth*, 324.

⁵³ Hockenos, *A Church Divided*, 59.

he began to preach that the Allies should not act bitterly towards the Germans.⁵⁴ He maintained that only the Church, not the occupying Allies, had the ability to offer redemption for the sins of the Germans.

Barth's views on collective guilt were different from most of the other church leaders; he believed that Germans were all individually guilty, and was "very much in favor of the Germans, and I mean all Germans, admitting their responsibility for all that which happened since 1933."⁵⁵ Because he believed that all Germans were guilty, he believed that if denazification were to work in Germany it could never be completed, and would have to surpass reconstruction as the Allies' principle goal. Barth's views on collective guilt were a sore point for other church leaders and some revisionist historians, because they felt that he was preaching guilt to a people who had had to stay behind in Germany while he had been able to peacefully spend the war in Switzerland.⁵⁶ Although Barth went to Germany several times in the early post-war years to gather information and attend meetings, he remained a resident of Switzerland after the war, where he led international church groups rallying against German rearmament.

⁵⁴ Busch, *Karl Barth*, 322.

⁵⁵ Karl Barth, *The Only Way: How to Change the German Mind*, trans. Marta K. Neuffd, Ronald Gregor Smith (Philosophical Library: New York, 1947) 34.

⁵⁶ In one work of revisionist history, the author writes that "As a theological student in Germany in the early 1950's, I was told that at one of the post war meetings, possibly Treysa, Barth lampooned the German brothers for their lack of courage in standing up to Hitler, whereupon one dared to stand up and shout 'We couldn't all run to Switzerland like you did.'" Because of the dubious reputation of the historical methodology this journal regularly publishes, I would strongly emphasise that I bring it in only to highlight its argument rather than to endorse a viewpoint. R. Clarence Long, "Imposed German Guilt: The Stuttgart Declaration of 1945" *The Journal of Historical Review*, Spring 1988 (Vol. 8 No. 1), 55-78.

Most of the other church leaders, such as Bishops Dibelius and Meiser, feared that if the Church became too involved with politics it would become a tool of Military Government. F.K. Otto Dibelius was sixty-five and looking towards retirement in 1945 when he took the title of Bishop of Berlin-Brandenburg. It was a job that he had expected to be given to Niemöller, who had shocked everyone when he had decided to stay in Hesse. In 1933 Dibelius was one of the few church leaders to speak negatively to Hitler in an effort to warn against dictatorship, and was removed from his post in the Berlin-Brandenburg Church.⁵⁷ This led to him being removed from his office by the Nazis.⁵⁸ Although he had been strongly anti-Nazi, Bishop Dibelius had never spoken against anti-Semitism, and he held anti-Semitic views that were common at that time and for men in his position.⁵⁹ Soon after the end of the war, in July 1945, Dibelius delivered a sermon in which he drew an analogy from the persecution of the Confessing Church to the persecution of the Jews in the book of Exodus. Even though he was comparing the struggle of which he had been a part with the Jews of the Old Testament, he never mentioned the fate of European Jewry in his sermon.⁶⁰

Another reoccurring figure in my research is Bishop Hans Meiser, the leader of the Bavarian synod, who, like Wurm, had been removed from office by the German Christians only to be reinstated by Hitler in response to protests from his parishioners. Meiser represented a minority faction of Lutherans who wanted to return to a form of

⁵⁷ Spotts, *The Churches and Politics in Germany*, 7. Hockenos, *A Church Divided*, 31.

⁵⁸ Herman, *The Rebirth of the German Church*, 100.

⁵⁹ Hockenos, *A Church Divided*, 137.

⁶⁰ *Ibid*, 53.

Protestantism where each denomination remained independent. This was the system that had existed before the Weimar Republic, under the Kaisers, and was antithetical to what Niemöller believed.

Unlike other church leaders, Hans Asmussen had rejected Nazism from 1933, when he co-authored the essay “Word and Affirmation of Altona Pastors amid the Misery and Confusion of Public Life”. This put him in the position to co-author the Barmen declaration the next year with Karl Barth. Soon thereafter he lost his job as pastor and was subsequently imprisoned by the Nazis. Following the war, Asmussen returned to preach in Hamburg. He was a staunch supporter of the Stuttgart Declaration of Guilt, although he maintained that the guilt lay with the Church and was not collective, and he rejected the subsequent Darmstadt Declaration.

The primary goal of the EKD was to take advantage of the post-war renewed interest in Christianity and to re-Christianise Germany. One of the recurring points stressed by several church leaders, both Protestant and Catholic, was that the war, and indeed all modern destruction, was a result of Europe’s moving away from Christian principles in favour of secularisation. They argued that this trend had begun with the Enlightenment and the French Revolution, and that with the end of Nazism the Church now had their chance to again lead the country to a return to Christian morality. This belief made it possible for churches to avoid a break from the past, as it portrayed churches as always having been right and venerable. It was because society had failed to conform to Church ideals that it had been led to the evils of the war and National Socialism.

Pastor Helmut Thielicke was one of the pastors who held this belief. He rejected German collective guilt, instead “attributing the guilt to the secularisation of all peoples.” Thielicke became a strong opponent of the collective guilt thesis, and often took on his former teacher Karl Barth. He argued that, as a Swiss citizen, Barth could not understand what it meant to live in a nation whose industry lies idle and which experiences “cultural bolshevism of a foreign spirit.”⁶¹ When he wrote his memoirs in 1984, Thielicke reiterated his criticisms of denazification, and wrote that the process made the Germans incapable of mourning. To become thoroughly denazified and avoid harsh sentencing, Germans would have to convince the tribunals, as well as themselves, that they had acted correctly during the war, which, he argued, made them unable to evaluate their relationship to the guilt of the Reich.⁶² Thielicke was the youngest of the key figures in the Lutheran Church, and was thirty-seven in 1945. Up until 1940, he had been at the university of Heidelberg as a professor of theology, but like several other church leaders was dismissed by the Nazis.⁶³

The final figure worth examining at this juncture is Hermann Diem, the only Confessing Church leader who vocally supported denazification. He further accused the EKD, of which he was a member, of acting like a business owner who defends its employees because that is what is good for business, and suggested that instead of fighting denazification it should set an example by submitting its own members to it.⁶⁴

⁶¹ Price, Schorske, *The Problem of Germany*, 121; Thielicke, *Notes from a Wayfarer*, 242.

⁶² Thielicke, *Notes from a Wayfarer*, 231.

⁶³ Hockenos, *A Church Divided*, 7.

He wrote a short book expressing his stance in mid 1946, the title translating to *The Church and Denazification: A memoir of the Church – Theological Society at Württemberg*. A firm believer in the collective guilt thesis, his correspondence on the issue with Helmut Thielicke, another popular theologian, was published and widely read in 1948. In 1947, however, he did admit that the Allies had missed their chance with denazification, and he saw the process as having failed.⁶⁵

I have shown how opinions differed among these church leaders, and that is important to keep in mind when reading the rest of this dissertation. In Matthew Hockenos' book *A Church Divided* he discusses the post-war differences in theology over guilt questions – this is not my aim, but is of course important in understanding the Protestant response to denazification. These leaders were not unified in the way they approached the subject – Hermann Diem, as illustrated, actually supported denazification initially, and Karl Barth was never a vocal critic of it. The EKD was a marriage between many of the Protestant leaders, but even the top ranking members, Wurm and Niemöller, did not think about denazification the same way. All of these church leaders had some anti-Nazi credentials, and claimed to be speaking for the Confessing Church. I will argue that denazification was doomed because it was a bad policy, not because the Church was against it, and at best they simply brought it to a quicker end.

This information brings us up to mid-1945, and introduces the central figures and their relationship to one another. I will go into the meeting that was held between these figures at Treysa to form the EKD in the next chapter, when it comes up in the

⁶⁴ Barnett, *For the Soul of the People*, 222.

⁶⁵ Ibid.

chronology. From now on, its efforts to bring down denazification need to be examined; to do this, I will first take time to define the occupation of Germany and how denazification operated within it.

Denazification in the four Zones

The Potsdam Conference in July 1945 established how Germany was to be divided by the Allies. Denazification was among the issues brought up, and all four zones were bound by the final Potsdam agreement, which stipulated that

All members of the Nazi Party who have been more than nominal participants in its activities and all other persons hostile to Allied purposes shall be removed from public and semi-public office, and from positions of responsibility in important private undertakings.⁶⁶

The vagueness of this denazification passage led to the process being implemented and carried out in widely different ways in each of the four zones.⁶⁷ The United States in its zone tried almost ten times more Germans through denazification than were tried in any other zone, with a total of 169,282 cases. The Soviet Union and France tried 18,328 and 17,353 cases, respectively, while Britain led a more focused version that resulted in the denazification of only 2,296 Germans.⁶⁸ Denazification proved to be of a lower priority to the other occupiers, but to the United States it was a

⁶⁶ The Berlin (Potsdam) Conference, July 17-August 2, 1945 (a) Protocol of the Proceedings, August 1, 1945, Section II, A, 6.

⁶⁷ Merritt, *Democracy Imposed*, 181.

⁶⁸ MacDonogh, *After the Reich*, 355.

core policy, one of its “four D’s”: denazification, demilitarisation, decartelisation, and democratisation.⁶⁹

I want to distinguish between each of the four zones in an attempt to show what was unique to the American occupation, and what was similar throughout Germany. Every zone had denazification responsibilities, as I have already explained, but there were also problems of sustenance, health, rubble, cold, and housing exacerbated by the Allies evicting Germans in order to live and establish offices in their houses. Although they were attempting to fix these problems, there was little pity for the plight of the Germans, because, as the historian Richard Bessel wrote, “[t]he Germans, collectively, were viewed not just as a conquered people but also as morally bankrupt and guilty of unspeakable crimes.”⁷⁰

The American Zone was fortunate in the fact that the United States came out of the war with its economy fundamentally intact. The zone remained somewhat industrialised despite the fact that Germany had been so heavily bombed, with Lucius Clay putting the figure of surviving industry as high as 25-30%.⁷¹ These circumstances made the American Zone the zone with the strongest economy. Over the next years of occupation Military Government reorganised many of the zone’s economic and political institutions, as well as influenced the culture, in what became known as the Americanisation of Germany. Michael Ermarth listed a few of the “beneficial reforms of the American military government”, including “the democratization of the press, the

⁶⁹ Ermarth, *America and the Shaping of German Society 1945-1955*, 7.

⁷⁰ Bessel, *Germany 1945*, 171.

⁷¹ MacDonogh, *After the Reich*, 233.

reform of the radio broadcasting system, the ‘America Houses’, which helped to foster cultural understanding and reorientation, and exchange programmes, not to mention the restoration of human values such as decency, honesty, and moral courage.”⁷²

However, the occupation was harsh, denazification and automatic arrest were far-reaching, and despite the economic, political, and cultural institutions brought to the Germans by the United States, the Germans were not particularly happy to have the Americans as occupiers. One of the earliest policies of Military Government was the official ban on American soldiers fraternising with the Germans in any way – from forming friendships to offering a handshake. This was extended to mean that Germans could not live in the same building as an American, a particularly harsh measure when the rates of homelessness were so high.⁷³ This prohibition of fraternisation has been described as “perfectly ineffective” and “the most ignored rule ever published by an American administration,” and was soon relaxed.⁷⁴

Although this dissertation focuses primarily on the Protestant perspective, it is important to keep in mind that the geographical area that the United States occupied was, presently and historically, predominantly Catholic.⁷⁵ The Catholic Church’s leadership had a good relationship with the Military Government, and this can partly be explained by the fact that the Catholic Church had a “group-consciousness.” Protestants, in contrast,

⁷² Ermarth, *America and the Shaping of German Society 1945-1955*, 132. Ralph Willet, *The Americanization of Germany 1945-1949* (London and New York: 1989) 14.

⁷³ Bessel, *Germany 1945*, 178.

⁷⁴ MacDonogh, *After the Reich*, 369. Ermarth, *America and the Shaping of German Society 1945-1955*, 177.

⁷⁵ Spotts, *The Churches and Politics in Germany*, 22.

often splinter into smaller denominations, and as a result this relationship with Military Government was often more complicated. It is also important to keep in mind that more Protestant leaders had been tainted by the Third Reich and were now seen as politically toxic.⁷⁶ The American Zone also had the largest number of Jews in the post-war period. There do not seem to be good statistics, but there were around 250,000 in the British and American Zones, mostly Eastern European Jews.⁷⁷ The local Germans (and even some of the Americans) often met these Jews with hostility.⁷⁸ Likewise, there were a number of Jewish Americans who were there as occupiers, who showed hostility towards the Germans.

In contrast with the American Zone, The British Zone was responsible for the highest population of Germans, twenty three million, in what was seen to be the worst sector in terms of destroyed infrastructure and refugees. The British were probably the most liked of all four occupying countries, and they favoured re-education over denazification. They were committed to denazification, but unlike the United States, gave absolute priority in denazification by going after the serious offenders first, and ended up prosecuting the fewest *Parteigenosse* (PGs, or Nazi Party member) of any of the zones.⁷⁹ From a superficial level, the processes were similar – there were *Fragebogen* (denazification questionnaires), the same five classifications, and in early 1946 a German administration handling the process, but the Atlee government was opposed to a wide-

⁷⁶ Ibid, 53.

⁷⁷ Bessel, *Germany 1945*, 267.

⁷⁸ Ibid, 269.

⁷⁹ Taylor, *Exorcising Hitler*, 293.

ranging purge, the idea being that the British would focus on those seeking employment in public offices. The Atlee government had too many domestic issues brought about by the war to be able to focus as heavily as the United States on denazification. The authorities of this zone were alone in refusing to restrict any Church activities and allowing the Church complete independence during denazification.⁸⁰ Britain was the last ally to formally end its denazification programme, doing so soon after the United States in June of 1948.⁸¹

Unlike the Soviet Union, Britain, and the United States, France was the only country that occupied Germany that had been defeated by the Nazis. To them occupation was not merely an exercise in justice – they knew that they were going to continue to be Germany’s neighbours after the occupation ended, and were therefore looking for a way to check German aggression for the rest of history.⁸² The French Military Government was largely indifferent to differences between Nazis and non-Nazis, to be German was crime enough, so it did little to denazify its sector.⁸³ It was a particularly corrupt zone, one that was full of violence, forced labour, and rape, but after 1948 the French authorities called for a stronger Germany.⁸⁴ Unlike the other Allies, France was not

⁸⁰ Spotts, *The Churches and Politics in Germany*, 62.

⁸¹ Ericksen, *Complicity in the Holocaust*, 201.

⁸² FitzGibbon, *Denazification*, 101.

⁸³ Kormann, *US Denazification Policy in Germany 1944-50*, 47.

⁸⁴ Footnote for violence and rape: Bessel, *Germany 1945*, 158.

invited to Potsdam, and “did not regard themselves as bound by the Potsdam Agreement and kept their Zone largely closed to the stream of refugees.”⁸⁵

The former Hitler Youth leader Alfons Heck refers to his captivity in the French zone by telling a story of how he and thirty others were told by French officers that they were going to be publicly executed. The execution never happened, but rather was an attempt to put fear into these men. Six months later he appeared before a French denazification board, where they punished him to a short stint of forced labour.⁸⁶

As might be expected, denazification was handled in a radically different manner in the Soviet Zone. The Soviets were firm believers in the collective guilt of Germans, and were ready to carry out death sentences as punishment for this guilt. Germans were forced to work and given “as little as [was needed] to sustain life.”⁸⁷ The denazification process itself is actually viewed as having been more successful than in other zones, as it “operated with the Marxist theory of Fascism” and was used to eliminate social groups that had given the Nazis access to power, such as landowners and industrialists.⁸⁸ As a result of having these clear goals, denazification was finished in this zone by August of 1947.⁸⁹ The Soviets also set up post-war political parties before any of the democratic

⁸⁵ Moeller, *West Germany under Construction*, 55.

⁸⁶ Alfons Heck, *The Burden of Hitler's Legacy* (Frederick, CO.: Renaissance House, 1988) 2.

⁸⁷ MacDonogh, *After the Reich*, 349.

⁸⁸ “Memorandum to General Lucius D. Clay From Dr. Walter L. Dorn,” 11 May 1949, 4. Found in the Columbia Rare Book and Manuscript Library files of Walter Dorn, this source is a list of comments as to specific positions of the manuscript of what was to become General Clay's memoir *Decision in Germany*. Herz, “The Fiasco of Denazification in Germany”, 569.

Allies, although they made sure to ally their zone's communist party with their own, ensuring hegemonic influence.⁹⁰ Their ultimate plan was to politically “incorporate as much of Germany as they controlled – and they would have liked to control it all – in their Communist Empire.”⁹¹

This lack of uniformity between the four zones was described by Walter Dorn, who was a special advisor to Clay on denazification and a former and future Columbia University professor of history, as one of the reasons that denazification became so unpopular with the German population. According to Dorn, the differences allowed for “a former Party member to be an offender in one zone [and] acceptable for high political office in another zone.”⁹² Although the Allied Control Council in Berlin issued directives with the aim to unite the policies, these proved to be ineffective.

Workings of Church and State

The denazification process was the only major area of disagreement in occupation policy between the Military Government's of the United States and Britain and the leaders of the EKD. Because the former Confessing Church had been able to maintain independence from National Socialism and was experiencing an increase in popularity among Germans in the post-war era it was in a position to help Allied efforts. This included helping to distribute material goods, financial assistance, educational services, and food. Karl Barth, Theophil Wurm, and Martin Niemöller, amongst others, were

⁸⁹ Olick, *In the House of the Hangman*, 128.

⁹⁰ Taylor, *Exorcising Hitler*, 280.

⁹¹ FitzGibbon, *Denazification*, 101.

⁹² Memorandum to Clay, 5.

generally highly respected by the occupying Allies for their roles in standing up to National Socialism, and were given special treatment by the Allies.⁹³ An officer on Eisenhower's staff, speaking about Wurm and Niemöller, stated that

[b]oth are, I believe, ardent German patriots who have violently disagreed with policies of the National Socialist party in the past but who are also capable of similar violent disagreement with the Allied occupation authorities... there is doubt in the minds of some of our officers who have contacted them that the relations with them in the future will be entirely smooth and easy.⁹⁴

In Lucius Clay's memoir *Decision in Germany* he wrote on a more positive note that

Ecclesiastical leaders are replaying an active role in German life, and the return to religion is marked. In general the co-operation of church leaders with Military Government has been genuine and helpful. Bishop Wurm and later Bishop Otto Dibelius, who succeeded Bishop Wurm as chairman of the Council of the Evangelical Church, frequently and publicly expressed their appreciation of United States aid. The conference of Catholic bishops did likewise...⁹⁵

Outside of denazification policy, the EKD and the Military Government had a good working relationship, one based on trust and communication. The United States had its tradition of separation of church and state, and therefore the relationship was a bit less natural than it was in other zones, however, for the most part they managed to make it work. One SHAEF (Supreme Headquarters Allied Expeditionary Force) handbook explicitly stated that church leaders were to be treated with "deference and respect" and that churches were to be consulted in correlation with "appropriate community

⁹³ Hockenos, *A Church Divided*, 43.

Admittedly, they were only respected by the few Allied officials who knew who these people were.

⁹⁴ Barnett, *For the Soul of the People*, 218.

⁹⁵ Clay, *Decision in Germany*, 304-305.

problems”.⁹⁶ It was a relationship that was inarguably mutually beneficial. Churches preached Allied goals to their parishioners, and had their own reasons to work towards politically, morally, and spiritually “curing” Germany of Nazism.⁹⁷

As a reward for their collaboration, and in response to Niemöller, Wurm, and Meiser arguing that secular powers should not have a role in determining Church matters, churches were allowed to denazify on their own, with different standards set in place in each of the different occupation zones.⁹⁸ According to Walter Dorn, the Catholic Church did not “cause any difficulties in the matter of purging itself of active Nazi priests.”⁹⁹ However, the EKD abused the international credibility that it had gained from the Stuttgart Declaration of Guilt by using its privileged position in regard to denazification to focus on the guilt “German Christians”, rather than those who had been in the Confessing Church.¹⁰⁰

For the most part, they had already purged the ecclesiastical administration by May of 1945, having started when defeat had become inevitable. The fact that many members of the Confessing Church had been supporters of the National Socialism, or that most of the members of the German Christians had not been members of the Nazi party

⁹⁶ Spotts, *The Churches and Politics in Germany*, 53; Supreme Headquarters Allied Expeditionary Force, *Handbook for Military Government in Germany Prior to Defeat or Surrender* (1944), Section 849.

⁹⁷ Karl Barth, *The Only Way: How to Change the German Mind*, 1.

⁹⁸ Robert P. Ericksen, Susannah Heschel, *Betrayal: German Churches and the Holocaust*, (Augsburg Fortress Publishers: Minneapolis, MN, 1999) 60. See Chapter 3, and Appendix 2.

⁹⁹ “Memorandum to Clay from Dorn”, 9.

¹⁰⁰ Ericksen, Heschel, *German Churches and the Holocaust*, 61. The Stuttgart Declaration is explained in further detail in the next chapter.

did not factor into the in-house denazification policy. After the war, in Wurm's synod alone, 333 of the 1197 pastors had belonged to a Nazi affiliated organisation. Although they were allowed independence, only after heavy pressure came from Military Government did any sort of self-cleansing take place in the Church, and this itself was limited. One particularly bad example of a pastor who was protected by Wurm and given a pastorate in Eutin was Hugo Rönck, who had said in 1944, "Adolf Hitler is our example of Lutheran piety, he is truly the leader of God's grace. His order is directly from God, and his command is the command of God."¹⁰¹ Wurm tried to defend many of the pastors' support for Hitler by referring Clay to a passage of *Mein Kampf* in which "Hitler had written that National Socialism and Christianity could work together." Clay, who knew that many Protestant clergy had joined the party and, in some cases, the SS, disagreed with Wurm.¹⁰² Although in the British and French Zones there was little to no intervention by the occupying military in church staffing, the United States would, in extreme cases, remove church leaders if the Church would not remove them itself.¹⁰³ Another important factor was that in the American Zone, there was a relatively low number of clergymen, about ten thousand total - Catholic and Protestant - that meant that more attention could be paid to each clergy member individually.¹⁰⁴

¹⁰¹ Vollnhals, Clemens, "Persilscheine für Nazis: Protesten aller Richtungen bekämpften die Entnazifizierung und diffamierten ihre Befürworter." *Zeitzeichen*, (August 2005) 17-19.

¹⁰² Bower, *Blind Eye to Murder*, 190.

¹⁰³ Spotts, *The Churches and Politics in Germany*, 108.

¹⁰⁴ Knappen, *And Call it Peace*, 127.

The fact that the EKD had not chosen to use its privileged position in regard to denazification to honestly assess its own sins and hold itself accountable was acknowledged by Military Government in December of 1945, when General Clay informed the Federal Council of the Churches of Christ in the United States that the Church was pushing a soft peace and proving “reluctant to denazify itself.”¹⁰⁵

For the most part, none of the administrators of the western zones interfered with the churches, allowing them to assemble and collect their own fees and reopen seminaries, as well as restoring church property that had been confiscated by the Nazis.¹⁰⁶ The Church’s position in regards to the state was not affected. But despite being allowed to denazify itself, denazification soon became a nonnegotiable issue for the churches. Bishop Hans Meiser defended churches retention of corrupted pastors, saying that the Church “would cease to be a church if it veered with every political wind that blew and inaugurated a sort of ‘spoils system’ in ecclesiastical incumbencies.” He then extended his anti denazification stance by saying that the Church “is no less obliged to extend its doctrine of forgiveness to its pastors, if they are penitent, than to its ordinary members.”¹⁰⁷ In his memoirs Lucius Clay noticed:

Perhaps the only major difference with church leaders came about from the open opposition of some of the leaders in the Evangelical Church to our denazification program and to the exclusion of Nazi clergymen from further pastoral activities. We were forced to carry out the program without the co-operation which we should have received from them.¹⁰⁸

¹⁰⁵ Stewart W. Herman: Interview with Major-General Clay at Berlin on December 5th, 1945 in Vollnhals, *Die evangelische Kirche nach dem Zusammenbruch*, 303.

¹⁰⁶ Spotts, *The Churches and Politics in Germany*, 56.

¹⁰⁷ Herman, *The Rebirth of the German Church*, 114.

Despite these facts, a majority of German political leaders and denazification authorities believed by 1946 that “the church had been adequately cleared of Nazis”, especially when compared with business and industry.¹⁰⁹

With the post-war church and state landscapes having been given a foundational introduction, a tighter examination of how the religious leaders dealt with the practice of denazification by the American Zone’s Military Government can begin.

¹⁰⁸ Clay, *Decision in Germany*, 304-305.

¹⁰⁹ Kormann, *US Denazification Policy in Germany 1944-50*, 59.

Chapter 2

Terror: Military Government and Denazification, May 1945 – March 1946

“No victor was ever more generous to a vanquished nation than was the United States to Germany after the Second World War. We were starving and our cities were in ruins; the Americans gave us food and the materials to begin reconstruction. The French committed atrocities, lived off the land and removed whatever they could get their hands on. But American denazification procedures so poisoned the atmosphere that to this day the people of Wuerttemberg feel friendlier to the French than to the Americans.”¹

- Bishop Martin Haug

“No one who really is guilty should escape his punishment, but to lock up hundreds of thousands of people in order to detect one hundred of the guilty is more than makes sense.”²

- Bishop Theophil Wurm, “To The Christians in England”, 1945

The first problem with the denazification policy was that originally the United States was not following one programme, but rather three, all of which had varying levels of approval and implementation by Military Government; there was a chapter from the *Handbook for Military Government*, a SHAEF directive from 9 November 1944, and JCS 1067, which had two different versions of denazification policies between two different circulated drafts.³ While all of them agreed on the larger picture of removing former Nazis from power, they contradicted each other on important details – for example, how to define Nazi Party membership. The historian Harold Zink has noted that “[i]t is true that the development of American plans in the denazification field did not proceed in an orderly fashion and that they were in large

¹ Spotts, *The Churches and Politics in Germany*, 108.

² Herman, *The Rebirth of the German Church*, 256.

³ Biddiscombe, *The Denazification of Germany*, 43.

measure influenced, if not entirely controlled, by strong political pressures in the United States.”⁴

Ultimately it was the texts used in section C of denazification as outlined by JCS 1067 that defined the process and therefore it is worth reviewing them and noticing the similarities to what was said at Potsdam on the same issue:

All members of the Nazi party who have been more than nominal participants in its activities, all active supporters of Nazism or militarism and all other persons hostile to Allied purposes will be removed and excluded from public office and from positions of importance in quasi-public and private enterprises such as (1) civic, economic and labour organizations, (2) corporations and other organizations in which the German government or subdivisions have a major financial interest, (3) industry, commerce, agriculture, and finance, (4) education, and (5) the press, publishing houses and other agencies disseminating news and propaganda. Persons are to be treated as more than nominal participants in Party activities and as active supporters of Nazism or militarism when they have (1) held office or otherwise been active at any level from local to national in the party and its subordinate organizations, or in organizations which further militaristic doctrines, (2) authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations, (3) been avowed believers in Nazism or racial and militaristic creeds, or (4) voluntarily given substantial moral or material support or political assistance of any kind to the Nazi Party or Nazi officials and leaders. No such persons shall be retained in any of the categories of employment listed above because of administrative necessity, convenience or expediency.⁵

The German officials immediately after the war “were appointees of the occupying authority and were neither selected by nor responsible for the German people. [Military Government] had set the stage for democratic government but had given it no life. Administration in itself was only a means to an end, the creation of

⁴ Zink, *The United States in Germany 1944-1955*, 151.

⁵ Directive to Commander-in-Chief of United States Forces of Occupation Regarding the Military Government of Germany; April 1945 (JCS 1067) Part 1, Section 6, Subsection C. Found: <http://usa.usembassy.de/etexts/ga3-450426.pdf> on 31 July 2014.

responsible German Government.”⁶ In the context of JCS 1067 this makes sense, but it is important to understand how the Germans could make known their grievances towards denazification, as well as a host of other Military Government policies. The end of Nazism had left a political vacuum, and the hope was to quickly find political leadership that had not been tainted by Nazism. Therefore, all of the officials in Germany had to have a clean record or be in some way denazified.

Military Government, specifically the Special Branch of the Public Safety Branch with aid from the Counter Intelligence Corps (CIC), administered the first phase of the United States Zone policy of denazification, which lasted until March of 1946.⁷ The process was unprecedented. Denazifying the American Zone constituted, in the words of Michael Ermath, “the most extensive legal procedure of inquiry and punishment ever undertaken in history.”⁸ Over 3.5 million Germans in the American Zone had been Nazi party members, and millions more belonged to affiliated Nazi organisations.⁹ In practice, it meant removing thousands of people from office, putting more in displaced person camps to await their trials, and forcing hundreds of thousands of Germans to appear before a court. Although it required large amounts of manpower and resources, “[t]he fact that the United States had little in the way of facilities for administering such a purge of Nazism apparently received no attention at

⁶ Clay, *Decision in Germany*, 87.

⁷ Herz, “The Fiasco of Denazification in Germany”, 570.

⁸ Ermarth, *America and the Shaping of German Society 1945-1955*, 8.

⁹ Taylor, *Exorcising Hitler*, 268.

Despite the fact that both the Germans and the United States kept good records, it is very difficult to find accurate figures.

all.”¹⁰ At first, denazification was popular among the angry and disillusioned German public, who were more than happy to witness the fall of former Nazi leaders, but as in other areas of Allied policy they soon began to see themselves as victims.¹¹

In April 1945, Supreme Headquarters Allied Expeditionary Forces (SHAEF) issued its *Arrest Categories Handbook*, which contained lists of everyone who was to be “arrested and detained as dangerous to the security of the Allied Forces in Germany.”¹² This policy of Automatic Arrest included all members of Nazi affiliated organisations, as well as party members who had worked for the state, including schoolteachers (primary and secondary) and low-level bureaucrats who had been clerks at railroads or post offices.¹³ In the American Zone, this resulted in 117,500 Germans being interned – roughly “one of every 142 inhabitants.”¹⁴ The historian John Kormann, writing in 1952 for the Office of the U.S. High Commissioner for Germany, went as far as to refer to the first few months of denazification as a “small scale reign of terror,” as the people mentioned on this list were automatically arrested as soon as they could be identified.¹⁵ Once these PGs were arrested, they were placed into camps, where they waited until they were called to be tried before a *Spruchkammer*. These camps varied in character, but often they lacked access to basic

¹⁰ Zink, *The United States in Germany 1944-1955*, 154.

¹¹ Taylor, *Exorcising Hitler*, 286.

¹² Kormann, *US Denazification Policy in Germany 1944-50*, 24.

¹³ Tent, *Mission on the Rheine*, 56.

¹⁴ Bessel, *Germany 1945*, 187.

¹⁵ Kormann, *US Denazification Policy in Germany 1944-50*, 25.

food and medical supplies, as well as the ability of the PGs to keep in contact with the outside world. With over one hundred thousand internees, the United States had to be resourceful in creating space for the interned Germans, and went as far as to use the Dachau concentration camp for this purpose.¹⁶

In addition to automatic arrest, every German over eighteen looking for work was issued a *Fragebogen*, a questionnaire that sought to “determine their degree of collaboration” with the Nazis.¹⁷ These *Fragebogen* consisted of one hundred and thirty one questions over six pages. The questionnaire asked for basic information like the schools attended or date of birth or hair colour, as well as asking questions that attempted to establish whether or not the person filling out the *Fragebogen* had served in the Wehrmacht or had ever stolen Jewish property.¹⁸ When a *Fragebogen* was completed, Special Branch would then classify the person surveyed into one of five different classifications:

“Mandatory Removal”, “Discretionary Removal – Adverse Recommendation”, “Discretionary Removal – No Adverse Recommendation”, “No Evidence of Nazi Activity”, or “Evidence of Anti-Nazi Activity”.¹⁹

¹⁶ Bessel, *Germany 1945*, 189.

¹⁷ MacDonogh, *After the Reich*, 320.

¹⁸ Anika Scott, *The Fragebogen*, Military Government denazification questionnaire, 1945. Copied from Landesarchiv Baden-Württemberg, posted on blog *Postwar Germany 1945-1949*, 10 September 2012. <http://postwargermany.wordpress.com/tag/fragebogen/>.

¹⁹ Kormann, *US Denazification Policy in Germany 1944-50*, 27.

These classifications were given by the American judges administering denazification, and were largely procedural. George Wham described filling in for a judge friend of his in Karlsruhe after Military Law No. 8 had passed, saying that his friend had written “up a list of [what] the penalties should be and said if there was

These classifications were determined by how long one had been a member of the Nazi party, the office held and economic gains from the holding of office, as well as other information in the *Fragebogen*.²⁰ Critics argued that these classifications were somewhat arbitrary, as few Allied officials were fluent in German, “and fewer still understood the nuances of the Nazi rank order.”²¹ When the *Fragebogen* was completed, Germans would have to appear before special courts called the *Spruchkammern* where they would either have to try to prove that they had never been Nazis or give evidence that would explain that they had merely joined the party but had never actually been an active member. As can be surmised, there was an immense workload for the Special Branch officers who had to examine and classify each of these *Fragebogen*.

There were several penalties for PGs who either falsified or withheld information on their *Fragebogen*, and as the Nazis had kept good records it was not difficult to find accurate information.²² Military Government alerted the Germans of this fact through newspapers, although critics claimed that this therefore meant that the *Fragebogen* were a way to get former Nazis to incriminate themselves.²³

any difficulty postpone the case.” George Wham, (Economics Officer in Karlsruhe, Germany, 1945), interview with the author, Dec 23 2013, Hightstown NJ.

²⁰ John Gimbel, *A German Community under American Occupation; Marburg, 1945-52* (Stanford University Press, 1961) 153.

²¹ Alfons Heck, *The Burden of Hitler's Legacy* (Frederick, CO.: Renaissance House, 1988), 5.

²² Clay, *Decision in Germany*, 68.

One of the problems with these penalties, and all of the denazification penalties, was that when someone was fined, the fines took no account of the now worthless post-war currency in Germany. Currency reform would not take place until 1948, and in the interim, the fines seemed arbitrary. The standard fine was fifty Reich Marks, which once might have constituted two weeks labour, but was now equal to about a day's supply of cigarettes.²⁴

This process was not only time consuming but also required an extensive amount of personnel to assign and collect the *Fragebogen*, and then to check them against other records. Many of the Americans had a poor understanding of the German language and had not been trained for this type of work. Military Government had other concerns, such as public safety and economic rebuilding, but the large bureaucracy needed for denazification demanded much of the manpower. As it stood, denazification was unsustainable – progress was slow but steady, as American troops did manage to review around 1.6 million *Fragebogen*, but as time passed the military priority became demobilisation and returning soldiers to the United States.²⁵ In the next chapter I will explore the reforms of 1946 that from the beginning looked inevitable.

There was a popular backlash against the *Fragebogen*, especially from the leadership of the EKD. In Berlin, when Bishop Dibelius received his *Fragebogen* he complained that there were too many questions, over one hundred, and that several,

²³ Biddiscombe, *The Denazification of Germany*, 61.

²⁴ Taylor, *Exorcising Hitler*, 290.

²⁵ Biddiscombe, *The Denazification of Germany*, 61.

such as the height and weight, were trivial. He told the visiting British Council of Churches that “[h]e had refused to answer and returned it”.²⁶

In a letter to General John H. Hilldring describing how denazification was moving in the first few months, Clay wrote that “[i]n some areas such as Aachen and Cologne [cities in the British Zone that were amongst the first to be taken by the Allies] the screening process is virtually completed. Less progress has been made in Wuerttemberg and Bavaria” and further hints that there are “steps under way to train reliable German personnel to assist in screening programme and by issuance of clarified removal directive in US zone”.²⁷

An early and important opponent of Military Government’s denazification policy was General George Patton, the Military Governor for Bavaria, who was reported to have stated that Nazis and Anti-Nazis in Germany could be compared to Republicans and Democrats back in the United States.²⁸ Patton was famous for his aptitude in the field, but he had little peacetime administrative ability, and had grown to believe that Germany could not be run without the help of the Nazis, so he had

²⁶ Arthur Cotter: Report on the Visit of the Delegation of the British Council of Churches [27. November – 14. Dezember] in Vollnhals, *Die evangelische Kirche nach dem Zusammenbruch*, 276.

²⁷ “Conditions in Germany”, From Clay for Hilldring, 5 July 1945; found in Smith, *The Papers of Lucius D. Clay Volume One*, 46.

²⁸ Rebecca Boehling, *A Question of Priorities: Democratic and Economic Reform and Recovery in Postwar Germany* (Berghahn Books: New York, 1996) 58 – 59. What he actually stated was “[i]t is no more possible for a man to be a civil servant in Germany and not to have paid lip service to Nazism than it is for a man to be a postmaster in America and not have paid lip service to the Democratic Party or Republican Party when it is in power.” Bessel, *Germany 1945*, 196.

worked to defend the ones he needed.²⁹ General Dwight Eisenhower, a genuine supporter of denazification, had little patience for Patton's attitude, telling him on 27 August "to get off [his] bloody ass and carry out the denazification process instead of mollicoddling the goddamn Nazis."³⁰ Patton was soon relieved of his command by Eisenhower, and the deputy military governor Lucius Clay announced that Germans were going to be tried regardless of Patton's remarks. This had two effects – seeing a celebrated four star general stripped of his position caused other officers who had objected to denazification to fall in line, but the German people had witnessed a lack of unity from the Military Government on denazification. Patton had not been taking denazification lightly, but instead came from a point of pragmatism, and acknowledged what many of his fellow officers were already thinking: that the United States would need former Nazis to rebuild its zone.³¹ Much press was given to his remarks, and following this episode, Military Government was forced into a position where it had to be extremely vocal about stressing the need for denazification and German guilt, and in turn stricter sentences were handed down by the tribunals. This was a reactive position, and as the historian James Tent put it, "all hope for an orderly denazification had vanished."³²

Patton's attitude towards denazification became well known, but other members Military Government, such as Marshall Knappen, the Director of the

²⁹ Donald B. Robinson. "Why Denazification is Lagging" *The American Mercury*, May 1946, 566.

³⁰ Biddiscombe, *The Denazification of Germany*, 56.

³¹ Knappen, *And Call it Peace*, 130.

³² Tent, *Mission on the Rhine*, 56.

Education & Religious Affairs Branch, were similarly apprehensive. His book on the subject, *And Call it Peace*, was published in 1947, and in it he showed how his views differed from Military Government's by saying

Others, like myself, citing the German election returns in the 1919-33 period asserted that the only effective denazification procedure was to give the German a job at steady wages which would take his mind off parading and *putsching*.³³

Shortly after the Patton incident, on 26 September 1945, Military Government passed Law No. 8, a law meant to purify the German economy which made it illegal for private businesses to be managed, owned, or to employ those who had, based on their answers to their *Fragebogen*, been determined to be in need of denazification. Law No. 8 was a legal decree, written with the hope that those who had been barred from government work would not instead go on to run Germany's economy.³⁴ The law's effect was that former party members could only hold the most menial jobs. It also required *Arbeitsaemter*, or local German labour offices, to submit a monthly list "of employees" and their "National Socialist affiliations." Military Government also performed spot checks to ensure that the law was being followed.³⁵ Law No. 8 greatly increased the size and scope of denazification. This was the harshest measure introduced by Military Government, and many Germans feared that the Morgenthau Plan was being revived.³⁶

³³ Knappen, *And Call it Peace*, 122.

³⁴ Biddiscombe, *The Denazification of Germany*, 58.

³⁵ Kormann, *US Denazification Policy in Germany 1944-50*, 31.

³⁶ Biddiscombe, *The Denazification of Germany*, 59.

Like denazification as a whole, Law No. 8 has been since been dubbed “an appalling mistake” by subsequent historians, and was at the time by some contemporaries.³⁷ The Chief Information Officer for the United States, Colonel B. B. McMahon, told a British official the following year “[w]e have done a good job of kicking in the teeth of everyone who could have been helpful.” He called it “indiscriminate punishment of those who had joined the party to keep their jobs [*Mussnazis*], or because they were too weak to resist social pressures, made enemies out of potential Allies...[and] it did more: it has [provided] both respectability and massive support to the opponents of denazification, who were almost invariably Nazis themselves, and to those who opposed the prosecution of war criminals.”³⁸

Other Military Government officers were able to see these flaws before McMahon. In October of 1945, Major George Wham wrote in his monthly economic report a critique of the law, saying that

There was much despair among the business groups and many feared that more complete collapse than already existed of the economic system would follow. Many reliable persons pointed out that the majority of the good business men were forced to join the party in order to earn their livelihood and now that Law No. 8 had forced the mass exodus of these people their positions were being taken over in many cases by the incompetent ‘get rich quick’ group who have only personal interests at heart.³⁹

³⁷ Bower, *Blind Eye to Murder*, 188; Tent, *Mission on the Rhine*, 56; Bessel, *Germany 1945*, 197; George Wham, *History – Trade and Industry* (Draft), Period October 1 – 31, 1945. Copied by author from the original document provided by Wham.

³⁸ Bower, *Blind Eye to Murder*, 188-189.

³⁹ George Wham, *History – Trade and Industry* (Draft), Period October 1 – 31, 1945.

This rhetoric was reiterated and exaggerated in German economic circles, which claimed that the law would bring economic collapse. Only the labour unions in Germany were in favour of the law, and they expressed a desire to play a bigger role in purging National Socialism.⁴⁰

From the EKD Theophil Wurm as usual led the attacks against Law No. 8; in a statement addressed to General Clay on 3 October, “Wurm complained about the arbitrariness of Law Number 8, arguing that it posed ‘a question of life and death’ to the German people, and contending that German bureaucrats had a reputation for apolitical incorruptibility, whether or not they were formally *Parteigenossen* [party members or PGs]. Most of these men, he added, had been *Mussnazis*, and their release from employment was not only unfair, but a breach of traditional German laws that guaranteed their seniority.” This was exactly what the Nazis had done, to take away privileges of Jews and Socialists.⁴¹

In the end, the law did little to change the situation in Germany. Germans found ways of avoiding the penalties through “various subterfuges, particularly the sale of firms to the sons and wives of affected persons... Other firms would fire and rehire the same staff members with different titles. In total only one hundred thousand people were dismissed from work, a number Military Government regarded as ‘inconsequential.’”⁴² Germans were allowed to establish appeal boards, marking the first time they were allowed to have a say in the denazification proceedings. These

⁴⁰ Kormann, *US Denazification Policy in Germany 1944-50*, 39.

⁴¹ Biddiscombe, *The Denazification of Germany*, 202.

⁴² *Ibid*, 59.

boards were popular among Germans; however, this was only a minor concession from Military Government.⁴³

Shortly before Military Law No. 8 was passed, when the Confessing Church lay in ruins in August 1945, the heads of the Protestant churches met in Treysa to organise reconciliation between the various churches. The Allies had been impressed with the work of the Confessing Church, and as Germany had no other voice to communicate with the international community, granted permission for this meeting.⁴⁴ At Treysa, the *Deutsche Evangelische Kirche* reformed under the name *Evangelische Kirche in Deutschland*, or Evangelical Church of Germany (EKD), in order to place emphasis on being a church organisation and not in essence a German one.⁴⁵ The goal of the institution was to develop an umbrella organisation of German Protestants. The Treysa meeting was a uniquely Protestant event, as the Catholic Church, with its innate hierarchical and institutional structure that it believed was not in need of reformation after the war, did not hold a similar meeting. The questions the EKD faced at Treysa were great, and divisions among the leadership remained, but the leaders were able to form a united church that is still the largest organisation of Protestants in Germany today. Around fifty church leaders from all four zones were invited to take part, all of whom had at one point shown resistance to Nazism.⁴⁶ No members of the occupying authorities were invited to attend the meeting, however,

⁴³ Kormann, *US Denazification Policy in Germany 1944-50*, 31.

⁴⁴ Hockenos, *A Church Divided*, 44.

⁴⁵ Dibelius, *In the Service of the Lord*, 216.

⁴⁶ Knappen, *And Call it Peace*, 103.

Stewart Hermann and Karl Barth were present without being affiliated with the EKD. The hierarchy of the EKD was ultimately structured as a twelve-member council, with the elderly Bishop Theophil Wurm as the chairman and Pastor Martin Niemöller serving as Vice President.⁴⁷ These two had been rival leaders in the Confessing Church, and had only reconnected after the war had ended.⁴⁸

The meeting was given Allied approval, as the occupiers wanted to see Christianity bring Germany away from its Nazi tendencies and fashion it into a more moral and humane nation. However, the EKD quickly ran into trouble with the United States, which had little knowledge of the role the Protestant Church had played in Germany traditionally. Even the officers in the U.S. Religious Affairs Branch lacked good information, and they often mistranslated German church statements, causing further frustration.⁴⁹

From the beginning, the EKD was opposed to denazification, and discussed at length its objections to the denazification of German career soldiers, agreeing that they were only following the German military tradition, and that the soldiers were inherently apolitical. Soldiers of Martin Niemöller's generation had not been allowed to vote, and they pointed to the history of antagonism between Hitler and the military.⁵⁰

⁴⁷ Clay, *Decision in Germany*, 303-304.

⁴⁸ Marshall M. Knappen: Report on Interview with Bishop Wurm of Württemberg (leading Protestant ecclesiastic of Germany), 22 June 1945 in Vollnhals, *Die evangelische Kirche nach dem Zusammenbruch*, 25.

⁴⁹ Barnett, *For the Soul of the People*, 217.

⁵⁰ *Ibid*, 220.

At the end of the meeting, the EKD published *A Message to the Congregations*, more commonly known as the “Treysa agreement”, which stressed the importance of putting aside theological differences and re-Christianising Germany. Essentially, this was an announcement that Christianity would save Germany, and this was heralding the “hour of the Church.” The message is also notable because it touches on the subject of guilt, with the EKD admitting, “[l]ong before God spoke in anger, He sought us with the Word of His love and we did not listen.”⁵¹ The guilt here is ambiguous – it is hard to tell whom the EKD is referring to when it says “us” and “we”, but it is clear that the guilt it is referring to is for the destruction of Germany from the Second World War. This, of course, would not be all the EKD had to say on the subject.

One of the first acts of the newly formed EKD was to publicly take responsibility for the guilt of the leaders in inadequately responding to National Socialism, and they achieved this by publishing the Stuttgart Declaration of Guilt (*Stuttgarter Schuldbekentnis*) on 18 October 1945, an admission of guilt on behalf of the churches for the crimes of the Nazis but also a plea for international support and sympathy.⁵² This was a highly controversial document that attempted to tackle both the Nazi past and a post-war Germany. This admission of guilt was made freely, as there is no evidence that the Allies or the international church community demanded the declaration in exchange for material goods. Bishops Wurm and Dibelius had understood the need to separate the Church from Nazism, but they feared the Allies

⁵¹ Full text of Message to the Congregation found in Hockenos, *A Church Divided*, 185-186.

⁵² See Appendix 1.

would justify punitive action by a confession of guilt. This would then lead to a negative reaction amongst their congregations. In contrast, Niemöller, Barth and Bishop Hans Asmussen were more worried about what the Church's reputation would be if there was not an open and honest declaration of guilt. They argued that the Church had to be responsible in taking up the guilt question.⁵³ There had been much soul searching amongst the EKD leadership, but ultimately the text was unanimously agreed upon and signed by the entire council leadership of the EKD. It was the attention that this declaration brought that made the EKD a key international post-war player with the ability to speak to the leadership of other countries on behalf of the German people.⁵⁴

The declaration was made publicly, and received the attention of Military Government. Five days before the declaration was made, on 13 October 1945, Lucius Clay wrote to Secretary of War Robert P. Patterson, saying

German Protestant church leaders have continued conferences and discussions aimed at reorganization and reinvigoration of Protestant life in Germany. They are anxious to purge the German church of pro-Nazi elements which weakened it. To assist this process, World Council of Churches has suggested that prominent Protestant clergymen from United States, Great Britain, France, Norway, and Netherlands be allowed to come to Germany for intensive conferences with German church leaders. Transportation, lodging and food problems make practical application of this measure difficult but it is under sympathetic consideration as it is believed of utmost importance to bring democratic and well-

⁵³ Conway, "How Shall the Nations Repent?", 615-616.

⁵⁴ The book *Im Zeichen Der Schuld* contains the collected subsequent opinions, interpretations, and commentaries of the statement by Asmussen, Niemöller, and Dibelius. Martin Greschat, *Im Zeichen der Schuld: 40 Jahre Stuttgarter Schuldbekentnis, Eine Dokumentation* (Neukirchener Verlag: 1985).

disposed religious leaders in Germany into close and early contact with colleagues in democratic countries.⁵⁵

As Clay suggested, the Stuttgart Declaration of Guilt was written for an international audience. Martin Niemöller read the declaration to a packed church containing the leaders of the World Council of Churches, an international ecumenical council, with church leaders from France, Britain, the Netherlands, and the United States, all countries that the Germans had fought against, as well as a few Germans.⁵⁶ As Niemöller later wrote, it was specifically “a confession before God, our Lord, and before our Christian brothers against whom we have sinned,” with no mention of the sins committed against non-Christians.⁵⁷ Hans Asmussen, the president of the EKD chancellery, called the declaration “a message from Christians to Christians” and said that [t]he Stuttgart Declaration does not take a position on the war guilt as such. Nor did it want to evaluate the question of guilt before the forum of the world or history, rather, as said, in the presence of God.”⁵⁸ Asmussen told the other leaders of the EKD that the Stuttgart Declaration should not be “misused” to score political points, but rather should remain a theological confession, therefore making it an acceptance of

⁵⁵ “Conditions in Germany”, From Clay for Secretary of War, 13 October 1945; found in Smith, *The Papers of General Lucius D. Clay Volume One*, 104.

⁵⁶ Spotts, *The Churches and Politics in Germany*, 11. The Norwegian representative had not been able to obtain the proper travel clearance. There does not seem to have been an any Eastern European or Orthodox church leaders invited, presumably due to political issues. Conway, “How Shall the Nations Repent?”, 614.

⁵⁷ Niemöller, *Of Guilt and Hope*, 29.

⁵⁸ Olick, *In the House of the Hangman*, 220.

guilt without further consequences.⁵⁹ The Stuttgart Declaration was not a zero hour, and the Church did not experience one in 1945; rather, this was a reorientation of old theological principles to the reality of the crimes and subsequent destruction of the Third Reich. The entire statement reads less than one page, and can be found in the appendix, but the most important passage states:

We are all the more grateful for this visit, as we not only know that we are with our people in a large community of suffering, but also in a solidarity of guilt. With great pain we say: By us infinite wrong was brought over many peoples and countries. That which we often testified to in our communities, we express now in the name of the whole church: We did fight for long years in the name of Jesus Christ against the mentality that found its awful expression in the National Socialist regime of violence; but we accuse ourselves for not standing to our beliefs more courageously, for not praying more faithfully, for not believing more joyously, and for not loving more ardently.⁶⁰

To the dismay of church leaders, newspapers reported on the declaration with headlines such as “Evangelical Church Acknowledges War Guilt.”⁶¹ Abroad, this was viewed positively, as people in Great Britain and the United States took this to mean

⁵⁹ Hockenos, *A Church Divided*, 81.

⁶⁰ *The Stuttgart Declaration of Guilt* by the Council of the Protestant Church of Germany October 19, 1945, Text from St. Mark's Church, Stuttgart, trans. Harold Marcuse, Professor of History at UC Santa Barbara, March 2005. <http://www.history.ucsb.edu/faculty/marcuse/projects/niem/StuttgartDeclaration.htm> This is a quite literal translation from the original German, which was: *Wir sind für diesen Besuch um so dankbarer, als wir uns mit unserem Volk nicht nur in einer grossen Gemeinschaft der Leiden wissen, sondern auch in einer Solidarität der Schuld. Mit grossem Schmerz sagen wir: Durch uns ist unendliches Leid über viele Völker und Länder gebracht worden. Was wir unseren Gemeinden oft bezeugt haben, das sprechen wir jetzt im Namen der ganzen Kirche aus: Wohl haben wir lange Jahre hindurch im Namen Jesu Christi gegen den Geist gekämpft, der im nationalsozialistischen Gewaltregiment seinen furchtbaren Ausdruck gefunden hat; aber wir klagen uns an, dass wir nicht mutiger bekannt, nicht treuer gebetet, nicht fröhlicher geglaubt und nicht brennender geliebt haben.*

⁶¹ Olick, *In the House of the Hangman*, 215.

the Germans were accepting their past; in Germany, the statement was seen to parallel Article 231 of the Versailles Treaty, which placed the blame of World War I on the Germans, and many feared similar reparations and humiliation would result.⁶² The German public was largely horrified by the statement, and felt that the EKD was out of touch with its parishioners.⁶³ The reaction was especially negative amongst the youth in the American Zone, who took this admission of guilt to mean that the EKD was endorsing the denazification measures against them.⁶⁴

However, nowhere in the Stuttgart Declaration did the Church endorse the idea of collective guilt. Rather, the EKD used the ambiguous phrase “solidarity of guilt” and the plural “we” which the public equated with collective guilt of all Germans, while the EKD meant for the guilt to refer exclusively to the clergy.⁶⁵ Niemöller in particular believed that “pastors, theologians, and church leaders were more guilty than anyone else, because of all people, they should have known that the Nazis were leading Germany down the wrong path.”⁶⁶ Due to the high volume of complaints, Asmussen wrote a commentary defending the declaration as an admission of church guilt, which helped to ease the minds of few protestors.⁶⁷ Because of this

⁶² Hockenos, *A Church Divided*, 82.

⁶³ *Ibid*, 84.

⁶⁴ Stewart W. Herman: Report on German Reaction to the Stuttgart Declaration [14. Dezember 1945] in Vollnhals, *Die evangelische Kirche nach dem Zusammenbruch*, 311-312.

⁶⁵ Hockenos, *A Church Divided*, 83.

⁶⁶ *Ibid*, 89.

⁶⁷ *Ibid*, 92.

honest admission of the EKD leaders' guilt and the ensuing complaints from the German public, the declaration was "simultaneously a public relations disaster and a stunning achievement for the leadership of the post-Nazi Protestant Church."⁶⁸

In contrast, the Catholic Church had also organised a meeting of its bishops to discuss war guilt, and this group had also issued a statement. However, this was a much shorter statement, and in two sentences they put the guilt question to rest:

We profoundly deplore the fact that many Germans, even in our own ranks, allowed themselves to be deceived by the false teachings of National Socialism, remained indifferent to the crimes against human freedom and human dignity; many by their attitude lent support to the crimes, many became criminals themselves. A heavy responsibility falls upon those who, because of their influence, could have prevented such crimes and did not do so but made these crimes possible and in this way associated themselves with the criminals.⁶⁹

The Catholic statement denied all responsibility collectively and individually, and depicted the Catholic Church as the single force that had fought back against the Nazis within Germany, with those who had fallen in line with the Nazis being bad exceptions. Of course, this was less than true, but the subject of guilt was something that most Germans avoided. Indeed, the Catholic Church was not alone in its denial – rather, the members of the council of the EKD were the single group inside of Germany to acknowledge its own guilt in 1945.⁷⁰ Most individual Germans denied the validity of collective guilt.

⁶⁸ Ibid, 99.

⁶⁹ Spotts, *The Churches and Politics in Germany*, 89.

⁷⁰ Ibid, 95.

Although they did not believe in collective guilt, it seems that many Germans in the American Zone might have agreed with the idea that the Church was guilty of not doing its utmost to prevent the evils of the Third Reich. In a 1946 Military Government survey of just under one thousand Germans in the American Zone, only forty seven per cent of regular church going Protestants felt that their church had done its “utmost to offer resistance to the National Socialists” while they were in power.⁷¹ In the same survey, seventy per cent of Germans stated that “the church should be less interested in political affairs”.⁷² The idea of guilt - not just the ecclesiastical guilt as expressed through the Stuttgart Declaration but also the idea of collective guilt applied to the broader German public - is no longer controversial: it seems that by the 1960s that many Germans accepted this view of their guilt.⁷³ Later readers instead believed the declaration did not go far enough in the acceptance of German guilt, as it failed to mention ways the Church could prevent further atrocities, and included church resistance efforts while ignoring the fate of the Jews.⁷⁴

But even those who did support the Stuttgart Declaration often became a nuisance to the Allies because, as Biddiscombe observed,

they could claim that they had freely accepted a great burden of guilt upon their own country, and should thus be at liberty to point out other injustices wherever they saw them. In fact, they noted that not speaking out against iniquities was

⁷¹ Anna J. Merritt; Richard L. Merritt; *Public Opinion in Occupied Germany: The OMGUS Surveys, 1945-1949* (University of Illinois Press: Urbana, 1970) 81-83.

⁷² Ibid.

⁷³ Conway, “Coming to Terms with the Past”, 380.

⁷⁴ Ibid.

precisely their failing during the Third Reich, and that they had no intention of repeating this mistake.⁷⁵

To the international community, it was clear that the German people were not accepting of guilt, and that therefore the Stuttgart Declaration was exceptional. The newly appointed Archbishop of Canterbury, Geoffrey Fisher, broadcast a radio address to Germany on 28 November 1945, in which he called for true repentance from the German people, criticising the self-righteousness of the claims of victimhood coming out of Germany. He spoke, in English, in a tone of reconciliation, telling his audience that he came “with a heavy sense of responsibility,” and that he was only going to say what he thought “ought to be said and to say it in the right manner.”⁷⁶ The Archbishop’s broadcast then went on to serve as a reminder to the Germans of the destruction they had brought to Europe, and why they should feel guilt.⁷⁷

In response to the Archbishop’s broadcast Theophil Wurm wrote an open letter titled “To the Christians in England” dated 14 December 1945.⁷⁸ In it he thanked the Archbishop for addressing those whom his country had so recently defeated, the

⁷⁵ Biddiscombe, *The Denazification of Germany*, 201.

⁷⁶ Herman, *The Rebirth of the German Church*, Appendix I. Broadcast by Archbishop of Canterbury and Response by Bishop Wurm, 251.

⁷⁷ Hockenos, *A Church Divided*, 103.

⁷⁸ The full text of “To the Christians in England” can be found in Hockenos, *A Church Divided*, 189-191 and Herman, *The Rebirth of the German Church*, 275-279. The Archbishop had previously referred to Wurm as a reliable church leader who had “resisted the Nazi regime, whose integrity is known, and with whom we could work to restore authentic Christianity in Germany.” Conway, “How Shall the Nations Repent?” 613.

Germans, as brothers. He reaffirmed the regret of the Church without explicitly admitting guilt, stating that it had been “a deep source of sorrow to us that we could not effectively prevent the gross ill-treatment of other peoples and countries,” and also defended the actions of the Church during the war, which caused it to be “hated by the National-Socialist leaders quite particularly because they were well aware of our condemnation of their misdeeds.” However, it becomes clear early on in the letter that Wurm is displeased with the tone of the Archbishop’s letter, writing that he agrees that the Germans cannot undo their past, and that he is painfully aware of that fact as all Germany’s cities were in ruin and his fellow countrymen were dying of starvation or in POW camps. Wurm then stated that the “victory of the Allied Powers was not simply the victory of good over evil”, criticising the occupiers for the forced migration of Germans from Eastern Europe and for the failings of denazification, arguing that the injustices of Germany were being paid back by greater injustices.⁷⁹ This sparked a further war of words, which showed that Wurm was already denying German guilt and that the Stuttgart Declaration would be far from the final word on that subject. Specifically, he asked

Are the Germans alone to blame? Didn’t Russia also take part in the attack on Poland and lead its own attack against tiny Finland? Weren’t institutions similar to concentration camps established earlier by our eastern neighbours? Was it humane and Christian to pour fire from the sky onto German cities, especially when it had no military purpose whatsoever? Is the treatment of either our POWs, who are cut off from all contact with their homes or the deportation of our comrades from the east humane or Christian?⁸⁰

⁷⁹ Hockenos, *A Church Divided*, 190; Herman, *The Rebirth of the German Church*, 254.

⁸⁰ Hockenos, *A Church Divided*, 113.

He then attacked denazification, saying that the process was not “designed to awaken the impression of a higher degree of justice and humanity.”⁸¹ It is worth questioning Wurm’s tact in replying to the Archbishop, as much of Canterbury’s famous architecture, along with many lives, had been destroyed by German firebombs in 1942.⁸²

Following the fallout and controversy over the Stuttgart Declaration of Guilt, some EKD and other Protestant Church leaders convened to deal again with issues of guilt and produced the Darmstadt Declaration of 1947 and, subsequently, the Berlin-Weisensee Statement of 1950. Darmstadt will be explored more in the next chapter.

Although both sides would later argue that denazification had failed, they did so for different reasons. Most Germans rejected denazification, seeing it as being “an instrument of revenge”, whereas the Americans and a minority of Germans on the left actually saw the process as too soft.⁸³ Some Americans satirically referred to denazification trials as “follower factories”, because in the end, on paper, they changed the status of Nazi criminals to mere followers only deserving mild punishment, for reasons that will be outlined in the next chapter.⁸⁴ The biggest technical problem was that there were simply too many Germans to put on trial. In 1945, there were over eight million registered party members in all of Germany, so

⁸¹ Olick, *In the House of the Hangman*, 222.

⁸² *Ibid*, 221.

⁸³ *Ibid*, 225; Ericksen, *Complicity in the Holocaust*, 168.

⁸⁴ Taylor, *Exorcising Hitler*, 285.

for all of these Germans to have appeared in front of a court within the three years that denazification was administered, roughly 7,306 party members would have had to be tried every day. At the height of denazification in September 1945, seven hundred trials were conducted per day in the American Zone.

There were, of course, non-ideological Nazis who joined the party under pressure to keep their jobs, and would go on to work in government or the civil service after the war.⁸⁵ These were called *Muss Nazis*, or “must Nazis”, and there is no doubt that there were some party members who had joined for such reasons, but this easily became a blanket excuse, used to avoid harsh sentencing. In his position as a senior clergyman, Theophil Wurm often argued that many members of the party were *Muss Nazis*. In a conference held on 2 July 1945 with members of Military Government, Wurm warned against the speed of denazification, saying

[i]n removing public officials and industrialists from positions of responsibility, an attempt should be made to distinguish between those who were ‘forced’ into party membership and those who were members by conviction. I feel that many of these former ‘Nazis’ are indispensable, because they cannot be replaced. You are de-Nazifying too quickly, and putting people into positions who don’t know their job.⁸⁶

In response, Jacob Beam, a US Political Officer, informed Wurm that Military Government was aware of what he was saying, but that it did not have the luxury of working in a slow and calculating manner when dealing with former Nazis.⁸⁷ Martin

⁸⁵ Heck, *The Burden of Hitler’s Legacy*, 5.

⁸⁶ Theodore E. Lapp: Report on Conference with Bishop Wurm’s Party, 30 June 1945 in Vollnhals, *Die evangelische Kirche nach dem Zusammenbruch*, 32.

⁸⁷ *Ibid.*

Niemöller, in a memorandum written in November 1945, also criticised how “[t]he consequences of denazification are felt severely by so called ‘small people’ who went into the party, not by conviction, but to secure their jobs and business”.⁸⁸

Along with the term *Muss Nazis*, Germans often claimed that they were *Mitläufer*, or fellow travellers, Germans who were not members of the party so therefore were not charged as such, but were involved with Nazi actions to a significant extent, and therefore must be charged with the crimes of the Third Reich.⁸⁹ Those labelled as *Mitläufer* were not considered to be high-class criminals, and could get away with simply paying fines.

Before and after he attended the EKD meeting at Treysa, Barth toured Germany under American auspices writing reports and attending meetings of church leaders in almost every American occupied city. Barth found that Nazism was truly dead in Germany by the middle of 1945, as most Germans had turned away from it with the end of the war, and he presented his findings to the Military Government. The occupiers, who had no reason to know or care who Barth was and why his findings would carry extra legitimacy, essentially ignored him.⁹⁰ Many of them could acknowledge his points, but disagreed as to their value. They were appalled at how quickly the Third Reich had been forgotten, how seemingly every German “had been opposed to it, had ‘always’ been opposed.”⁹¹ Pastor Wilhelm Ziegler, a church leader

⁸⁸ Bentley, *Martin Niemöller*, 198.

⁸⁹ *Mitläufer* translates as “with runners”, as in one who “ran with” the party.

⁹⁰ Spotts, *The Churches and Politics in Germany*, 95.

⁹¹ MacDonogh, *After the Reich*, 63.

from Baden, repeated Barth's sentiments in late 1945, saying that the thirty per cent of Germans who had been members of the Nazi party in 1939 had shrunk to less than five per cent, and he feared that "[a]ll the people, who long since repudiated the Nazi spirit out of inner conviction, will be driven into complete confusion because of the purely bureaucratic and actually unjustly handled denazification, whereby the opposite of what the American occupation authorities intend will be attained." Ziegler continued to muse that most Germans had welcomed the Americans as liberators, initially, but that they were growing to hate their occupiers.⁹²

For its part, the EKD claimed they did not wish to protect Germans who had contributed to or benefited from National Socialism, but were rather suspect of denazification as the process to determine guilt. Most Germans seemed to be unsure of what the purpose of denazification was, whether to prevent resurgence of Nazism or to punish the Germans, and in both cases the EKD saw itself as the proper institution for the task.⁹³

Even within the Military Government there was an awareness of the difficulty of denazification, as highlighted by Patton's attitude. If it were simply a matter of having to "locate and intern dangerous Nazis, to repeal Nazi laws, to seize Nazi property and block Nazi bank accounts, and to disband Nazi affiliated organizations", denazification would have been fairly simple, but in the American zone alone, Clay estimated that three hundred thousand government employees were needed to rebuild and administer civil organisations, so the goal was to make sure that anyone who had

⁹² Herman, *The Rebirth of the German Church*, 96.

⁹³ *Ibid*, 115.

been more than a nominal member of the party had to be denied access to becoming someone who could be of influence in Germany.⁹⁴ In a report from Lucius Clay to General Eisenhower, Clay describes how the problems of denazification had confused a Military Government officer:

His mission is to find capable public officials... at the same time, he must seek out and remove the Nazis. All too often, it seems that the only men with the qualifications... are the career civil servants... a great proportion of whom were more than nominal participants (by our definition) in the activities of the Nazi party.⁹⁵

Clay admitted that the Germans that had been in some way identified as having a connection to Nazism “could not be kept forever from political and economic life,” but he also acknowledged that “it was clearly essential to any hope of a democratic Germany that the real Nazis be identified so that they could be excluded from positions of leadership until new leaders emerged who would resist any effort on the part of former Nazis to exert influence again on German thinking.” Clay agreed with Barth and Ziegler that “Nazism, under that name, was dead through disastrous failure” but he feared the possibility of resurgence of far right reactionary ideology under a different name.⁹⁶

Soon after the war, while the Allies were holding him in Naples, Martin Niemöller gave a controversial interview with several reporters from the United States and Britain. In this interview he admitted that he had been hopeful about

⁹⁴ Clay, *Decision in Germany*, 67.

⁹⁵ Ibid.

⁹⁶ Ibid.

National Socialism. He questioned democracy as a useful institution for the German people, arguing instead that Germany would do better under authoritarian rule, saying specifically “[i]t may be that Germany can become democratic, but you have got to face the fact that the German people are not adapted to the sort of democracy which exists in Britain and the United States. The German people are different... they like to be governed; they like to feel authority.”⁹⁷ He insisted that Germans, himself included, had been “deceived” by Hitler, and that most Germans were not yet repentant. He defended his failed attempt at enlisting in the Navy in 1939, and wrote that he had only opposed Hitler religiously, not politically, while in prison. He asked for help from Britain and the United States, instead of punishment, and finished by saying: “The world will be astonished when it sees how many good people are left in Germany.”⁹⁸ Lucius Clay, for his part, did his best to undermine Niemöller’s influence at this point, writing to Washington in September of 1945: “While permitting Niemöller to take active leadership in religious affairs, we have not felt it is advisable to utilise his services in other fields as yet. While his anti-Nazi stand was demonstrated fully by his own actions, it is still too early to predict as to his wholehearted rejection of the militaristic and nationalistic concepts of the former German state.”⁹⁹ Others, such as the *New York Times* or Marshall Knappen, the Director of the Education & Religious Affairs for Military Government, sought to

⁹⁷ “For What I am,” *Time* (June 18, 1945).

⁹⁸ Matthew D. Hockenos, “Martin Niemöller in America, 1946-1947: ‘A Hero with Limitations’” *Contemporary Church History Quarterly*, Vol: 18, Issue: 2, June 2012.

⁹⁹ Vollnhals, *Die Evangelische Kirche nach dem Zusammenbruch*, XXVI.

distance Niemöller the pastor and religious figure from Niemöller the nationalistic former U-boat operator and political figure.

This interview damaged Niemöller's hard won international reputation, and allowed the Military Government to ignore his criticisms of denazification.¹⁰⁰ The interview demonstrated that after the war he had stiffened his resolve to always preach what he perceived to be the truth, regardless of whether or not his opinions were popular. But in arguing that the Germans were ill suited for democracy and not repentant for the crimes of the Third Reich, he had explained to the newspaper reading Americans and Britons why some form of denazification was needed in Germany. Niemöller was still regarded as a hero, but the *New York Times* called him "a hero with limitations."¹⁰¹ In late 1946, Martin Niemöller, in his capacity as the church leader in charge of organising ecumenical relations for the EKD, and his wife Else, became the first Germans allowed to visit the United States, and they toured the country for five weeks. The trip was an exercise in damage control, as he sought to move away from the controversial points he had made at Naples by focusing on the good work of the Confessing Church and declaring the guilt that he felt. He attempted to clarify the remarks from the interview by putting himself in a similar position to Bonhoeffer, stating that

My wife informed me that my friends advised me to enlist. I thought this would be a way to get out of prison and serve the cause which I loved, my Church and my God. I thought, if Hitler would win this war it would be the end of the Christian Church in Germany. Should Germany lose, Germany likewise would be a

¹⁰⁰ "For What I am," *Time* (June 18, 1945); "A Hero with Limitations," *New York Times* (June 7, 1945), 18.

¹⁰¹ "A Hero with Limitations," *New York Times* (June 7, 1945), 18.

destroyed as a nation. I thought that if I could get out of prison I could then lend my influence in the overthrow of Hitler and save my country perhaps through a negotiated peace.¹⁰²

For the most part he was welcomed in the United States as a figure who had displayed true Christian resistance to the evils of the Third Reich. However, a handful of people- mostly rabbis and politicians – continued to hold him accountable for the unpopular positions he had espoused in the Naples interview.¹⁰³

Martin Niemöller was not the only church leader giving high profile interviews to the foreign press. On 3 December 1945, Bishop Dibelius, in an interview given to the British Council of Churches from his private home in the American sector of Berlin criticised the United States denazification policy, saying that “they were just like the Russians and if they so acted there would be more National Socialists than when they arrived” and that “[t]hey had not understood how to win the German students for democracy.”¹⁰⁴

Although denazification and Law No. 8 were later seen as unfairly harsh towards the Germans, in the beginning the German masses responded positively to the process.¹⁰⁵ Although Germans differed from Military Government on the opinions of a few cases, they showed, as Biddiscombe explains, quite

¹⁰² Report of Dr. Sylvester C. Michelfelder on his Visit to Germany and Alsace, October 15th-25th, 1945 in Vollnhals, *Die Evangelische Kirche nach dem Zusammenbruch*, 187.

¹⁰³ Hockenos, “Martin Niemöller in America”, *Contemporary Church History Quarterly*.

¹⁰⁴ Arthur Cotter: Report on the Visit, in Vollnhals, *Die evangelische Kirche nach dem Zusammenbruch*, 276.

a considerable appetite for anti-Nazi purges. In late July 1945, 21st Army Group reported 'a general and increasing outcry against the retention of Nazis in office', even of so-called 'nominals', and reports from the American and French zones also indicated across-the-board support for denazification, with even elements of the [Christian Democratic Union] and the churches calling for a cleansing of German public life.¹⁰⁶

Many Germans admitted they did not know much about it; they supported it because they believed it would help to punish the worst offenders. As many as a third of all Germans admitted to not knowing any details about the denazification process, and the majority of American Zone Germans were more focused on the creation of a strong German economy.¹⁰⁷ However, every single mayor polled in the fall of 1945 (and most of the German people as well) endorsed the principles of denazification. Complaints were limited to inefficiencies caused by the dismissals and the undemocratic nature of the programme. This would suggest that in this first year the EKD was not only out of step with most Germans on the guilt question, but also in leading the attacks against denazification, rather than responding to the complaints of its parishioners. Richard Merritt, who analysed public opinion polling, wrote that

Postwar Germans thus faced a dilemma. Those who had benefited personally from Nazism, most specifically the former Nazi party members, wanted as little denazification as possible. But what about the Germans who had suffered from Nazism's consequences? On the one hand many were so disgusted with the behavior of the PGs in 1933-1945 that they wanted these moral lepers removed from positions of influence. On the other hand, however, many Germans, including some who applauded the principle of denazification, believed that rebuilding their war torn country was a demand of highest priority that required

¹⁰⁵ Merritt, *Democracy Imposed*, 185.

¹⁰⁶ Biddiscombe, *The Denazification of Germany*, 188.

¹⁰⁷ Merritt, *Democracy Imposed*, 187.

assistance from its most qualified individuals. If this meant returning at least noncriminal PGs to influential positions, then so be it. In the circumstances, professional competence was more important than moral purity.¹⁰⁸

Late 1945 and early 1946 saw denazification at its zenith. By September of 1945 the authorities in the American zone had removed 120,000 teachers, bureaucrats, police officers, and other civil servants and private workers, and were arresting a further seven hundred each day.¹⁰⁹ The Nazi party and affiliated organisations had been completely dismantled, its laws had been nullified, and party members had been largely disenfranchised.¹¹⁰ Much had been accomplished; however, the complaints from the affected persons, whom the Protestant church leaders claimed to speak for, were growing. Although surveyed Germans were favourable towards a form of denazification, there was popular discontent with this version, mostly over how indiscriminately Military Government used party membership to determine guilt. At the end of November 1945, General Lucius Clay, responding to discontent, a declining American military presence, and his professional conclusion that the Germans should administer the programme, set up the Denazification Policy Board to “investigate the programme and recommend a permanent solution.”¹¹¹ The Director of the Legal Division for Military Government, a man named Charles Fahy, was put in charge of this board. On 15 January 1946, Fahy submitted the board’s report, finding that denazification should have three objectives:

¹⁰⁸ Ibid, 196.

¹⁰⁹ Spotts, *The Churches and Politics in Germany*, 99.

¹¹⁰ Kormann, *US Denazification Policy in Germany 1944-50*, 35.

¹¹¹ Griffith, “Denazification in the United States Zone of Germany”, 70.

(1) the removal of political and economic authority from those who had dominated Nazi Germany as a means of assisting in changing the government element; (2) the rapid punishment of those responsible for Nazi wrongs and injustices, while (3) avoiding the future social instability arising from a large mass of permanent outcasts.

The board further recommended that German public opinion must play a role in denazification, and that German participation in the process was “essential.”¹¹² The findings and recommendations of this report are of extreme interest, as they show the awareness of the shortcomings of Military Government’s handling of denazification, and became the basis for the new policy regarding denazification. The report illustrates the serious effort put in to creating a better system, and therefore signifies that perhaps the problems were inherent in the idea of trying to remove Nazism from influence in German life rather than a fault of Military Government.¹¹³

There was much debate surrounding the decision to make new policy. According to the historian Tom Bower, a secret report issued in January 1946 by the Public Safety Branch estimated that “less than one per cent of the German population were committed anti-Nazis.” An American who had negotiated the transfer of the administration of denazification to the Germans named David Robinson reported in the same month that “German political leaders admit that a ‘free’ election held in

¹¹² Ibid.

¹¹³ From the report’s preface: “To accomplish our aims, the Germans must be allowed to participate actively in Denazifying their society, and German opinion must be taken into account. Substantial elements in Germany must be convinced that our programme is just and for the ultimate benefit of Germany and the world.” Report of the Denazification Policy Board, 15 January 1946, preface memorandum, quoted in Kormann, *US Denazification Policy in Germany 1944-50*, 49.

Germany today would bring a modified Nazi government to power.”¹¹⁴ According to a Military Government survey only one in eleven Germans wanted to take the process out of American control, presumably because they did not want to have to administer this unpopular programme.¹¹⁵ Despite any reticence felt by Germans or the Military Government, the switch from United States to German administration, for better or for worse, was made, and a new form of denazification was to follow.

¹¹⁴ Bower, *Blind Eye to Murder*, 193.

¹¹⁵ Merritt, Merritt, *Public Opinion in Occupied Germany*, 38.

Chapter 3: In the hands of Germans: Denazification after the Law for Liberation March 1946 – May 1948

“To use denazification as an instrument to establish democracy or to destroy an authoritarian social structure was equivalent to burning down a barn to get rid of the mice.”¹

- Frederic Spotts, *Churches and Politics in Germany*

“Nothing is less conducive to rehabilitation than harsh treatment, especially when one believes that treatment to be unjust.”²

- Alfons Heck, *The Burden of Hitler’s legacy*

After much negotiation between Germans and Military Government, the switch to German administration began almost two months later on 5 March 1946 when, in the American Zone, denazification was (for the most part) transferred to German authority as the “Law for the Liberation from National Socialism and Militarism” passed through the *Laenderrat*, the newly elected Provincial Council.³ Military Government still “controlled, reviewed, and advised” through the Allied Control Council, but the process was now conducted through German administered tribunals, called *Spruchkammern*.⁴ As General Clay wrote in his memoirs, the law was enacted “to relieve [Military Government] from further direct responsibility in denazification proceedings, although we maintained our right to observe and supervise its execution.”⁵ According to the new law, now everyone

¹ Spotts, *The Churches and Politics in Germany*, 106.

² Heck, *The Burden of Hitler’s Legacy*, 7.

³ Olick, *In the House of the Hangman*, 124; Kormann, *US Denazification Policy in Germany 1944-50*, 55.

⁴ Gimbel, *A German Community under American Occupation*, 153; “Civil Liberties in Germany”, From Clay for Echols (Eyes Only), 31 May 1946; found in Smith, *The Papers of Lucius D. Clay Volume One*, 266.

⁵ Clay, *Decision in Germany*, 70.

over eighteen who wanted to be eligible for food rations would have to fill out a new questionnaire, called the *Meldebogen*, and present it for examination at one of the 545 established independent German investigation boards. These boards employed over twenty thousand people, and new regulations allowed for more discretion during the trials.⁶ If found guilty, the defendant would be removed from work (if they were in public service) and would be “liable to punishments of imprisonment, fines, and confiscation of property.” Those who had joined the party after 1937 were granted amnesty, as they were now presumed not to be “opportunists or committed followers.”⁷

The new classifications and punishments of denazified Germans were as follows:

[M]ajor offenders, to be punished by as much as ten years’ imprisonment, confiscation of property and permanent exclusion from public office; offenders subject to imprisonment, fine, and exclusion from public office but entitled to release from restriction on probation; [lesser offenders]; followers or nominal Nazis, who, although subject to fine, could henceforth exercise their rights of citizenship; and those exonerated as a result of investigation. Neither the German lawmakers nor Military Government wished to punish youth subjected to Nazi indoctrination in mass, but both desired their registration.⁸

⁶ Zink, *The United States in Germany 1944-1955*, 162.

“Appellate tribunals were also instituted to review the decision of the trial courts.” Political Parties that were recognised on the *Land* level could recommend the people on these boards. Kormann, *US Denazification Policy in Germany 1944-50*, 67. “It is almost impossible to appreciate the vastness and intricacies of denazification without a perusal of the Law for Liberation and its appendix.” Kormann, *US Denazification Policy in Germany 1944-50*, 67-68.

⁷ Bower, *Blind Eye to Murder*, 192; Kormann, *US Denazification Policy in Germany 1944-50*, 52, 58; Knappen, *And Call it Peace*, 127.

This was an unpopular move amongst Germans and select United States officers, as they believed that those who joined the party earlier had been misguided idealists but ultimately harmless, but after 1937 it was obvious that the Nazis were criminals so these were the party members most in need of denazification.

⁸ Clay, *Decision in Germany*, 258-259; Merritt, *Democracy Imposed*, 183. The German names for these classifications were: *Hauptschuldige*, *Belastete*, *Minderbelastete*, *Mitläufer*, and *Entlastete*.

Trials under the Law for Liberation began that summer, and, as before, sentences included, but were not limited to, fines, confinement, and a reduction in status to ordinary labour, both temporary and permanent.⁹ The law stated that the “American Military Government has now decided that the German people may share the responsibility for liberation from National Socialism and Militarism in all fields. The discharge of the task thus entrusted to the German people will be accomplished by this Law.”¹⁰ This was a version of denazification that “Military Government had to no small extent forced...upon the German officials responsible for drafting the law;” “Germans themselves had not readily accepted denazification as embodied in the Law for Liberation.”¹¹ Special Branch appointed denazification ministers, who would continue to have oversight of the process, but now that Germans were in charge there was a hope that the focus would be switched

It is worth exploring what qualified as a Class I Major Offender – Clay said in a speech that these were Germans that had “held high positions in Nazi organizations.” Kormann, *US Denazification Policy in Germany 1944-50*, 107.

The criteria is articulated in eight bullet points in Article 5 of the Law for Liberation, to sum up: Major Offenders are persons who committed crimes in the name of National Socialism; who treated prisoners of war in a way that did not match the standards of international law; those who are guilty of violence or plundering – even against resistance movements; leading members of NSDAP or affiliated organisations; party members who had public administrative roles on the *Land* level; who either gave or received financial or political support to or from the NSDAP; were members of the SA or SS, or who participated in any act of cruelty within a concentration camp. Office of the Military Government (US), *Denazification (Cumulative Review): Report of the Military Government, 1 April 1947 – 30 April 1948* No. 34.

⁹ Griffith, “Denazification in the United States Zone of Germany”, 70.

¹⁰ Germany (territory Allied occupation, 1945-1955 : U.S. Zone). Office of Military Government. Civil Administration Division. *Denazification, cumulative review*. Report, 1 April 1947-30 April 1948. no. 34 (1948).

¹¹ Kormann, *US Denazification Policy in Germany 1944-50*, 83.

away from punishment, which could only work for the initial stages of the occupation, and more towards rehabilitating the former Nazis back into German society by labelling greater numbers as having simply been nominal members who were subsequently denazified.

Military Government originally was very optimistic for this version of denazification.¹² The first article promised to “secure a lasting base for German democratic national life” and that “[e]veryone who is responsible [for the crimes of National Socialism] shall be called to account.”¹³ However, the Law for Liberation produced predictably disappointing results - even local German opinion found that the first sentences made by the *Spruchkammern* were often lenient. Verdicts from the previous trials could now be overturned. Former Nazis and their sympathisers intimidated tribunals, and there was even black market of sorts where former Nazis could secure favourable verdicts.¹⁴ By the end of the year, *Spruchkammern* windows were smashed and interiors wrecked, and the homes and vehicles of the tribunal chairs were attacked and in other ways molested by former Nazi party members and their sympathisers.¹⁵

In November, Military Government found that over eighty per cent of those they had classified as “major offenders” had been reclassified as “followers” or had been

¹² Walter Dorn, Memorandum to Clay, “Brief Preliminary Report on the German Denazification Administration”, 9 July 1946, 1.

¹³ Law for Liberation from National Socialism and Militarism, 5 March 1945, Article 1; Found: <http://images.library.wisc.edu/History/EFacs/GerRecon/Denazi/reference/history.denazi.i0013.pdf> on 8 September 2014.

¹⁴ Herz, “The Fiasco of Denazification in Germany”, 571-572; Taylor, *Exorcising Hitler*, 285.

¹⁵ Biddiscombe, *The Denazification of Germany*, 199.

exonerated. Fearing the programme had lost its effectiveness, General Lucius Clay gave a highly publicised speech to the *Laenderrat* in Stuttgart on 5 November 1946 (the one year anniversary of the creation of the local governments in Germany) where he told German authorities they had a probationary period of sixty days to improve the trials, or else he threatened to resume the Military Government's denazification.¹⁶ Clay was furious; the *Spruchkammern* had re-labelled five hundred and seventy five "major offenders" he had personally investigated as "fellow travellers", and forty-nine had been altogether acquitted.¹⁷ The hope that former Nazis would be properly punished under German administration had failed to be met, but at the end of the two months Clay could not fulfil his threat. As more soldiers returned to their homes in the United States, Military Government lacked the manpower to administer denazification again, but the Public Safety Branch did take control of finding appropriate work for Germans who had been cleared by these tribunals, as well as retaining the ability to demand further trials if they were not satisfied with German findings. Despite these setbacks some members of Military Government remained optimistic, with Clay's denazification advisor Walter Dorn giving assurances that this was a "valuable exercise in democracy for the Germans," and that things would change for the better "as soon as the work of the tribunals reaches its full momentum."¹⁸

¹⁶ Griffith, "Denazification in the United States Zone of Germany", 71; Stewart W. Herman: General German Church Situation [September 1945] in Vollnhals, *Evangelische Kirche und Entnazifizierung*, 163; Clay's speech is quoted in full in Kormann, *US Denazification Policy in Germany 1944-50*, 105.

¹⁷ Taylor, *Exorcising Hitler*, 292.

¹⁸ Bower, *Blind Eye to Murder*, 194.

Tom Bower suggests that Dorn's assurances were a bit premature, in that denazification "could never reach 'full momentum' because it collapsed." In Bavaria, where they had expected around thirty thousand appeals under the new system, the *Spruchkammer*

were overwhelmed with what finally amounted to no fewer than four hundred thousand appeals. With so little German political support, derided by the large number of Nazis who had a vested interest in destroying the programme and debilitated by the bleak conditions in post war Germany, it was sheer madness to expect to find ten thousand tribunal staff with the intellect, courage and stamina to investigate a minimum of one million five hundred thousand offenders – more so because the system was based on alien laws imposed by the victor.¹⁹

The Angry Letter Offensive

Even before the Law for Liberation passed many church leaders, both Protestant and Catholic, expressed their vehement disagreement with the policy. The Lutheran Bishops Theophil Wurm and Hans Meiser were the earliest opponents, vouching to authorities for the innocence of the men imprisoned as early as June 1945. Although Wurm had at one point demanded the "Germanification of denazification" from General Clay, after the Law of Liberation was passed he led the voice of German critics who had begun to compare the tactics of the Allies to those of the Nazis.²⁰ His remarks often bordered on hysteria, he went as far as to say of the American prosecutors, that "their deeds do not lag behind those of the Nazis in sadism" and that denazification was

¹⁹ Bower, *Blind Eye to Murder*, 177.

²⁰ Biddiscombe, *The Denazification of Germany*, 202, Pearson, *Faith and Democracy*, 37.

Albeit, Wurm had also argued that they use a different system of denazification. Bower, *Blind Eye to Murder*, 194.

continuing the suffering the Germans had started.²¹ Wurm's objection to denazification was personal as well as political, as his own son Dr. Hans Wurm had joined the Nazi party as a student in Munich in 1922 "solely because there was no other way to retain his hospital appointment."²² During the first few months of denazification, this son was jailed for not acknowledging his party membership on his *Fragebogen*.²³ Wurm lobbied unsuccessfully to have his son pardoned, arguing that "Nazi Party membership was a poor indicator of responsibility for Nazi crimes" and that his son was in fact just as opposed to the Nazis as his father.²⁴ Although many rank and file members of German society held strong opinions about denazification, both for and against, only one third of those surveyed "could describe the current program accurately."²⁵

Most of the protests against denazification by the EKD following the Law for Liberation in 1946 came from angry letters and public statements. A few of them will be detailed to help to explain the EKD's arguments, towards both denazification as it was practiced and the idea of collective guilt. For the most part these letters had little effect – at best, the EKD received replies that were meant to address its concerns without promising any changes, and at worst its letters were simply ignored. As the head of the EKD, Wurm signed off on the letters, although it is unclear if he actually wrote all of

²¹ Biddiscombe, *The Denazification of Germany*, 202; Norbert Frei, *Adenauer's Germany and the Nazi Past: The Politics of Amnesty and Integration*, trans. Joel Golb (Columbia University Press: New York, 2002) 118-119.

²² Hockenos, *A Church Divided*, 7; Knappen, *And Call it Peace*, 97.

²³ Hockenos, *A Church Divided*, 7; Wurm, *Errinerungen Aus Meinem Leben*, 190.

²⁴ Hockenos, *A Church Divided*, 114.
Wurm had lost another son to the war in 1942.

²⁵ Olick, *In the House of the Hangman*, 130.

them. To simplify Wurm's core argument, the historian Robert Ericksen wrote that "[h]e advocated a very narrow process directed against a tiny group of 'real criminals,' and protested that any other policy criminalised political views and behaviours after the fact."²⁶

The first example of an anti denazification letter bearing Wurm's name comes from 26 April 1946. In an open letter written to Military Government and the local governments he appealed directly to Military Government in an effort to lay out his argument, explaining why he believed the law was arbitrary and capricious, and that "in all respects, the law is not in accordance with the natural sense of justice [because] it pays no attention to the elementary rule of law, which designate the laws of civilised nations, and does not deny their past ties to the commandment of God."²⁷ He argued that the new law was breaking established legal norms by charging people for associating with a "legally constituted and internationally recognised regime."²⁸ He pointed out the overwhelming resources the United States had at its disposal, in contrast with the

²⁶ Robert P. Ericksen, "Denazification at Göttingen: Negotiating the Transition From A National Socialist to a Democratic University" (lecture, *International Commission for the History of Universities Colloquium*, Oslo, August 10-11, 2000).

²⁷ The letter was titled *Schreiben des Vorsitzenden des Rates der Evangelischen Kirche in Deutschland an die Amerikanische Militärregierung für Deutschland betreffend das Gesetz zur Befreiung von Nationalsozialismus*, or Letter from the Council of the Evangelical Church in Germany to the Chairman of the American Military Government for Germany concerning Law for Liberation from National Socialism. The entire text of the letter is, in German, the final Appendix of Hermann Diem's memoir, and other drafts can be found in the Berlin Zentralarchiv. Evangelisches Zentralarchiv in Berlin. Bestand, 2/246; Hermann Diem, ed by Paul Schempp, and Kurt Mueller, *Kirche und Entnazifizierung: Denkschrift der Kirchlich-theologischen Sozietät in Wuerttemberg* (W. Kohlhammer Verlag: Stuttgart, 1946) 74 – 84.

²⁸ Spotts, *The Churches and Politics in Germany*, 102.

unprepared German defence that had not been able to adequately review American evidence, stating that there was a “handicap of the defence against the Prosecution.” He complained about coerced witnesses, poor facilities for the tribunals, and the difficulties of finding evidence for defendants. It should be noted that this letter was written before the Law for Liberation had been fully implemented.²⁹

The letter, however, was not just a list of complaints. There is an unsubtle exertion of resistance early in the letter:

The Christian Church must draw attention to the fact that the law is not suitable because its intent is to control the conscience of the German people. The Church is itself a product of the German conscience, and, in the service of divine justice and truth, will not preach to the German people this law and its implementation in all its parts.³⁰

He further stated “[w]e can not remain silent when new debts and new injustices will be brought by the Law for Liberation from National Socialism and Militarism. Our concerns are directed against the basic conception of the whole legislation.” It is contrary to a “natural sense of justice” and “elementary principles of

²⁹ Letter from Lucius Clay to Theophil Wurm, Berlin, 25 May 1946, Evangelisches Zentralarchiv in Berlin. Bestand, 2/318.

³⁰ Appendix 4: *Brief des Rates der EKID an die Amerikanische Militärregierung für Deutschland vom 26. April 1946* found in Diem, *Kirche und Entnazifizierung*, 76. *Die christliche Kirche muss darauf aufmerksam machen, dass das Gesetz durch diese seine Grundhaltung nicht treffen. Die christliche Kirche ihrerseits ist infolge dieser Grundhaltung nicht in der Lage, dem deutschen Volk zu verkündigen, dass dieses Gesetz und seine Durchführung in allen seinen Teilen im Dienste der göttlichen Gerechtigkeit und Wahrheit stehe.*

law” because it retroactively punishes “actions and attitudes” that had been “judged by the former administrations as lawful and good.”³¹

General Clay, responded to Wurm in a letter written on 25 May 1946, thanked the Bishop for his letter but then added “[a]fter careful consideration of your letter of 26 April, the military government has decided that a change of the Law for Liberation is neither necessary nor desirable.” Through the course of his response, he step by step refuted Wurm’s arguments, arguing that “[i]t is obvious that you have to allow the German people to take action through which [Nazi] influence is eliminated from the German life, which was so disastrous both for the Germans themselves as well as for countless others”. He refuted Wurm’s claim that everyone who had any remote relationship with Nazism would be ruined, writing that if “a lack of inner affiliation or rejection of Nazism is apparent” the defendant will be so identified. He also reminded Wurm that it was now Germans who were in control of almost all aspects of the process, such as formation of the *Spruchkammern* and, depending on the severity of the crimes, the penalties. He then wrote that there was a review process, and that those who were found guilty who could show mitigating circumstances and good behaviour might be reclassified. Clay rejected Wurm’s criticisms about the way the process would be handled under German control, calling them “assumptions”, “educated guesses”, that were not backed up by “probative” evidence, and therefore could only be refuted by further speculation. He wrote that the law is clear, and that therefore he did not foresee abuse: “Probation provisions are for more serious cases” and “[only] the seriously guilty (Class I and II) will have

³¹ Diem, *Kirche und Entnazifizierung*, 74-75

strict procedures, and indeed this will be in accordance with the seriousness of their behavior.”³²

This step-by-step explanation was the best response that the EKD would receive – Clay ignored subsequent letters and public statements from members of the EKD.³³ This new attitude showed a marked departure from the pair’s earlier relations, as Clay had asked Wurm to enter politics and lead the provisional local government in Württemberg, which the bishop had turned down to focus on rebuilding his church.³⁴ Wurm was not the only church leader criticising Clay following this new policy. Bishop Aloisius Muench, an American bishop from Fargo, North Dakota who was serving as liaison between United States Government and the Vatican concerning the Catholics in Germany and Austria, delivered a scathing report to Clay from the Catholic Church in July 1947. Muench lacked diplomatic finesse, and in his report he decried the failures of denazification, particularly the Law for Liberation, stating it had “caused the Germans to lose confidence in the concept of justice of the Americans,” and asked for amnesty for all former Nazis who had never held leadership positions.³⁵ Walter Dorn wrote a vehement reply for Clay to sign, which called the bishop’s requests “not always easily intelligible”, and argued down each of the bishop’s points.³⁶ No matter how eloquent Clay was in

³² Clay to Wurm, found in Evangelisches Zentralarchiv in Berlin. Bestand, 2/318; Spotts, *The Churches and Politics in Germany*, 102.

³³ In his memoirs, Wurm wrote that Clay should not complain about the failures of denazification, as Clay had failed to take his advice. Wurm, *Errinerungen Aus Meinem Leben*, 190.

³⁴ Barnett, *For the Soul of the People*, 217.

³⁵ Spotts, *The Churches and Politics in Germany*, 83; Ibid, 104.

explaining his reasoning, however, he was never able to appease his increasingly vocal critics. In his memoirs, Clay acknowledged that the law had been a controversial one, but he argued that it was the only possible solution. He argued that Germans were far better at judging other Germans than a foreign military board would be, and that the Germans who administered denazification did so voluntarily.³⁷

After Wurm had written to Clay but before he had received his reply, the EKD began to organise a campaign against denazification. On 2 May 1946, the church leaders issued the “Treysa Statement by the Council of the Evangelical Church in Germany to Carry out the Denazification of the German Folk”, the “Statement of the EKD Council on the Application of Denazification Provisions from the Pulpit,” and a set of guidelines for how the Church should purify itself, recognising that it had been corrupted by Nazism and needed its own internal denazification process.³⁸ The Treysa Statement began with an acceptance of the need for some sort of denazification policy, and an acceptance that anyone who had committed a crime in connection with the Nazis must be punished. It argued that because it admitted this, and because it had admitted guilt at Stuttgart (it failed to reiterate that guilt here), that they are in a position where they have “the right and freedom to express their serious concerns about the procedure followed today”. The statement calls it a *Grundsatz der Gerechtigkeit* (Principle of Justice) that people should not be judged on party membership alone, and that no tribunal should use membership alone to presume the ethos of an accused German.

³⁶ Ibid, 104.

³⁷ Clay, *Decision in Germany*, 70.

³⁸ Konrad Merzyn, *Kundgebungen: Worte und Erklärung der Evangelischen Kirche in Deutschland 1945-1959* (Amtsblattes der EKD: Hannover, 1993) 35-37.

In the statement, the EKD invokes the Roman legal principle of *nulla poena sine lege*, the idea that somebody cannot be punished for something that is not against the law, and therefore these denazification laws go against “the natural sense of right.”³⁹ This became a reoccurring criticism against denazification, but it seems to contradict the EKD’s stated position that those who have committed crimes in connection with National Socialism should be punished. Although the Church agreed that former Nazis must be punished, they did not want to see the German economy fall apart, which they argue was happening. The EKD claimed that things had become so bad that even the Church could not get people to experience redemption. The EKD argued that it could not bring people to spiritual growth when they were continually being penalised for crimes of an old government. Specifically, the EKD was arguing for young people who had belonged to Nazi affiliated organisations, and were now barred from becoming students under denazification. The statement rejected the questionnaires, stating that the wording treated one as already incriminated, and that this could not lead to a “moral recovery”.⁴⁰ The EKD’s statement further warned that, for these reasons, denazification was turning Germans into nihilists; it argued that Germans had been forced to reject National

³⁹ Price; Schorske, *The Problem of Germany*, 125.

i.e. if something was not against the law at the time it was committed.

This is a reoccurring criticism – In the EKD Memorandum outlined in the final chapter, it is argued that “*nulla poena sine lege* is anchored in the American constitution” but it was “dismissed by the Americans as legally irrelevant on the basis of a charter which is valid for the vanquished only to which the United States has not itself submitted and which is contrary to the American constitution. These things weigh heavy upon our conscience.”

Theophil Wurm; Martin Niemöller; Karl Hartenstein; *Memorandum by the Evangelical Church in Germany on the Question of War Crimes Trials before American Military Courts* (The EKD Council: Württemberg 1949) 22.

⁴⁰ Merzyn, *Kundgebungen*, 36-38.

Socialism but had nothing to turn to, as they were not able to see the benefits of democracy.⁴¹

This moral recovery was the core of the EKD's argument, and they wrote

The Church does not defend the Nazi mind when it recites these concerns. But you know that the decline in confidence in the human legal system can be a hindrance to hear the proclamation of the divine law and divine grace. It is our conviction that our people can only come to a clean slate when they are able to hear the message of God's Word.⁴²

The statement ends by stressing that the redemption of the German people after years of National Socialism will come not from the policy of denazification practiced by the Military Government, but from the Church.

The second statement of 2 May was much shorter and less profound. The focus was on how the Church should self-denazify, and took aim at the German Christians.

It is worth noting that these public declarations would not have been permitted under the Third Reich – these writings were not private correspondence, but rather public repudiations of the policy of the victorious Allies. This freedom of dissent came from Clay, who was a strong supporter of the American Civil Liberties Union (ACLU), and allowed director Arthur Garfield Hays unrestricted access to the country. Clay later told

⁴¹ This is better understood when paired with a statement made by a German *Oberbürgermeister* (Lord Mayor) undergoing a denazification interview in Nuremberg that year: “denazification is the only thing that has disillusioned the people about democracy.” Kormann, *US Denazification Policy in Germany 1944-50*, 60.

⁴² Merzyn, *Kundgebungen*, 36.
Die Kirche verteidigt nicht den nationalsozialistischen Geist, wenn sie diese Sorgen vorträgt. Sie weiss aber, dass das Schwinden des Vertrauens in die menschliche Rechtsordnung zu einem Hindernis werden kann, die Verkündigung des göttlichen Gebotes und der göttlichen Gnade zu hören. Es ist unsere Gewissheit, dass unser Volk nur dann zu einem wirklichen Neuanfang kommen kann, wenn es die Botschaft des göttlichen Wortes zu hören vermag.

his biographer that he did not “believe in the use of the power of government to stifle people in expressing themselves freely”, although he added that “a civilised society must have a certain discipline. And that discipline must consist of a respect for law and order.”⁴³

There was one final important development in the relationship between the Protestant Church and Military Government that occurred in May of 1946; the Lutheran *Land* Bishops of Bavaria, Württemberg-Baden, and Hesse, as well as the Catholic Church, signed an agreement on how the churches were to self-denazify under the Law for Liberation.⁴⁴ The agreement was straightforward – if a clergyman was a suspected Nazi, he would be reported to the appropriate *Land* bishop, who would investigate and, if he were not simply dismissed, the clergyman would be tried. The trial would be assessed by at least one other member of the clergy, one who was on record as being anti-Nazi. On 12 August that same year, Lucius Clay told Walter Dorn

[w]e had been extraordinarily lenient with the church ... although we had given the church every consideration in permitting its leaders to clean their own households, many clergymen who are considered by our Special Branch to be Mandatory Removals are still continuing in office.⁴⁵

There was a debate, not just among church leaders but also responsible leaders of Military Government, over whether or not denazification was working. In May of 1946, the Chief Historian for Military Government Donald B. Robinson wrote in an article for

⁴³ Jean Edward Smith, *Lucius D. Clay: An American Life* (Henry Holt and Company: New York, 1990) 332.

⁴⁴ See Appendix 2.

⁴⁵ Vollnhals, Clemens, *Evangelische Kirche und Entnazifizierung 1945-1949: Die Last der nationalsozialistischen Vergangenheit* (Oldenbourg: Munich, 1989) 158.

The American Mercury that eight hundred thousand former party members still held bureaucratic and industrial posts in the American Zone.⁴⁶ These men worked with Military Government approval, and the response from one captain was merely to shrug it off and reply “the war’s over.”⁴⁷

Later in the year, when it was apparent that Military Government was not interested in the complaints about denazification made by the EKD, an appeal was made instead to the Church of England, hoping it could become an ally in the struggle against denazification. This appeal took the form of a letter written on behalf of the EKD by Martin Niemöller on 27 November 1946 to the Rt. Rev. George Bell, the Bishop of Chichester.⁴⁸ Bell had publicly supported Niemöller in the British press when the latter had been put in a concentration camp, arguing that Niemöller was a religious figure and not a political one, thereby raising questions as to why Hitler and the Nazis had imprisoned him.⁴⁹ During the war, the Bishop had preached against the bombing of German cities, and had supported the creation of the EKD when the war was over. In his letter Niemöller stated that, according to the rate of denazification for 1946, Bavaria was still eight years away from denazification, and Hamburg was twelve. He repeated many of the common criticisms – denazification was too slow, too harsh on the lesser offenders

⁴⁶ Robinson. “Why Denazification is Lagging”, 563.

⁴⁷ Ibid, 564.

⁴⁸ Entire text of this letter can be found: Control Commission for Germany, “Denazification methods employed in American Zone: Pastor Niemöller and Bishop of Chichester” The National Archives, London, Ref: FO 945/781.

⁴⁹ “Pastor Niemöller.” Times [London, England] 24 Oct. 1938: 16. The Times Digital Archive. Web. 30 Aug. 2014.

– and asked for the Bishop to petition for an amnesty to be given to class III and IV offenders, the *Minderbelastete* and *Mitläufer*. The British and the American Zones had recently combined to form Bizonia, and Niemöller was hoping that the British, with their different view of denazification, might be convinced to put pressure on the American Military Government. Although the letter was a message from one church leader to another, Niemöller addressed Bell more in his capacity as a politician, not focusing on his problems of denazification through a moral or religious lens but rather using a more bureaucratic argument. He did, however, state that

the whole moral and spiritual attitude over here is becoming more and more strained, mostly due to the bad material and food situation; but there is no doubt that the weight of moral strain and hopelessness, of which the denazification – difficulties form an important part, presses heavily upon our population, causing frictions and all sorts of dissatisfaction, and hampering every chance of new spiritual life and revival.⁵⁰

It is clear from the letter that the EKD had realised that Military Government was not paying attention to its letters, and so the EKD was instead looking to foreign churches for support. The EKD was, however, to be disappointed. In response to the letter Bell's staff wrote a denazification report for the Bishop, and in its first draft they came to the conclusion that "Dr. Niemöller has given a rather inaccurate picture of how the denazification programme generally will work out." The draft predicted, accurately, that far from the eight years in Bavaria (and twelve in Hamburg) that Niemöller believed remained, the whole process would be finished by mid to late 1948.⁵¹

⁵⁰ "Denazification methods employed in American Zone" The National Archives.

⁵¹ Ibid.

It should be noted that, again, the EKD was leading anti-denazification sentiment. A review of public opinion surveys in the American Zone soon after the Law for Liberation had been passed suggests that in mid-March 1946 two thirds of Germans held positive views towards this new law.⁵² Again, most Germans had more pressing concerns than following denazification policy, and there is a correlation between those who were more informed and those who were less satisfied, but the polling suggests that the EKD was against denazification by conviction, not because there was pressure from the parishioners. The surveys do not suggest that the EKD was changing attitudes, rather, it seems that public opinion was soured by the inconsistencies among the *Spruchkammern*; evidence of corruption; a belief that Germany was spending too much of its depleted economic resources on the process when they could be better allocated; and a divide between those who thought the programme was either too harsh or too lenient.⁵³

Although members of the EKD continued to write letters of protest, this tactic was not producing any tangible results, and it was clear that a more direct form of action was required if it wanted to successfully undermine denazification policy.

In August of 1946, the controversial self-denazification of the EKD came to an end, when it “sent a delegation to Military Government to plead” that the remaining clergy members who had been corrupted by Nazism be allowed exemption from denazification. According to Dorn, the argument was that the denazification policy had become “an unwarranted interference in the affairs of the church. This was an argument

⁵² Merritt, *Democracy Imposed*, 197.

⁵³ *Ibid*, 200.

which Military Government could not accept.”⁵⁴ Military Government had always been careful to respect the laws of the EKD and the belief of the divine character of its leaders, but it believed that the Church’s status as a leader in German society meant that clergymen should therefore not be judged differently than laity, and certainly not accorded preferentially easier treatment. On 22 August 1946, General Clay stated that the EKD had until 20 October 1946 to remove all such clergymen from its ranks. This was achieved successfully thanks to the local German Minister-Presidents and the leadership of Bishop Dibelius, who was able to make it not just an issue of “purging the church of unsuitable clergymen” but of “inspired leadership which aimed at a genuine religious renewal.”⁵⁵

The Church was not the only group within Germany that the United States wanted to call upon to support their occupation efforts, and as political organisations reappeared they were courted as well. Wilhelm Hoegner was the Minister President of Bavaria, and as such he was the German responsible for denazifying the region. He was given this position because he was one of few politicians willing to endorse the Law for Liberation – the United States wanted to make sure the political parties would fall in line, even if it meant manipulating party leadership. When Hoegner issued a proclamation in which he endorsed the law, along with the other major political parties in Germany on 22 June 1946, Military Government backed his statement with much publicity.⁵⁶ This statement gave the assurance that “those who did not actively participate in the Nazi regime have

⁵⁴ Memorandum to Clay from Dorn, 9-10.

⁵⁵ Ibid.

⁵⁶ Kormann, *US Denazification Policy in Germany 1944-50*, 85.

nothing to fear from this law,” and ends by stating that “[w]e therefore call upon all citizens, irrespective of party or creed, to stand behind this law so that Bavaria may look with hope and confidence to the future.”⁵⁷

It would be wrong to assume that Hoegner’s statement reflected a new direction in attitudes towards denazification from all political factions. Hoegner had suppressed Bavaria’s largest party, the Christian Social Union, and the CSU continued to stand against the law. The CSU leader, Dr. Joseph Mueller, had signed the law, but that was after Military Government had threatened his leadership position in the CSU.⁵⁸ Because parties such as the CSU would not give a free endorsement of denazification, proclamations such as Hoegner’s were of little value.

Amendments and Changes

Whether one agreed with the church leaders or Military Government, the same major problem with the process continued under the new German administration: denazification was not moving fast enough. One of the first acts of the new tribunals was to expedite the process. The biggest complaint against denazification was that it targeted too many people. Most of these people had been victims of automatic arrest and then had to wait in internment camps until they were brought in front of a *Spruchkammer*. Prior to the Law for Liberation the process was generally widened to bring in more Nazis and followers by amendments to the JCS 1067 but with the passage of the Law for Liberation

⁵⁷ Ibid, 90, 91.

⁵⁸ Ibid, 85.

Dr. Mueller had a suspect background, and a denazification court did not clear him until 11 January 1948. This did not prevent him from being the Deputy Minister President to Hoegner, Acting Minister of Justice, and the head of the CSU. “Germans Clear Mueller: High Court Rules He Was Not Nazi Collaborator.” *The New York Times*. 12 January 1948.

amendments no longer widened the scope, but narrowed it.⁵⁹ One of the solutions that Clay helped work out was to grant clemency to all defendants born between 1 January 1919 and 5 March 1928, unless they were classified as Class I or Class II offenders.⁶⁰ This so called “Youth Amnesty” was introduced on 8 July 1946, and was extended to about 2,000,000 men and women.⁶¹ Karl Barth, amongst other church leaders, had pushed in vain for the Youth Amnesty to cover all of those born after 1913, regardless of whether or not they had high-ranking posts in the Hitler Youth or the SA, as that entire generation had been swept up with National Socialism and it should be a priority to win them over to democracy.⁶² Even with the Law for Liberation and this Youth Amnesty, the process remained slow in light of the scope of the problem, and many Germans felt sympathy for former party members. In an effort to further accelerate the programme, that winter, one of the coldest in German history, another blanket amnesty, called the “Christmas Amnesty” of 1946, was granted to over a million incriminated Germans who were either over fifty per cent disabled or economically disadvantaged.⁶³ Nearly seventy per cent of the pending cases were resolved with these amnesties, and it was clear from now on that denazification was going to keep growing narrower.⁶⁴

⁵⁹ Gimbel, *A German Community under American Occupation*, 154.

⁶⁰ Andrew Szanajda, *The Restoration of Justice in Postwar Hesse, 1945-1949* (Lexington Books: Plymouth, UK, 2007) 139.

⁶¹ Kormann, *US Denazification Policy in Germany 1944-50*, 95.

⁶² Vollnhals, *Evangelische Kirche und Entnazifizierung*, 80.

⁶³ Griffith, “Denazification in the United States Zone of Germany”, 72.

⁶⁴ Biddiscombe, *The Denazification of Germany*, 65; Kormann, *US Denazification Policy in Germany 1944-50*, 114.

Although these amnesties helped to reduce the numbers, by the beginning of 1947 the United States still held over ninety thousand Germans awaiting trial in its detention centres. Almost two million more had been barred from professional work by *Spruchkammer* judgments, only allowed to find jobs in manual labour.⁶⁵

Another important development that occurred around this time that changed the way the Allied Occupation was administered was that the United States made an offer to its wartime Allies to pool resources by uniting zones. As already mentioned, the British immediately accepted this offer and by 9 August 1946 Bizonia was created. The guiding idea was that it “would have a common standard of living, pooled resources and a common export policy, and would fix imports necessary to supplement indigenous resources.”⁶⁶ In Bizonia, new newspapers and radio shows were created as the only forms of media in an attempt to re-educate Germany.⁶⁷ However, despite these mergers, denazification carried on as before. Until March 1948 the French opted out of joining the United American and British Zones, arguing that France “didn’t like the idea of resurrecting the ‘Reich’”, but when France did join the name changed to Trizonia, the territory of which would later form much of the Federal Republic of Germany.⁶⁸

The Question of Democracy

The year 1947 proved to be relatively quieter in terms of the EKD’s campaign against denazification. Its position on the process did not fundamentally change, but as an

⁶⁵ Herbert Hoover, The President's Economic Mission to Germany and Austria, Report No. 1: German Agriculture and Food Requirements (Press Release), 28 February 1947, 2.

⁶⁶ MacDonogh, *After the Reich*, 511.

⁶⁷ Olick, *In the House of the Hangman*, 144.

⁶⁸ MacDonogh, *After the Reich*, 511.

organisation it failed to unify in any meaningful way to argue against it. At a meeting held in Treysa that January, Hans Asmussen told other church leaders that “[w]e cannot deny that the American and German authorities are committing a grave injustice with denazification” and asked “have our people the belief, in the deepest sense, that their interests are being betrayed?” He blamed this “crisis of confidence” on denazification.⁶⁹ Bishop Johannes Lilje and Hans Meiser, both signatories of the Stuttgart Declaration, now seemed to be stepping away from that document. This deepened an already existing rift between them and other signatories, such as Pastors Niesel and Niemöller, who not only believed in the statement but also understood that the other side’s rhetoric would undermine the relationship the EKD had with the occupying powers. The substance of the arguments against denazification this year was that it would poison the Germans against democracy, which was not a new argument of the EKD’s, or, as I will explain, a particularly truthful one. However, what these repeated responses from leading churchmen towards denazification portrayed, whether they were exaggerated or not, was a feeling of helplessness from the EKD. Whereas it had previously presented reasoned arguments, after the passage of the Law for Liberation its criticisms grew increasingly hyperbolic.

At the Church of St. Mark in Stuttgart on Good Friday 1947, Pastor Helmut Thielicke delivered a sermon titled “The Passion without Grace” that was a harsh and poignant rejection of denazification.⁷⁰ Thielicke had been an ardent opponent of the Third

⁶⁹ Vollnhals, *Evangelische Kirche und Entnazifizierung*, 94.

⁷⁰ Barnett, *For the Soul of the People*, 225.
Quotations come from Thielicke, *Notes from a Wayfarer*, 232-233.

Reich, having been dismissed from academic life for refusing to declare party loyalty, and because of that the Allies allowed him to tour the internment camps after the war, where, in his words, “several thousand both genuine and merely putative Nazis were imprisoned.”⁷¹ After witnessing the poor conditions in which they were kept, and having always believed that denazification was a bad policy for morally rehabilitating the Nazis, he had decided that he needed to publicly and powerfully denounce the policy.

In his sermon, he stated

[w]hat has happened among us in the name of denazification is not only unjust, it is the murder of the soul and of faith. It has not only led to families standing despairingly before an *earthly* void, but has also caused the void of eternity to gape open before human beings, because it threatens to shatter their faith that a heavenly Father could have anything to do with this insane pandemonium.⁷²

The effect of Thielicke’s sermon was indeed powerful. Outside of the church, a sobbing and adoring crowd surrounded him.⁷³ Upon his return home, a United States army officer demanded a translated copy of his sermon, which was then delivered to Clay, who decided not to respond in any way Thielicke. A few months later, however, his trip to the United States was cancelled, and a Military Government staffer told Thielicke in confidence that it had been cancelled in response to this sermon. The sermon was soon copied and spread throughout Germany, and found its way into denazification internment

The sermon can be found in its entirety in Helmut Thielicke; Hermann Diem; *Die Schuld der Anderen: Ein Briefwechsel zwischen Helmut Thielicke und Hermann Diem* (Gottingen, Vandenhoeck, 1948) 5-15.

⁷¹ Thielicke, *Notes from a Wayfarer*, 228.

⁷² *Ibid*, 233.

⁷³ *Ibid*, 234.

camps. It was even reprinted in newspapers in both the United States and Britain.⁷⁴ Although he represented the majority opinion held by the EKD, not everyone in the Protestant Church endorsed his sermon. Hermann Diem, who was a friend of Thieliicke's despite the fact that the two had vastly different views on the guilt thesis, wrote a letter about the ideas of guilt expressed in the sermon that began a correspondence with Thieliicke.⁷⁵

In his response to Thieliicke's sermon, Diem admitted that he had expressed similar ideas to the Americans, but he stressed that it was different because he had gone straight to a commanding officer, and told him personally that the American behaviour was "the biggest obstacle that we pastors have to overcome."⁷⁶ He went on to dismiss Thieliicke's complaints, stating they were more situational than theological, and stated his regret of Thieliicke's actions. He asked that Thieliicke include Diem's review in the publication of his sermon.⁷⁷ Thieliicke agreed to publish this dissent, and over the next several letters the two engaged in a theological discussion about guilt, citing Barth, Kierkegaard, Descartes, amongst others, in an attempt to work out the appropriate way to understand the issue. Ultimately all of this correspondence, as well as a sermon on guilt delivered by Diem, was published in the widely circulated booklet *die Schuld der Anderen* (The Guilt of Others). Diem was not the only church leader Thieliicke found himself in disagreement with at this time. Although he attempted to remain on friendly

⁷⁴ Ibid, 234.

⁷⁵ Thieliicke, Diem, *Die Schuld der Anderen*.

⁷⁶ "größte Hindernis für die Arbeit von uns Pfarrern sei" Thieliicke, Diem, *Die Schuld der Anderen*, 16.

⁷⁷ Ibid, 22.

terms with both of them, Thielicke wrote extensively of his theological disagreements concerning guilt and denazification with Barth and Niemöller, both of whom had also disapproved of the rhetoric used in the Good Friday sermon.⁷⁸

Thielicke's attitude towards the internment camps, although partly based on visits he made, was likely to have been informed by Wurm. In February of 1947, while making the case that the Allied policies had become a unifying point of distress amongst Germans that could spark a sort of "renazification", Wurm submitted to Military Government a memorandum on conditions in internment camps. The memorandum included a list of complaints, which were as follows:

In the internment camps all around Ludwigsburg alone there are hundreds of internees, cases of automatic arrest, who despite all promises are not released yet.

In many instances internees now, after 15 to 20 months, have not yet been questioned, some do not even know why they have been deprived of their liberty.

Those who have passed the tribunals without having been condemned to the work camps are still not set free because the Americans have not yet confirmed the judgment.

Alone in Camp No. 74, approximately 500 internees are 'frozen' because they figure on an IMT-list (International Military Tribunal List), Nevertheless, no reproach whatever seems to have been levelled against them; they have been detained for now more than one and a half years only because perhaps in the course of some criminal proceedings they may be wanted as witnesses or informants. In the same camp some 55 detainees, also without intelligible reason, await liberation.

The promised freeing of the dying eight weeks before their prospective demise has to pass so many instances that in the meantime the sick often die.

In Camp No. 74 there are still three double amputees, one blind amputee and countless severely maimed.

Numerous women have minor [i.e. young] children waiting at home from whom they have been separated for almost two years. In most of these cases, crimes that would require condemnation to work camps have not been committed,

Decent, innocent persons are detained together with criminals (homosexuals, prostitutes, etc.)⁷⁹

⁷⁸ Ibid, 24.

⁷⁹ This source is quoted in the sixth footnote of Gustav Stolper, *German Realities* (Reynal & Hitchcock: New York, 1948) 61.

Soon thereafter, in an interview with *The New York Times* on the second anniversary of V-E day, Wurm gave his harshest denunciation of Military Government yet, no longer limiting it to denazification. While Clay was touting his accomplishments in creating Bizonia and rebuilding bombed cities, Wurm was angrily stating that

two years ago...we Germans believed we had surrendered to a savior. Now we wonder that after 130 years of political experience Americans have not developed any farther than to demand total punishment of a nation. If present conditions continue, we will soon face moral capitulation, with much graver results than political capitulation.⁸⁰

Another such public statement came from a sermon delivered by Wurm in late 1947, detailed in an article by the historian Clemens Vollnhals, where he stated that "[p]eople who have been quiet as a mouse during the twelve years [of National Socialism], can now pose as anti-fascists and utilise their hatred of decent fellow citizens."⁸¹

It was clear that Wurm had lost all confidence in the occupiers, and the idea that the path to German redemption would be achieved through democracy. The Stuttgart Declaration was the official position of the EKD, and it confirmed a "Solidarity of Guilt" amongst Protestant clergymen, from both the Confessing Church and the German Christians. Some Protestant leaders, from within and outside of the EKD such as Niemöller, Niesel and Barth believed in collective guilt and were against denazification, and argued that their stance was not inconsistent because if collective guilt equated to legal guilt then every German would have to be removed from office, effectively crippling Germany. Martin Niemöller, who had argued that all Germans were guilty for

⁸⁰ "Clay, Bishop At Odds on Occupation Gains" *The New York Times*, May 8, 1947.

⁸¹ Vollnhals, "Persilscheine für Nazis", 18.

the crimes of the Third Reich, was amongst the most vocal of opponents of denazification. He argued that the process had embittered the churches against Military Government and made it difficult for Germans to see the benefits of Democracy over Nazism. He also argued that it had caused the Germans to blur the difference between moral and criminal guilt.⁸² His argument, as Frederic Spotts explained it, was that “[i]f the people could really see democracy at work, the church would more easily accomplish its task of moral and spiritual rehabilitation.”⁸³

These claims of Germans not being able to see the benefits of Democracy over Nazism seem to be exaggerated. In Lucius Clay’s memoirs, Clay details the first two free elections in Germany since 1933, local elections in Wuerttemberg-Baden on 20 January 1946, and then in Hesse and Bavaria a week later. On the local level, at least, the Germans seemed to be responding positively to democracy. According to Clay,

[i]n every town and village long lines were waiting at the polling places in schools, town halls, and sometimes in the remains of bomb-damaged buildings, when they opened. Old and young, men and women, the well and the sick had turned out in cold winter weather to record their votes. Free elections had returned to Germany, and the German people had responded.⁸⁴

Of course, Clay had chosen to keep Nazi Party members disenfranchised, but this was a substantive step towards rebuilding German democracy. It seems that Niemöller’s claim had just been part of the venomous rhetoric that surrounded denazification; it should be remembered that Niemöller had argued against democracy for Germany in his infamous

⁸² Niethammer, *Die Mitläuferfabrik*, 88.

⁸³ Spotts, *The Churches and Politics in Germany*, 100-101.

⁸⁴ Clay, *Decision in Germany*, 84.

1945 Naples interview. Exaggerated or not, however, it was a common criticism, and it seems that what Barth had described in 1945 as an opportunity for the Allies to bring in democracy by acting like gentlemen was now dismissed as having failed by churchmen such as Wurm, Niemöller, Thieliicke, and Diem.⁸⁵

It might come as a surprise that Martin Niemöller, while arguing for collective guilt, was amongst the most vocal of opponents of denazification and occupation policy.⁸⁶ This stance against denazification seems contradictory, since he spoke out against German refusal to accept guilt: this was evidenced by their focus on their suffering brought on by the Allies and their ignorance of the suffering they brought to the Poles, Jews, French, Russians, and other peoples.⁸⁷ However, his views were not inconsistent, as he and other theologians believed that the Church was responsible for the spiritual and moral rehabilitation of Germany, and that denazification was getting in the Church's way. Niemöller went as far as to argue that any form of denazification was unnecessary. Fourteen months after his release, he believed that he had yet to find any Germans who had not recognised the madness of the Hitler era: that "[d]enazification' is still seen as the key to the whole problem... is a fundamental error, for any recrudescence of Nazism is quite out of the question."⁸⁸

⁸⁵ Diem: "*Sie haben aufs Ganze gesehen diese Gelegenheit leider versäumt.*" They have unfortunately failed with this opportunity [to bring democracy]. Thieliicke, Diem, *Die Schuld der Anderen*, 17.

⁸⁶ Olick, *In the House of the Hangman*, 225.

⁸⁷ Ibid, 218.

⁸⁸ Bentley, *Martin Niemöller*, 195.

At the Moscow Conference of March 1947, a conference that had been called for at the Potsdam Conference, both East and West blamed each other for the failures of denazification.⁸⁹ The American Secretary of State George Marshall stated a desire for “a Control Council law based on CC Directive no. 38, which would potentially apply a uniform version of denazification throughout Germany”, whereas “Molotov pushed for measures in order to speed up the pace of the programme.”⁹⁰ Molotov was able to favourably compare the United States’ failure in denazification to Soviet successes.⁹¹ It was clear that changes were needed, and ultimately it was agreed that denazification would be scaled down.⁹² Of course, denazification was one of many subjects that were discussed at this meeting as United States policy was gearing up for the Cold War, and therefore denazification became less important.

Soon thereafter, on 11 July 1947, the law that governed Germany, JCS 1067, was replaced by JCS 1779, which called “for German self-sufficiency, new industrial targets, and a revision of the reparations list.”⁹³ This was a law that demanded much less out of the Germans; JCS 1067 had “included six paragraphs devoted to denazification” whereas “JCS 1779 included only one sentence, which ordered implementation of the decision taken by the foreign ministers at Moscow.” This new policy was seen as “a derivative of

⁸⁹ Biddiscombe, *The Denazification of Germany*, 76.

⁹⁰ *Ibid.*

⁹¹ Timothy R. Vogt, *Denazification in Soviet occupied Germany: Brandenburg, 1945-1948* (Harvard: 2000) 95.

⁹² Biddiscombe, *The Denazification of Germany*, 78.

⁹³ Moeller, *West Germany Under Construction*, 128.

the Marshall plan,” which was introduced in a speech by George Marshall around this same time.⁹⁴

In 1947, while on a lecture tour of western parts of Germany, Karl Barth called for members of the Protestant leaders who were not satisfied with the Stuttgart Declaration of Guilt to meet in Darmstadt in an attempt to create another, more powerful statement.⁹⁵ There was a political nature to the *Darmstädter Wort*, or the Darmstadt Declaration, officially titled the “Statement by the Council of Brethren of the Evangelical Church of Germany Concerning the Political Course of our people,” that came out of this meeting. The statement tried to move the EKD away from the strong nationalist and anti-communist political position that it was then occupying. This made the statement out of step with the majority of conservative Christian leaders in Germany, and this deviation from what was becoming the Church norm diluted its influence.⁹⁶ The final document, published 8 August 1947, was highly controversial because of its deviations from Lutheran doctrine, specifically its call for the Church to engage in “progressive political engagement.” It opened by reaffirming ecclesiastical guilt, using the term *unserer gesamten Schuld*, or “totally of our guilt”, carefully avoiding the controversial term *Kollektivschuld*, or collective guilt. More specifically, the declaration stated:

⁹⁴ Biddiscombe, *The Denazification of Germany*, 78.

The Marshall Plan came into effect the next year, in April of 1948. It was an aid package by the United States meant to rebuild democracies in Europe, including Germany, after a slow post-war recovery.

⁹⁵ Paul Matheny, “A Neglected Statement: The Darmstadt Declaration” *Karl Barth Society Newsletter*, no. 1, 1990, 3.

Early drafts show that writing began as early as 6 July 1947, with Barth, Iwand, and Niemöller each writing their own drafts. Greschat, *Im Zeichen der Schuld*, 79, 81, 82.

⁹⁶ Hockenos, *A Church Divided*, 119.

The word of the world's reconciliation with God in Christ has been proclaimed to us. We are to hear, accept, respond to, and follow this word. We do not hear, accept, respond to, and follow this word, if we do not allow ourselves to be absolved totally of our guilt, from the guilt of our fathers just as from our own. This is also true if we do not allow ourselves to be summoned by Jesus Christ, the Good Shepherd, to turn away from all the false and evil paths, which we as Germans have wrongly followed in our political predilections and actions.⁹⁷

As with the Stuttgart declaration, there was no mention of the Jews in the Darmstadt Declaration.⁹⁸ Karl Barth, Hermann Diem, and many of the other alumni of the Barmen Declaration of 1934 attended meetings for the drafting of this new declaration, and they argued that this statement was a logical progression from the ideas they had included in that declaration.⁹⁹ Darmstadt was for the members of the Church who found the wording of the Stuttgart declaration to be too vague, and who wanted to reiterate those ideas in a more detailed manner. The signatories of the Darmstadt Declaration targeted EKD leaders who believed that expressing guilt at Stuttgart was enough on the subject and were now more focused on the harsh Allied treatment; the Darmstadt signatories believed that the EKD should instead be continuing to assess Church guilt.¹⁰⁰ Although he had written the statement in conjunction with Martin Niemöller and H.J. Iwand, Barth was

⁹⁷ Translated in English in Matheny, "A Neglected Statement", 4.
Uns ist das Wort von der Versöhnung der Welt mit Gott in Christus gesagt. Dies Wort sollen wir hören, annehmen, tun und ausrichten. Dies Wort wird nicht gehört, nicht angenommen, nicht getan und nicht ausgerichtet, wenn wir uns nicht freisprechen lassen von unserer gesamten Schuld, von der Schuld der Väter wie von unserer eignen, und wenn wir uns nicht durch Jesus Christus, den guten Hirten, heim rufen lassen auch von allen falschen und bösen Wegen, auf welchen wir als Deutsche in unserem politischen Wollen und Handeln in die Irre gegangen sind.

⁹⁸ Hockenos, *A Church Divided*, 123.

⁹⁹ *Ibid*, 121.

¹⁰⁰ Busch, *Barth*, 329.

not listed as one of the principle authors, as his Swiss Reformed theology continued to alienate many of the German Lutherans.¹⁰¹

The Darmstadt Declaration was popular internationally, but internally the conservative wing of the EKD criticised it for having Marxist undertones and for continuing to remind the Germans of their guilt while they were trying to combat denazification. That does not mean that the Darmstadt group supported denazification, but that rather they believed that by constantly focusing on denazification the EKD was distracting Germans from theological self assessment and the need for a personal confession of guilt. This difference of opinion led the Theophil Wurm and Hans Asmussen faction of the EKD to reject the Darmstadt Declaration. This split in the EKD partly explains why the Darmstadt Declaration did not have the same impact as the Stuttgart Declaration; however, it was the Darmstadt Declaration that effectively secured the memory of the Stuttgart Declaration as a recognition of guilt, “by hardening the debate: either one accepted the meaning of an acknowledgment as sanctioned by the Darmstadt Message, or one opposed the Stuttgart Declaration; it was no longer possible or necessary to debate its meaning.”¹⁰²

Until October 1947, German *Spruchkammern* were trying an average of fifty thousand Germans per month. Priority had been given to those classified as “followers” so that they might be able to find employment while evidence was still being gathered to

¹⁰¹ Hockenos, *A Church Divided*, 122.

¹⁰² Olick, *In the House of the Hangman*, 224.

“It was as if they were saying: We tackled the issue of German guilt in October ’45, now we want to address the issues that matter most to us – increasing the quantity of material relief, addressing the problems in the Soviet Union, and relaxing the denazification policies of the military governments.” Hockenos, *A Church Divided*, 92.

try the interned Class I and Class II offenders. Therefore, there was an entire classification of prisoners, who by October 1947 had not been tried. In order to expedite the process so that the more virulent offenders might be tried Military Government introduced the Amendment of October 1947 to the Law for Liberation. The Amendment's purpose was to give the tribunals more flexibility in determining their classifications by allowing those who had joined the party before May of 1937 to be reclassified from "Offender" to "Follower", and the hope was that this would hasten the denazification process. The presumption of guilt was also removed, so trials could only go ahead if there was evidence.¹⁰³ Although this was only supposed to downgrade those who presented evidence of never having been a "Major Offender", the usual community pressure and heavy workload assured that most of those classified as an "Offender" would now be reclassified as a "Follower".¹⁰⁴ Within a few months, the number of "Major Offenders" and "Offenders" had dropped from 727,000 to 230,000.¹⁰⁵

Writing of the proposed amendment on 31 August 1947 in a top-secret letter to the American Secretary of War Kenneth C. Royall and Undersecretary William Henry Draper Jr., Clay stated his hesitance to "hurry in connection with modification of the denazification program. It should not follow too quickly the announcement of the increased level of industry as it would appear we were going all out to be soft to Germany." He showed confidence that this would be a good amendment, by continuing to write that "[w]e now have under discussion with our German officials a proposed

¹⁰³ Kormann, *US Denazification Policy in Germany 1944-50*, 127.

¹⁰⁴ Herz, "The Fiasco of Denazification in Germany", 574.

¹⁰⁵ Kormann, *US Denazification Policy in Germany 1944-50*, 128.

modification which will accomplish our objectives and at the same time prevent denazification from taking years.” He predicted that the change would bring an end to the programme “sometime around 1 April 1948” and that in the meantime, “large numbers would be able to resume normal occupations.”¹⁰⁶ The authorities of the Soviet Zone had, by this time, granted an amnesty to all nominal Nazis, and were five months away from ending their denazification process. The Soviets then began to echo the complaints of EKD leaders against the denazification process; as Walter Dorn was forced to admit, it was now “extremely difficult to continue the denazification process in any zone.”¹⁰⁷

The United States Ends its Involvement

Following the passage of JCS 1779, the Darmstadt Declaration and the Amendment of October 1947, the leadership of the EKD decided it was time to write up another “decisive repudiation” of denazification.¹⁰⁸ Martin Niemöller, in his capacity as the first president of the synod of the Protestant Church of Hessen, Nassau, and Frankfurt-am-Main, is credited by some as having dealt the *coup de grace* to the denazification process.¹⁰⁹ In a sermon authored by Niemöller titled “*Wort an die Gemeinde*” and read in over one thousand churches in his synod on 1 February 1948, he

¹⁰⁶ “Occupational Matters”, From Clay Personal and Eyes Only for Royall and Draper, 31 August 1947; found in Smith, *The Papers of Lucius D. Clay Volume One*, 415.

¹⁰⁷ “Currency Reform and Denazification”, Teleconference: Present Washington: Under Secretary Fraper, Assistant Secretary Gordon Gray; Present Berlin: Clay, 12 March 1948; found in Jean Edward Smith (ed), *The Papers of Lucius D. Clay Germany 1945-1949: Volume Two* (Indiana University Press: Bloomington, 1974) 576. Michael Kusiv, “Soviet Denazification Reform: A Bid for Popular Favor”, Secret memorandum to Clay, Walsh, Keating, Dorn, and Hall, Office of Military Government for Germany (US), 20 August 1947. “Memorandum to Clay from Dorn,” 5.

¹⁰⁸ Olick, *In the House of the Hangman*, 225.

¹⁰⁹ Bentley, *Martin Niemöller*, 196.

argued that the EKD had always stood for a true liberation of the Germans from the evils of National Socialism, but charged that denazification had had disastrous sociological and moral effects.¹¹⁰ It had given birth to a spirit of revenge, as now even Germans were taking vengeance on their fellow countrymen, and causing immeasurable injustice. Characterising denazification tribunals as “arenas for denunciation and battlefields for personal enmities,” he called upon Protestants to cease serving as prosecutors, assessors, or witnesses for the prosecution.¹¹¹ The sermon ended by saying

the attempt to eradicate Nazism with the means of denazification has failed in every way. This kind of denazification has led us to recall at every step the years of terror that are behind us. Hundreds of thousands of people are under constant pressure and succumb to the temptation to resort to all kinds of falsehoods and lies and to wash away the truth. Tens of thousands have lost jobs and food or are waiting in the internment camps on their judgment ... Today the total disaster is manifest. Our nation has not gone down a path of reconciliation, but one of retaliation, and the seed that has sown new hatred has germinated lush.¹¹²

Niemöller had also declared that members of the clergy were “forbidden for the sake of their own position and the welfare of the community to justify this scandal any

¹¹⁰ “Word to the Community”

“Ein schweres Aergernis Kehrtwendung.” *Der Spiegel*, February 7, 1948.

¹¹¹ The Catholic Church had already prohibited priests from aiding the process. Biddiscombe, *The Denazification of Germany*, 203.

¹¹² Vollnhals, *Evangelische Kirche und Entnazifizierung*, 104.

...denn der Versuch, den Nationalsozialismus mit den Mitteln dieses Gesetzes auszurotten, ist auf der ganzen Linie gescheitert. Dagegen hat diese Art der Denazifizierung zu Zuständen geführt, die auf Schritt und Tritt an die hinter uns liegenden Schreckensjahre erinnern. Hunderttausende von Menschen stehen unter beständigem Druck und erliegen der Versuchung, zu aller erdenklichen Unwahrhaftigkeit und Lüge zu greifen um sich reinzuwaschen. Zehntausende haben Arbeit und Brot verloren oder warten in den Internierungslagern auf ihren Spruch...Heute ist die völlige Katastrophe offenbar. Unser Volk ist nicht auf den Weg der Versöhnung geführt worden, sondern auf den Weg der Vergeltung, und die gesäte Saat neuen Hasses ist üppig aufgegeben.

longer by doing any work in connection with denazification”.¹¹³ Effectively, this statement turned the Protestant Church into a political force.

Neither the congregations nor Military Government had had any forewarning of this sermon. This was a particularly vulnerable time for General Clay, as between two to three million Germans in Bizonia had gone on hunger strike to protest food shortages. Clay, who was privately a friend of Martin Niemöller and had held dinners for him and his wife Else, publicly rebuked Niemöller in a statement he made to the AP on 4 February: “It is painful for me to see a representative of religious faith offering himself as a barrister for those who disregard and offend against the law.”¹¹⁴ He went on to say that Germans have the right to criticise the policy, and he urged them to express possible modifications, but that denazification was law and as such must be obeyed.¹¹⁵ He also stated that he wished to speak with Niemöller again, but that he would not take direct action against him. The local government of Hesse reported dismay that Niemöller would criticise denazification without giving a single mention to the victims of fascism, as if Niemöller could have forgotten the eight years he had spent in concentration camp cells.¹¹⁶ Niemöller’s criticisms were not only successful in Hesse: forty-five chairmen and other leaders resigned in the Würzburg district; a strike was organised by the

¹¹³ Spotts, *The Churches and Politics in Germany*, 105.

¹¹⁴ Bentley, *Martin Niemöller*, 196.

¹¹⁵ “General Clay Rebukes Niemöller Church on Denazification” *The Daily Chronicle*. 3. February 1948.

¹¹⁶ “Ein schweres Aergernis Kehrtwendung.” *Der Spiegel*, February 7, 1948.

denazification court staff in Munich; and others followed their example throughout Bizonia.¹¹⁷

It is questionable how much real impact this sermon had. Certainly, many people heard it and knew about it, but Military Government had already been given orders from Congress to begin winding down the process, and there is little evidence that this speech brought denazification to a swifter end. What it did succeed in doing, however, was making sure that denazification would leave a bitter legacy. Those Germans who had been involved in administering denazification tribunals had already been treated as social pariahs; this, coupled with the fact that only a small percentage of Germans with a legal background were not tainted with Nazism, had led to a severe shortage of administrators for the process. The effect of Niemöller's sermon was to equate being an administrator to being a bad Christian, and therefore was an attempt to effectively kill the process.¹¹⁸ By this time, the Church (Protestant as well as Catholic) had also gained support from the German intellectuals and university authorities, all of which helped to further erode Military Government's defence of denazification.¹¹⁹

On 11 February 1948, soon after Niemöller's sermon, Bishop Wurm wrote General Clay another letter, in which he attached a report written under Hans Asmussen's direction that addressed further problems with denazification, focusing specifically on those who were still interned after almost three years. The report reiterated the EKD's denial of the legality of denazification, this time saying the denazification laws were bad

¹¹⁷ Niethammer, *Die Mitläuferfabrik*, 529.

¹¹⁸ Taylor, *Exorcising Hitler*, 287.

¹¹⁹ Tent, *Mission on the Rhine*, 274-275.

because they “a) were adopted after the crimes were committed and b) punish a new form of crime.”¹²⁰ This memorandum made a number of requests to Clay, among them a plea for witnesses to be released, for the lower classifications to be pardoned, and for more judicial review in regards to detention. The most interesting note came under the heading *Beanstandung der Spruchkammerentscheide*, or the complaint of the *Spruchkammern* decisions, in which the memorandum’s author argued that just because the EKD had admitted to guilt did not mean it was willing to endorse the guilty verdicts of the *Spruchkammern*. Following this list of requests and complaints is about one hundred pages of information, mostly in German, of evidence showing the poor conditions and negative effects of the interned Germans awaiting denazification in camps across Germany. There was much damning evidence in the memorandum, about the treatment not just of the interned but also of their families, who were

treated as if they were responsible for the charges against their husbands and fathers... salaries, pensions, and allowances are suspended at once. The relatives are deprived of all income from business, property in houses or real estate at once. The result is terrible economic distress for the family.¹²¹

One particularly questionable way in which churches sought to delegitimize denazification was through the distribution of *Persilscheine*, or denazification certificates. Pastors of all denominations did their best to directly sabotage the process by distributing testimonials attesting to the Christian character of those undergoing denazification. This practice extended beyond the churches, and many other persons of

¹²⁰ Memorandum on denazification and internment camps by Theophil Wurm to Lucius Clay, 11 February 1948. Found in Evangelisches Zentralarchiv in Berlin. Bestand, 2/268.

¹²¹ Ibid.

influence wrote testimonials. These *Persilscheine* were often not personalised, but rather copies that simply had a blank where anyone could write their own name.¹²² They were widely circulated towards the end of denazification, and even helped to secure the release of some “Major Offenders”. These certificates help to illustrate how ineffective denazification had become. According to the German historian Clemens Vollnhals, pastors wrote *Persilscheine* out of a sense of Christian duty, and church leaders believed that “denazification had overthrown the German people in a ‘bloodless civil war.’”¹²³ The *Persilscheine* therefore were not written to protect criminals, but were written with the hope of ending the struggle against what the Church saw to be an illegitimate process.¹²⁴

The *Persilscheine* were used in some alarming situations – one example involves Sister Helene Schürig, a woman who had confessed that she had assisted in the lethal injection of between thirty to fifty children. Although Bishop Wurm did not know Schürig, he pleaded that she be treated with mercy, writing that he had gained a favourable impression of her and that she had actually saved patients in a few cases. Another example involves Professor Otmar Friehe von Verschuer, the scientist who had inspired Joseph Mengele at Auschwitz. During the war, Mengele regularly sent von Verschuer shipments of his victim’s body parts. When faced with denazification, his pastor, Otto Fricke, who had once been a leader in the Confessing Church, wrote in Von Verschuer’s *Persilschein* that “[p]eople of his type and his character are suited to guide

¹²² Spotts, *The Churches and Politics in Germany*, 99.

The name *Persilscheine* comes from ‘Persil Certificates’, which was/ a popular detergent that was “produced by Henkel & Co., which naturally washed white”. Taylor, *Exorcising Hitler*, 285.

¹²³ Vollnhals, “*Persilscheine für Nazis*”, 17.

¹²⁴ Ericksen, Halvorson, *A Lutheran Vocation*, 148.

the redirection of the German academic world onto a Christian foundation and promote the rebuilding of German life.” Pastor Fricke then furthered his own reputation by citing his associations with Wurm and Niemöller.¹²⁵

Along with the *Persilschein*, Walter Dorn found “an elaborate guide for clergymen on how to testify before a tribunal on behalf of their parishioners” circulating in northern Bavaria. He mentions that there was a strike on witnesses for the prosecution, whereas it was increasingly commonplace to find a “Nazi activist who can produce twenty character witnesses” which included clergymen, both Protestant and Catholic.¹²⁶

Perhaps in an attempt to both reach a rapidly approaching deadline and to appease some of the criticism that had come out of the Niemöller sermon and the EKD memorandum, another amendment to the Law for Liberation came in March of 1948. The October Amendment had prevented the reclassifying of Nazis who had belonged to organisations that had been deemed criminal. Further evidence of the approaching conclusion of denazification was produced when Military Government introduced the Amendment of March 1948, which relaxed this single provision by allowing “complete discretion to Public Prosecutors in instituting charges in those not yet tried.”¹²⁷ Now all but those classified as “major offenders” could expect either amnesty or a small fine for their crimes.

¹²⁵ Ibid, 146-147.

These pages list these and numerous other examples of *Persilscheine* abuse.

¹²⁶ Walter Dorn, Memorandum to Clay, “The Future of the Law for Liberation”, 15 May 1947, 5.

¹²⁷ G.H. Garde, Memorandum, “Expediting Completion of Denazification Trials in the US Zone”, Office of Military Government for Germany (US), 27 March 1948.

On 12 March 1948 Clay called Undersecretary Draper in an effort to explain the progress of denazification, saying that

My views are well known. I told the Congress it would be late spring before denazification was complete. Here again, I would rather lose the appropriation than what we stand for in Germany. However if the Army wants it stopped please issue orders. I cannot stop denazification except by ordering Germans to stop. If this is an order please say so... I do my best, Bill, at all times. I have no other assurances to offer. I think you will remember that we here took the lead against much criticism in granting amnesties. There is no real problem in Germany involved in completing our program. All but Class I have full working rights and we are moving at a rate of over 100,000 per month against 400,000 backlog. I think I know German reaction and stopping would not be good. It would be bowing to criticism in Germany which comes only from the Nazi element.¹²⁸

As Clay recounts in his memoirs, the Case subcommittee of the House Select Committee submitted a unanimous report to Congress in early 1948, which recommended that denazification be put to an end and those awaiting trial who could be identified as lesser offenders or followers receive full amnesty.¹²⁹ American involvement in denazification was supposed to be put to an end on May 8, 1948.¹³⁰ This date was chosen because it marked the third anniversary of the end of the war, but the Americans did not actually hand complete authority of the process over to the Germans until the twenty-eighth of that month.¹³¹ Public opinion had changed in the United States – instead of the New Deal Coalition and the unity that had existed during the war, different attitudes reflected by the very conservative eightieth congress had taken hold. Attention had

¹²⁸ “Currency Reform and Denazification”; found in Smith, *The Papers of Lucius D. Clay Volume Two*, 577.

¹²⁹ Clay, *Decision in Germany*, 259.

¹³⁰ MacDonogh, *After the Reich*, 467.

¹³¹ Griffith, “Denazification in the United States Zone of Germany”, 73.

shifted away from legal prosecution of former Nazis to the beginning of the Cold War: civil war had broken out in Greece in 1946, and the United States and the United Kingdom were supporting the democratic government against the military wing of the Greek Communist Party, which was supported by the Soviet Union; then in 1948, the Communist Party of Czechoslovakia, with the support of the Soviet Union, assumed control of that country through a *coup d'état*.¹³² Denazification limped on under German administration half-heartedly without any oversight from the United States until April 1950, with sentences growing ever more lenient and appeals making up most of the work of the tribunals.

When denazification was over 9,073,000 of the 12,753,000, or, roughly seventy five per cent of the persons in the whole of Germany who had been registered under the provisions of denazification laws, had been found “not chargeable” under the law.¹³³ Most of those who were still awaiting judgment were freed from further trials. This was more beneficial to those classified as “major offenders” – those classified as “followers” had pressed for faster clearance with hopes of looking for employment, while the more prominent “major offenders” with enough money not to be dependent on employment had delayed trial in hopes of gathering more evidence and awaiting further legal relaxations regarding denazification.¹³⁴ With the October 1947 and March 1948

¹³² In that same year, Clay admitted that war with the Russians “may come with dramatic suddenness.” Smith, *The Papers of Lucius D. Clay: Volume One*, xxviii.

¹³³ Herz, “The Fiasco of Denazification in Germany”, 577.

¹³⁴ Ibid, 576; Griffith, “Denazification in the United States Zone of Germany”, 71.

amendments, over half of those tried had been labelled “followers.”¹³⁵ The public was aware of this apparent misplaced focus, and a popular joke of the time was:

Question: What is the difference between a *Spruchkammer* and a fishnet?
 Answer: A fishnet catches the big ones and lets the little ones go!¹³⁶

General Clay argued in vain to keep denazification going, writing on 14 March 1948 to Draper that the Germans still awaiting trial were “increasingly really bad actors” and that freeing them “would really discredit entire program.”¹³⁷ In his memoir he wrote that he would abandon financial support as long as he could continue with his objectives.¹³⁸ Reading his account of it, Clay showed zeal for the programme, and in his role as military governor he appears to have believed that he could have brought about a better outcome. While most accounts of denazification will point out its failures, Clay argued that the programme “did prevent Nazis of any consequence from exerting public influence during the early, formative period of state government.”¹³⁹ In a letter written to Secretary of State Dean Acheson and Economic Cooperation Administrator William C. Foster dated 31 December 1950 he wrote

[a]lthough shortcomings on the Allied and German sides could not be denied... the policy appears to have achieved its primary purpose. Serious offenders have been punished and Nazi activists have been largely excluded from public life... The awareness

¹³⁵ Herz, “The Fiasco of Denazification in Germany”, 577.

¹³⁶ Taylor, *Exorcising Hitler*, 292.

¹³⁷ Clay, *Decision in Germany*, 259; “Denazification”, From Clay Personal for Draper, 14 March 1948; found in Smith, *The Papers of Lucius D. Clay Volume Two*, 578.

¹³⁸ Clay, *Decision in Germany*, 260.

¹³⁹ *Ibid*, 261.

of the German people to the evils of the Nazi regime has been awakened and there exists virtually no inclination in West Germany to-day to re-establish a totalitarian government whether Nazi or Communist.¹⁴⁰

He admitted, however, that “[l]ooking back, it might have been more effective to have selected a rather small number of leading Nazis for trial without attempting mass trials”, but wrote that he had the support of the German public opinion, although he allows that they were critical of the actions of the tribunals.¹⁴¹

When he returned to the United States, Walter Dorn, Clay’s denazification advisor, began writing a manuscript about denazification titled *The Unfinished Purge* that remained incomplete by the time of his death. In his manuscript, Dorn tried to explain why denazification had failed. One of his arguments was that the trials had not been allowed to go on long enough, as Dorn pointed out that the trials against those who had collaborated with the Nazis were still ongoing in France and Belgium when the United States ended its involvement in denazification.¹⁴² Like denazification, these trials also had the difficulty of trying collaborators using *ex post facto* laws, but nonetheless made a sincere and successful effort to make sure that those who had collaborated with the Nazis could not wield post-war influence. He also made an argument that could help to explain why there were so many differing perspectives on denazification. Dorn believed that there was a correlation between one’s perspective on denazification and their political ideology.¹⁴³

¹⁴⁰ Fitzgibbon, *Denazification*, 129.

¹⁴¹ Clay, *Decision in Germany*, 261.

¹⁴² Dorn, Memorandum to Clay, 4. Dorn, *The Unfinished Purge*. 7-9.

The German attitude towards denazification had changed over the years. The historian Frederick Taylor wrote that, “American polling in their zone saw approval of denazification slip from 54 per cent in early 1946 to 32 per cent in 1947. It would reach its lowest level in 1949 at 17 per cent.”¹⁴⁴ It was especially unpopular in rural conservative areas, because there especially all of their community leaders – doctors, lawyers, teachers – would be the ones appearing before tribunals.¹⁴⁵ However, despite EKD complaints, public opinion surveys also show that there was no point during denazification that there was sufficient opposition from the masses as to “warrant cancelling the program.”¹⁴⁶ In their book *Public Opinion in Occupied Germany: The OMGUS Surveys, 1945-1949*, Richard and Anna Merritt paint a more complete picture of the overall German attitude towards the policy, stating

Summing up, the views on National Socialism, the Nuremberg trials, and the denazification proceedings uncovered by the Military Government surveys point to a persistent pattern. On the one hand, there were relatively few wholehearted Nazis in the American Zone. Our impressionistic judgment, based on a review of all the surveys reported in this volume, is that roughly 15 to 18 per cent of the adult population were unreconstructed Nazis in the immediate post war period. The bulk of Germans emphatically rejected the specifically Nazi aspects and leaders of their recent history. And it seemed unlikely, at least for the near future, that they would again follow a pied piper of Hitler’s calibre – especially if he were garbed in Nazi robes.

They then go on to say that while this may be the case, the Germans in the American zone had not completely turned their back on National Socialism. Many of the

¹⁴³ Boehling, *A Question of Priorities*, 56.

¹⁴⁴ Taylor, *Exorcising Hitler*, 286; Biddiscombe, *The Denazification of Germany*, 191f.

¹⁴⁵ Taylor, *Exorcising Hitler*, 287.

¹⁴⁶ Merritt, *Democracy Imposed*, 201.

Germans bought into National Socialism, believing that it was a good idea that had been executed poorly, and a large number “continued to subscribe to sentiments closely tied up with” Nazi racist and reactionary ideology.¹⁴⁷ However, it would be wrong to state that denazification principles had become unpopular – even in 1949, although they might have disagreed with the overall policy, two thirds of polled Germans agreed that it was “a good idea that through the denazification system those who had furthered National Socialism in any form were held responsible for their actions”.¹⁴⁸

For all of the trouble that denazification wrought, of those Nazis who had been successfully denazified, less than one per cent were labelled “Major Offenders”.¹⁴⁹ The United States ended its involvement in denazification at this time; for better or worse, Military Government no longer could support or influence German denazification policy. The EKD could now claim responsibility for the moral rehabilitation of the German people. The legacy of the programme could now begin to be judged.

¹⁴⁷ Merritt, Merritt, *Public Opinion in Occupied Germany*, 38.

¹⁴⁸ Merritt, *Democracy Imposed*, 188.

¹⁴⁹ Frei, *Adenauer's Germany and the Nazi Past*, 39; Herz, “The Fiasco of Denazification in Germany”, 577. Herz argues that the number is closer to 0.1%.

Epilogue: War Crimes, the Federal Republic, and the Legacy of the Protestant Church and Denazification: 1949-1953.

“Lasting reform in Germany must come from within. It must be spiritual and moral. While Military Government has not interfered in the internal affairs of the church in keeping with our own national policy, it has recognized that religious institutions are major elements in the German social structure which must participate in any program directed to the building of a peaceful and democratic Germany if it is to have hope of success.”¹

- General Lucius Clay

The above quotation comes from Lucius Clay’s 1950 memoir *Decision in Germany*. While it seems to be advocating the same type of Germany that Karl Barth and Martin Niemöller were, he goes on to say that there “is as of yet little tangible evidence of a new spiritual growth in Germany.” Clay then goes on to state that

[i]t may be too early to judge the success of the denazification law. Certainly it developed from the beginning a controversial public opinion between those who believed the German people incapable of the task and those who believed that the program was so stringent as to retard German recovery...I believed the program essential and I knew that the responsible German officials desired that it be carried to conclusion.²

These sentiments reveal that Clay was more interested in the Church aligning itself with Allied Policy rather than being strengthened through independence.

Starting in 1948 and going into the next year the EKD, in one of its final acts under the leadership of Niemöller and Wurm, began a new protest against the trials of Germans by the Allies. Although Military Government had ended its involvement in denazification the EKD wanted all trials of Germans to end, including those of war criminals still on trial in Nuremberg. In 1949, they wrote and distributed a lengthy

¹ Clay, *Decision in Germany*, 305.

² Ibid, 259.

memorandum titled “Memorandum by the Evangelical Church in Germany on the Question of War Crimes Trials before American Military Courts” which consisted of church statements and affidavits collected by the leadership. In order to prevent a ‘new wave of nationalism in the German people,’ the memorandum was only printed in English, and less than one thousand copies were made.³

The first document in the memorandum was a letter from Bishop Wurm to General Clay, written on 20 May 1948.⁴ Wurm begins the letter by assuring Clay that he agrees with the goals that Military Government is working towards, and that he only disagrees with the execution of the goals, as he launches into a six-point examination of Military Government’s plan. The six pieces of Wurm’s argument are as follows: the “Handicap of the Defense against the Prosecution,” “Coercion of Witnesses,” “General Obligations of International Law,” “Example for Denazification,” “Discrepancy of Name and Character of the Tribunals,” and “Lack of Opportunity to have the Nuremberg Judgments reviewed by an independent court.” In his fourth point, writing that these trials had been based on the failed policy of denazification, Wurm argued that “[a]t a time when the denazification, [sic] the shortcomings of which we have repeatedly pointed out, is expeditiously brought to a close these trials are but an anachronism.”⁵ He then finishes

³ Theophil Wurm, Martin Niemöller, Karl Hartenstein, *Memorandum by the Evangelical Church in Germany on the Question of War Crimes Trials before American Military Courts* (The EKD Council: Württemberg 1949) 4.

“The EKD noted that it had no way of checking the reliability of the reports; some of them were secondhand, while others related incidents that, compared with what had happened in the Nazi courts, seemed more inconvenient than unjust. Many of the complaints, however, were serious enough to warrant legitimate concern.”

⁴ Wurm, Niemöller, Hartenstein, *Memorandum by the Evangelical Church in Germany*, 24.

his letter by stating that the denazification trials had “a detrimental influence on the recovery of sound public opinion and prevents the return of confidence in law and justice. The love of our Lord Jesus Christ urges us to make every effort so that desperate, sceptical, and nihilistic humanity regain confidence in public order...”⁶ Along with Wurm, Bishops Meiser, Bender, Wuestemann and Martin Niemöller signed the letter.

The memorandum also includes General Clay’s response from 19 June 1948. As with responses to criticisms of denazification, Clay expresses concern that Wurm’s allegations were “based largely on unverified reports rather than information within [his] own knowledge or supported by verified evidence.” Clay then invites Wurm to visit Nuremberg, where he believes he will be better satisfied by the “true situation”. He then gives a defence against each one of the Bishop’s six points. When it comes to Wurm’s fourth point, the Military Governor differentiates between these trials and denazification by saying that the “prosecution of war criminals has always been limited to those cases where it was felt serious criminal responsibility existed which demanded punishment by a criminal court.”⁷ He then ends his letter by writing that

I regret that an effort is now being made to discredit a court which may serve to prevent again a world being plunged into chaos. Obviously, we cannot now judge the effect of the work of the court. That remains to history not yet recorded. I can assure you that it is our hope that the work of this court will prove a deterrent to the rise of aggression everywhere and thus a lasting contribution to peace.⁸

⁵ Ibid, 25.

⁶ Evangelisches Zentralarchiv in Berlin. Bestand, 2/233 quoted in Ky N. Woltering, “We Went Astray: Protestant Church Leaders Reevaluate Church and State in Postwar Germany from 1945-1950” (honors thesis, Rutgers University, 2010), 86.

⁷ Wurm, Niemöller, Hartenstein, *Memorandum by the Evangelical Church in Germany*, 33.

These two letters are at the beginning of the memorandum and act as a strong introduction to the documents that follow, which all continue the argument against continuation of war crime trials. The memorandum includes requests for clemency and postponement of executions from Military Government, and subsequent denials. It also contains examples of “inhumanities committed by the Allies”, such as the forced evacuation of Germans in the East, as well as comparisons with other war crimes trials being conducted in France, Poland, Yugoslavia, Norway, Holland, and Britain. Wurm made sure that all six of the arguments he presented in his letter to Clay were backed up in this memorandum as well. The criticisms of the EKD towards the war crime tribunals are often similar to the criticisms they levelled against denazification, but they seem to have failed to make any sort of impression on the war crimes process. The Nuremberg trials were better organised and had much more international support than denazification, and although church leaders did make some salient points they were ignored.

On 23 May 1949 the Allied Military Governments in Trizonia handed over governmental authority to the newly established German Federal Republic. Bonn was selected as the capital city, and Konrad “der Alte” Adenauer led what quickly became known as West Germany as the first Chancellor throughout the following decade and into the 1960s. Adenauer had been the mayor of Cologne until the Nazis dismissed him in 1933. He had chosen to lie low and retired from public life (an “inner emigrant”) during the war, and became the mayor again after the war ended.⁹ He led the Christian

⁸ Ibid, 33-34.

⁹ Olick, *In the House of the Hangman*, 251

Democratic Party, a centre-right party that continues to be Germany's largest party. The party quickly formed an alliance with the Bavarian Christian Social Union, but although these parties emphasise their Christianity, they were not born out of the Confessing Church or the EKD. Barth had told the Catholic Adenauer in 1946 not to form a Christian Democratic Party, and argued that before the ascent of Hitler, the Catholics had had their own political party, the *Zentrum*, or Centre party, and although this was not the counterpart of the forthcoming Christian Democratic Party, it was what the Protestants feared.¹⁰ Niemöller was also against the creation of the CDU, later adding that "the Catholic Church prevented its members from any possible discussion with those left or right from the Centre. That is why I regret our getting entangled with a party system again." Following the establishment of the Federal Republic the leaders of the EKD and the Confessing Church saw its political and popular influence wane. However, Adenauer did take up its crusade against denazification, by arguing that democracy in Germany required "reconciliation, not divisive legal procedures."¹¹

Adenauer was not a believer in the collective guilt thesis.¹² However, despite this disbelief that he shared with most Germans, the leader of the Social Democratic Party, Kurt Schumacher, was able to convince Adenauer to "politically commit himself to reconciliation with" the new state of Israel before Schumacher's death in August 1952. The German Parliament ultimately passed a measure to send "twelve instalments of 3.45

¹⁰ Busch, *Barth*, 333.

¹¹ Merritt, *Democracy Imposed*, 203.

¹² Olick, *In the House of the Hangman*, 251-252.

billion West German Marks to Israel,” with the full support of the SDP. The CDU, however, continued to hold divided opinions about whether or not this was necessary.¹³

One of the moves against denazification brought on by Adenauer was an amnesty act passed by the Western German Parliament that had the support of the United States Government, which went into effect on 31 December 1949. This amnesty pardoned as many as 792,000 Germans by 1951, including many who had been “affected by the consequences of previous denazification”.¹⁴ Those granted amnesty included “black market delinquents and petty criminals” as well as “a diverse group of Nazi offenders.” This was one of the first laws that the new Republic of Germany had crafted. The wide implementation of this amnesty was not well received by the citizens of the former enemies of the Reich.¹⁵ Although it was not the first amnesty (the “Youth Amnesty” of 1946 had already pardoned those born after 1919, and the “Christmas Amnesty” the same year had pardoned the poorest and the disabled), it was the most controversial yet, as people later found to have been “active Nazis or even war criminals” escaped denazification through it.¹⁶ The West German Parliament, according to the historian Norbert Frei, “entertained the notion that discarding all remnants of denazification constituted an urgent political task” ... “[f]rom its very inception”.¹⁷ This amnesty was

¹³ Moeller, *War Stories*, 27.

¹⁴ Frei, *Adenauer's Germany and the Nazi Past*, 15; Richard Overy, *The Third Reich: A Chronicle* (Quercus: London, 2010).

¹⁵ Frei, *Adenauer's Germany and the Nazi Past*, 19.

¹⁶ Herz, “The Fiasco of Denazification in Germany”, 573; Griffith, “Denazification in the United States Zone of Germany”, 72; Herz, “The Fiasco of Denazification in Germany”, 574.

seen as a “symbolic verdict against a denazification process that was in any case dying...”¹⁸

Denazification came to an end under German administration in 1950. In December of the previous year, the local authorities in Wuerttemberg Baden discovered evidence that tribunal officials had accepted bribes to tamper with denazification documents. It was soon discovered that this corruption reached to the highest levels of the administration. It was so out of hand that Hjalmar Schacht, Hitler’s Minister of Economics during the first years of the Third Reich who had previously been acquitted at Nuremburg, had secured exoneration through a deal with the State Minister for Denazification, the former Reichsbank President Karl Stroele.¹⁹ The Württemberg Baden government had initially tried to suppress this scandal, but word got out to the United States High Commissioner, who “threatened to invoke occupational statute if proper action was not taken.”²⁰ After much difficulty, the leading tribunal officials were given short prison sentences. The Germans were now in a position where they either had to go back and retry the last few thousand cases, or give up on denazification all together; unsurprisingly, they chose the latter. The following May, Adenauer’s government passed a law that restored the pensions of all military officers and every level of civil servant, with very few exceptions.²¹

¹⁷ Frei, *Adenauer’s Germany and the Nazi Past*, 27.

¹⁸ *Ibid*, 41.

¹⁹ Kormann, *US Denazification Policy in Germany 1944-50*, 136.

²⁰ *Ibid*, 137.

²¹ Dorn, *The Unfinished Purge*, 18.

All of this led to a resurgence of a word that had been used in the late forties, the fear of “renazification”, because “hardly ten years after it was all over, the same people who made Hitler’s state were back to work, if not tidily pensioned.”²² Indeed, by 1958 almost every German who had been interned was freed, including the war criminals.²³ The Political Scientist John Herz stated that sixty per cent of the Bavarian judges after denazification had ended were the judges from during the war, which would explain why there became a marked lack of interest in prosecuting former Nazis at this time.²⁴ Heinz Renner, the Communist party spokesman, said that eighty per cent of all judges and prosecutors serving in what was once the British zone were former Nazis or Fascists.²⁵ However, there was no true “renazification”. Although former Nazis had been free and often given pensions, there was some truth to the idea of the *Stunde Null* as Nazism as a movement in Germany has remained dead since 1945. What this reversal of denazification meant was that those who had profited from National Socialism “suffered only a temporary setback”, but the worst Nazi culprits remained discredited.²⁶

I want to end the history of this era with one final episode. The political influence gained by the EKD was unofficially put to rest five years after the end of American

²² Frei, *Adenauer’s Germany and the Nazi Past*, 64; Moses Miller, *Nazis Preferred: The Renazification of Western Germany*, 1950, Box 3, Folder 138 American Left Ephemera Collection, 1894-2008, AIS.2007.11, Archives Service Center, University of Pittsburgh – Digital Library; Ferdinand A. Hermens, “Denazification or Renazification?”, *The Forum*, Vol. CVIII, No. 5, November 1947, 257-264.

²³ Overy, *The Third Reich*.

²⁴ Herz, *The Fiasco of Denazification*, 591; Frei, *Adenauer’s Germany and the Nazi Past*, 67.

²⁵ Frei, *Adenauer’s Germany and the Nazi Past*, 243.

²⁶ Merritt, *Democracy Imposed*, 202.

involvement in denazification, in Konrad Adenauer's first re-election campaign in 1953. That year, Gustav Heinemann, a man who had been a member of the original EKD council and a signatory of the Stuttgart Declaration, and the first Minister of the Interior for West Germany, ran a third party called the *Gesamtdeutsche Volkspartei* (All German People's Party). He enjoyed the support of the remaining Confessing Church leadership, in particular Martin Niemöller. The party advocated for the Barth and Bonhoeffer vision of Protestant politics, in particular favouring neutral relations with the USSR, German Political Maturity (as opposed to following the West) and continued military disarmament. Adenauer rejected the party as too radical, and with its defeat, the ideas of its leaders had been defeated as well. By this time Wurm had died, and the EKD no longer had its early post-war clout, as it was no longer the institution that could best represent the German people. This political party officially dissolved in 1957, and many of its leaders joined the SPD. Heinemann would later serve as President of the Federal Republic from 1969 to 1974.

Despite its lack of political influence in Germany, several members of the EKD continued to be important international church leaders. Martin Niemöller continued his career as an international church celebrity, and toured the world preaching for disarmament, and had a high profile meeting with Ho Chi Minh in the late sixties. Wurm's last moment in the public eye was his leadership in the EKD, which he began at the age of 77 and ended three years later in 1949. He died in early 1953. Bishop Dibelius then led the institution until 1961.

Almost seventy years on, the legacy of the EKD's crusade against denazification is not as inspiring as its leaders probably hoped it would be. The historian Robert P.

Ericksen is particularly critical, writing that “church fears about a harsh and harmful denazification proved largely unfounded.”²⁷ Many of the church leaders had rejected the Weimar Republic and initially given their support to Hitler, and only distanced themselves when they feared losing independence for their churches. Even though they expressed guilt at Stuttgart, they then began to avoid the issue of guilt and focus more on forgiveness. The use of the *Persilscheine* proves that churches would support any Nazi criminal, no matter how detestable their crime or undeniable their guilt. Of the EKD leadership, Niemöller had argued that democracy was not a form of government suitable for Germany, and Wurm took every available opportunity to undermine Clay’s work instead of working with Military Government to create a better policy. As previously quoted in the Introduction, Stuart Hermann had pondered in 1946 about how the Church might work with denazification:

Can the Church and Military Government combine forces for the strenuous work of German rehabilitation in the society of nations, or will the Church eventually feel obliged to adopt Nehemiah’s plan for the reconstruction of Jerusalem’s devastated walls to its own circumstances: work swiftly with the tools of spiritual revival, but stand ready to repel every new enemy with the weapons of religious resistance?²⁸

The Church, the EKD in particular, chose the latter option. The evidence that this dissertation provides helps to answer whether or not this was the right thing to do.

Denazification is now widely accepted to have been a bad policy.²⁹ Historians and Political Scientists such as John Herz and John Kormann were ready to agree on this

²⁷ Ericksen, Halvorson, *A Lutheran Vocation*, 150.

²⁸ Herman, *The Rebirth of the German Church*, 122.

²⁹ See Introduction, footnote 22.

point by 1948. Although Lutz Niethammer had argued in his 1982 work *Der Mitlauferfabrik* that the post Law for Liberation legislation and amnesties aimed at rehabilitating the ‘*Mitlaufer*’ eventually secured denazification objectives, the historian Perry Biddiscombe countered that it can only be seen as successful “because it eventually addressed the problems caused by its over extension.”³⁰ The historian Frederic Spotts argued that Military Government “failed to work cooperatively with the churches, and the churches, for their part, ‘failed to make it clear that they honestly wanted genuine Nazis out of public life.’”³¹ Lucius Clay was forced to admit that his hopes for denazification were failing in the American zone towards the end.³²

The historian Giles MacDonogh summarised the majority of historians’ attitudes when he concluded that

seen as an exercise in punishing criminals, denazification was a farce. A number of insignificant PGs were treated with the utmost cruelty while the big fish went free. Most of the minor cases were not ideologically committed anyway. Some of the worst killers, those who sent thousands to their deaths, who carried out the executions in the east as members of police units, or who operated the trains which took Jews to the death camps in the General Government, were not punished at all; they retired from the police or the railways without anyone having called them to account, and died in their beds.³³

It is worth considering MacDonogh’s thoughts on denazification in conjunction with Kormann’s:

³⁰ Biddiscombe, *The Denazification of Germany*, 217.

³¹ Barnett, *For the Soul of the People*, 224.

³² Taylor, *Exorcising Hitler*, 284.

³³ MacDonogh, *After the Reich*, 357.

What is truly lamentable, however, is that denazification is now assayed by standards that could only have been achieved if large-scale social changes had been undertaken, changes which both sides, the Western Allies and the Germans were unwilling to see brought about.³⁴

Despite its failures, in later decades denazification has appeared to be a successful operation to most of the passing public. That is because in the long run West Germany did successfully democratise without strong Nazi influence. Denazification's influence has been widespread, as subsequent tribunals after the fall of East Germany and Iraq have referred to their housecleaning policies as "deNazification" and "de-Baathification."³⁵ In the latter's case, the result was violent counterrevolution, something that had only been feared beneath the surface in Germany.

Eventually rejected by the German masses, fought at all times by the EKD, and abandoned by the United States, denazification in the American Zone failed in almost all of its objectives. The blame is often placed on the Military Government and Lucius Clay for failing to set and stick to clear objectives and then for extending the programme with Law No. 8. Church leaders had fought long and hard against it, and in the end their work was vindicated – denazification aims had been "ambiguous and its procedures unworkable."³⁶ It was a poorly executed policy – if the United States had focused on removing leading Nazi officials, perhaps things would have been different. If the occupiers had done more to work with the EKD in 1945 to remove traces of Nazism, perhaps things would have been different. If the EKD, for its part, had not just given

³⁴ Kormann, *US Denazification Policy in Germany 1944-50*, 2.

³⁵ Biddiscombe, *The Denazification of Germany*, 218.

³⁶ Spotts, *The Churches and Politics in Germany*, 106.

wholesale condemnations of the policy but had instead worked with the Military Government, perhaps things would have been different. These “if”s and “perhaps”s are intellectual dead ends. Instead, the United States went after every Nazi party member, and with Law No. 8 had made it illegal for anyone who was once a Nazi to hold any form of power. The EKD had not been the only group to recognise the impracticality of this objective, but it was the only German institution, which had admitted its guilt and had legitimacy in a nation that had been almost completely destroyed, which put it in a unique position to combat the policy.

Appendix 1. Stuttgart Declaration of Guilt

(Evangelical Church of Germany council, October 1945)

The Council of the Protestant Church in Germany welcomes representatives of the Ecumenical Council of Churches at its meeting in Stuttgart on 18.-19. October 1945.

We are all the more grateful for this visit, as we not only know that we are with our people in a large community of suffering, but also in a solidarity of guilt.

With great pain we say: By us infinite wrong was brought over many peoples and countries. That which we often testified to in our communities, we express now in the name of the whole church: We did fight for long years in the name of Jesus Christ against the mentality that found its awful expression in the National Socialist regime of violence; but we accuse ourselves for not standing to our beliefs more courageously, for not praying more faithfully, for not believing more joyously, and for not loving more ardently.

Now a new beginning is to be made in our churches. Based on the Holy Scripture, with complete seriousness directed to the lord of the church, they start to cleanse themselves of the influences of beliefs foreign to the faith and to reorganize themselves. We hope to the God of grace and mercy that He will use our churches as His tools and give them licence to proclaim His word and to obtain obedience for His will, amongst ourselves and among our whole people.

The fact that we, in this new beginning, find ourselves sincerely connected with the other churches of the ecumenical community fills us with great joy.

We hope to God that by the common service of the churches the spirit of violence and revenge, which today again wants to become powerful, will be directed to the whole world, and that the spirit of peace and love comes to predominate, in which alone tortured humanity can find healing.

Thus we ask at a time, in which the whole world needs a new beginning: Veni creator Spiritus!

Bishop Wurm

Bishop Meiser

Superintendent Hahn

Bishop Dibelius

Professor Smend

Pastor Asmussen

Pastor Niemöller

Landesoberkirchenrat Lilje

Superintendent Held

Pastor Niesel

Dr. Heinemann

Appendix 2. Agreement by the churches and Military Government on how to denazify May, 1946

1) “Whenever a Public Prosecutor finds that a clergy-man is suspected of being an offender under the Law for Liberation from National Socialism and Militarism, his name, with the supporting evidence, will be reported to the Minister President, who will notify the appropriate *Land* bishop.

2) “The trial will not be held until at least four weeks after the notification of the *Land* bishop in order to allow the Church time to investigate the charge and to suspend or remove the incriminated clergyman prior to trial.

3) “Whenever a clergyman comes up for trial, a proved anti-clergyman nominated by the political parties will be one of the assessors.

4) “Press publicity of such trials will be avoided in order to protect the church as much as possible.”¹

¹ Oppenheimer, typewritten memorandum to the Deputy Military Governor, subject: Denazification Progress Report No. 3, dated May 8, 1946. Quoted in Kormann, *US Denazification Policy in Germany 1944-1950*.

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