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FOREIGN SERVICE DESPATCH

H. EICHMANN

FRU - Amconsul FRANKFURT

274
DESP. NO.

TO THE DEPARTMENT OF STATE, WASHINGTON.

FEBRUARY 7, 1961
DATE

REF

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SUBJECT: The Eichmann Trial and the Allegations Against State Secretary Dr. Globke
A Conversation with Hessian Attorney General Fritz Bauer

Summary

The following main points emerged in private conversations January 30 with Hessian Attorney General Fritz BAUER (SPD), who has been pushing allegations of complicity in Nazi war crimes against State Secretary Dr. GLOBKE, and who has recently visited Israel on several occasions in connection with the forthcoming trial of EICHMANN, in whose apprehension by Israeli agents in Argentina last year he played a definite though still obscure role, and with whom he talked in Israel in early January:

- 1) That Bauer and the SPD would continue to the maximum juridically feasible and politically profitable point to push allegations of complicity in Nazi war crimes against Globke;
- 2) That the Israeli government was going slowly with the Eichmann trial in general, and would go particularly slowly with damaging allegations against prominent West Germans during the trial, for political and diplomatic reasons which Bauer himself accepted as fully valid;
- 3) That Eichmann had revelations to make which could be somewhat damaging to Globke, though it was doubtful that he would in fact make them;
- 4) That it was even more doubtful that Eichmann would make significant revelations against others in Bonn, though this was not known in Bonn, where uneasiness prevailed;

(also see comment on last page)

- EXEMPTIONS SECTION
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5) That Eichmann's defense attorney SEFVATIUS was playing an uncertain role, possibly as agent of the Bonn government but possibly using his knowledge primarily to aggrandize or enrich himself;

6) That he, Bauer, would continue to the bitter end to fight remaining vestiges of Nazism in West Germany, and particularly anyone believed connected with Nazi war crimes, and that in all this he had the full and loyal support of Hessian Minister President ZIEM and the backing of the SPD.

During the conversation Bauer also revealed that he had exact and undoubted information that, as of December 1959, Martin BORMANN was still alive. He indicated that this information had come from Eichmann, but he would not elucidate further, nor reveal anything about Bormann's alleged location.

The reporting officer on January 30 had a lengthy private dinner conversation with the Hessian Attorney General, Dr. Fritz Bauer (SPD). In addition to the prominence the latter has achieved through his relentless ferreting-out, investigation and prosecution of Nazi war criminals still at large in Germany (the most recent case being that of Richard BART, last Auschwitz Camp Commander, see ConGen's D-249, January 13, 1961), Bauer has now become probably the most controversial political personality in Hesse, as well as taken an enviable prominent spot on the German national political stage, because of his current controversial judicial action against State Secretary Globke.

In an official communication which he addressed over the Hessian Justice Ministry in Wiesbaden to the Federal Ministry of Justice in Bonn, Bauer declared he was formally opening investigation of the role Globke had allegedly played in connection with the deportation to extermination centers during World War II of some 20,000 Jews from Northern Greece. These charges of serious wrong-doings against Globke had come to Bauer's attention through the testimony of a former Wehrmacht Administrator in occupied Northern Greece, MERTEN, in the case Bauer was prosecuting against former ranking SS officers HECKLE and KRUEY.

Bauer's imputations against Globke reportedly provoked the fury of the Chancellor and took on a sensational character in Hesse when the CDU Land Chairman, Dr. Wilhelm FAY, presumably on orders of the Federal CDU, started to attack Bauer in violent public statements designed to place in question Bauer's probity and competence in his function. Fay alleged that Bauer had moved improperly, in a field in which he had doubtful jurisdiction, and solely for political motive.

1/ Merten, a Berlin lawyer and former (during World War II) Wehrmacht administrator in occupied Northern Greece, went through a celebrated trial in Greece some years ago which led to his conviction, imprisonment and early pardon. He is now undergoing pre-trial investigation in West Berlin under judicial action initiated against him by the Federal Republic on charges identical to those originally made by the Greek government.

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Fritz Bauer, who spent most of the Third Reich years in exile in Copenhagen, who was and remains anti-Nazi to the core, and who is one of the few prominent Federal officials in West Germany who is partly, if not wholly, of Jewish origin, played a still somewhat obscure role in connection with the apprehension of Adolf Eichmann by the Israelis in Argentina some months ago. ^{2/} Since the arrival of Eichmann in Israel, Bauer has been traveling back and forth to Tel Aviv, and is perhaps one of the most knowledgeable personalities on the Eichmann case outside Israel.

Bauer made no bones of the fact that his accusations against Globke were, as suspected by the press, in fact connected with the Eichmann trial. He indicated that Eichmann was in a position to corroborate statements made by Merten to the effect that Globke had indeed played a role in the process ultimately leading to the deportation and extermination of the Greek Jews. According to Bauer, Eichmann could corroborate Merten's allegation that he, Merten, had visited Eichmann in the latter's office in the Jewish Affairs Department of the SS in Berlin in 1943 to secure Eichmann's support of a scheme to deliver the Jews of Northern Greece to ships of the Red Cross in Salonika harbor in exchange for Red Cross medicines and supplies.

The "deal" had apparently been engineered by the former League of Nations representative in Danzig, BURCKHARDT, from his office in the Geneva Headquarters of the Red Cross. Eichmann had at first characterized the scheme as ridiculous, but had ultimately been persuaded by Merten -- according to the latter -- and had finally, in Merten's presence, called Globke on the phone in the Jewish Department of the Interior Ministry, to obtain the latter's concurrence. Globke had reportedly immediately turned down the suggestion, tartly asking Eichmann to keep in line with standing orders for the "final solution" of the Jewish problem. Reportedly, according to Merten (via Bauer), Eichmann had turned to Merten after this conversation and characterized Globke and the others in the Interior Ministry as "the real Schweinhunde behind the final solution."

While Bauer seemed certain that Eichmann could corroborate this version of events at his trial, he promptly went on to indicate his feeling that Globke could have legitimately thought of Eichmann's call as a trap on the part of the SS, and would have had every good reason -- as a correctly behaved high-ranking German official -- to turn down Eichmann's suggestion. Accordingly, Bauer felt that Globke had a good ready defense, and really did not have very much to worry about, but the

2/ This ConGen on February 26, 1960, addressed a letter to the Office of the Assistant Legal Adviser, EUR, transmitting the substance of an informal query made a few days earlier by Bauer to the reporting officer, as to the capability and willingness of the United States to proffer diplomatic help to its friends (in this case West Germany) in securing the extradition of proven former Nazi war criminals from unspecified third countries. Since Bauer's query had been couched in very general terms, it naturally had to remain unanswered. As the reporting officer became aware some time after the apprehension of Eichmann last year, and as Bauer has now admitted to him, Bauer had known about this forthcoming event and had addressed his query with Eichmann in mind.

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point was that this was precisely what Fenn and Globke did not know, nor did they know what else and how much Eichmann might have "against them" at the trial.

In fact, however, there was little reason for anyone in Bonn to "lay awake nights" worrying about the Eichmann trial, as the press was speculating. No one in the Israeli government, least of all BEN GURION himself. Bauer went on, wanted to complicate or in any way exacerbate German-Israeli relations. These were, on the whole, viewed as developing favorably by the Israelis. No one in Israel wanted to place in jeopardy the gratefully acknowledged reparations payment of the German government, nor the possibility of further improving relations in the future. (Bauer did hint, however, that this might not necessarily dishar Israel from contemplating use of the Eichmann trial as a sort of lever with which to exercise a given amount of pressure on Bonn, were such pressure to become required on unspecified future occasions.)

Bauer did not think that Israel would be in any sort of a hurry with the Eichmann trial, on the contrary; nor did he think the trial would be particularly sensational. He seemed to feel all parties involved would "behave wisely" and that Ben Gurion's main aim would be to secure "historical light" for internal educational purposes within Israel. ("Ben Gurion thinks the new generation in Israel is as unbelieving of Jewish passivity in the face of mass murder as the new generation in Germany is unbelieving of mass German guilt," Bauer said.)

Bauer indicated that he was uncertain as to the true role being played in the case by Cologne attorney Robert Servatius, who has undertaken Eichmann's defense. Without saying so directly, Bauer hinted some feeling on his part that Servatius might be in the employ of the Bonn government, to keep the latter closely informed on the trial and to ensure the silence of Eichmann on a number of matters that might prove embarrassing to Bonn. On the other hand, Bauer also speculated on the possibility Servatius was in the case purely for his own personal advantage and might even be "holding up" Bonn or the Israelis" (presumably for money).

Bauer made clear throughout the conversation his animosity toward Globke, and said that it was in effect a dirty shame that Globke continued to hold on to his key job as principal advisor to the Chancellor. A man who had, by his own admission, written the commentaries on the Nuremberg racial decrees, who had been responsible for the infamy of the "Jewish first names" ^{2/} and who had, from the beginning of the Third Reich to the very bitter end, remained in the very office which -- of all things -- had had charge of Jewish Affairs in the Reich Ministry of Interior, should not, as a simple matter of principle and justice, occupy a position such as Globke had held in Bonn since 1949 -- even if he had, as Globke alleged, helped some Jews. On this question, Bauer's conscience would give him no rest. It was simply happy

^{2/} A Third-Reich decree under which all Jews were to adopt Jewish or Hebraic first or second names.

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coincidence that his convictions in this regard tallied with those of his party, and that he was in a position to help the latter with a juicy morsel of campaign propaganda. He would accept even the devil as an ally in this cause. (An obvious reference to the documentary help Bauer has recently obtained from the Sovzone in building the legal case against Globke.)

During the conversation, Bauer clammed-up completely on questions regarding the method of Eichmann's apprehension and his part in it (beyond admitting the latter), which he called "irrelevant historical questions." Otherwise he was extremely cooperative and it was clear to the reporting officer that, besides getting along harmoniously with the latter (the dinner lasted nearly four hours), Bauer seemed very desirous to take an American official into his confidence. He requested that his statements be kept in confidence, though he naturally expected them to be transmitted "in State Department channels."

Comment:

The reporting officer suspects, though he can in no way document his supposition, that Bauer may well be connected in some high-ranking capacity with the Israeli Intelligence Service in West Germany.

Wayland B. Waters

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