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They Who Live by the Sword...

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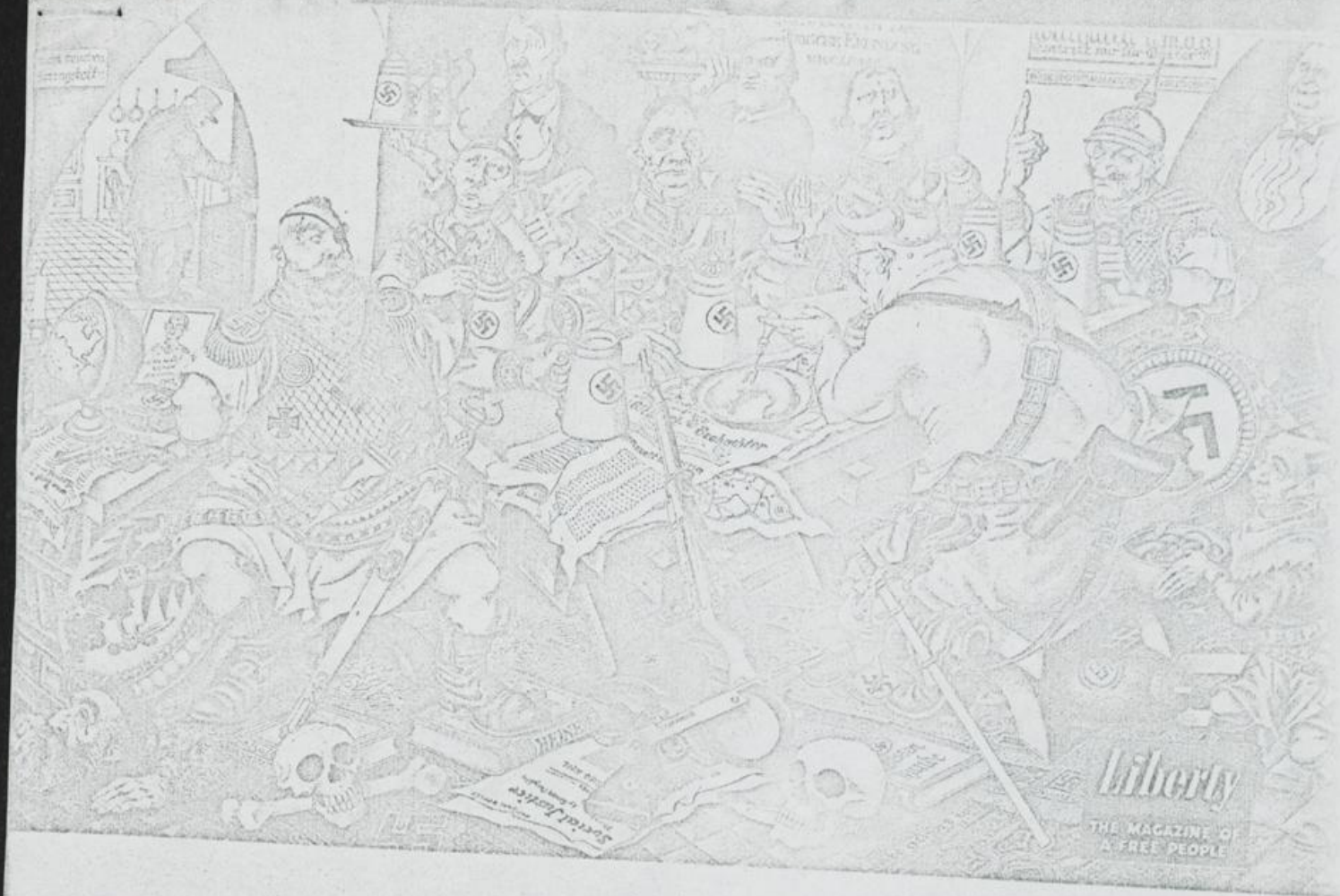
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They Who Live by the Sword . . .

BY ERIKA MANN

The mills of the gods are at last beginning to turn. Here is a preview of their grinding—and of the enemies of humanity who are the grist

AS the curtain rises at Nuremberg and the show begins, few of the audience realize how thoroughly this production—the trial of Axis war criminals—has been rehearsed, on how many stages, in how many countries, and at what expense in time, effort, and money.

The sensational cast is strangely incongruous. The stars will be playing for their lives. Less spectacular will be the servants of the law who will decide the outcome. Against their verdicts there can be no appeal.

The "stars" rehearsed behind barbed wire. While not all practiced in the same place, the largest single group—fifty-two strong—was being held at Mondorf-les-Bains, an

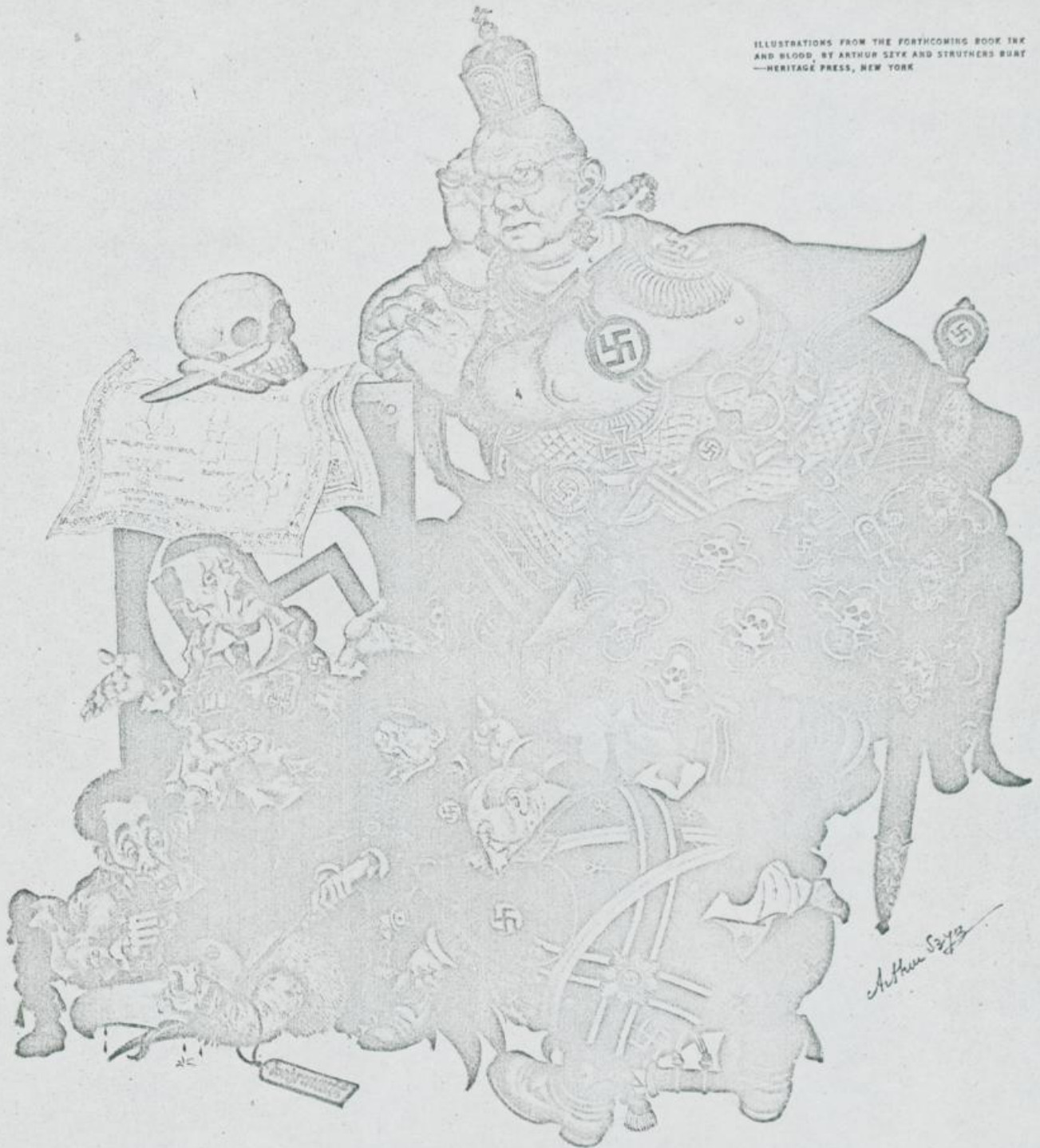
enchanted little spa in the Grand Duchy of Luxemburg.

There an elaborate camouflage and defense system made the former Palace Hotel probably the most closely guarded prison in existence. Two days of circling the premises

had offered no glimpse of its occupants. Finally my orders came through and I passed—the first and only woman to tour the Mondorf redoubt—through the double stockade that surrounds the "big house."

With me were Colonel Burton C. Andrus of Washington, West Pointer, combat C. O., and boss at the "Palace," and Lieutenant Colonel Richard W. Owen of New Haven, Connecticut, former reporter and commander of the 391st American antiaircraft battalion which staffed and guarded Mondorf. Both officers are masters of the only language un-

EDITOR'S NOTE: The writer of this article, Erika Mann, is the daughter of Nobel prize winner Thomas Mann, Germany's most famous expatriate novelist. Proscribed by the Nazis early in Hitler's career, he left Germany with his family and came to America. He is now a citizen of this country. His daughter Erika, a Liberty war correspondent, has waited many years for the time she knew would come—when she could return to her native country to report on what the Nazis have done to it intellectually, morally, and physically.



derstood by their charges: that of stern, indisputable authority.

"At first," Colonel Andrus explained, "these birds suffered from all kinds of hallucinations. One claimed to be a regent of something or other. As such, prisoner Horthy felt entitled to wear a necktie. I told him that he was nothing of the sort and that he had to obey as did everyone else."

Those were the days when former Reichmarshal Göring still insisted on wearing his chapeau during meals, just to be outstandingly dressed. Since you can't kill yourself with your hat, as you can with your tie, Göring's request was not considered excessive.

This was an adventure for which I'd been prepared for more than

twelve years. Ever since Hitler rose to power, my family and I had been high on the list of traitors to the Third Reich. According to plan—along with a few million other items in the black books compiled by the men of Mondorf in their better days—I should have been "liquidated" the moment I set foot on German soil. I had refused to meet or interview any of these men, even prior to 1933. Here they were now—a sadly abandoned lot.

They sat in the living room—some twenty of them—reading aimlessly, writing, or doing nothing at all. From behind the half-open door I surveyed the room, unnoticed by its occupants. They were very quiet. A few wore undefinable uniforms, and no insignia indicated former

rank; others were dressed as civilians—without ties, while a greater number sported the faded fatigues with which the U. S. Army supplies its prisoners. On their backs appeared, black and fat, the initials P. W. Unbecoming though they are, the P. W. suits seemed well liked at the "Palace." Whoever wears one considers himself "just another captured German" rather than a "major war criminal" awaiting trial.

Only the writers seemed genuinely engrossed in their doings. Prisoner Karl Doenitz—former Grand Admiral and would-be führer—scribbled feverishly. The Royal Navy had asked him a few questions and he was in the process of answering with typical German thoroughness. He'd been working for days. Internee



Admiral Doenitz



Alfred Rosenberg



Robert Ley

Karl Warlimont, once a general on the eastern front, had been questioned recently by Russian interrogators. He was now complementing his oral testimony with a glib, written report. Even Robert Ley, former chief of the Nazi labor front, well-known lover of schnapps and quite an unliterary man, had taken to penpushing. The inventor of Strength Through Joy was composing his memoirs. Others were writing letters, telling President Truman and General Eisenhower all about their innocence and the cruelty of their fate.

Actually, however, the entire gang were doing one and the same thing: writing, embellishing and brooding over the parts they were busily preparing for *Der Tag*.

"Let's not disturb them," said Colonel Andrus. "They are nervous enough as it is, and I'd hate to see them go into hysterics."



Hermann Göring

While the "big fifty-two" were never mollicoddled, much tender care was taken of their health. They'll be needed to answer questions and serve as witnesses and must be kept in good shape. Thus when a slight thunderstorm had frightened Göring into an equally slight heart attack, the creator of the *Blitz* (German for lightning) was given a mattress for his cot, and breakfast in bed.

Army authorities agree that their charge is in better physical condition than he has been for years. A morphine addict at twenty-three, after having been wounded in the Munich beer-hall putsch, he switched to the milder paracodeine when morphine threatened his political future. This was not all his own work; sanatorium treatment helped. However, when captured, he had a reserve stock of 4,000 to 5,000

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Hans Frank



Joachim von Ribbentrop



Julius Streicher

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paracodeine pills and said that his daily ration was 200, roughly equivalent to thirty-three grains of morphine daily.

Captain Clinton C. Miller, the American "big house" physician, took the air marshal's statistics into consideration and started him off on forty a day. On August 8 he was down to six; on August 9 to four. Since then he has gone without. Göring faces his trial a sober and healthy man—physically at least. Major Kelly, the first psychiatrist to examine the Mondorf prisoners, says Göring, though sane enough for the judges, is an "acute narcissist." His guards merely say they've never known anyone who talked so enthusiastically about himself so often.

I found the prisoner in bed. He glanced at me silently. There are no more press conferences or interviews. The captives had proved only too anxious to plead their cases for publication.

The creature who wanted to be called "Meyer" if Allied bombers ever penetrated to Berlin had lost thirty pounds along with his bet. His sunburned skin seems too wide for his figure and his greenish eyes, normally protruding, now bulge like those of a carp.

Interrogators found "Meyer" disturbed by my visit. Had he known who I was, he would have explained. Moreover, had he been in charge of the "Mann case," he would have handled it differently, he assured them. Surely a German of the stature of Thomas Mann could have been adapted to the Third Reich.

In the barbershop I encountered Alfred Rosenberg, Julius Streicher, and Ley. When they heard my identity, Ley shouted, "*Assez!*" (French for "enough!"); Rosenberg muttered, "*Phooey diable!*"; and Streicher, whose cell I had inspected, lamented, "*Du lieber Gott!* And to think that woman has been in my room!"

For some time now, Herr Hans Frank, former Munich lawyer credited with the murder of millions of Poles and Jews, had been a roommate of Joachim von Ribbentrop. Frank arrived at Mondorf dying of four major wounds, all self-inflicted. Facing arrest in Tegernsee, Bavaria, he cut his throat, opened the veins in his left arm, sliced his left wrist, and rammed a knife into his stomach. Army doctors saved his life, though his left arm is beyond repair. He was also converted—without pressure—and is now convinced that he is really a criminal, not for what he did to others, but because of what he did to himself. Having become allergic to suicides, he kept watching the others and finally decided that Ribbentrop was a candidate. The authorities agreed. For

the good influence he might have on the problem child, the convert was allowed to move in with the suspect. When I visited them, the Butcher of Poland was reading the Bible to the ex-champagne salesman.

Down the hall was von Krosig Schwerin, "Führer" Doenitz's Foreign Minister who recently enchanted his fellow prisoners with a lecture on Shakespeare. The pedagogical Dr. Wilhelm Frick, Himmler's predecessor as Minister of the Interior, candidly assures interrogators that German youth is Nazified for keeps, while Ley insists that Mondorf will become a shrine for future German generations. All avow that Hitler died a martyr's death.

It was an eerie experience to come face to face with the men at the "Palace." As I left, they, too, got ready to depart. The first fifteen to appear before the Allied tribunal knew as little where they were going as the remaining thirty-seven, who were bound for Dulag Luft, the infamous former Nazi interrogation camp near Wiesbaden.

In a jeep-escorted convoy of ambulances with blacked-out windows, Germany's fallen leaders were carted to the airport. Some of them wore gaudy hats adorned with Tirolese feathers. Each jeep carried four guards, and each guard carried a machine gun. The Army was taking no chances.

Meanwhile rehearsals continued in

London, where two Allied agencies were combining their efforts.

In an exclusive interview, Lord Wright, chairman of the United Nations War Crimes Commission, told this reporter that "Things are different now from the days when the U. N. W. C. C. seemed to stand alone as the sole objective symbol of international justice."

He went on to explain how, as the years went by, other agencies had complemented his commission. There were first the National Offices, created by the nations whom the Germans had overrun, to collect evidence of atrocities and identify as far as possible the culprits.

THE next link in the chain was the War Crimes Commission, to which each National Office had to report its findings. The commission—established in London on November 1, 1943—examined the reports and, if satisfied with the evidence submitted, entered the names of the accused on its list. Lord Wright could not say how many criminals had thus far been listed, but revealed that the Czech quota alone was 2,500.

The lists were sent to a third agency—the armed forces—given the responsibility of apprehending, guarding, and delivering suspected and accused war criminals. In some ways the function of the military was the most important and difficult of the lot. The Allies had some millions of prisoners of war and among them there must be many war criminals still undetected. Some might remain so. But the Army was zealous, able, and ingenious and could be counted on to make a thorough canvass.

As for his own commission, Lord Wright observed that considerable confusion regarding its activities still existed in some quarters. The Mos-

cow Declaration of November 1, 1943, distinguished between two main classes of war criminals: German officers and men who will stand trial in the countries where they committed their atrocities; and those major criminals whose offenses have no particular geographical localization and who will be punished by joint decision of the Allied governments.

The latter class embraces most of the men of Mondorf. Lord Wright believes that it also includes big financiers and industrialists who supported the Nazi regime and made its crimes possible. The U. N. W. C. C. does not in principle concern itself with major war criminals, but is dealing with the type covered by Part One of the Moscow Declaration. Only a few men fit both categories. Thus Karl Hermann Frank, former "protector" of Czecho-Slovakia, was wanted as both a local and a major criminal. Arthur Seyss-Inquart, former Gauleiter of Holland who is scheduled to face the Allied tribunal, might also be sought by the Netherlands government. Any such defendant will be surrendered to the country that claims him, on condition that his life be spared so long as it has any value to Allied justice. Execution of Frank, sentenced to death at Prague, may be stayed until he has served his purpose at Nuremberg.

Lord Wright cleared up another misunderstanding about the functions of the U. N. W. C. C.

"It is not generally realized," he said, "that the commission has neither legislative nor executive powers, but is a sort of clearing-house where all member nations may find assistance, counsel, and advice. Each country must press the trial of its suspects and criminals or answer for its slackness at the bar of history. If the fiasco of 1918

should be repeated, it might seem to be settled for all time that there is no law and no justice among nations."

The fiasco of 1918!

Then, as now, rehearsals had gone on for a long time, but the list finally issued contained fewer than 900 names. The accused were to be tried before Allied military tribunals, but the Allies finally yielded to a German "compromise proposal." All persons accused of war crimes were to be tried—by the Germans—before the Supreme Court at Leipzig. "Full and complete responsibility" was to be left with the German government, and to lessen this burden, an abridged list was presented on May 7, 1920. It contained forty-five names. More than a year later—on May 23, 1921—the Leipzig court convened. By then, no more than twelve names remained of the original 896, which themselves had been only a sample. The six underlings actually convicted were sentenced to prison for from two months to four years. None of the stiffer sentences was ever served.

ON June 26, 1945, the four-power talks on major European Axis war criminals were begun in London. These talks concerned Part Two of the Moscow Declaration.

Associate Justice Robert H. Jackson for the United States, Attorney General Sir Maxwell Fyfe for the United Kingdom, M. Falco and Professor André Gros for the French Republic, and Major General E. T. Nikitchenko and Professor A. H. Trainin for Russia set out (1) to arrange the set-up of the international military tribunal; (2) to establish general operating procedures; and (3) to determine the types of offenses over which it would have jurisdiction. Their efforts to agree met with the following difficulties:

1. The American proposal to hold the trials at Nuremberg, shrine of Nazism, was accepted by Britain and France, but opposed by the Russians, who wanted the major war criminals tried in Soviet-occupied territory.

2. Legal methods differ in the four countries, and each tended to think in terms of laws valid at home. An entirely new course, containing elements of all four procedures, was agreed on in principle, but actually to build any such common platform was not easy.

3. The question of whether aggressive warfare was to be considered criminal in itself was answered in the affirmative by Mr. Justice Jackson, who had his government's full support. Competent observers named British and French officialdom as the main forces opposing this American attitude.

Between fifteen and forty major war criminals will be tried before the international tribunal. While this figure may seem perplexingly low, it is pointed out that each case involves far more than the individual defendant. Along with the accused, the Army, party, or govern-

ment organization of which he was a prominent member also goes to trial. In addition to answering for themselves, the defendants are called upon to vindicate their respective organizations. Once an organization has been branded as criminal by the tribunal, Allied courts throughout Germany are notified, whereupon all its voluntary members are pronounced guilty, unless they plead—and are proved to be—insane.

Thus the fifteen to forty cases tried before the tribunal may result in the conviction and punishment of millions. The SS, alone, with its various branches, boasted a voluntary membership of nearly 2,000,000.

What is to become of them? Their outfit specialized in murder. War Crimes authorities agree that it would be neither technically impossible nor morally objectionable to punish by death all persons who thus embarked deliberately on a course of wickedness and crime. Even so, the rank and file of the SS will escape execution. I understand from Mr. Justice Jackson they will be sentenced to hard labor and deported to countries willing to admit them.

The Moscow Declaration covers two categories of war criminals, and the agencies established in its wake are concerned with these two. But three further classes of war crimes remain to be considered. They are:

1. Crimes committed against nationals whose countries were not invaded, such as the murder of cap-

tured Allied airmen in German-occupied territory. Our occupation forces have already tried and executed many in this category.

2. Outrages against non-citizens of the United Nations on account of their race, religion, or political opinion. This group of crimes is very large and has yet to receive any special attention. Since existing agencies are not charged with gathering evidence of this type of offense, offenders have not been officially listed.

3. Crimes committed by United Nations' nationals against their own respective countries. More often than not this quisling type of culprit stayed at home and may be tried speedily under the laws of his nation. Traitors captured abroad are surrendered on request to their own authorities, provided it has been well established that they are sought as criminals, not merely for their political beliefs.

There will have to be a prodigious number of trials. The gala opening at Nuremberg, though obviously the season's outstanding event, is equaled in significance by hundreds of lesser productions booked into other theaters. They all deserve our full attention. It is immeasurably important to the future of mankind to establish before the world that the rule of law exists among nations and that whoever violates it will be brought to judgment.

THE END

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