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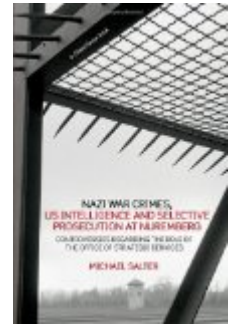
in the Humanities & Social Sciences

Michael Salter. *Nazi War Crimes: Intelligence Agencies and Selective Legal Accountability*. Abingdon: Routledge-Cavendish, 2007. ix + 458 pp. \$200.00 (cloth), ISBN 978-1-904385-81-3; \$61.95 (paper), ISBN 978-1-904385-80-6.

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Intelligence, War Crimes, and the Law

One of the less understood matters in postwar justice for National Socialist criminals concerns the degree to which western intelligence agencies shielded Nazi suspects from prosecution in return for services rendered during the war or in its immediate aftermath. Since the 1980s, journalists have argued that the use of former SS and SD officers by western agencies, the U.S. Army and CIA in particular, was systematic and directed from the very top. The practice, it was argued, not only allowed Nazi perpetrators and their east European collaborators to escape justice, it also accelerated the onset and hardening of the Cold War, demonstrating as it did to the Soviets that the West would work with highly placed Nazis.[1] The recent declassification of millions of pages of OSS, CIA, FBI, Army Counterintelligence, and State Department records due to the U.S. Congress's passage of the Nazi War Crimes Disclosure Act in 1998 tells a more nuanced story and will continue to do so in the years ahead as more historians sift through the new records and situate them within older ones. What can be said at present is that the American use of former Nazi officials, while surely mistaken, was more ad hoc than critics have suggested. The Soviets, moreover, probably played this game better than the Americans did, having penetrated West German intelligence with their own former creatures from the SS, Geheime Feldpolizei, and other Nazi agencies.[2]

The larger question for Michael Salter concerns the degree to which intelligence agencies are by nature a hin-

drance to postwar justice, since the latter involves the handover of secret information to judicial agencies and the potential punishment of informants. The question is as much contemporary as historical, since today's intelligence agencies enjoy a far greater capability of collecting evidence of mass atrocities and of locating perpetrators for eventual capture and trial.[3] But Salter is specifically interested in the institutional life of the OSS's successor agencies (Strategic Services Unit and CIA) in the immediate aftermath of the war. Did the U.S. intelligence establishment help or hinder the prosecution of the major Nazi criminals at Nuremberg and the prosecution of lesser perpetrators afterwards? To what degree did it protect assets who had once served the Nazi regime to the detriment of justice? Salter uses newly declassified OSS and CIA records as well as other newly available sources, such as the papers of Robert Jackson, U.S. chief prosecutor at Nuremberg, the papers of OSS chief William Donovan, and the papers of Allen Dulles, OSS station head in Bern, who collected reams of information on Hitler's Germany.

The book covers several loosely connected themes. The lengthy section on Donovan's role in the preparation of the Trial of the Major War Criminals in 1945 does not reveal for the first time that the OSS played an important role, but it does make clear the sheer extent of the help that the OSS chief provided in terms of trained personnel; intelligence analysis of the Nazi state from OSS experts like Franz Naumann; the location, collection, and transla-

tion of key captured German documents in London; the provision of Dulles's informants from within Nazi Germany such as Fritz Kolbe, Hans Gisevius, and Fabian von Schlabrendorff; and even courtroom presentations such as the stirring film used at the Tribunal, *Nazi Concentration Camps*. Donovan, Salter shows, had an interest in punishing the guilty almost from the moment OSS was formed in 1942, and while the U.S. and British diplomatic and military establishments dithered in arriving at a war crimes policy, Donovan and the OSS Research and Analysis staff assembled lists of likely defendants while thinking about the laws under which postwar trials might take place. Donovan, an accomplished legal mind whose views are often left out of books covering the legal debates leading to Nuremberg, wanted German trials under Allied supervision under existing German law to avoid later accusations of victor's justice and *ex post facto* law, charges that have bedeviled Nuremberg to this day. He even considered plea bargains for certain defendants (including Hermann Göring and Hjalmar Schacht) on the assumption that they would reveal much about their former comrades and completely de-legitimize the Nazi state. Donovan lost these and other arguments and had left his post as Jackson's top lieutenant by the time the trial started in October 1945. But his role in terms of institutional help from OSS and in terms of presenting legal alternatives was enormous and indispensable.

The darker side of Salter's book involves the well-known story of Operation Sunrise—the secret surrender of May 2, 1945 in Italy arranged between Dulles and SS-Obergruppenführer Karl Wolff, Heinrich Himmler's one-time chief of staff and Higher SS and Police Leader Italy. Dulles presented the story very carefully after the war and it made the reputation upon which his future career in the CIA was built. Wolff, according to Dulles, was an idealistic soldier who risked his life to spare thousands of combat-related deaths, while Dulles himself skillfully brought the negotiations to fruition.[4] The mysteries concern what Dulles really knew about Wolff and the degree to which Wolff and his subordinates were promised and then given legal immunity from prosecution. Earlier literature has shown that Dulles was fully aware of the scale of German atrocities even as he took up residence in Bern.[5] Salter shows that Dulles was likely aware as early as 1944 of Wolff's complicity in the deportation of Italian Jews, to say nothing of postwar dossiers assembled on Wolff that linked Wolff to altitude experiments on Dachau inmates; contracting with German firms for slave laborers; Order Police shootings of Jews; the deportation of three hundred thousand Jews to Treblinka;

bloody reprisals against more than nine thousand Italian civilians, and many more war crimes. Many of the documents in question were used at the Trial of the Major War Criminals itself.

As for legal immunity, such could only be mentioned under the vague rubric of "honorable treatment," since President Roosevelt would not consider such *quid pro quos* after 1944. Yet whatever this state of affairs meant, Wolff insisted on full compensation after the war. Salter's best work concerns Dulles's various interventions to protect Wolff from prosecution lest Wolff, whose extensive crimes would come out at trial, also spill the details of the entire Sunrise affair, endangering Dulles's reputation and the institutional life of the OSS while providing the Soviets and Italian communists with anti-American fodder. Wolff was thus never prosecuted at Nuremberg, either at the international trial or the subsequent American ones; he was not handed over to the Italians or to the Czechs, though both countries wanted him; and the British, at U.S. insistence, rigged Wolff's 1948 German denazification hearing in Hamburg so that little incriminating material would be revealed and so that Wolff would receive minimal punishment. Salter includes fascinating material on the writing and rewriting of defense affidavits for the Hamburg trial aimed at getting everyone's Sunrise stories straight while omitting Wolff's crimes as well as the anti-communist aspect of the Sunrise negotiations. Wolff settled into a comfortable postwar life until West German authorities tried him in 1964. With no occupation authorities left to protect him, the full measure of his guilt came out, though owing to age and illness he escaped the punishment he deserved.

The remainder of Salter's book covers the convoluted tales of Wolff's subordinates, including the dangerous SD agent, Guido Zimmer, and the more foppish SS translator, Eugen Dollmann. Zimmer was hired as an American counterintelligence agent in Italy and Germany and given a false past that included helping rather than smashing Italian resisters and which omitted his anti-Jewish measures in Milan. He was always a security risk. Dollmann was briefly hired and then simply protected by U.S. intelligence because he would prove an embarrassment if ever tried by the Italian authorities. As time went on, opinions varied within the U.S. intelligence community about whether protecting such men was worth the risk and bother. But the story of Dulles's aplomb with Sunrise was, for the time being, protected.

Salter's book will appeal to scholars of wartime intelligence and postwar justice. The book unfortunately

carries a number of sloppy copyediting errors, including redundancies and misspellings of German names and places. It also tends to emphasize relationships between American and British agencies in the lead-up to the Nuremberg trial, while giving less attention to the roles of the Soviets, the French, and the United Nations War Crimes Commission, all of whom had opinions on the politics of postwar justice and espionage. The book is also ridiculously priced, meaning that only libraries will purchase it. Regardless, it is important for what it tells us about the multifaceted and nuanced relationship between intelligence and justice, for its incorporation of the OSS into the narrative of the pre-history of the Nuremberg Trials, and for its new revelations on the long after-life of Operation Sunrise.

Notes

[1]. Christopher Simpson, *Blowback: The First Full Ac-*

count of America's Recruitment of Nazis and Its Disastrous Effect on Our Domestic and Foreign Policy (New York: Weidenfeld and Nicholson, 1988); and Burton Hersh, *The Old Boys: The American Elite and the Origins of the CIA* (New York: Scribner, 1992).

[2]. Richard Breitman et al., *U.S. Intelligence and the Nazis* (New York: Cambridge University Press, 2005).

[3]. "CIA Report on Bosnia Blames Serbs for 90% of the War Crimes," *The New York Times*, 9 March 1995.

[4]. Allen W. Dulles, *The Secret Surrender: The Classic Insider's Account of the Secret Plot to Surrender Northern Italy during World War II* (New York: The Lyons Press, 2006). The scholarly account is Bradley F. Smith and Elena Agarossi, *Operation Sunrise: The Secret Surrender* (New York: Basic Books, 1979).

[5]. Breitman et al., *U.S. Intelligence*, 24-30.

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