

CHAPTER THREE

New Materials on Former Gestapo Officers

Gestapo officers, who also held ranks in the SS, were in the U.S. Army Counterintelligence Corps's automatic arrest category after the war. Initially, the CIC viewed them as security threats because they could arrange continued clandestine resistance against the occupation. Later, CIC used former Gestapo officers to garner useful intelligence for the postwar period on everything from German right-wing movements to underground communist organizations. Intelligence officers often overlooked the significant role Gestapo officers played in the murder of Jews, POWs, and the political enemies of the Nazis.

More than 25 years ago Allan A. Ryan, author of the 1983 official U.S. Government study of the Klaus Barbie case, noted that a growing number of Gestapo personnel were released from U.S. captivity in 1946 and 1947 and "their apparent use grew, although to what extent is uncertain."¹ The newly released records provide a much fuller picture regarding the American use of Gestapo officers. The CIC went to some lengths to protect certain persons from justice. The following cases are representative.

Rudolf Mildner's Escape from Justice

Rudolf Mildner was originally arrested as part of a search for Nazi officials who might lead an underground Nazi resistance. On May 21, 1945, the Counter-

Intelligence War Room in London asked Allied forces in the field to learn from captured Reich Security Main Office (RSHA) members what instructions they had been given for continued activity after Germany's defeat. In the weeks ahead the War Room learned that important Gestapo officials had concentrated around Hof near Munich, Salzburg, and Innsbruck in the war's final days.² On May 30, 1945, the 80th CIC detachment in the Austrian Alps captured Mildner, a senior Gestapo official. He claimed that he was climbing for recreation and that he had intended to surrender to the Americans.³ It was the first of many misrepresentations.

A native Austrian with radical rightist sympathies, Mildner received a law degree in 1934. In July of the same year, the illegal Austrian Nazi movement assassinated Chancellor Engelbert Dollfuss. Afterwards, Mildner fled Austria for Munich. Reinhard Heydrich, then head of the Gestapo, hired him to investigate other Austrians who had crossed into Germany to determine who was reliable. Mildner later claimed that Heydrich forced him to remain in the German police, but Heydrich would not have trusted a reluctant officer for such duty. Mildner, in fact, became deputy chief of the Gestapo in Linz, Hitler's hometown, after Germany annexed Austria in March 1938.⁴

U.S. authorities knew that Mildner was a long-standing Gestapo member but never pressed him for details on the Gestapo's crimes against Jews or anyone else. Mildner simply misled them. In discussing his functions late in the war as acting chief of Vienna's Security Police, he mentioned that he left untouched Vienna's remnant of 15,000 Jews.⁵ He hardly deserved credit. Nazi authorities never decided what to do with Jews in mixed marriages in Germany owing to "Aryan" partners' reactions, which included a major protest in Berlin in February 1943.⁶ But U.S. Army Capt. Andrew R. Pickens found Mildner cooperative and possessing a good memory. The War Room told the CIC that "it is not thought that his information of Amt IV [Gestapo] is likely to be of outstanding interest as it seems probably that his service at the RSHA was merely marking time."⁷

Mildner left out large parts of his career. As head of the Jewish section of the Vienna Gestapo from 1941–43, he signed orders confiscating the property of some 10,000 Viennese Jews deported to Auschwitz.⁸ As Gestapo chief in Katowice in East Upper Silesia from 1941 to 1943, he was responsible for the execution of hundreds, if not thousands, of suspected Polish resisters. Mildner gave them one-minute "trials" in the infamous Block 11 of Auschwitz concentration camp that resulted in shooting or hanging. He came to Auschwitz frequently for this purpose.⁹

Mildner also failed to mention that he had been commander of the Security Police and SD in Denmark in the fall of 1943 when Hitler and Himmler ordered Denmark's 8,000 Jews arrested and deported to Auschwitz. Denmark's Jews escaped this fate owing to the courageous German naval attaché, Georg Duckwitz, who leaked Berlin's intentions to Danish officials, leading to a mass escape to Sweden. Finally, Mildner said nothing about his serving as deputy chief of the RSHA office over Adolf Eichmann in the spring of 1944 when Eichmann and his task force went to Hungary to arrange the deportation of hundreds of thousands of Hungarian Jews to Auschwitz.

Bits of the truth slowly emerged from Mildner's associates, some of them were also captured and interrogated. Karl Ebner, a former deputy, told the British that Mildner approved the execution of a British agent dropped by parachute near Vienna in mid-1944.¹⁰ Franz Joseph Huber, Mildner's one-time superior as Security Police Inspector for the Vienna region, admitted visiting Dachau in 1936, Sachsenhausen in 1936, and Mauthausen in 1939. But, he said, he had never seen any cruelty there, that the laws of humanity were always his highest rule of conduct, and that he never believed in blind obedience or foolhardy resistance.¹¹ The main Allied interest in Huber centered on the whereabouts of Gestapo Chief Heinrich Müller.¹² The Allies were still trying to determine whether Müller had died in the last days of the war.¹³

Because Mildner mentioned a mid-April 1945 order from Heinrich Himmler through RSHA chief Ernst Kaltenbrunner to prepare for postwar underground resistance, he was a potentially useful witness against Kaltenbrunner and the SS generally at the Trial of the Major War Criminals in Nuremberg. On October 1 the CIC turned him over to the U.S. Chief of Counsel for War Crimes. It recommended his internment after he had served his purpose at Nuremberg, presumably because his SS rank made him liable to automatic arrest. But Army Intelligence (G-2) Headquarters, which had not cleared his transfer to Nuremberg, complained to CIC that they wanted additional access. The Judge Advocate General's office agreed to notify G-2 when Mildner was finished at Nuremberg.¹⁴

While Mildner was in Nuremberg, the Military Intelligence Service Center issued an interim report about him. It deserves attention mostly for its conclusions and final comments about Mildner's last weeks in Vienna. The analysts found that Mildner had not done anything to set up an underground movement that

might cause postwar problems. They considered his memory excellent, thought he had spoken freely, and considered him reliable. The short final interrogation report on Mildner, dated January 11, 1946, broke no new ground, calling him reliable and very cooperative. The Army sent a copy of this report to the FBI.¹⁵

In the meantime, war crimes investigators at Nuremberg examined Mildner's career more carefully. Former subordinates from Katowice testified that he had ordered the execution of 500–600 Poles at Auschwitz. When Mildner learned about this evidence in late January 1946, he broke down, refused to eat, and showed signs of depression. When examined by American psychiatrist Leon Goldensohn, he rationalized: "Suppose you Americans were in Germany fighting Russia, and some Germans sabotaged you, or shot your soldiers, or stole. You'd hang them. And rightly so. So to preserve order and prevent sabotage, the Germans in Poland and Silesia had to do that too."¹⁶

A Danish lawyer also interviewed Mildner at Nuremberg about his time in Denmark. Mildner accentuated the positive, claiming that Gestapo Chief Müller ordered him to arrest the Nobel Prize–winning atomic physicist Niels Bohr. In the fall of 1943 Bohr was in jeopardy partly because he was half-Jewish. But Berlin also recognized his scientific importance, and the Gestapo in Denmark received an order from Berlin to arrest him specifically. A German woman working for the Gestapo who had seen the order tipped off Mrs. Bohr's brother-in-law. The Bohrs fled across the Kattegat to Sweden shortly before the mass flight of Danish Jews there.¹⁷ Mildner mentioned the arrest order, but said that he had refused to arrest Bohr. In Mildner's retelling, this allowed Bohr's escape. A Danish newspaper published this far-fetched account on March 21.¹⁸

Ironically the OSS learned back in 1944 how substantial Mildner's role in Denmark actually was. A Danish policeman who went to Sweden compiled a detailed report on the German police in Denmark, which reached the OSS in April 1944. The report discounted the role of Higher SS and Police Leader Günter Pancke, nominally the top police executive there, because he was frequently absent. Mildner, said the report, was the dominant police official. Mildner's deputy Dr. Hoffmann supervised a concentration camp at Horseröd.¹⁹ But by October 1945 the OSS was dissolved, and the information never reached the Army or War Crimes officials in Europe. (It was not declassified until 2000.)

In April 1946 Nuremberg prosecutors interrogated Mildner about Kaltenbrunner. As before, Mildner incriminated Kaltenbrunner for his efforts

to organize last ditch resistance. In mid-April 1945 Kaltenbrunner had ordered him and others to set up a network of SD and Gestapo agents and saboteurs to operate behind enemy lines at war's end.²⁰ Around the same time, former Auschwitz Commandant Rudolf Höss also testified at Nuremberg. Höss noted that he had showed Mildner the entire camp including the gas chambers and crematoria. Mildner was quite interested, Höss said, because he was deporting Jews from Katowice to Auschwitz.²¹ It was a most damning account.

In April 1946 the British requested Mildner's extradition, probably because of the case of the executed British agent. CIC said it had no further interest in him and did not object to extradition. A cryptic handwritten note on the memo indicated that he was placed in Rogues Galley on May 4.²² In June Danish intelligence wanted to pose more questions to Mildner about the case of Niels Bohr. How much did Nazi authorities know about Bohr, and why didn't Mildner arrest him? The Danes sent a list of questions for American authorities to put to Mildner. But, according to CIC records, on August 11, 1946, Mildner escaped from Civilian Internment Camp #409 in Nuremberg. By the time Poland also requested his extradition in December, his file indicates that his location was unknown.²³

While in U.S. custody, Mildner described every branch and stem of Vienna's Gestapo organization. A broad sample of other captured Vienna policemen also gave details to the Military Intelligence Research Service in Austria about their organization and their fellow officers. In November 1946 the Military Intelligence Service put out a 142-page report on the Gestapo in Vienna. Army Intelligence in Austria received 11 copies; the 430th CIC detachment in Austria received 19 copies; the Office of U.S. Chief of Counsel (for War Crimes) received a single copy. Tracking and punishing war criminals were not high among the Army's priorities in late 1946.²⁴

One must infer why the U.S. Army put in such effort to reconstruct Gestapo organizational charts. Occupying parts of Germany and Austria, U.S. forces needed to keep order, and any diehard Nazi police forces represented a threat. On the other hand, more pragmatic German policemen who had dealt with security issues such as Communist espionage or subversion might have useful skills and detailed knowledge. The Army initially seemed to consider Mildner one of the useful officials. Whether the CIC's lenient treatment of Mildner contributed in some way to his ability to escape will remain unknown unless more information surfaces. There is one suggestive source: Nuremberg psychiatrist Leon Goldensohn believed Mildner remained in American custody until 1949.²⁵ It is possible that

in return for his services, U.S. forces protected Mildner against extradition. In 1949, like a number of other Nazi war criminals, Mildner went to Argentina. He later crossed paths there with his former colleague Adolf Eichmann.²⁶

The Gestapo and the Struggle Against Communism: The Gestapo in Baden

In the spring of 1947 a CIC agent named Robert S. Taylor from CIC Region IV (Munich) recruited Klaus Barbie, the one-time Gestapo Chief of Lyon (1942–44). Barbie helped run a counterintelligence net named “Büro Petersen” which monitored French intelligence. In 1948 Barbie helped the CIC locate former Gestapo informants. In 1949–50, he penetrated German Communist Party (KPD) activities in CIC Region XII (Augsburg). Unaware of Barbie’s initial hiring in 1947, CIC headquarters was ambivalent about retaining him. Regardless, he continued to work for the CIC in return for protection against French war crimes charges. The story of his escape to South America with the help of the CIC, after French authorities began to make inquiries as to his whereabouts in 1951, is well known.²⁷

The latest batch of CIC records has more information about the process of hiring Gestapo officials. Allan Ryan quotes a CIC headquarters June 7, 1949, directive from Maj. Earl Browning titled “Brief and Policy for the Interrogation and Exploitation of Gestapo Personnel.” It called for the reinterrogation of Gestapo specialists regarding KPD methods and possible agents that could be used within the KPD itself. But the directive had limits. “It is the policy of this Headquarters,” Browning wrote, “to discourage the use of Gestapo personnel as further sources of this organization except in unusual circumstances.”²⁸ Either this directive was frequently disregarded, or there were a lot of unusual circumstances.

Approximately 1,200 newly released files relate to the penetration of German Communist activities and specifically to “Project Happiness,” the CIC’s codename for counterintelligence operations against the KPD. A smaller number of files relate specifically to the location of and use of Gestapo personnel as agents and informants in the different CIC regions. The example of the Baden region in West Germany suggests that the CIC’s relationship with Gestapo officers

depended partly on the individuals involved. Some former Gestapo officers were more willing to cooperate than others.

In August 1949 CIC Headquarters requested organizational charts of the Gestapo in Baden (CIC Region II) in order to exploit former Gestapo Communist experts there.²⁹ In 1945 CIC had undertaken studies based on interrogations of arrested Gestapo members, but these studies were organizational in nature and were handicapped by the fact that in many cities, Heidelberg for instance, Gestapo officers received orders to burn their records.³⁰ Regional CIC officers now reconstructed Gestapo personnel lists for the major cities including Mannheim, Heidelberg, and Karlsruhe. They included potential Communist experts from the Gestapo, together with up-to-date addresses and notes on Gestapo personnel who might have fled south to the French occupation zone.

Some Gestapo personnel in northern Baden had already been sentenced for war crimes. Hermann Boschert of the Karlsruhe Gestapo was serving a life sentence (subsequently shortened) for his role in the murder of an escaped British POW even though, in the CIC's assessment, he "may be termed an expert on communism."³¹ Eugen Feucht of the Heidelberg Gestapo "was the most active man in the political field," according to former Gestapo co-workers. In 1949 he was serving a three-year prison term for his wartime activities. Regardless, special agent Fred C. Hicks noted that "[I] will make an attempt to contact Feucht in the very near future."³²

Others refused to talk for fear of self-incrimination. "A burned child avoids fire," said Hermann Kraut, the former head of the Baden Gestapo's Referat N (which managed and registered informants), who worked in 1950 as a watchmaker, "and for that reason I won't do any more political work." Kraut told the CIC that he "had been contacted numerous times by an American civilian organization ... but that he refused to work for that organization, regardless of how much they would pay him."³³ Johann Oettinger had been in charge of the Gestapo in Heidelberg but claimed to have no contact with any of his office's former informants. Special Agent Hicks wrote that, "Oettinger does not want to give any information to this office."³⁴

The efforts of Special Agent Ralph Kahn in Mannheim, well documented in the new records, suggest expanded use of former Gestapo personnel to penetrate the KPD. In 1949 Kahn contacted every former Gestapo officer of possible value in Mannheim. He had mixed success. Fritz Michel was, according

to former colleagues, “the most capable man the local Gestapo had in the leftist political field after 1933.” At first, Michel was unwilling to help owing to “the harsh treatment he allegedly received during his internment in Ludwigsburg...” Kahn noted that, “he was very cold toward this agent when the first contacts were made.” Kahn persevered. “Only after many visits,” Kahn reported on December 19, 1949, “did [Michel] slowly warm up and begin to talk.”

“You think that we had the Mannheim KPD penetrated,” Michel told Kahn in mid-December, “but that is not the case. We had no penetration in Mannheim at any time from 1933 to 1945.” “We had some lucky breaks in Mannheim,” Michel continued, “and were able to get some good cases, but we did not get them through any ‘Spitzels’ [police spies] whom we had placed within the party.” Michel said that the Mannheim Gestapo depended on routine denunciations. “The Gestapo,” he said, “had at times some voluntary informants who did not like some person, and from these leads, we could occasionally get a fairly good case.” The Gestapo arrested the occasional KPD functionary and then “worked on him” until he gave up more names of active KPD members. This, Michel said, was how the Mannheim Gestapo destroyed the communist resistance circle under Georg Lechleiter in 1942, a case that led to 31 arrests and 19 executions including that of Lechleiter himself.³⁵ Michel told Kahn that he knew many KPD functionaries in the Mannheim area, but was “allegedly not able to give any names as to who could be recruited as informants.”³⁶

Kahn repeatedly contacted Adolf Gerst, the former head of the Mannheim Gestapo, who was subject to murder charges. Gerst later received a seven-year sentence for aggressive interrogations that ended in death.³⁷ Gerst claimed little contact with former informants because, as he said, “his agents usually contacted the informants.” Kahn reported that he “made a strenuous effort” to obtain employment for Gerst’s son, also named Adolf, who had just been released from prison by the French for his role in the Gestapo in Saarbrücken. Kahn reported that “this did not persuade Gerst to give information...”³⁸

In August 1949 the CIC learned that Alois Bischoff, “an expert on communism,” had been from late 1943 to 1945 the head of Mannheim’s Referat-N and “was considered the key, and most capable man of this Referat.” Kahn located him after his denazification hearings. Bischoff was unemployed and still a believer in National Socialism—he had joined the Party in 1927.³⁹ Bischoff refused to incriminate himself or give information on right-wing groups “because of his former party activities and his belief in that party.” But

he was pleased to provide information on the political left. “An offer to pay [Bischoff] for his time spent in talking ... about former informants or contacts, was emphatically refused...” Bischoff thus revealed for free that Referat N had numerous carded informants within illegal party organizations, including Gerhard Jakobshagen, an SPD member of the former Baden State Parliament, who had contacts in the KPD and provided information of illegal SPD activity. He also noted, contrary to Michel’s assertion, that the Gestapo had an informant who helped with the Lechleiter case. Kahn followed these leads further and maintained the relationship with Bischoff.⁴⁰

The Cases of Eugen Fischer and Anton Mahler

The cases of Eugen Fischer and Anton Mahler, two senior Gestapo officers in Munich and Augsburg, demonstrate similarities to the Barbie case. Historians have known since the 1980s that the CIC had relationships with them. But their CIC files provide many new details.⁴¹

Both men were career policemen before 1933. Fischer joined the Bavarian police in Munich in 1924 and had engaged in intelligence and political work. He joined the Nazi Party in 1934 and served in the Munich Gestapo from 1936 forward.⁴² Mahler joined the Nazi Party (NSDAP) in 1933 and served in the Augsburg Gestapo from 1938 to 1941. From December 1941 to February 1945, he was part of the Munich Gestapo then transferred back to Augsburg until the end of the war.⁴³ During the war they served together in Gestapo section IV A, where they investigated high treason cases by the illegal KPD.

Mahler is of interest for two other reasons. He was the chief interrogator of Hans Scholl, a leading member of the White Rose, a student organization in Munich that decried German apathy and called for Hitler’s overthrow through the secret distribution of leaflets. Hans and his sister Sophie Scholl were convicted of high treason and beheaded in February 1943. From May to November 1941, Mahler also served in Einsatzgruppe B in occupied Belarus, which participated in the killings of more than 45,000 people, most of them Jews, by mid-November 1941.⁴⁴ It is not clear what Mahler did in Belarus. Einsatzgruppe B began its campaign with 665 members.⁴⁵ This admission on his own U.S. Military Government questionnaire in 1947 was ignored or

overlooked by U.S. and West German authorities, and Mahler never mentioned it subsequently.

In the automatic arrest category, both men were apprehended shortly after the war.⁴⁶ Fischer was originally placed in the War Crimes enclosure in Dachau, but the authorities lacked evidence of his crimes. He was moved to Moosberg labor enclosure pending denazification proceedings.

In August 1947 CIC Region IV (Munich) discovered that Fischer had been in Gestapo Office IV A 2 (Counter-Sabotage). “It is assumed,” noted Lt. Col. L. M. de Riemer, the commanding officer of the 970th CIC Detachment on August 26, 1947, “that many old KPD members who were known to [Fischer] are presently active in important positions,” and “that [Fischer] could be helpful in supplying many details.” “It is highly urgent” he added, “that CIC Region IV have access to the information [Fischer] can supply before he meets the Denazification Board. This information cannot be solicited while [Fischer] is confined in the Internment Center.”⁴⁷ The U.S. Military Government (OMGUS) had to approve his release. Region IV asked that Fischer receive a one-month furlough. OMGUS’s Public Safety Branch agreed to release Fischer for one month, on the condition that any help for the CIC not affect his pending denazification hearing.⁴⁸ Fischer went through denazification but emerged unscathed.⁴⁹

After Fischer’s furlough became indefinite in January 1948, the CIC incorporated him into Project Happiness. He worked in the Augsburg and Munich regions, first as part of Barbie’s Petersen net, and then as an independent source for various CIC special agents. By all accounts he was valuable. An experienced police officer, he had numerous contacts in city and state police in Bavaria, and as a former Gestapo officer, he maintained contact with former Gestapo sources. He thus developed extensive contacts and penetrated city and state police offices, various civil agencies, private concerns, and even right-wing political groups in order to investigate KPD penetration of these organizations. In 1949 he was responsible for written reports on KPD activities in the MAN (Maschinenfabrik Augsburg Nürnberg) factory in Augsburg, the KPD penetration of the Augsburg city police, as well as reports on the Soviet zone.⁵⁰

At the same time Fischer was a security hazard. Maj. Henry V. Ida of CIC Region XII (Augsburg) pointed to the “undesirability of hiring former Gestapo agents as full time “X” type informants.” Ignoring the basics of compartmentalization, the CIC allowed Fischer to be handled by three separate agents, including Special

Agent Erhard Dabringhaus, who handled Barbie as of June 1948 and had a reputation for lax security. Fischer became familiar with general CIC practices in the Augsburg and Munich regions and with the identities of numerous older and newer sources used by more than one CIC Regional office. Because of Fischer's extensive knowledge of CIC sources and methods, Ida worried that "dropping [Fischer] at this time may do more harm than good."

Instead, Ida began to shift Fischer's activities away from Project Happiness to "projects of less sensitivity and importance," such as the "investigation of the activities of former Gestapo, SS and NSDAP officials." Region XII also tried to learn Fischer's own sub-sources as well as what Fischer knew of CIC sources and methods. This task was difficult owing to Fischer's "extreme reluctance to submit sufficient information regarding his sub-sources.... Overly precipitous action in this respect will make [Fischer] aware that he is being 'debriefed.'"⁵¹

Mahler's case was similar to Fischer's. Released from U.S. detention in September 1948, Mahler faced denazification in Augsburg almost immediately.⁵² He intended to protect himself in the proceeding by naming Max Lappler, a local KPD functionary, as a wartime Gestapo informant. Lappler was now working as an informant for Fischer. To protect Mahler and his source within the KPD, Fischer wrote the U.S. authorities in hopes of postponing Mahler's denazification hearing, adding that, "the KPD had a definite political interest in eliminating former Gestapo officials who were specialists in Communist questions, through the Spruchkammer [Denazification Courts]."⁵³ Mahler's hearing labeled him an "Activist" (i.e., not a "Major Offender"). Still, he immediately appealed the finding with the argument that the hearing was politically inspired by the local KPD. The Spruchkammer decision was nullified on September 24, 1949, though the circumstances are unclear.⁵⁴ Mahler's restraint in mentioning old Gestapo sources made him suitable for intelligence work.⁵⁵ His resumé, submitted to the CIC, mentioned his work against Communists in the Gestapo and omitted his service in Einsatzgruppe B.

CIC Region XII used Mahler as an informant beginning in February 1949. By May, he was a full-time employee at Region XII, performing secretarial duties and holding daily discussions with Special Agent Herbert Bechtold about the KPD and its methods. At the same time, Mahler worked for Fischer. He received 300 marks per month plus cigarettes, coffee, soap, and razor blades. It was an improvement over his first postwar job as a construction laborer.⁵⁶

The KPD was not finished with Fischer and Mahler. In November 1949, members of the KPD in Munich aided by the Union of Nazi Persecutees (VVN)—an organization with communist connections—brought criminal complaints against each to the Bavarian State Court in Munich. Based on information from their sources within the KPD, Fischer and Mahler argued to their U.S. handlers that the criminal complaints were politics by other means—an effort by the KPD to eliminate their former Gestapo adversaries through criminal trials when denazification had not done the job. The KPD, according to Fischer’s sources, also understood that this case would expose the U.S. agencies that were protecting Fischer and Mahler, while eliminating the two former Gestapo anti-Communist operatives. The VVN, said Fischer, prepared the case by rounding up additional witnesses through advertisements, even if the ads could provide nothing but hearsay from family members of alleged victims. The VVN hoped that the sheer bulk of witnesses, together with an intimidating crowd in the courtroom, would result in convictions. According to Fischer and Mahler, the KPD even tried to recruit their former Security Police colleagues as prosecution witnesses, offering to vouch for them during their own denazification hearings should they testify against Fischer and Mahler.

CIC Region IV told CIC headquarters that Fischer and Mahler should be protected from politically inspired criminal proceedings:

...either of them may have been forced [in the Gestapo] to use methods of interrogation which are not condoned as regular practice, but, in times of emergency and with pressure from superiors exerted, these methods can by no means be classified as atrocities.... every effort should be made to prevent a trial of these men on the present basis, not so much because a miscarriage of justice should be prevented, but because the interests of this agency and perhaps to a great extent the entire United States occupation forces could be protected.... As indicated by a number of events, the KPD had learned of Fischer’s usage by Region IV and by this Headquarters some time ago. The possibility exists that a plan was arranged then, whereby perhaps two flies could be killed with one stroke, the elimination of Fischer and the discovery of the amount of penetration effected by him within the KPD.⁵⁷

The response by CIC headquarters is not located in CIC files on Fischer or Mahler, but a later comment by Col. David Erskine, the CIC 66th

Detachment's commanding officer, suggests that senior CIC officers took a different tack. As Erskine explained later to his superiors at OMGUS,

The [Fischer] net was ... neutralized and eventually disbanded when it became unwieldy and began to exhibit a lack of requisite security. Meanwhile, Fischer became a definite security problem for this organization. It was felt that he would require an extensive 'debriefing' period before he could be safely dropped by this organization. The debriefing process was well underway at the time the Subject was brought to trial and convicted. The conviction, in actuality, gave this organization a 'stated' reason to more speedily terminate its relationship with Subject.⁵⁸

In short, the CIC did not protect Fischer and Mahler. It allowed the trial to go forward as a way to neutralize Fischer, perhaps in the expectation that neither man would reveal his sources to the German authorities.

Fischer and Mahler stood trial in Bavarian State Court in Munich from December 19–22, 1949, for their excesses during their Gestapo service. Mahler's service in Einsatzgruppe B never came up in this trial. There were originally 14 complaints against Fischer and 12 against Mahler, most centering on beatings of Communists during interrogations. For many of the accusers, the trial was political from the start. "Now we'll at least have two of this gang," said one witness.⁵⁹ Several witnesses out of more than 40 that were called tempered their testimonies once warned of the penalty for perjury. Other witness statements were based on hearsay. Yet Fischer was still found guilty of beating prisoners and forcing confessions in six cases (two confessions led to executions). Mahler was found guilty of three beatings and one confession forced through threats.

Their sentences were relatively mild. Both Gestapo functionaries broke German laws governing police interrogations that were still technically valid under the Nazis. But the court gave allowance for the fact that Fischer and Mahler, as police officers, were trying to uncover cases of high treason in wartime. Fischer received a five-year prison sentence and Mahler a sentence of four years, but each sentence was reduced by 18 months, owing to time already served in Allied enclosures.⁶⁰

The CIC was philosophical. Though some evidence was unreliable and perhaps even perjured, there was also little doubt that the defendants "did strike and mistreat some prisoners." "Considering the pressure on the judge [and] the

unruly mob of KPD people in the courtroom,” noted Special Agent Siegfried Clemens, the verdicts were as favorable to the former Gestapo officers as could be expected.⁶¹ And Fischer revealed no CIC sources during the trial. “Whether the results of the trial will affect the prestige of CIC in the Munich-Augsburg area remains to be seen,” reported Maj. George Riffin, “but it is doubted at the present time.... [To] date there have been no indications that any KPD sources have been or will be compromised. It is not anticipated that Fischer will reveal any sources known to him.” In February 1950 the CIC officially dropped him.⁶²

Both men fled Munich before the sentencing session and lived in hiding thereafter.⁶³ West German state authorities asked the U.S. High Commission under John McCloy to locate them. Erskine from the 66th Detachment Headquarters noted as late as October 1950 that he had no objection. Fischer had been dropped. Yet Erskine also noted in October that the CIC had “no information concerning the present whereabouts of these two men.”⁶⁴ Skeptical West German police authorities placed the CIC Region IV Headquarters in Augsburg under surveillance on the assumption that both men were secretly employed there.⁶⁵

While a sampling of relevant files does not establish Fischer’s whereabouts, it also reveals that Mahler went back to work for the CIC just days after his disappearance. A handwritten directive from Special Agent Eugene Kolb, who was then still handling Barbie, warned other agents “to be extremely careful with F 9 M [Mahler]. Contacts should if possible either be discontinued or made outside of Augsburg ... any indication of police surveillance is to be brought to my attention immediately.”⁶⁶

In July 1950, Special Agent Herbert Bechtold reported that, in keeping with the June 7, 1949, directive from Browning, “former Gestapo agents of primary importance are now being re-contacted for a total exploitation of all phases of their experience not previously covered in the more cursory interrogation. This phase of the investigation pertains primarily to leads and cases once handled by these agents....” In Mahler’s case, this involved his 1943 investigation of the White Rose. To Mahler, it was an unfinished case because, even though the White Rose leaders were arrested, tried, and in some cases executed, there were loose ends. The White Rose case also gave Mahler an additional chance to re-establish his anti-communist bona fides with the United States.

Mahler's July 14, 1950, report on "Sedition Activities of the Scholl Twins" is of interest to scholars of the White Rose insofar as the 17-page report includes Gestapo efforts to stop the distribution of anti-Hitler leaflets before the arrest of Hans and Sophie Scholl in February 1943. But it also paints Hans Scholl, whom Mahler interrogated, as a Communist. Scholl came, Mahler said, from a "Marxistic (sic) oriented family, which nevertheless spread a cloak of religious piety over its existence." White Rose leaflets, in Mahler's retelling, "were atheistic and cultural Bolshevistic propaganda..." Under interrogation, Hans Scholl argued "that communism had been a decided improvement over the Czarist dynasty" and that "an alliance between the Soviet Union and Germany could only be advantageous to both nations." Mahler further emphasized that White Rose member Falk Harnack was the brother of Arvid Harnack, a leader in the Soviet spy ring in Germany known as the Red Orchestra, and that the Gestapo had never been able to investigate the possible connections between the two organizations. In reality, there was nothing communistic about any of the White Rose leaflets. But the connection impressed Special Agent Bechtold. He recommended "more active exploitation" of Mahler.

While in hiding, Mahler had his attorney appeal his criminal conviction. The Superior State Court in Munich rejected Mahler's appeal on December 21, 1951. Mahler immediately worried for his safety. He tried to blackmail Max Lappler, a KPD member, with exposure as a CIC informant if Lappler did not produce the "order" by the East German Communist Party (SED) that Mahler thought prompted the West German KPD to use criminal trials to neutralize former Gestapo figures. Such, Mahler thought, would negate his conviction.⁶⁷ He also asked West Germany's neo-Nazi party (the Socialist Reich Party) to help him escape Germany for Argentina and to provide him with financial assistance. He cited his loyalty to the Nazi party as making him worthy of its aid.⁶⁸ The Mahler file ends with this request.

ENDNOTES

- 1 Allan A. Ryan, Jr., *Klaus Barbie and the United States Government: The Report, with Documentary Appendix. To the Attorney General of the United States* (Frederick, MD: University Publications of America, 1983).
- 2 Tactical Interrogation of Members of the RSHA, May 21, 1945, NARA RG 226, Entry 119A, box 22, folder 621. W.R.C. Fortnightly Report, June 18, 1945, NARA RG 226, Entry 119A, box 25, folder 639. Saint to Saint Washington, Info Saint, Austria, War Room Summary ending July 18, NARA RG 226, Entry 88, box 388, folder 645. These documents were declassified in 2000.

- 3 Carl F. O'Neal, 80th CIC Detachment, Memorandum for the Officer in Charge, May 31, 1945, NARA, RG 319, IRR Mildner, Dr. Rudolf, D 00880.
- 4 This biographical sketch is drawn from the May 31 interrogation and partly from Mildner's February 1946 interviews conducted by American psychiatrist Leon Goldensohn. See Robert Gellately, ed., *The Nuremberg Interviews: Conducted by Leon Goldensohn* (New York: Knopf, 2004), pp. 368–71.
- 5 Interrogation Report No. 47, The Gestapo in Vienna, September 11, 1945, p. 9, IRR Mildner, Dr. Rudolf, D 00880.
- 6 Nathan Stoltzfus, *Resistance of the Heart: Inter marriage and the Rosenstrasse Protest in Nazi Germany* (New York: Norton, 1996).
- 7 Preliminary Interrogation No. 59, September 5, 1945; Counter-Intelligence War Room, London to USFET, September 11, 1945, NARA, RG 319, IRR Mildner, Dr. Rudolf, D 00880. Interrogation Report No. 47, September 11, 1945, IRR Mildner, Dr. Rudolf, D 00880.
- 8 Günter Bischoff, Anton Pelinka, Michael Gehler, eds., *Austria in the European Union*, (New Jersey: Transaction Publishers, 2002), p. 293.
- 9 Debórah Dwork and Robert Jan van Pelt, *Auschwitz: 1270 to the Present* (New York: Norton, 1996), 177–78; Rebecca Wittmann, *Beyond Justice: The Auschwitz Trial* (Cambridge: Harvard University Press, 2005), 104.
- 10 [British] CSDIC Austria Interrogation of Karl Ebner, August 24–September 2, 1945, NARA, RG 319, IRR Ebner, Dr. Karl, XA 013137. Ebner also showed selective recall. He emphasized that he had quarreled with Mildner and claimed involvement in the July 20, 1944, conspiracy to assassinate Hitler and overthrow the Nazi regime. As a result, Ebner said, he was arrested, imprisoned, and sentenced to death
- 11 Voluntary statement by Huber, June 25, 1945, NARA, RG 319, IRR Huber, Franz Joseph, D 002609. The Allies did not prosecute Huber. A German denazification tribunal in Nuremberg acquitted him of all responsibility for crimes.
- 12 Counter-Intelligence War Room, London to USFET Main, December 7, 1945, NARA, RG 319, IRR Huber, Franz Joseph, D 002609.
- 13 See Chapter 1 above.
- 14 Heimann to Chief, CIB, G-2, October 11, 1945; G-2 to JA, War Crimes Branch, November 1, 1945, NARA, RG 319, IRR Mildner, Dr. Rudolf, D 00880. The Final Intelligence Report on Mildner, January 11, 1946, however, lists a transfer date of September 24.
- 15 Interim Intelligence Report/32, December 22, 1945; Final Interrogation Report/70, January 11, 1946, RG 319, NARA, RG 319 IRR Mildner, Dr. Rudolf, D 00880; NARA, RG 65, Classification 65, box 191, File 65-53566.
- 16 Gellately, ed., *The Nuremberg Interviews*, 368.
- 17 Thomas Powers, *Heisenberg's War: The Secret History of the German Bomb* (New York: Knopf, 1993), 234–35.
- 18 Danish General Staff Intelligence Section to Intelligence Bureau, 3 June 1946, NARA, RG 319, IRR Mildner, Dr. Rudolf, D 00880. Mildner mistakenly told Goldensohn that Bohr had fled later, after the Jews went to Sweden. *The Nuremberg Interviews*, 375–77
- 19 German Security Police in Denmark, April 20, 1944, NARA, RG 226, Entry 216, box 4, folder 40. This report was rated B-2, which meant OSS considered it reliable. An April 1944 chart showing German authorities in Denmark had SS Colonel Dr. Molder [sic] as commander of the Security Police and SD. NARA, RG 226, Entry 216, box 9, WN 27540-27549.
- 20 Testimony of Rudolf Mildner taken at Nuremberg, April 25, 1946, NARA, RG 319, IRR Mildner, Dr. Rudolf, D 00880.
- 21 *TMWC*, v. 11, p. 417.
- 22 NARA, RG 549, Entry 2223, Box 3.
- 23 File Memo of February 11, 1948; G-2 Memos of August 24, 1955 and September 9, 1955, NARA RG 319, IRR Mildner, Dr. Rudolf, D 00880.

- 24 Interrogation Report No. 47, September 11, 1945; Interim Interrogation Report No. 32, December 22, 1945, NARA, RG 319, IRR Mildner, Dr. Rudolf, D 00880. NARA RG 319, IRR Gestapo Vienna, D 152106a.
- 25 *The Nuremberg Interviews*, 367.
- 26 Uki Goni, *The Real Odessa: Smuggling the Nazis to Perón's Argentina* (New York: Granta, 2002), p. 308.
- 27 Ryan, *Klaus Barbie and the United States Government*, passim.
- 28 Ryan, *Klaus Barbie*, p. 16. For the full directive see Ryan, *Klaus Barbie*, pp. 192–98.
- 29 Gestapo Communist Experts Progress Report, August 4, 1949, II-419.03, NARA, RG 319, IRR Gestapo Communist Experts, XE 0342X.
- 30 See for example Memorandum by Special Agent Remy W. Fulscher, June 25, 1945, NARA, RG 319, IRR, Gestapo Aussenstelle Heidelberg, D 035498.
- 31 Boschert, Heinrich, Card based on Agent Report dated August 4, 1949, NARA, RG 319, IRR, Boschert, Hermann, D 087446. On the case see Priscilla Dale Jones, "Nazi Atrocities Against Allied Airmen: Stalag Luft III and the End of British War Crimes Trials," *The Historical Journal*, v. 41, n. 2 (1998): 543–65.
- 32 Gestapo Communist Experts Progress Report, August 4, 1949, II-419.03, NARA, RG 319, IRR, XE 00342X.
- 33 Kraut, Hermann Card, January 16, 1950, NARA, RG 319, IRR, D269249.
- 34 Gestapo Communist Experts Progress Report, August 4, 1949, II-419.03, NARA, RG 319, IRR Gestapo Communist Experts, XE 00342X.
- 35 "Georg Lechleiter – Ein Mannheimer Kommunist," *Der Widerstand im deutschen Südwesten 1933–1945*, ed. Michael Bosch and Wolfgang Niess (Stuttgart: Kohlhammer, 1984).
- 36 Special Agent Ralph Kahn, Mannheim Gestapo, December 19, 1940, NARA, RG 319, IRR Michel, Franz, D 269249.
- 37 For Gerst's homicide case, see C. F. Rüter and Dick W. de Mildt, eds., *Justiz und NS-Verbrechen: Sammlung deutscher Strafurteile wegen nationalsozialistischer Tötungsverbrechen 1945–1966* (Amsterdam: University Press Amsterdam, 1968–), v. 9, case no. 309.
- 38 For Kahn's report on Michel and Gerst see Mannheim Gestapo, December 19, 1949, II-419.03, NARA, RG 319, IRR Michel, Franz, D269249.
- 39 Bischoff, Alois, Reference Card, Agent Report Dated August 4, 1949, and Bischoff, Alois, Reference Card, Agent Report dated December 19, 1949, in NARA, RG 319, IRR Bischoff Alois, D 269231.
- 40 Bischoff, Alois, Re: Mannheim (L50/M50) Gestapo Activities, April 19, 1950, NARA, RG 319, IRR Bischoff, Alois, D 269231.
- 41 Ian Sayer and Douglas Botting, *America's Secret Army: The Untold Story of the Counter Intelligence Corps* (London: Grafton, 1989), p. 331.
- 42 NARA, RG 319, IRR Fischer, Eugen, XE196865.
- 43 See Mahler's own Fragebogen in NARA, RG 319, IRR Mahler, Anton, XE 050898.
- 44 Yitzhak Arad, et. al., eds. *The Einsatzgruppen Reports: Selections from the Dispatches of the Nazi Death Squads' Campaign against the Jews in the Occupied Territories of the Soviet Union, July 1941–January 1943* (New York: Holocaust Library, 1989), p. 235.
- 45 Yitzhak Arad, *The Holocaust in the Soviet Union* (Lincoln: University of Nebraska Press, 2009), p. 55.
- 46 Mahler, Anton, Case No. 4-2037, NARA, RG 319, IRR Mahler, Anton, D 050898. Memorandum by Lt. Richard Lehr, CIC Screening Staff, undated, NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 47 L. M. de Riemer (970th CIC Detachment) to Operations Branch, August 26, 1947, NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 48 Col. David G. Erskine, 66th Counterintelligence Corps (CIC) Detachment to Director, Intelligence Division, HQ, EUCOM, October 12, 1950. See also the request by Maj. Frederick W. Hess of September 9, 1947, and the reply by J. L. McCraw of September 15, 1947; Capt. A. F. Hennings memorandum of September 2, 1947, NARA, RG 319, IRR Fischer, Eugen, D 112374.

- 49 CIC Region XII November 23, 1949, KPD Activities against Anti-Communist Gestapo Specialists, NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 50 Special Agent John J. John to HQ, 7970th CIC Group, October 17, 1949, NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 51 Maj. Henry W. Ida, CIC Region XII to Major George Riggan, HQ 7970 Detachment CIC, October 17, 1949, NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 52 Mahler, Lebenslauf, May 24, 1949, NARA, RG 319, IRR Mahler, Anton, XE 050898.
- 53 Bericht Nr. 525, November 12, 1948, NARA, RG 319, IRR Mahler, Anton, XE 050898.
- 54 CIC Region XII November 23, 1949, KPD Activities against Anti-Communist Gestapo Specialists, NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 55 Mahler, Lebenslauf, May 24, 1949, NARA, RG 319, IRR Mahler, Anton, XE 050898
- 56 On his work for Fischer see Col. David G. Erskine, 66th CIC Detachment to Director, Intelligence Division, HQ, EUCOM, October 12, 1950, NARA, RG 319, IRR Fischer, Eugen, D 112374. On his meetings with Berchtold and payments see the payment sheets in NARA, RG 319, IRR Mahler, Anton, XE 050898.
- 57 CIC Region XII November 23, 1949, KPD Activities against Anti-Communist Gestapo Specialists, NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 58 Col. David G. Erskine, 66th CIC Detachment to Director, Intelligence Division, HQ, EUCOM, October 12, 1950, NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 59 Special Agent Siegfried Clemens, Notes on Eugen Fischer-Anton Mahler Trial, undated, p. 17, NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 60 The judgment dated and signed March 14, 1950, is Aktz. 1 KLa 87–88/49 (III 14/49), in NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 61 Special Agent Siegfried Clemens, Notes on Eugen Fischer-Anton Mahler Trial, undated, p. 28, NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 62 Maj. George Riggan to Region IV, February 1, 1950, NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 63 R. F. Cunningham, Chief Operations Division (Frankfurt) to Director of Intelligence, EUCOM, September 14, 1950, NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 64 Col. David C. Erskine to Director, Intelligence Division, EUCOM, October 12, 1950, NARA, RG 319, IRR Fischer, Eugen, D 112374.
- 65 Search for the Former Gestapo Officials Eugen Fischer and Anton Mahler, May 29, 1950, NARA, RG 319, IRR Mahler, Anton, XE 050898.
- 66 Mahler's pay sheet for January 1950 and the Kolb note are in NARA, RG 319, IRR Mahler, Anton, XE 050898.
- 67 Mahler to Lappler, December 31, 1951 (provided by Lappler to CIC), NARA, RG 319, IRR, Mahler, Anton, XE 050898.
- 68 Maj. Harold Bush, CIC Region XII, to HQ, 66th CIC Detachment, January 22, 1952, NARA, RG 319, IRR Mahler, Anton, XE050898.