

Cold War Networks:

The Shift from Unofficial to Official Legal Aid between Poland and the Federal Republic of Germany in the 1950s and 1960s

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Streszczenie

The article highlights the constraints imposed by the Hallstein-Doktrin, preventing West German prosecutors from officially traveling to Eastern Bloc countries for investigations. Despite these challenges, dedicated individuals, including Hermann Langbein, Jan Sehn, Henry Ormond and Kazimierz Smoleń, within informal networks worked to facilitate cooperation across the Iron Curtain, gradually influencing West German policy toward the prosecution of war criminals. The article is divided into two parts: the first explores the early informal network's role in prosecuting Nazi doctor Carl Clauberg in 1956, examining the prerequisites for justice and the groundwork laid for future prosecutions. The second part focuses on a pivotal moment in unofficial cooperation—the first visit of a West German court within the Frankfurt Auschwitz trial to the Auschwitz memorial site in 1964. It analyzes how the informal network shaped the intellectual and moral framework for the visit, influencing West German-Polish relations and altering perceptions of Nazi war crimes.

The diplomatic relations between the People's Republic of Poland and the Federal Republic of Germany (West Germany) were nonexistent in the 1950s. Poland, on the one hand, was mistrustful of West Germany due to wartime experiences under brutal Nazi occupation and lack West German recognition of the Oder-Neiße River as the new border between the two nations. West Germany, on the other, saw itself as a frontline state against Communism and thus aligned against Poland, part of the Eastern Bloc (Bingen, 2001, p. 35). It was the period of the *Hallstein-Doktrin*, a declaration of the West German government from 1956 that prohibited official diplomatic relations with the German Democratic Republic (East Germany) and de facto with other Eastern European nations, including Poland (*ibid.*, p. 39). Despite growing liberalizations in Poland in 1956, the West German course remained rigid toward Poland until late into the 1960s (*ibid.*). The lack of official relations hindered any cooperation in the realm of transnational justice for Nazi crimes in terms of requests for legal assistance (Weinke, 2002, pp. 97 ff, 110 ff, 161 ff; Gulińska-Jurgiel, 2019). As the following article will show, this also meant that West German prosecutors or investigators could not officially travel to Eastern Bloc countries to visit the scenes of the Nazi crimes or gather relevant material in archives. While officials had to abide by the *Hallstein-Doktrin*, there were many dedicated individuals who worked within informal networks to facilitate cooperation between the nations divided by the Iron Curtain that over time began to erode West German policy to facilitate the prosecution of war criminals. This article is divided into two parts: the first charts the role of one early informal network that in 1956 began work towards the prosecution of Nazi doctor Carl Clauberg. The article will ask: what did the individuals involved feel was needed to bring Clauberg to justice in West German courts? How did their cooperation pave the way for future prosecutions? The second part explores an important chapter in the culmination of unofficial cooperation by looking at the first visit of a West German court to the Auschwitz memorial site in 1964. The article will examine how the informal network created the intellectual and moral framework for the visit, and how it impacted West German-Polish relations and West German perception of Nazi war crimes.

The Informal Network and Clauberg¹

Against the backdrop of Cold War tensions as well as the limited legal assistance between West Germany and Poland, the attempted trial of Auschwitz perpetrator Carl Clauberg, to be held in Kiel, represents an

1 All source translations in the article are those of the authors.

early example of rapprochement in the form of informal information exchange.² Clauberg was sentenced to 25 years hard labor by the Soviets and amnestied into West Germany in 1955, and his trial, for which a date was never set, due to the slow investigation and delaying tactics of the defense and Clauberg's early death, never took place. In order to share information to facilitate the Kiel prosecution and so that a trial could come about, the Austrian communist activist and former Auschwitz prisoner Hermann Langbein connected with and exchanged information with West German and Polish actors. Langbein's letters to the Polish jurist Jan Sehn,³ the Director of the Auschwitz Museum Kazimierz Smoleń,⁴ and the West German Jewish lawyer Henry Ormond⁵ from 1956 to 1957 reveal attempts to organize visits, exchanges of documents and evidence, as well as discussions on how to preserve and collect documents concerning Clauberg's crimes. With official legal assistance lacking, the four men saw a need for the sharing of information of the Holocaust and its perpetrators to ensure indictment and sentencing of perpetrators. The following paper presents an in depth analysis of the correspondence between Langbein, Smoleń, Sehn and Ormond.

Firstly, the historiography and the sources used in this article will be described. A biography of Langbein as well as background information about Carl Clauberg provide context for the analysis in Part 1. Following the historical context, the analysis will focus on the letters Langbein wrote to Smoleń, Sehn and Ormond, as well as their significance during

² As noted in the previous section, diplomatic and official relations between the West and the Eastern Bloc were non-existent. In the following article, we use the term informal to by no means diminish the contributions of the individuals discussed in the article, but rather to distinguish their capacity from that of official figures acting in the names of the respective nations.

³ Jan Sehn, born in Poland in 1909, was a jurist and one of the first Poles who investigated Auschwitz in the postwar period. He was an important member of the Chief of the Main Commission for the Investigation of Hitlerite Crimes in Poland (Główna Komisja Badania Zbrodni Hitlerowskich w Polsce), working to prosecute Nazi crimes until his sudden death in 1965 in Frankfurt. See Filip Gańczak's biography of Sehn (2020a).

⁴ Kazimierz Smoleń was born in Poland in 1920. During the war he was active in the Polish underground organization, Polska Organizacja Partyzancka. He was sent to Auschwitz by the Nazis in July 1940. He survived the camp and became an active member in the museum set up on the former campgrounds, becoming the director in 1955. See Przemysław Bibik's article, in "Zeszyty Chorzowskie" (2012).

⁵ In his role as a lawyer in the 1950s and 1960s, Henry Ormond advocated for reparation and restitution rights, especially in relation to proceedings concerning Nazi crimes. Born in Germany, he fled Nazi persecution in 1939 to Great Britain, where he was initially interned by the British authorities as an enemy alien. He became involved in the British army after his release from the internment camp. Upon returning to Germany, he started working as a lawyer again and represented Norbert Wollheim in the compensation case against I.G. Farben in 1952. See Rauschenberger and Renz's edited collection of his trial pleas (2015).

the preparation of the proceedings against Clauberg from 1956 to 1957. While these proceedings were ultimately unsuccessful, the informal network facilitated by Langbein set the stage for later collaboration between West German and Polish officials, such as the cooperation seen during the prosecution of perpetrators in the first Frankfurt Auschwitz trial, when a West German court visited the Auschwitz memorial itself in 1964. This court visit, subject of Part 2 of this article, succeeded in breaking down Cold War barriers in Holocaust information exchange. Part 2 begins with the historical context of the first Frankfurt Auschwitz trial, upon which an in depth description of the visit preparation and the course of the visit follows. Finally, the effects and significance of the visit are described.

Sources, Methodology and Historiography

Langbein's papers are extensive and his correspondences well preserved in the Austrian State Archives (ÖStA/AVA NZN E/1797). The sources used in this article are primarily the letters that Langbein wrote and received on the topic of Clauberg, while the former are more numerous in his estate.⁶ The choice of narrowing the scope of Langbein's correspondence to the letters between him and Sehn, Smoleń, and Ormond was made primarily because these actors were at the core of the informal network – with Langbein on the “outside,” connecting Sehn and Smoleń with Ormond. These correspondences therefore reflect the limits and possibilities that these individuals experienced during the tensions between East and West in terms of bringing Nazis to justice. While the collaboration between Langbein and Sehn, Smoleń and Ormond is not limited to the time period of 1956 to 1957, the period corresponds to the letters that deal with Clauberg, one of the first Nazi perpetrators mentioned in the letters and whose arrest in 1956 initiated a flurry of exchanges between the group, as will later be shown. The timeframe is notable for another reason besides relating to Clauberg's arrest: it provides insight into a period where legal relations had not yet thawed.

The thematic selection of the letters place the focus on document and evidence sharing and preservation as well as publicity events and visits to the scenes of the Nazi crimes. The emphasis by Langbein, Sehn,

⁶ In his estate, Langbein kept an extensive amount of copies of his own letters that he wrote. While the letters analyzed here allow for numerous valuable insights in the informal network, the lack of full correspondences is a shortcoming that could be improved upon in later versions of this analysis by either widening the scope of the sources to include letters from the estates of Sehn, as well as including the letters from other activists, such as Erich Kulka or Ota Kraus – who also exchanged letters with Langbein on the topic of Clauberg.

Smoleń and Ormond on these activities reveal what was lacking to obtain justice for Nazi perpetrators during the Cold War, from their perspectives as historians, activists, lawyers and eye-witnesses to the crimes. Despite this lack, the network worked to work around the barriers and implemented and established practices that not only aided judicial officials but also paved the way for later official corporations.

Existing literature on the subject of Clauberg, such as the dissertations by Silvia Wilking and Lydia Sliwinski, focus mainly on his biography and his crimes in Auschwitz, while dealing only on the periphery with the criminal case against him. Eichmüller's work on the persecution of Nazi perpetrators in the early Federal German Republic places Clauberg as a case marking the beginning of persecution in the second half of the 1950s – his work focuses mainly on the legal case built against Clauberg, but also thoroughly describes the case in the public eye by drawing upon the press coverage surrounding Clauberg. In her biography of Langbein, Stengel deals with Clauberg's case as well as Langbein's involvement in the investigation into the camp doctor in a detailed manner, highlighting especially the role of the IAC in the case (Stengel, 2012, pp. 160 f). This article builds on Stengel's work to focus on the informal network he helped to build by closely following his correspondence in the wake of the investigation with other members of the group. Such a micro-level approach to the letters is significant to understand the first, intricate steps taken for individuals to cooperate between East and West and how these steps helped set the stage for later cooperation in other cases.

The second part of the article will show the evolution of the informal network, when, partly as a result of the group's work, West Germany and Poland worked together to facilitate a West German court visit to Auschwitz in 1964. This section will show the evolution of the network to engage with the West German and Polish justice system by using exchanges between Ormond and Sehn. In terms of the Frankfurt Auschwitz trial as well as the court visit, there is existing literature: Devin O. Pendas, for example, describes in detail how the court visit came about and the manner in which the witness testimonies were verified on site (Pendas, 2006). Rebecca Wittman also refers to the trial in her book *Beyond Justice: The Auschwitz Trial* (2005), but here the focus is more on the main trial in Frankfurt. Filip Gańczak's biography on Jan Sehn *Jan Sehn. Tropicielek nazistów* from 2020 focuses more on Sehn himself and his work, but less on the informal network and the court visit. Weinke also briefly discusses the court visit in her study on *The Persecution of Nazi Perpetrators in Divided Germany* from 2002. She places her focus, however, on the West German-East German reappraisal of Nazi crimes. Most of the literature gives extensive attention to the trial proceedings and the witnesses, while largely neglecting the court visit. Exceptions here include articles on the court visit such as Sybille Steinbacher's article "Protokoll vor der Schwarzen Wand" (2001) or "Auschwitz als Augenscheinobjekt" by Werner Renz (2001)

on-site visit. By implicating Polish sources and West German press coverage into the research, this article can supplement the research that has already been made. Hereby it can present the impact on the West German public knowledge of the Holocaust.

Biography of Hermann Langbein

The informal networks examined in this article were built largely upon and sustained through interpersonal relationships. The biography of Langbein offers insights into how this network defined its role. Langbein was born in Vienna on 18 May 1912 into a lower-middle class family (Stengel, 2012, p. 26). His father, Artur Langbein, came from a Jewish family, but turned his back on his Jewish roots and committed himself to the Protestant faith and German-nationalistic political views (p. 29).⁷ Developing political ideas that diverged from those of his father, with the help of his older brother, Otto, and through the readings of socially critical texts, Langbein held political views that sympathized with those of the Communist Party of Austria (KPÖ) and he became a member in January 1933, in hopes that the party would hold steadfast against the impending and increasing national socialist influence in Austria (pp. 31, 32). After the annexation of Austria by Nazi Germany on 12 March 1938 (Botz, 1998, p. 83) as well as multiple run ins with the police and the Gestapo and arrests due to his political activism, Langbein fled Austria (Stengel, 2012, p. 35). Langbein then decided to fight in the Spanish Civil War with the international brigade – here he created a tightly knit community amongst his fellow soldiers (Langbein, 1949). After a defeat by Franco’s troops, Langbein and his brigade were interned in a French prisoner of war camp and following the armistice between France and Germany, Langbein was transferred to Dachau as a political prisoner in May 1941 (Stengel, 2012, p. 42).⁸ After

7 As Stengel writes in her biography of Hermann Langbein: “According to Langbein, his father was an admirer of Bismarck who voted German nationalist, although the anti-Semitism of the Greater Germans ‘hurt him very much’” (30). According to Stengel, the Vienna of the inter-war period was marked by aggressive antisemitism. While the political views of Langbein and his father differed strongly, Stengel claims that Langbein maintained his father’s distance to his Jewish roots: “He [Langbein] hardly ever referred to the Jewish origin of part of his family – despite quite close contact with it in his younger years – and even later, after his expulsion from the KPÖ, never again referred to possible lines of connection to Judaism” (Stengel, 2012, p. 31); see also Botz, 1998.

8 When questioned in the concentration camps by Nazis about his Jewish heritage, Langbein was able to evade concrete information about the “degree” of his Jewishness. This was possible also in part because of the early death of Langbein’s father in 1934, which made a verification of his heritage difficult. Langbein was therefore classified as a political prisoner.

15 months in Dachau, Langbein was transferred to Auschwitz on 19 August 1942. In Dachau as well as in Auschwitz, Langbein worked as a scribe for the SS doctors in the camp infirmary.⁹ Shortly before the arrival of the Soviet Red Army in Auschwitz, Langbein was sent to the Neuengamme concentration camp in April 1945. Here he escaped while on a transport and as the war was ending, he travelled to Vienna by bicycle (Stengel, 2012, p. 90).

In the post-war period, Langbein remained active in the KPÖ and in 1954 he co-founded the International Auschwitz Committee (IAC),¹⁰ holding the post of General Secretary. With the Hungarian Uprising acting as a catalyst, Langbein began to question the Communist Party and its Stalinism and was subsequently expelled from the KPÖ and the IAC in 1958 and 1960 respectively (Stengel, 2012, p. 22).¹¹ Despite the exclusion from the party and the committee, Langbein continued to work for justice for Nazi crimes: he became active as the head of the Comité International des Camps (CIC) and played an important role in the Frankfurt Auschwitz trials, helping to find other witnesses as well as testifying himself (Stengel, 2020, p. 26). Langbein wrote multiple books,¹² visited schools and worked towards education about the Holocaust until his death in Vienna on 24 October 1995. As Stengel notes, organizing a network and banding together was something Langbein saw as essential to his activism: “the experience that organizing, however rudimentary, was necessary for survival” – not only during his time in the camp, but also in the postwar years, in the search for justice for Nazi crimes (Stengel, 2012, p. 12).

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- 9 Langbein’s position in the camp infirmary allowed him not only to increase his own chances for survival, but also those of the camp prisoners around him. In his first report about his experiences in the camps, written directly after the war, Langbein describes his direct access to and influence on SS doctors. See Langbein, 1949.
- 10 The International Auschwitz Committee, founded by former prisoners of Auschwitz, was an international organization dedicated (still to this day) to the interests of the former prisoners, including aiding in restitution claims, activism and education about Auschwitz, see Stengel, 2012, p. 143 ff.
- 11 Notable here is also Langbein’s increasing campaigns for the specific targeting of Jews in Auschwitz by the Nazis. This went against the line of the Communist Party, which by and large lacked a differentiated view of the Holocaust, by parading the victims of the Holocaust first and foremost as anti-fascists. See Stengel, 2012, p. 13.
- 12 Notable publications by Langbein include: *Die Stärkeren* (1949), *Menschen in Auschwitz* (1972), *...nicht wie die Schafe zur Schlachtbank* (1980), among others.

An early case that came to Langbein's attention was that of Carl Clauberg. The German gynecologist Clauberg was born on 28 September 1898. A Nazi Party and SA member since 1933, Clauberg worked at the Auschwitz concentration camp from 1942–1944 and later at the Ravensbrück concentration camp, conducting sterilisation experiments on female prisoners (Eichmüller, 2012, p. 136). The Soviets captured Clauberg at the end of the war and sentenced him to 25 years of forced labor due to his experiments on hundreds of women. Clauberg, benefitting from the governments of the Soviet Union and West Germany negotiating the return of 10,000 German prisoners of war, was repatriated to West Germany in 1955 (*ibid.*, p. 135). Clauberg's lack of remorse and understanding of his actions during the war period constituted a punishable crime – he spoke openly about his experiments in Auschwitz to the media. This quickly drew the attention of a concerned citizen who notified the Central Council of Jews in Germany (Stengel, 2012, p. 161). The Secretary General of the Central Council of the Jews, Hendrik van Dam, filed a complaint against Clauberg with the Ministry of Justice in Lower Saxony on 21 October 1955; as Clauberg was living in Kiel in Schleswig-Holstein at the time, the ministry transferred the complaint to the Kiel public prosecutor's office (Eichmüller, 2012, p. 136 f). A warrant for Clauberg's arrest on the counts of bodily harm and bodily harm with fatal consequences was issued on 21 November 1955 (*ibid.*, p. 137).

Langbein learned of the arrest through press coverage surrounding Clauberg and recognized the doctor from his time in the camp. In the name of the IAC, Langbein extended the offer to the Kiel public prosecutor's office to aid in the finding of evidence and witnesses, while also hoping to extend the charges against Clauberg to include murder (Stengel, 2012, p. 181). Ormond's interest was also piqued and he hoped to represent surviving victims in the trial as joint-plaintiffs (Wilking, 2016, p. 694; Eichmüller, 2012, p. 142). Clauberg died of a stroke on 9 August 1957 – after two years spent in pre-trial detention as well as investigation into his crimes on part of the public prosecutor's office (Eichmüller, 2012, p. 141).

On a superficial level, the mobilization on part of the informal network analyzed below failed – primarily due to Clauberg's early death in custody. As Eichmüller describes it: “not only had the investigative work of two years lapsed, but an opportunity for public discussion of the mass crimes at Auschwitz in a large-scale, internationally sensational court case in the Federal Republic in the second half of the 1950s had passed” (p. 142). The Clauberg case, however, initiated the network to focus their efforts on a case that was to become the first litmus test of the abilities to come together to exchange information and to bring Clauberg's crimes to the West German public's and judiciary's attention at a nadir of prosecutions of Nazi crimes that marked the 1950s in West Germany (Stengel, 2012, p. 163).

The Correspondence (1956–1957)

The following analysis will examine the letters in a largely chronological fashion, while particularly highlighting the goals of the informal network.¹³ Significant in the letters were the following actions that Langbein hoped to achieve through corresponding with Ormond, Sehn and Smoleń:

- general information exchange concerning the trial, keeping up-to-date with dates, and court proceedings etc.,
- exchange of evidence, including witness details and documents,
- visits to the Auschwitz memorial site to view scene of the crime, public outreach, press conferences, networking with other organizations, historians,
- material preservation.

After a thorough reading of the 37 letters mentioning Clauberg, as the following will show, these seemed the most vital steps needed for the informal network to bring Clauberg to justice. In terms of the network, Langbein had first met Ormond in 1955 in connection with the proceedings against I.G. Farben, in which Ormond represented former Auschwitz prisoner Norbert Wollheim (Stengel, 2012, pp. 178 f) Langbein knew Sehn and Smoleń through his close work with the Auschwitz memorial (pp. 151 ff).

The first exchanges on Clauberg occurred in early February 1956 between Langbein and Ormond. Ormond requested archival material from Langbein from the Chief Commission for the Investigation of Nazi Crimes in Poland – he would like to forward these to the prosecution office in Kiel (Letter, Ormond to Langbein, 1956). Langbein's letter in response shows he was more than eager to share evidence with the prosecution, stating he had already sent over 30 documents, including testimonies of Clauberg's victims as well as a letter from Clauberg to Himmler (Letter, Langbein to Ormond, 1956; Eichmüller, 2012, p. 136).

On 23 March 1956 Langbein broached the subject of a visit to Auschwitz to Ormond, inviting him to come view Block 10, the block in the concentration camp where Clauberg conducted his crimes, as part of a delegation led by the IAC (Stengel, 2012, p. 165). He highlighted the importance of such a visit: Ormond would be able to see documents, talk to witnesses and Sehn. The trip was to take place on 22–29 May 1956. The letter also detailed for Ormond how to organize a visa for Poland (Letter, Langbein to Ormond, 1956). Ormond replied less than two weeks later on 4 April 1956, expressing regret that he cannot join the trip to the Auschwitz

¹³ While this analysis focuses solely on the letters concerning the Clauberg case, the total number of letters in the correspondences between Langbein that were collected are as follows: 67 pages of letters with Sehn (1956–1962); 536 pages of letters with Ormond (1955–1973); 550 pages of letters with Smoleń (1956–1959).

memorial site and will send a representative in his stead. He recommended, however, asking the Kiel public prosecutors, Rosga and Albrecht, to join the trip. Langbein, perhaps as Stengel notes, not being able to imagine the difficulties and politics barring the West German prosecution from traveling to Auschwitz or taking part in an event held by the IAC in an official capacity (Stengel, 2012, p. 165), extended the invitation to the public prosecutors anyway. Rosga declined the invitation, stating that the court was hoping to focus solely on impressions gained within the main hearings (Eichmüller, 2012, p. 140).

Despite the rejection from the Kiel public prosecutors, the invitation and the importance placed on it by Ormond shows that the lawyer had recognized the necessity for the courts to examine the scene of the crimes early on. The importance of visits to the crime scenes for future investigations was also noted by Langbein in a letter to Ormond from 12 June 1956. Langbein wrote that he hoped that Ormond's representative, court clerk Dietrich Brandt, would be able to "gather enough material there [Auschwitz] which might be of value for your other Auschwitz trials" (Letter, Langbein to Ormond, 1956).

While invitations to Auschwitz by West German representatives were declined, the network continued to extend invitations to historians and activists. In his correspondence with Smoleń from 12 June 1956, Langbein asks for arrangements for another trip in September 1956 to Auschwitz and the Block 10 crime scene: "Still in Warsaw I discussed that in September a pilgrimage and probably a small delegation would be led to Auschwitz. It would be of great advantage if by then at least some of the rooms in Block 10 were already furnished in such a way as to illustrate Clauberg's crimes" (Letter, Langbein to Smoleń, 1956). The purpose of this visit was not to provide information for the trial, but rather to network with academics – the young historian Martin Broszat from the Munich Institute for Contemporary History (Institut für Zeitgeschichte) came along. After the trip to Poland, Broszat thanked Langbein for the possibility to network and exchange information (Stengel, 2012, p. 178).

Langbein, however, continued to push the boundaries of possible East-West exchanges. Since the West German prosecutors would not travel to Auschwitz, he decided to organize an IAC conference in Hamburg at the end of October, inviting international lawyers and possible witnesses. The conference was to serve as preparation for the trial (Eichmüller, 2012, p. 140; Stengel, 2012, p. 173). Due to its northern location, Langbein also hoped that the conference could serve as a way to exchange information on the Clauberg investigation between the conference participants and the prosecution. In a letter from 17 September 1956, he wrote to Ormond: "it is not yet certain that our Polish comrades and also Judge Dr. Jan Sehn [...] on whose cooperation we also by no means want to do without, will get visas" (Letter, Langbein to Ormond, 1956). As the planning of the conference took shape, Langbein shared the plan of the conference with Ormond

and Sehn as well as another jurist, Dr. Adam Zacharski, would attend (Letter, Langbein to Ormond, 1956). According to IAC meeting minutes, Smoleń was also present at the conference (Stengel, 2012, pp. 179 f). The conference became a meeting point for activists, lawyers and witnesses, and the committee reached out to the Kiel prosecution. The importance of this conference is noted by Stengel:

The public prosecutor's office immediately accepted the offer to question the Poles during their visit to West Germany. This was the first time that the IAC had given a West German public prosecutor's office the opportunity to question witnesses from the Eastern Bloc for [Nazi crime] proceedings. Since legal assistance agreements between the FRG [West Germany] and the Warsaw Pact¹⁴ countries did not exist at that time and contact between West German prosecutors and Polish authorities was considered politically extremely sensitive and only came about occasionally in the late 1950s via some detours, this activity was to become more and more important in the following years. (p. 180)

The network was thus finding ways to bring meaningful testimony from Eastern bloc countries to the court, despite difficulties in accessibility.

The exchange of documents and information between East and West continued: in a letter from 12 November, Langbein shared with Smoleń a publication helpful to the prosecution in the Clauberg case, *Wissenschaft ohne Menschlichkeit* by Prof. Dr. Mitscherlich and Prof. Dr. Mielke (1949). In reply, Smoleń also shared the news that "Dr. Jan Sehn is now conducting the investigation in the Kudera case (that is Clauberg's nurse in Königshütte). Sehn found her and also this woman who was operated on by Clauberg. He invited them (both) to Krakow" (Letter, Smoleń to Langbein, 1956).

Evident in his letter to Sehn is Langbein's desire to make sure that the Clauberg case remains not a solely West German affair. It is important to him that Polish women are included not only as witnesses but also as joint-plaintiffs. On 8 May 1957, Langbein wrote to Sehn: "At the same time I am transmitting to you the result of my discussions with the General Public Prosecutor's Office in Schleswig about the Clauberg case. Here it is of particular importance that foreign lawyers are now allowed to act in the trial after all. In view of this, would it not be possible to find a Polish joint plaintiff?" (Letter, Langbein to Sehn, 1957).

14 The Warsaw Pact, established in 1955, was a defense alliance initiated by the Soviet Union. It was composed of the communist states in Europe and signaled a counterpart to the western defense alliance NATO. It was dissolved in 1991.

The network had to face the significant setback of Ormond's motion to admit a joint-plaintiff in the case being dismissed by the court, which considered the crimes Ormond mentioned in his motion as time-barred by the statute of limitations (Letter, Ormond, 16 July 1957). Less than two months later – a date for the start of proceedings still had not been set by the court, due to the defense drawing out the investigation period – Clauberg died. In a letter on 10 August 1957, Langbein informed Sehn of the bad news: "You've probably already read in the papers that the Clauberg case has come to an end, which is certainly not the most favorable for us. Now there will be no more Clauberg trial" (Letter, Langbein to Sehn, 1957).

Undeterred by this blow, Langbein and Ormond saw an opportunity for the files collected in the investigation period to be saved and shared. In a letter from 18 October 1957, Langbein wrote to Ormond: "I am of the opinion that the Clauberg files have by no means become uninteresting after Clauberg's death. Rich material has been gathered there that should not gather dust" (Letter, Langbein to Ormond, 1957). So Langbein contacted the senior public prosecutor in Kiel and asked to see the files with the aim of compiling a collection of the documents for later use; from Langbein's letter to Ormond one can deduce that the prosecution refused Langbein's request.

While the early death of Clauberg certainly meant no justice in the face of his crimes, his arrest ignited cooperation between East and West, facilitated by Langbein, as his letters show. His connections to Ormond, Sehn and Smoleń were important to weave an unofficial network at a time when transnational justice was just beginning. To start the long path to large-scale justice in West German courts, Langbein, Ormond, Sehn and Smoleń saw a lack of knowledge about the scene of the crimes. Here they saw, as the letters analyzed above show, court visits to Auschwitz as a necessary part of future prosecutions. The unofficial network thrived off of connections between scholars and activists, making conferences valuable moments of information exchange. Necessary for justice was also the amassing of document collections such as official SS documents and witness testimonies,¹⁵ which served as troves of hard evidence, as well as connections with witnesses, who could testify against perpetrators. The letters not only show how dedicated the network was to the Clauberg case, but also what they saw as the needed pillars in East-West cooperation to build effective cases against the perpetrators.

¹⁵ An example of the document collections include the material collected by Sehn for his investigations into crimes committed in Auschwitz, which he brought to West Berlin in June 1960. Here, West German public prosecutors were able to view the material, comprising 5 volumes of the proceedings against Rudolf Höß and personnel files of SS men who worked at the Auschwitz camp (Gańczak, 2020, p. 188).

The Auschwitz Trial Court Visit

After Clauberg's death, the informal network continued to stay connected, proving to be a valuable asset in terms of later official cooperation between Poland and West Germany, especially in facilitating the Frankfurt Auschwitz trial, the first judicial proceeding in West Germany to focus on the camp's perpetrators. In their connection to the Hessian public prosecutor in Frankfurt, Fritz Bauer,¹⁶ Ormond and Langbein had found a way to shift from a network that was unofficial and whose agency was therefore limited, to one that had allies in the West German judiciary system. Important here to note is that every member of the unofficial network examined in the first part of this article played a vital role in the orchestrating of the trial and notably in the visit of the Frankfurt court to Auschwitz in December 1964, discussed in the following part.¹⁷

Official investigations into the perpetrators of the Auschwitz concentration camp by West German judicial officers began in May 1958, when a private citizen informed the Stuttgart public prosecutor's office about the former SS-Oberscharführer Wilhelm Boger. Boger had been a member of the Gestapo unit in the Auschwitz camp and had enacted brutal torture methods on the prisoners (Pendas, 2006, p. 24). The case was initially transferred to Ludwigsburg Central Office,¹⁸ before Bauer brought the case to the Hessian public prosecutor's office in April 1959 over concerns about the pace of the investigation¹⁹ (Weinke, 2002, p. 235). Bauer hoped to rely on the help of Sehn, however his access to the extensive material the Polish official had collected for the prosecution of Auschwitz perpetrators in Kraków, was complicated by the fact that large troves of original historical documents were difficult to transport between Poland and West Germany²⁰ (Gańczak, 2020a, p. 186).

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- 16 The German-Jewish public prosecutor Fritz Bauer was born in 1903. He fled Nazi persecution by emigrating to Denmark in 1936 and then later avoided the Nazi occupation when he fled to Sweden. Upon his return to Germany in 1949 he worked as a public prosecutor in Braunschweig and as of 1956 in Frankfurt. He was involved in Adolf Eichmann's capture by the Mossad in Argentina as well as involved in the Auschwitz trials in Frankfurt, among other notable trials. See Wojak, 2009 and Steinke, 2013. Bauer met Ormond in 1956 (Rauschenberger, 2013, p. 51) and then he connected with Langbein at a IAC conference organized in 1957 (Stengel, 2012, p. 418).
- 17 While Ormond represented plaintiffs in the trial, Langbein and Smoleń testified as witnesses; see Pendas (2006).
- 18 The Central Office of the State Justice Administrations for the Investigation of National Socialist Crimes (*Zentrale Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Verbrechen*) was founded in 1958 in Ludwigsburg with the mission to systematise and centralise prosecutions against Nazi criminals. This marked the beginning of a systematic prosecution of Nazi crimes in West Germany (Werle & Wandres, 1995, p. 23).
- 19 The case was brought to Bauer's attention by the journalist Thomas Gnielka, who informed him of documents listing killings within the camp (Weinke, 2002, p. 235).
- 20 See fn. 16.

Bauer also faced an additional challenge: under German law, there was no provision for trying defendants for mass murder, ensuring that cases could only be tried on an individual basis for wrongdoing. This provision created a strong reliance on witness statements to verify perpetrators. Due to the divisions of the Cold War, the access to witnesses, many of whom lived in Poland, was equally difficult for the prosecutor's office. The informal network, and especially Langbein, as head of the IAC, was able to facilitate the contacts between witnesses living in the East and the investigators in the West (Pendas, 2006, p. 25). During the trial itself, the prosecution's reliance on witness testimony presented a further challenge: those who testified were accused by the defence of exaggeration and lying. At Ormond's urging, the court sought to establish the credibility of witnesses by allowing judges and the jury to assess their claims vis-a-vis the geography of the scene of the crime. This article will describe how the court visit was facilitated at a time of heightened Cold War tensions by building on the earlier work of Langbein, Ormond and Sehn to break down official barriers to facilitating the Auschwitz trial in Frankfurt. Using German and Polish sources it will show the impact of the visit both in terms of making the prosecution's case and also in generating greater public awareness in West Germany.

The Preliminary History and the Conduct of the Field View

In December 1963 the first German trial of Auschwitz perpetrators began in West Germany in Frankfurt. The trial followed a period of limited interest in prosecuting war criminals in the early Federal Republic that was slowly changing following a breakthrough trial of Nazi perpetrators in Ulm in 1958²¹ and the creation of the Ludwigsburg Central Office. Auschwitz as a central site of the Holocaust remained largely unknown to the German public despite the work of activists like Langbein (Pendas, 2006, p. 141).

After Bauer took over the case, he faced particular difficulties in developing the investigation. Due to the continuing lack of diplomatic relations between West Germany and Poland, formal cooperation with Polish officials like Sehn was not possible, despite the extensive material Sehn had compiled while preparing the prosecution of Auschwitz perpetrators in Krakow since spring 1945.

Another challenge faced by Bauer was that under German law, there was no provision for trying defendants for mass murder. Cases could only

21 The Einsatzgruppen trial in Ulm in 1958 provided insights into the crimes committed by the Einsatzkommandos against the Jewish population in Lithuania (Werle & Wandres, 1995, p. 22).

be tried on an individual basis of wrongdoing, which meant that witness statements identifying perpetration became particularly important for the prosecution. Identification of witnesses and the ability to take formal dispositions was also difficult over the Iron Curtain (*ibid.*, p. 25).

This part of the article starts seven years after the Clauberg case. It will illustrate how this already existing informal network of survivors, witnesses, lawyers and activists expanded and continued its work and intensified further cooperation compared to the Clauberg case. Because in the case of the Auschwitz trial, the actors were one step ahead: the trial had already begun and the preliminary investigations had already been done. This is therefore an active trial compared to the Clauberg case that was still in the stage of preliminary investigation.

In the following, the planning and implementation of the court visit to Auschwitz in the context of the Auschwitz trial will be used to show how this informal network – the focus here is primarily on Ormond and Sehn²² – continued to operate on the sideline to promote and organize a court visit to Auschwitz. They contributed to the fact that this on-site visit was able to take place and that it was possible to verify the witness' statements. The court visit was also important in bringing the site to wider public attention in the Federal Republic by virtue of the press entourage that accompanied the official delegation.

Preparation of the court visit

The Auschwitz trial, a “didactic piece of historical-political enlightenment in the guise of a democratically legitimised judiciary” (Weinke, 2002, p. 237), was a novelty in the history of the West German judiciary. The preparations, which had begun with the arrest of Boger in 1959, culminated in a trial running against 20 perpetrators²³ with different functions in the SS camp administration from 1963 to 1965 first in Frankfurt town hall, then from April 1964 in the Bürgerhaus Gallus, where 359 witnesses from 19 nations testified (*ibid.*, p. 238). Obtaining the evidence from Polish archives posed a challenge to the investigators without diplomatic

²² Notable here is the decrease in communication between Langbein and his Polish colleagues by 1960, as Stengel notes in Stengel, 2012, pp. 443 f: Langbein's criticism of Stalinism in the wake of the Hungarian Uprisings 1956 led to his gradual ostracization from the Austrian Communist Party and eventually to his expulsion from the IAK in 1960.

²³ Three of the originally 24 defendants dropped out in the course of the main trial: Hans Nierzwicki because he was unable to stand trial even before the trial began, and the defendants Heinrich Bischoff and Gerhard Neubert were separated from the proceedings. Neubert then stood trial in the 2nd Frankfurt Auschwitz Trial (Dec. 1965 – Sep. 1966). The perpetrator and last commandant of Auschwitz, Richard Baer, died in custody in June 1963 (Pendas, 2013, p. 68; Renz, 2015, p. 230).

relations. The emergency solution was to obtain the material from the Polish Military Mission in West Berlin through the mediation of the Central Office (*ibid.*, p. 238). It was also a matter of obtaining the original documents, since there was a fear from West Germany that the photocopies might be false, according to Bauer. Moreover, it should likewise be prevented that the copies might not be accepted in court but only as originals (Gańczak, 2020a, p. 186). In the spring of 1960, “furniture van full of files” containing original investigation material was delivered from Poland to the Polish Military Mission in West Berlin (Gańczak, 2020b, p. 3).

West German investigators were also keen to make a site visit to Auschwitz to meet museum director Smoleń, survivors, and align their understanding of the camp, up until this point based on witness statements, with the geography of the camp. Since it was not possible to visit Auschwitz memorial with the legal intentions through official channels, the two prosecutors working on behalf of the Frankfurt prosecution on the case, Georg Friedrich Vogel and Joachim Kügler, registered this as a joint “holiday trip” to get a picture of it (Weinke, 2002, p. 238).

In April 1963 – four years after the preliminary investigation started – the public prosecutor office had gathered enough evidence to file indictments against 24 perpetrators.²⁴ In Bauer’s conception of the trial, survivors were to play a defining role both as expert witnesses to provide context and an understanding of the scope of the Nazi crimes, and to testify to individual crimes necessary to gain convictions under German law. On 20 December of the same year, the main trial was opened. During the trial, the witnesses from the Eastern Bloc were suspected by the defenders of testifying for political reasons (Pendas, 2013, p. 72). In this charged atmosphere, Ormond as the representative lawyer of 15 joint plaintiffs suggested a court visit. As early as April 1961, he had discussed the possibility of an official examination of Auschwitz by the court with Sehn as Director of the Institute of Forensic Research in Krakow during the preliminary investigation phase (Pendas, 2006, p. 169).

In the Federal German judiciary, an eye examination of the crime scene is customary in capital crimes, “especially if there were no confessions” (Steinbacher, 2020, p. 115). The court, which had difficulties in verifying the testimonies of the accused as well as those of the witnesses, wanted to test the truthfulness of the sightings in the Auschwitz main camp and the Birkenau extermination camp with a visit to the former camp (Renz, 2001, p. 63). To work around the lack of diplomatic relations hindering the visit, the host country (in this case, Poland) had to

²⁴ See footnote 23: At this time in April 1963, the prosecution still expected to bring 24 defendants to trial.

transfer sovereign rights to the court, which Poland was prepared to do (Besichtigung des Tatorts, n.d.).

When it came to the main trial, Ormond sought advice for this application of examination from Sehn. In February 1964, he asked him for safe conduct for the accused and help with the visas for the court (Letter, Ormond to Sehn, February 3, see: Ormond, 1964). Sehn took care of the power of attorney from the Polish government, which was in turn, positive about the acceptance of the application for the visit (Pendas, 2006, p. 169).

Ormond submitted his application for the court visit on 8 June 1964. Judge Hans Hofmeyer²⁵ expressed “considerable skepticism, noting that in principle, such an official court visit would constitute a violation of Poland’s state sovereignty” (p. 170). Ormond persisted and on June 22 1964 filed a motion for a “site visit to the former Auschwitz concentration camp in Poland for the purpose of ascertaining the truth” (Antrag Henry Ormond, 1964). In his second application, Ormond had specified that only a delegation, not the entire court, was to visit the memorial site (Steinbacher, 2001, p. 86). This motion led to a discussion with the defense lawyers, who wanted to prevent the site visit. Ormond tried to refute the defense lawyers’ concerns: They did not trust the Eastern Bloc countries and even accused Poland of being a dictatorship. Ormond repeated Sehn’s assurances for safe conduct and also guaranteed the defense lawyers that the memorial site would be closed to the public during the site visit to ensure undisturbed work (Antrag Henry Ormond, 1964).

Ormond, relying on his personal connections with Sehn, advocated for trusting the promises made by the Polish representatives: “Poland in particular has a great interest in keeping assurances that are given. And I have already said that the prosecution has received the greatest possible help from the Polish side in this trial by providing evidence, witnesses, documents and the like. In this respect, I think it is a considerable injustice to place doubts in the word of a state which has so far, in any case, cooperated absolutely loyally in these proceedings” (Antrag Henry Ormond, 1964).

Ormond’s application for the site visit initiated a flurry of activity among the Hessian Ministry of Justice, because “the question as to whether a German court can conduct official business in Poland require[d] clarification through diplomatic channels” (Pendas, 2006, p. 173). The Federal Ministry of Justice was called in to clarify whether a German court could conduct a court visit in Poland. This politically sensitive decision was

25 Hofmeyer was the presiding judge in the Auschwitz trial. But he had a Nazi past: during the Nazi era, he is said to have had people sterilized against their will in his function as a judge at the Hereditary Health Court. He also made a career in the army justice system and was a member of the NSDAP (Nelhiebel, 2019).

passed on from ministry to ministry and thus delayed until the Foreign Ministry was entrusted with making a final decision. The Ministry of Justice feared a “public relations disaster” if the application was denied because it would create the impression that the FRG was avoiding addressing Nazi crimes (p. 173). In August 1964, the Ministry of Justice entrusted Hofmeyer with responding to its decision. He remained concerned about the safety of court attendees, including perhaps his own as he had served as a military judge. He also argued that it was not yet clear whether the court visit was even necessary (p. 174). Fearing further delays, Ormond used his contacts in the press to pressure the government, which by the end of September still had not issued an official decision. The decision on the court visit was finally made on 22 October 1964. Hofmeyer himself wrote a letter to the Polish government to ask for safe conduct for all involved during the visit, referring also to Sehn’s power of attorney (pp. 176 ff). At the end of November 1964, permission was also granted by the Foreign Office and the Federal Ministry of Justice (Weinke, 2002, p. 247).

An in-depth look into the preparation necessary for the court visit shows how the informal network – especially the two lawyers Ormond and Sehn – worked together to bring about the court visit. Sehn used his connections in the Polish government to grant the court safe conduct and to clear up possible difficulties regarding visas for the delegation. Ormond, on the other hand, advocated for the court visit in Frankfurt in ensuring that the application was granted. He also did not shy away from exerting pressure on the press and thus on the presiding judge Hofmeyer to fulfil his intention.

The court visit

On 12 December 1964, a group of witnesses, defense lawyers, public prosecutors and police officers travelled by plane to Poland via Austria with 200 journalists. Among them was Franz Lucas,²⁶ the only accused willing to return to the scene of his crimes (*ibid.*). As the only defendant participating in the visit, he became the focus of the journalists as a symbol of a Nazi war criminal being confronted with his crimes. In turn, this helped raise greater public awareness in West Germany about the camps’ role.

The court visit in Auschwitz began on 14 December 1964 with a welcome speech by Sehn in the building of the museum administration. A strictly planned schedule dictated when which part of the camp was to be examined (Head of Department, 1964, p. 21). Sehn informed the

²⁶ Lucas, former concentration camp doctor at Auschwitz, was accused at the trial of having been involved in selections for the gas chamber and shootings.

District Court Administrator Walter Hotz in Polish that the government of the People's Republic of Poland had given its consent for this inspection to take place and that it would grant safe conduct to all participants (Certified translation of the welcome speech from Polish, n.d.). With this, he handed over to Hotz the power of disposal over the Polish Citizens' Militia, which was to ensure that the court could work undisturbed (Lokaltermin in Auschwitz began, 1964). In German, Sehn added: "And now, Mr. Hotz, please do your duty" (Certified translation of the welcome speech from Polish, n.d.). Hotz thus had control over the Polish citizens' militia and it was guaranteed by the Polish side that the court would be able to perform its duty. This would not have been possible without the help of Sehn.

The delegation then set off for the "Black Wall"²⁷ and paused there for a minute's silence. The visit to the Black Wall played no part in court verification of testimony but was important role in changing attitudes especially among visiting journalists. The Polish Citizens' Militia wrote that many photos were taken of it by the journalists. According to a report by Citizens' Militia cooperator Jurek, an informer of the Citizens' Militia, it became clear that the court was treating things seriously and that the court visit also has a political function besides the legal one. However, he goes on to write that "those journalists" – by which he presumably means Western journalists – came to Auschwitz to carry out "counter-propaganda." However, "after today" these journalists are also convinced of what really happened in this camp. It goes on to say that the moods of the Germans have changed. Before, they had laughed, but now they were silent ("Jurek", 1964, p. 90).

The examination of the witness statements then began with a site visit to the ramp in the Birkenau subcamp to make measurements. That the court visit should begin in Birkenau was decided during a late night conference between Sehn and the Director of Justice Department Hańczakowski: Birkenau should be shown first, due to concerns of visibility in the case of snow (Wałach, 1964a, p. 83). Also, the snow could hide the actual state of the ramp in Birkenau (Gańczak, 2020a, p. 195). According to reports from the Polish Citizens' Militia, during the field inspection in Birkenau and survey at the ramp in Birkenau, the Frankfurt prosecutor Kügler asked the accused former SS doctor Lucas where he had been standing when the transport arrived and wanted him to stand in the same place. Lucas refused to go to the same spot but showed the court the place he had occupied at the time. This spot was then photographed by the court photographer (Wałach, 1964a, pp. 125 ff).

²⁷ The "Black Wall," a connecting wall between Blocks 10 and 11 in the Auschwitz concentration camp, was made of black insulating panels to intercept the bullets. Countless people were shot here (Werle & Wandres, 1995, p. 100).

On the afternoon of 15 December, the court examined testimony concerning the bunker.²⁸ The witness Georg Severa testified on the 74th day of the trial, 6 August 1964, in the Auschwitz trial: “when I came into the bunker, a German artist always sang us various Schlager²⁹ music hits and said that he was in the standing bunker and that Schlage³⁰ had condemned him to starvation” (Erneute Vernehmung des Zeugen Georg Severa, 1964). During the examination, it was checked whether Severa could have heard the German artist singing from the other cell. In order for this statement to be verified truthfully, the bailiff crawled into the standing bunker³¹ and sang a song. However, for reasons of reverence, he did not sing a Schlager music song, but an old folk song: “Sah ein Knab ein Röslein stehen.” The court was thus able to establish that the witness Severa had told the truth, because everyone could hear the bailiff’s singing (Pendas, 2006, p. 181). So the court used reenactment in various locations of the camp to verify statements made by witnesses.

Not only the court, but also the press changed their view of the days of the court visit. According to the Citizens’ Militia, Western journalists had said that the court visit was what the court needed for the trial. Also the journalists learned about the former concentration camp while they were there. The press was now able to give the public detailed information about the camp and the killing devices. The journalists also said they were surprised at how enormous the camp was: “They thought it would be a few or a few dozen barracks surrounded with barbed wire” (Bała & Chowaniec, 1964, pp. 219 ff). Thus, the court visit meant a rethink for the press in their view of the crimes committed at Auschwitz.

After the official duties of the court, on 16 December 1964, the last day of the inspection, the delegation viewed Blocks 4 and 5, where evidence of the crimes was displayed, such as victims’ toys, hair or prostheses. The Citizens’ Militia wrote in its report that everyone was visibly affected and moved by what they saw (Wałach, 1964b, p. 129). Afterwards the delegation watched a film about the Soviet chronicle of the liberation in 1945. The lawyer Anton Reiners, who represented the accused former SS-Unterscharführer and Rapportführer in Auschwitz Oswald

²⁸ The detention cells in the cellar of Block 11 were called bunkers (Werle & Wandres, 1995, p. 101).

²⁹ A kind of European popular music.

³⁰ Bruno Schlage, former SS-Unterscharführer and camp supervisor at Auschwitz. One of the defendants in the trial. Charged among others with participating in shootings at the “Black Wall” (Pendas, 2006, p. 134).

³¹ The standing cells, less than one square meter in size, where one could neither sit down nor lie down, could be reached through a small hole at knee height. Prisoners were locked up here as punishment. The prisoners usually had to spend several nights here without food. Sometimes they starved to death there (Werle & Wandres, 1995, p. 101).

Kaduk,³² had a nervous breakdown afterwards, according to the Citizens' Militia. He cried when leaving the cinema hall, on the bus on the way to Kraków and also after arriving at the hotel there (*ibid.*).

At the end of the visit, Hotz thanked Smoleń for its "extraordinarily valuable assistance," which enabled it to verify statements that could only be made on the spot and he then returned the temporary jurisdiction over the People's Militia back to Sehn. He thanked the Polish government for facilitating the court's visit. (Hotz, 1965, sheet 18297).

The day of departure, 17 December, meant a further impact on relations between the West Germany and Polish legal authorities when two officials from each of the respective nations came together. District Court Councilor Hotz met with the Polish Minister of Justice Rybicki in Warsaw before the return flight at the latter's request. Hotz thanked him once again for his cooperation. Rybicki then replied that the Polish government was prepared to provide all possible help and support in similar cases as well (Hotz, 1965, sheet 18299). Sehn then saw the delegation off at the airport in Warsaw. He said in his farewell speech to the delegation that "despite the lack of international relations, this investigation was possible" and that this precedent was capable of paving ways between states and peoples, even if normal relations did not exist between such states (Pendas, 2006, p. 180). The visit, thus concluded, reflects a rapprochement between the two nations on an institutional level and in terms of joint legal work.

The effects of the court visit on the trial

The court visit also had an impact on the course of the trial and the credibility of the witnesses. According to the First Public Prosecutor Hanns Grossmann, the witness' testimonies had led to the indictment being confirmed in almost all points during the three-day court visit. (Auschwitz-Delegation abgereist, 1964). The visit to the Auschwitz memorial not only made verification of witness' statement possible, it also gave the prosecutors the opportunity to gather evidence in the museum archives: The prosecutors Kügler and Grossmann on the last day conducted research in the archives for further evidence (Mulka durch Dokumente belastet, 1964). The court visit was considered a "fundamental breakthrough" for the prosecution (Weinke, 2002, p. 248).

³² Oswald Kaduk was considered one of the cruelest SS men in the Auschwitz concentration camp. Among other things, he was charged with active participation in the extermination of prisoners as well as in mass shootings and selections of prisoners. He was sentenced to life imprisonment (Balzer & Renz, 2004, p. 269 f, 285).

The notes of the Polish Citizens' Militia also made it clear that the court visit had also made an impression on the participants in the trial. It was reported how depressed the participants in the trial were after they had visited the remains of the victims on display in the museum on the last day. The nervous breakdown of Kaduk's defense lawyer Reiners additionally represents the way in which participants of the visit were visibly touched by the scene of the crime. The press could now share their impressions of the former concentration camp and the crimes committed there with the public. Or as Joachim W. Reifenrath from the *Frankfurter Rundschau* writes about the defendants: "They cannot have known nothing. Site inspection in Auschwitz reveals new facts incriminating the accused" (Reifenrath, 1964).

Summary

A close look at the court visit to Auschwitz reveals its wide reaching impacts: not only did the visit legitimize the witnesses and their statements, it provided journalists with an opportunity to revise their pre-existing ideas about the Holocaust and carry these new revelations out to their readership. The visit laid the foundation for later legal cooperation between Poland and West Germany. Sehn's influence on the Polish government and the transfer of the power of disposal from the Polish Citizen Militia to the district court council ensured constructive cooperation. The Citizens' Militia reported that the court took the field visit seriously and saw in it not only a legal function, but also a political one. It was not only at this level that representatives of the legal institutions came closer together. The meeting of the Polish Minister of Justice with the district court council on the last day sealed that the Polish authorities would continue to provide their help and support in the future.

It was thus possible to show how, with the help of individuals – in this part especially Sehn and Ormond – a court visit in the context of the Auschwitz trial had an impact on the events of the trial. Cooperation at the judicial level also improved as a result of this event, as the meeting between the Polish Minister of Justice and the District Court Council alone indicates.

Without the informal network this would not have come about. Ormond made the crucial request to get the court to conduct a site visit. His persistence in this endeavor was also shown by the fact that he made the application a second time to get the grant and was not afraid to put pressure on the judges by means of the press as well.

Sehn was not only committed to communicating with the prosecution but also sending important documents for the preliminary investigations in the trial. Sehn, whose efforts to bring the court to Auschwitz began with helping Kügler and Vogel to visit the site in 1960 on the unofficial

“holiday trip,” saw the importance of repeating the visit in an official way. He took over the communication with the Polish government when it came to Ormond’s application for the court visit and supported him with his questions. He also played an important role during the court visit itself: for example, when he determined the weather in which the ramp in Birkenau could best be shown, or when he handed over the Polish citizen militia to the district court judge. Attorney General Bauer was also satisfied with the results. As Sehn and Eugeniusz Szmulewski as the representatives of the Polish Minister of Justice wrote in a report, Bauer congratulated them and emphasized the great political importance of the eye-opening for West Germany and for the trial (Sehn & Szmulewski, 1965, p. 43).

Conclusion

The important role that the informal network played in the court visit is not to be underestimated. As the letters to Langbein show, Ormond recognized as early as 1956 that a visit by West German prosecutors to Auschwitz could make a strong impression on the court in terms of ensuring indictments against Nazi perpetrators. While in its work against Clauberg, the informal network had to rely mainly on document exchanges, press conferences and networking, by 1964 its agency shifted towards syncing up with officials investigating Nazi crimes, such as Bauer and his prosecution team. Especially through Ormond’s persistence and Sehn’s connections to Polish government officials, an official visit to Auschwitz was realized and its impacts were wide-reaching: not only did the visit legitimize the witnesses and their statements, it provided journalists with an opportunity to revise their pre-existing ideas about the Holocaust and carry these new revelations out to their readership. The visit allowed the court’s and the journalists’ impressions of the extermination machinery to be concrete, grounded in images of the scene of the crimes (Steinbacher, 2020, p. 116). As shown above, the visit laid the foundation for West Germany and Poland to approach each other in the context of the Auschwitz trials and set the tone for transnational cooperation.

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