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## **British Justice in Western Germany, 1949-55**

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# British Justice in Western Germany, 1949-55

Francis Graham-Dixon

*DPhil in History from University of Sussex.*

## Abstract

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Britain did not release its final two prisoners from the prison it administered in West Germany until July 1957, eight years after the formation of the Federal Republic and the formal ending of its military rule. By 1949, Germany, once the enemy of Europe, assumed greater strategic significance in the minds of western politicians seeking its reintegration within a new European family of nations to forestall fears of Soviet hegemony, not least because it now wanted to re-arm West Germany. The continuing incarceration of German war criminals had become a lesser priority in the battleground of Cold War ideologies. The Adenauer government pressurised Britain to honour its pledge to review the sentences for the hundreds of detainees who remained in custody following the Nuremberg trials. Britain's moral mandate to govern Germany from 1945 was underpinned by its claims to be exporting democratic liberal values but, as this article explains, was exposed in its illiberal handling of the war criminals issue which ran counter to the new moves towards reconciliation.

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**Keywords:** West Germany, Britain, war criminals, justice, reconciliation

# La Justicia Británica en Alemania Occidental, 1949-55

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## Resumen

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Gran Bretaña no liberó a sus dos últimos presos de la cárcel que administraba en Alemania Occidental hasta julio de 1957, ocho años después de la formación de la República Federal y la finalización formal de su gobierno militar. En 1949 Alemania, el antaño enemigo de Europa, adquiere una gran importancia estratégica en la mente de los políticos occidentales que buscan su reintegración dentro de una nueva familia europea de naciones para prevenir los temores de la hegemonía soviética, sobre todo porque ahora querían rearmar Alemania Occidental. El encarcelamiento continuado de los criminales de guerra alemanes se había convertido en una prioridad menor en el campo de batalla de las ideologías de la Guerra Fría. El gobierno de Adenauer, fue presionado por Gran Bretaña a cumplir su promesa de revisar las sentencias de los cientos de detenidos que permanecían en prisión tras los juicios de Nuremberg. El mandato moral de Gran Bretaña para gobernar Alemania desde 1945, se apoyó en sus pretensiones de exportar los valores liberales democráticos, pero, como en este artículo se explica, fue expuesto en su manejo de la guerra liberal criminales cuestión que va en contra de los nuevos avances hacia la reconciliación.

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**Palabras clave:** Alemania occidental, Gran Bretaña, criminales de guerra, justicia, reconciliación

The historiography on the Western Allies' occupation of Germany from 1945 focuses disproportionately on the first five years of reconstruction, material and humanitarian crises and Cold War division. Less attention is devoted to continuities in occupation policy during the five years after 1949 and their consequential impact on the new West German state.

Policy on internment, incarceration and detention illuminates one of many fundamental problems facing the Federal Republic on its path from fascist to sovereign nation. This discussion evaluates whether Allied policy – and here the focus is Britain – harmonised with political and social change in Germany after 1949. The approach is twofold: first, to explain the changing political and social functions of its internment and detention policies, and second, to explain the tensions between the British application of justice and the Germans' own sense of fairness. How far did it reconcile punishment for crimes with reconciliation, and how was this affected by public opinion? Growing controversy in Britain and Germany over perceived failures to square these contradictions exacerbated difficult negotiations over rearmament and undermined Britain's justification for its punitive sentencing and detention policies, experienced by Germans at the time as a form of victor's justice, and more recently conceptualised as "Nuremberg Syndrome" (Zolo, 2009, p. 47).<sup>1</sup> The policy became toxic for British authorities in Germany and for its government as allegations of worsening conditions and prisoner mistreatment leaked publicly in newspaper interviews, letters and photographs, not possible in the previously censored press.

Britain's occupation policy in Germany from 1945-49 was conceived of and presented as its moral mandate (Graham-Dixon, 2010) with many still interpreting the birth of the Federal Republic as the occupation's effective demise which drew a line in the sand under British rule. It did not. Narratives of recovery from 1945 pain to mid-1950s prosperity underplay the difficult path to the Bonn Treaty in May 1952 and beyond with West Germany granted greater sovereignty albeit with many continuing restrictions.

Major issues remained unresolved in September 1949 becoming sources of fresh grievances – ending the state of war, dismantling, demilitarisation and limits placed on industry, the bombing and occupation of Heligoland, requisitioning of private property, and policy on war crimes trials and

sentencing. This period is a story of how lingering memories of Germany's past coloured defensive British policies. When Britain's Control Commission left West Germany on May 11 1955, a leading broadsheet wrote: "The Germans are not likely to remember with gratitude the Allied Military Governments and Control Commissions.... Occupation Governments scarcely expect to be popular.... But today's obituary notice of the British occupation will pass unnoticed".<sup>2</sup> This verdict challenges a popular British myth of an unalloyed success story, or that its presence in Germany was mostly reparative. I suggest rather that we see British rule as a form of militant liberalism. By 1949 Britain's need to heal the diplomatic fractures faced new imperatives to restore German sovereignty, revise the Occupation Statute with its many reserved powers, and incorporate it as a peaceful member of the European community, outlined in the Petersberg Agreement between the Western Allies and the Federal Republic in November 1949.<sup>3</sup>

Anthony Nicholls has shown how Germany and Britain always appear to approach closeness but somehow never quite seem able to achieve it.<sup>4</sup> My argument is that Britain's policy spoke more of a reflex amongst politicians and civil servants to retain status and power in Germany over issues that it was reluctant to relinquish jurisdiction, although we know that foreign policy prioritised the Soviet threat, the relationship with the United States, Commonwealth trade and Empire over Europe (Nicholls, 2005). This reflected as much Britain's reluctance to face up to its diminishing global power status as a determination to protect West Germany's democratic base from the threat to Western interests of Soviet expansionism. Problems did not evaporate merely because a military government regime was replaced in 1949 by a new High Commission. Superficially this structural shift between occupier and occupied suggested a new relaxation of policy. But many West Germans viewed this transition as less clear-cut. Headlines like "Between War and Peace" captured the prevailing mood. With new threats to global stability such as in Korea, a new dialogue was needed to heal old wounds to help West Germany's growth as a secure, stable and prosperous society. Potsdam failed to draw a line under six years of conflict, freezing prospects of a thaw in British-German relations. Debates over West German rearmament and its role in a European Defence Community re-exposed British fear and mistrust that conflicted with Bonn's hopes for sovereign

status with outstanding issues, such as ending German war crimes trials, settled in a peace treaty.

The attenuated legal and political processes that delayed the Federal Republic's sovereignty for so many years in many ways symbolised the problems continuing to compromise Anglo-German relations after 1949. Many residual tensions over relinquishing power and control were psychologically ingrained. This was highly relevant to the German war criminals question.

The Western Allies met on 4<sup>th</sup> July 1950 to consider revising the 1949 Occupation Statute and make recommendations for ending the state of war with Germany to the Foreign Ministers' September meeting in New York, and to reach consensus on giving Bonn more control over its foreign relations. Greater sovereignty would profoundly alter its legal relationship with the occupying powers, necessitating the Statute's revision.<sup>5</sup> Lawyers had to remove "inconvenient anomalies" without "undermining in any way the basis of the occupation and the Allies' right to retain necessary controls".<sup>6</sup> Britain distinguished between the persistence of a state of war in its domestic law and "the actual state" of relations with Germany.<sup>7</sup> France thought war should be considered ended on 8 May 1945 when the Nazi state surrendered unconditionally, therefore ceasing to exist. "Will the state of war be ended?" asked one leading newspaper.<sup>8</sup> For a further year from July 1950 many repeated this refrain. While the Western Allies sought unanimity German newspapers grew tired of symbolic "peace" declarations, refocusing their fire on how laws effective from May 1945 were now "outdated" in democratic politics with other issues unresolved such as rights legislation, frontiers and reparations.<sup>9</sup>

From West Germany's perspective, a formal end to hostilities, sought since September 1949,<sup>10</sup> was psychologically more important than recognition of its Foreign Ministry, described as the "small revision" or "small step" of 6 March 1951 that permitted it to conduct a foreign policy.<sup>11</sup> According to another more liberal newspaper, when Holland ended formal hostilities in May 1951 this showed that the Germans were no longer classed as the enemy.<sup>12</sup> Bonn recognised the significance of altering its relationship with the occupiers as a step to normalising political relationships,<sup>13</sup> liberalising economic controls such as freedom to engage in a profession,<sup>14</sup> or lifting property controls. However, the British government reserved "a great many rights over former enemy property" that only a fully-ratified

peace treaty could rescind.<sup>15</sup> It was little surprise that Foreign Secretary Herbert Morrison after seeing Adenauer in Bonn glossed over these details as a “friendly understanding”. The German press, however, expected no meaningful outcome from such visits. Their conclusion was realistic for Morrison’s real interest was to find a basis for greater equality “as an important and active partner in Europe”<sup>16</sup>, diplomatic code for seeking West Germany’s contribution of armed forces to a collective defence system. This was problematic given a precarious economy with manufacturing and trading restrictions in force, the ambivalent views of British politicians<sup>17</sup> and church leaders reinforced by *SPD* and Evangelical Church<sup>18</sup> fears of nascent militarism.

Significantly, Morrison was also silent on possible sentence revisions for war criminals, According to information relayed to the Foreign Ministry from a prominent Hamburg lawyer just before the Bonn meeting with Adenauer, the British government’s view was that revision was “a welcome way out of the embarrassing position in which they would find themselves if the Adenauer government took charge over the completion of custodial sentences”. In his view, if Britain decided on sentence reductions as the Americans already had done, this would precipitate the resolution of most cases by the end of 1951. Moreover, agreeing to “the possibility of a compromise would not cost the English any prestige”.<sup>19</sup>

Alongside British ambivalence over rearmament was its lukewarm commitment to Europe. Morrison’s predecessor Ernest Bevin, never Germany’s biggest cheerleader, did not respond positively to Churchill’s demand that West Germany be admitted to the Council of Europe, and rejected British participation in the Schuman Plan to integrate its coal and steel resources, reinforcing Konrad Adenauer’s antipathy towards the Labour government. This explains tepid press reaction that ending its enemy status did not deliver the far bigger prize of a peace treaty.<sup>20</sup> Although on 9 July 1951 the Western Allies among 50 states declared war “over in practice” in a juridical sense, full peace terms were not on the table.<sup>21</sup> Some re-emphasised the psychological boost “since yesterday the British occupation soldiers no longer see us as enemies...”<sup>22</sup> Others, such as Vice-Chancellor Franz Blücher, sensed the moment was ripe to revisit a contentious issue on which this declaration was conspicuously silent - an amnesty for certain German war criminals in British-administered gaols.<sup>23</sup> This pointed to a continuation of Britain’s cautiously pragmatic policy, and

forestalled decisive action over reviewing the judgements against German military personnel imprisoned for war crimes.

### **Politicising justice**

Arriving in Bonn in 1950, Britain's new High Commissioner, Sir Ivone Kirkpatrick, in a post that for many Germans symbolised the end of occupation by an increasingly resented military government, said that his two foremost aims were to bring Germany into the comity of nations as soon as possible, and "to eliminate all causes of Anglo-German friction" whilst defending British legitimate interests (Kirkpatrick, 1959, p. 220). High among his priorities were the continuing war crimes trials five years after the end of hostilities. What Kirkpatrick did not mention was the growing disquiet in Germany, and later in Britain, over the prolonged incarceration of German nationals in the military prison administered by Britain at Werl, east of Dortmund. Little attention has focused on how the judgements against many less high-profile prisoners and delays in the sentence review process contradicted British liberal democratic values, a reputation tarnished from German perspectives, for example, by intransigence over dismantling of much of its industrial infrastructure and abdicating responsibility for the refugee and expellee issue.

The policy on the treatment of detainees re-exposes this shadow side to British claims of even-handed justice and fairness in the treatment of German internees. Many of the original judgements were challenged by the new German government as evidence emerged of clear breaches of due process. Following his summer 1950 announcement of comprehensive sentence reviews for Germans indicted for war crimes, and responding to calls for a full amnesty sought by German authorities, the High Commissioner prevaricated over implementation, concerned more with protecting British legitimate interests. Meanwhile the Germans demanded the immediate release of prisoners who objectively could no longer be considered a threat to British interests due to age, infirmity or a combination of the two. Further tensions surfaced as delays in implementing policy conflicted with the West's goal of reintegrating western Germany as an equal European partner. Britain was slower to release prisoners than its Western Allies. Germany's new Foreign and Justice Ministries enlisted the Evangelical Lutheran and Catholic Churches to make an official approach to



Winston Churchill, returned to office in 1951, for a full pardon for those remaining in custody. The new Prime Minister wanted a “dignified and satisfactory solution” to this long-standing grievance, but honour had to be satisfied on both sides. Certainly Britain could not be seen to lose face on the world stage. Maintaining honour and “prestige” had long been a hallmark of British rule.

Influential British legislators such as Hartley Shawcross, Britain’s Chief Prosecutor at Nuremberg and former Labour’s Attorney-General later claimed Communists and opponents of British rearmament were exploiting this issue for their own ends. There was an inherent tension between review opponents such as Shawcross who was determined to protect the credibility of the original verdicts, and other well-qualified observers such as Basil Liddell Hart whose moral perspective was more in tune with *Realpolitik*, namely Britain’s need to re-think policy on this issue: “For our good name and influence for good, it is essential that we should clearly show that we are striving to be just, not vindictive”.<sup>24</sup> A transparent, swift sentence review process would have enabled Britain to make good its pledges and maintain global prestige. The opposite occurred. This is odd as historians generally accept the Western Allies and Soviets were more interested in prosecuting crimes against their own military than crimes against humanity (Heberer & Matthäus, 2008) yet many still in British custody were indicted from 1947 for crimes against humanity. Kirkpatrick’s announcement of comprehensive sentence reviews prompted sustained press speculation until 1954 of an amnesty<sup>25</sup> for internees. Some remained under sentence of death which public opinion could not accept as the Basic Law abolished capital punishment in German courts.<sup>26</sup>

Proceedings against less high-profile prisoners, such as military chauffeurs indicted for conspiracy, called into doubt the reliability of judgements. Evangelical Church documents on the planned reviews cite breaches of due process by British military courts with defendants given at most a few days, sometimes only hours to prepare their written trial defence. All charges were in English with no German translation for the accused, with trials conducted in English and no written or verbal reasons given for judgements. Moreover in April 1951 it was announced that arrest without legal warrant, and internment without trial in a “secret prison” of those suspected of espionage “or other activity directed against the British forces of occupation” would continue.<sup>27</sup> By 1952 many had not received a written

summary of their judgements.<sup>28</sup> Denying internees rights of Habeas Corpus using security exigencies to detain suspects without charge in Britain and the United States over 60 years later on the pretext of extremist views or terrorism has a prescient antecedent.

The Evangelical Church (*EKD*), represented by Martin Niemöller, was worried about “rights abuses” against prisoners. Their Foreign Department proposed writing to the Bishop of Sheffield stressing such abuses<sup>29</sup> in liaison with the Justice Ministry’s early 1952 initiative to approach Churchill directly. Niemöller alerted a receptive British Council of Churches to the problems in December 1950.<sup>30</sup> Nine months earlier an International Red Cross paper accentuated prisoner’s rights under the 1929 Geneva Convention. The Justice Ministry was keen for allegations not to be traced to its document “so as not to lose the initiative in these matters.”<sup>31</sup> With denazification not producing any substantive sentence reviews by 1952, clergymen like Hannover’s *Landesbischof* Lilje hoped to dovetail these concerns with Allied talks on the Occupation Statute and Germany’s role in Western Europe’s defence.<sup>32</sup>

Anticipating the gravity of the rearmament issue in spring 1950, Adenauer unambiguously articulated two pre-conditions for talks, “cessation of the defamation of the German soldier and a satisfactory settlement of sentences for war crimes”. However it took over nine months to begin the sentence reviews. The High Commissioner’s delay in implementation was well timed as NATO foreign ministers were due to agree proposals in December on Germany’s financial contribution to defence (Bloxham, 2001, p. 167). Kirkpatrick informed Adenauer in November that 240 German nationals were held in Werl with around 160 sentenced for murder or maltreatment of Allied nationals and POWs in concentration camps.<sup>33</sup> He claimed all cases were re-examined the previous year, 66 resulting in reduced sentences and 28 in release.<sup>34</sup> Promising another “comprehensive review”<sup>35</sup> during 1951 his pledge significantly precluded reviewing any of the actual judgements. Perversely, the January 1949 first review was considered “final...no further reviews except under exceptional circumstances” (Bloxham, 2001). One year later Britain agreed to an amnesty for those aged over 65 and unfit for imprisonment, and to introduce a parole system.<sup>36</sup> But this concession was on Germany initiatives.

The Justice Ministry wanted Britain to adopt an “integrated and active” amnesty policy in line with the other Western powers. It sought legal

distinction between those cleared by denazification and other criminals in custody, and a new committee to examine rights of public officials not convicted of any crime and who without this clarification were guilty under new German law.<sup>37</sup> The *EKD Hilfswerk* tried to interpret the legal complexities of Allied Control Council Law No. 10 regarding war crimes sentencing and members of criminal organisations. It had to be well briefed on legal minutiae if efforts to secure at least better prison conditions were to succeed. To be taken seriously by the British government needed more than polemics on a duty of care and Christian conscience invoked most notably in Britain by Victor Gollancz and George Bell.

In September 1951, 37 Hamburg lawyers representing prisoners petitioned the Justice Ministry, aware that Bonn considered some inmates unjustly indicted. Inter-departmental correspondence pointedly labelled them as “German political prisoners in Werl” or “so-called German war criminals”.<sup>38</sup> A leading lawyer lobbied Adenauer who replied that only “general issues” were discussed on his short London visit.<sup>39</sup> German newspaper headlines, previously optimistic, shifted to critiques of British obfuscation, delayed justice and failure to observe internees’ fundamental rights.<sup>40</sup> Wider scepticism over the verdicts and prison treatment was at the heart of anger at the decision to review only sentences. Stung by newspaper criticisms of a new, tougher prison regime with arbitrary limits recently imposed on Christmas parcels and prisoners tobacco<sup>41</sup> sure to inflame resentments, Kirkpatrick rebuked Adenauer:

I have no doubt that you were unaware that such statements were being published on behalf of your Government and that in the light of your conversations in London with Mr. Churchill and Mr. Eden you will deprecate the public exchange of official recriminations on this delicate topic. Our purpose, as Mr. Churchill explained to you, is to find a dignified and satisfactory solution. But our intentions are likely to be frustrated if these polemics continue...I am refraining from any detailed reply to these statements, some of which I can prove to be inaccurate, and I sincerely hope that you will take steps to prevent any repetition.<sup>42</sup>

The German press jumped on this dressing-down of the Chancellor: “Kirkpatrick protests against anti-British propaganda.”<sup>43</sup> Just as relevant was

how a private letter had been leaked into the public domain. Betraying the High Commissioner's discomfort at the politicisation of this issue only fuelled speculation among German politicians and the public already impatiently anticipating his sentence review announcement, and statements by the *DP*,<sup>44</sup> *FDP*,<sup>45</sup> and leading church figures. All regarded any review as a new standard of more even-handed justice. Württemberg's Evangelical Bishop Theophil Wurm commented publicly on General von Manstein's situation in summer 1950, then in June 1952 wrote an open letter to Churchill arguing the "remains of the spirit of Nuremberg must now be put to rest".<sup>46</sup> Six months earlier he was approached by the Association of Returnees, Prisoners of War and Relatives of Missing Persons (*VdH*) to do all he could to improve conditions in Werl.<sup>47</sup> Cardinal Frings met Kirkpatrick, a fellow Catholic,<sup>48</sup> in November 1950,<sup>49</sup> and as part of the Justice Department and Foreign Ministry's campaign to use the churches to lobby Churchill for a pardon by Christmas 1951, was requested by the *EKD* to make corresponding representations.<sup>50</sup> Bishop Dibelius of Berlin reminded Churchill of Kirkpatrick's announcement in January 1951 that there was no man in prison for war crimes whose sentence he "would not be prepared to review in view of the changed circumstances" with no decision yet reached on petition submissions by 210 German nationals. He wanted time served prior to sentencing to be included as was the practice in 1947, and for Britain to grant Christmas leave to seriously ill prisoners, the elderly and very young. British authorities instructed petitions must not include statements on the question of guilt. The Germans complied with this.<sup>51</sup>

Churchill's desire for an equitable solution exposed deeper British schisms. Kirkpatrick's pledge to look at all cases caused serious ructions within the Labour Cabinet. Shawcross, formerly its Attorney-General until April 1951, was perturbed that the "Communists and other opponents" of rearmament and critics of British proposals, in his view, were exploiting talk of sentence reviews to accuse Britain of "rearmament of the Nazis". In October 1952, intent on ensuring the Nuremberg judgements were not compromised, he contentiously referred to any potential reviews as "appeasement".<sup>52</sup> Attlee and Bevin quietly took Kirkpatrick to task for overreaching his authority in adjudicating on appeals for clemency.<sup>53</sup> So not to reveal any policy split between Downing Street and the High Commission this was presented as a "misunderstanding" attributed to off-the-record comments at a press lunch – Kirkpatrick's delegated powers were withdrawn

in June 1951.<sup>54</sup> With European defence negotiations in the balance, a new Conservative administration needed to salvage embarrassment to British prestige, enabling Anthony Eden to shift away from Bevin's earlier hard-line stance. Equally irritating to politicians of both main British parties were attempts of Anglicans like Bell, Bishop of Chichester, to sway Labour into abandoning its policy.

This is not a time, [and] nor are the British people a people to keep vanquished military leaders and their compatriots in continued captivity. It is not the kind of policy which our great soldiers and sailors, from the Duke of Wellington onwards, would be likely to endorse... The cases of all war criminals now in British custody are, we are told under steady review; but we can be too stiff and slow. Apart from the exceptional cases... the day has surely come for a general amnesty.<sup>55</sup>

Bell, among few consistent opponents of wartime area bombing, had argued for a less punitive occupation policy with public figures such as Gollancz, Labour MPs Richard Stokes and Frank Pakenham, former Minister for Germany from 1947, later transferred by Attlee to the Ministry of Pensions, reward for his "rather too pro-German views". Most conceded that guilty perpetrators of war crimes should be punished, but a reactionary mood in Britain demanding justice, even retribution, had moderated by 1948. Moreover there were critics within the British army.<sup>56</sup> That the original tariffs of eleven *Wehrmacht* generals and higher-ranking soldiers sentenced in May and June 1947 were reduced later suggests British military courts may have imposed unreasonably high sentences with reviews pragmatically motivated. Not all in government were happy about the revisions, ranging from death sentences commuted to ten or 21 years in former Field-Marshal Kesselring's case, eighteen to twelve years for Manstein, or for others, from life to 21 or ten years.<sup>57</sup>

In January 1952, due to persistent damaging headlines, the Justice Ministry visited the Werl prisoners to inspect conditions. They advised the Foreign Ministry that due to blanket press coverage of its penal system, it may be wise "to let matters rest for the moment"<sup>58</sup> given ongoing negotiations over the Statute and rearmament. This diplomatically stopped shy of overtly criticising British policy without dismissing the charges of

mistreatment fuelled by leaked interviews, letters and photographs that evaded prison censorship. The allegations gained credibility after *EKD* Synod President Wilm of Westphalia's visit, resulting in denials by the High Commission's Legal Adviser, economical in their disclosure as they were disingenuous. Attempts to discredit Wilm emboldened his response to Kirkpatrick. Yes, he had been allowed access to individual prisoners in a separate room should they request an audience. But it was not mentioned that any such meetings had to be in a British official's presence, and so it was unsurprising that internees were reluctant to unburden themselves. That none accepted the offer of a "human and Christian conversation" was designed to infer prisoner contentment with their treatment and conditions in captivity more generally. But to Wilm's knowledge the German authorities still had no sentencing documents and state lawyers remained unaware of the specific crimes for which they were held. What "shook" him most was the British refusal to take a senior clergyman's word.<sup>59</sup> As I said, prestige or saving face was central to Britain's image, which is why they closed ranks.

Kesselring sought Adenauer's approval for a committee of British MPs visit Werl "to acquaint themselves with the circumstances relating to war criminals," believing they and the British public were insufficiently informed of the full facts over the trials. The Foreign Office blocked his letter saying they could not transfer their responsibility for war criminals to Bonn and wanted to spare the Chancellor any embarrassment.<sup>60</sup> Whitehall was concerned not to re-ignite adverse public opinion in both countries as debates on Manstein's age and ill-health had started in 1948 a year before his trial. By September 1952, 116 lower-profile prisoners still awaited the findings of their reviews<sup>61</sup> although Kirkpatrick knew West Germany's inclusion as a signatory to the European Defence Community Treaty was essential to mollify opinion, and pressure was now on Eden "to finish with the war criminals issue for good." A pretext was found to release the two most prominent prisoners by arranging negative medical assessments for Manstein with a documented history of eye trouble, and Kesselring to be granted medical parole in order to undergo an exploratory operation for cancer (Bloxham, 2001).<sup>62</sup>

Hopes that Britain might profit from its magnanimity were dashed by the new prison governor, Colonel H.S. Meech, following the escape of a former Luftwaffe sergeant and former *Wehrmacht* private.<sup>63</sup> Meech was Chief Magistrate at the Control Commission summary courts in North Rhine-

Westphalia<sup>64</sup> from 1945 to 1949 then appointed as Governor of the Allied military prison at Spandau before moving to Werl in April 1953.<sup>65</sup> In response to the German police's "lack of cooperation"<sup>66</sup>, a failure to hunt down and turn in the German escapees, Meech withdrew all prisoners' privileges and compassionate leave for long-term inmates. Such a united display of German defiance and the disproportionate response it elicited to what was construed as collaboration suggested that Britain's policy was not as reconciliatory as claimed, highlighted in an amnesty petition with over 500,000 signatures from six German *Länder*.<sup>67</sup>

Nearly nine months later, some 100 incarcerated Germans awaited news. 225 had been released since 1947.<sup>68</sup> The German press noted that a further six months had elapsed since ratification of the European Defence Community Treaty in May 1953 and a year since its signing in Bonn without any necessary revisions to clear the path for a general amnesty of prisoners held by the Western Allies.<sup>69</sup> Late 1953 saw many reports of a series of incidents with clear evidence of a new tightening of punishment measures<sup>70</sup> and deterioration in prison conditions, alleged to have coincided with Meech's arrival. The Foreign Ministry's measured reaction, contradicted by some as no change in prison policy, was that any change in prison governor had always provoked internees' discontent.<sup>71</sup> However, pressure was growing on the British to expedite the amnesty commissions scheduled to start 1 October 1953, all the more politically compelling since the Soviets six months after Stalin's death had already released a large number of German war criminals.<sup>72</sup> Tensions grew as it emerged that two prisoners recently had made suicide attempts, one, a 63-year old with a serious heart condition, on two separate occasions.<sup>73</sup>

Britain's propaganda counter-offensive swung into action. The chief of the British Press, R.W. Crawshaw, set the defensive tone. The *Fortschritt* report, he claimed, did not correspond to facts as the prison doctor had explained that only one tried to take his own life and neither attempt was serious. He linked the "alleged" stricter regime to the earlier two escapes, claiming that new measures – such as reduction in prison leave on a prisoner's word with such leave only permitted in urgent cases and under armed guard – were within normal prison rules.<sup>74</sup> Despite reprinting British objections to the "slandorous campaign" in certain German newspapers and periodicals against the British administration,<sup>75</sup> Britain's credibility was tainted by a new revelation, an admission by the new High Commissioner,

Sir Frederick Hoyer Millar that the High Commission refused to sanction a prison visit by the Vice President of the German Red Cross.<sup>76</sup> Others maintained that rebuttal of German newspaper allegations was no accident. According to an unnamed British High Commission spokesman “this campaign of lies” coincided with the scheduled start to the Anglo-German amnesty committee’s work. He conceded that rules were stricter for the past year due to the two escapes<sup>77</sup> prompting further questions whether a new disciplinary regime signalled the end for any final amnesty.<sup>78</sup>

Adenauer visited Werl soon after Meech’s arrival and introduction of the new measures. Britain’s new High Commissioner Sir Frederick Hoyer Millar meanwhile played up the advent of “a truly free” and reunited Germany. While his comments betrayed greater preoccupation with bigger political challenges, and lack of tact over this issue, they did little to diminish growing press grumblings over the war criminals question. Another headline reflected the febrile atmosphere: “Does he know about the conditions in Werl?” Nor in its view was it helpful in present circumstances to read Churchill’s unconvincing statement that Germany’s strong representation in a new European army placed them once more amongst the major world powers.<sup>79</sup>

A British Information Services Press Announcement, its irritation barely-concealed, dismissed all allegations as “abusive articles”, chiefly on dubious grounds that no prisoner who had met Hoyer Millar had complained.<sup>80</sup> The High Commissioner remained “convinced” that Meech’s administration was both “efficient and just”, occupied looking at ways of improving prisoners’ living conditions.<sup>81</sup> He emphasised that of 80 remaining prisoners, only ten were formerly in the *Wehrmacht*, for example the SS, who had “committed to their military duty”. The remaining 70 were former concentration camp commandants and camp guards “who either through their personal brutality or other abhorrent offences had caused serious suffering and the death of hundreds of unfortunate people including children”. Despite these crimes the British authorities undertook to review sentences through the establishment of the German/British clemency committee. As to accusations against Meech, they insisted that at no time was the “mental, spiritual, welfare or legal care of the inmates impaired”.<sup>82</sup> The German press dissected these detailed counter claims – most contested the denials in the British Press Release, some deconstructing verbatim extracts.<sup>83</sup> For the moment it seemed the attempt to discredit and quell the German campaign had succeeded.



Meanwhile Britain's broadsheet press disingenuously claimed that the prisoner amnesty campaign was driven by one source.<sup>84</sup> In reality from September 1949 this initiative had gathered momentum in Germany as a cross-party issue. Other right-wing parties in opposition to the *CDU*, such as the *DP* and *FDP*, supported an amnesty and maintaining the pressure to improve prison conditions as a matter of party prestige, and as a way to garner support in imminent September 1953 elections.<sup>85</sup> It is certainly true that the more right-wing *FDP*, in particular, did not conceal its own agenda.<sup>86</sup> Moreover, this distorted the reality diverting attention from growing adverse public opinion over delays, in West Germany and Britain. Supporting the High Commission response as a "Rebuff for Political Propagandists and Uninformed Critics", the *Manchester Guardian* conceded:

The pressing nature of the war criminals problem in Western Germany, and the fact that the campaign for their immediate release is growing daily, has induced the British High Commission to make a statement of its case and to explain that everything possible is being done to secure a just solution...<sup>87</sup>

The "just solution" rhetoric was perverse given that the 1953 release of more high-profile prisoners such as Manstein and General Falkenhorst had been a transparent calculation by the Western Allies "to pander to the demands of nationalistic and militaristic elements in the Federal Republic, in an attempt to gain their allegiance" on the rearmament issue (Bloxham, 2001, p. 171).

It was only a matter of time before those who sought the truth in the face of British insistence that their claims were politically orchestrated drew the obvious conclusion as to why prisoners had kept quiet. As we saw from the *EKD* Synod's testimony, prisoners were inclined to keep their own counsel as cell interviews took place in the presence of a British official. With widespread reporting of the official British response to the 27 separate allegations, military sources who approached them were saying it would be now most "unwise and foolhardy" for detainees to risk further "irritating" Meech on this topic. They concluded that Hoyer Millar's opinion was "contestable", contradicting his assertion that German penal regulations operated in all prisons in North Rhine-Westphalia with German prisoners subject to Federal jurisdiction. Their evidence, although anecdotal, shows

that war criminals in practice were subjugated to the jurisdiction of the British penal code.<sup>88</sup>

Some amnesty supporters interpreted the High Commissioner's robust defending of British actions as the symbolic denial of an administrator not "handicapped by the atmosphere of unhappy victors' justice".<sup>89</sup> Others maintained that this leaked information was proof of a stricter captivity regime and "outbreaks of despair from some prisoners", were emanating from sources "whose reliability was tried and tested". In order to reach an impartial resolution to this propaganda stalemate and pass accurate information to the German public, it was proposed to establish a mixed German-English investigative commission led by a neutral power such as Sweden or Switzerland.<sup>90</sup>

Evidence of a tightening of custodial regulations was further corroborated in January 1954 in the statement by "H.G", a recently released former prisoner. Prisoners of war were allowed to undertake paid work usually at the daily rate of 10-30 Pfennigs or 50 Pfennig for special duties. Without warning, those who had been working in the prison sometimes up to one year were removed from their duties without explanation. He also cited the withdrawal of a privilege granted to convicted war criminals and Generals aged over 60 allowing their cell doors to be open during the day and between morning coffee and the start of the working day and during their lunch. He named one guard, O'Neill, as "especially spiteful".<sup>91</sup> Four months on, with the German-British amnesty commission now looking into the individual possibilities for releasing prisoners, only five men and two women whose sentences had now expired, had been freed from the 80 still incarcerated.<sup>92</sup>

In May 1954 the High Commission announced that the war criminals had been moved to a separate part of the prison. This was agreed at the Bonn conventions two years earlier. However in a masterpiece of understatement glossing over long-running acrimony regarding policy, it now conceded that new accommodation for the war criminals was "markedly superior" to their former quarters, and significantly, that this made it possible to "introduce some modifications in the day-to-day regulations, which the High Commission believes should help to improve the prisoners' morale". This was a very British way of agreeing to reform its regulations without admitting that German criticisms and allegations were justified. Furthermore the High Commission's loud protestations of innocence were called into

doubt when it stated that to ensure that “a satisfactory penal standard is maintained”, it had been decided in consultation with the Federal Government to introduce annual inspections by the chairman of the prison commission in England and Wales accompanied by a senior official designated by the German government. Hoyer Millar also announced that he would appoint an independent panel of three members entitled to visit Werl at any time and to investigate future problems.<sup>93</sup>

This announcement, implementation of the Bonn Treaty and the amnesty committee recommendations should have ended the controversy. For the next nine months Werl did not make headlines until February 1955 when an open letter written by one current internee containing further accusations against the prison governor was smuggled from the prison. It highlighted serial grievances, questioning why the cases of fifteen sergeants and lieutenants incarcerated since 1946/7 without a day’s remission of their sentences, were less deserving of mercy than those of the former German Generals. Another cited an incident following the visit in October 1954 by a Commission of the International Red Cross. The next day, one prisoner who directed a request directly to the Commission was summoned from the work hall to his cell where he was ordered by Meech to undress in front of British officials before being subjected to a body, clothing and cell search. No reasons were given. Any prisoner receiving a Christmas parcel exceeding the 10kg maximum weight was asked if they would donate the excess to prisoners who had not received parcels or if they would rather have them returned to their relatives. All opted for the latter. The letter’s author singled out Meech while stressing that the remaining British officials at Werl were outraged by Meech’s “methods”, and were “very correct” in the execution of their office.<sup>94</sup> The anonymity of this source is redolent of a culture of pessimism and low morale which the authorities did little to alleviate, and only three months before the British took their leave of Germany. The last two prisoners were freed in July 1957, Werl closed<sup>95</sup> and an unedifying reminder of ten years of British rule faded into historical obscurity.

### **Conclusion**

All the evidence of the British regime’s conduct towards prisoners at Werl from 1949 points to obfuscation and bureaucratic delays in the implementation of sentence reviews, causing added stress to the inmates, a

systemic failure to address prisoners' concerns about prison conditions either through robust denials of wrongdoing, or by deflecting responsibility for the grievances on to the Germans themselves whilst justifying prison governance. Prisoner dissent was attributed to political opportunism by German right-wing parties. By claiming the higher moral ground, the High Commission had little difficulty in convincing the British broadsheet press to close ranks behind a regime that never managed to shake off negative publicity.

The more publicised and politicised the war criminals issue became after 1950, the more German perceptions hardened towards injustices in Britain's internment and detention policies, despite the eventual instigation of sentence reviews, annual inspections and a neutral prison investigative panel.

Eliminating all causes of Anglo-German friction "whilst resolutely defending our legitimate interests", as Kirkpatrick put it, was unsustainable. In January 1952 he claimed there was no difference that had not been settled.<sup>96</sup> Germans saw it differently. The war criminals issue dogged Britain until 1955 as did the legacies of Heligoland, requisitioning, dismantling and the cartel policy.<sup>97</sup> Continuing restrictions damaged industry due to the need to refinance dismantled and destroyed plant crucial to West German recovery, and impinged on citizens' democratic rights. Although some say the ends justified the means, early British successes in transforming Germany's police, restoring an independent judiciary, creating a responsible trade union movement (Annan, 1995, p. 158) and delegating parliamentary democracy were not capitalised upon.

Britain's policy thinking in 1944 was to govern by "indirect rule". Prolonging its direct jurisdiction after 1949 compromised the democratic values it wanted to inculcate in Germans and fuelled fresh resentments, while cautious, sometimes illiberal policies and "the inflexibility of bureaucracy" (Kirkpatrick, 1959)<sup>98</sup> dampened German optimism. Efforts to win hearts and minds were thwarted by the "elephantine memories"<sup>99</sup> of Germans with experience of ten years of occupation. Moreover, since the start of the Cold War Britain's foreign policy and economic priorities compromised its relations with Bonn, compounded by the primacy both attached to their respective relationships with America and Germany's aim to secure equal status with France (Nicholls, 2005, pp. 26-27). After 1949, as

these old grievances festered, Britain struggled to reconcile itself to this vision of equality.

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## Notes

<sup>1</sup> Zolo cites Cassese's reference to "the persistence of a "Nuremberg Syndrome" where international criminal justice perpetuates the model of victors' justice

<sup>2</sup> "British Take Their Leave of Germany", *Manchester Guardian*, 11 May 1955.

<sup>3</sup> Hansard, House of Commons Foreign Affairs Debate, 28 March 1950, cols.215-16. The Agreement was signed on 22 November 1950.

<sup>4</sup> Nicholls, A. "Ups and downs in Anglo-German relations, 1949-2008", unpublished lecture, the Centre for British Studies, Humboldt University, Berlin, 28 May 2009.

<sup>5</sup> "West to sift issue on Bonn's status" *New York Times*, 3 July 1950; cf. "Zwischen Kriegszustand und Frieden", *Hamburger Freie Presse*, 5 July 1950.

<sup>6</sup> "Ending state of war with Germany", *Manchester Guardian*, 4 July 1950.

<sup>7</sup> "End of the War", *The Times*, 10 July 1951.

<sup>8</sup> "Wird der Kriegszustand beendet?" *Frankfurter Allgemeine Zeitung* [FAZ], 22 August 1950.

<sup>9</sup> "Beendigung des Kriegszustandes", *Die Zeit*, 5 October 1950.

<sup>10</sup> "Allies, Bonn to end state of war soon", *New York Times*, 2 June 1951. This included cancellation of Germany's pre-1945 debts.

<sup>11</sup> Auswärtiges Amt [AA], Bd. 277, A1989, No. 13 "Deutsche Pressestimmen zur Revision des Besatzungstatuts" - "Ein Schritt voran...", *Stuttgarter Zeitung*, 7 March 1951; "Wenn die 'kleine Revision genutzt wird'", *FAZ*, 7 March 1951; "Ein kleiner Schritt", *Westfalenpost*, 7 March 1951.

<sup>12</sup> "Entfeindung" von Deutschen", *Die Welt*, 17 May 1951.

<sup>13</sup> "Vor dem Ende des Kriegszustandes", *FAZ*, 9 July 1951.

<sup>14</sup> AA, Bd. 1344. A3304, *Germany No.1, 1955 – Documents relating to the Termination of the Occupation Regime in the Federal Republic of Germany*, (1952, rev. 1954). "Gewerbefreiheit", 26 May 1952 (p. 15). Bonn: HMSO; "Zwischen Krieg und Frieden", *Rheinische Post*, 9 July 1951.

<sup>15</sup> "End of the War", *The Times*, 10 July 1951.

<sup>16</sup> "Bald Ende des Kriegszustandes", *Mannheimer Morgen*, 22 May 1951.

<sup>17</sup> AA, Bd. 942, A9157, "Security of Germany", 9 August 1950. "The whole idea [of "rearming Germans"] is painful not least to the British Government who has so conscientiously dismantled the capacity of the Ruhr to make weapons of war."

<sup>18</sup> For example, Evangelisches Zentralarchiv Berlin [EZAB], (ZA 5082/09), 81/1/1, Niemöller to Dibelius, 28 March 1951.

<sup>19</sup> AA, Bd. 2108, A6403, Leverkühn to von Trützschler, AA, 18 May 1951; Leverkühn to Kleiber, 18 May 1951. Leverkühn publicly criticised the rationale of Manstein's trial as "a function of Jewish vengeance", see Bloxham, D. (2001). *Genocide on Trial – War Crimes Trials and the Formation of Holocaust History and Memory* (p. 174). Oxford: Oxford University Press.

<sup>20</sup> For example, "Der Deutsche ist kein Feind mehr", *Mannheimer Morgen*, 27 July 1951.

<sup>21</sup> Ibid., "Zwischen Krieg und Frieden", *Rheinische Post*, 9 July 1951; cf. '46 Staaten beenden den Kriegszustand", *Die Welt*, 10 July 1951.

<sup>22</sup> "Psychologisch beendet", *General-Anzeiger*, 10 July 1951.

<sup>23</sup> "Adenauer bezeichnet die Beendigung des Kriegszustandes als Beginn neuer Periode", *Die Neue Zeitung*, 11 July 1951.

<sup>24</sup> "Letters to the Editor: The War Trials", *Manchester Guardian*, 15 March 1951.

<sup>25</sup> "Gnadenloses Werl", *Der Fortschritt*, 1 April 1954.

<sup>26</sup> AA, Bd. 1344 A3304, *Documents Relating to the Termination of the Occupation Regime*, "Jurisdiction, Criminal Proceedings", 26 May 1952. Capital punishment abolished 24 May 1949.

<sup>27</sup> "Right of Habeas Corpus Denied", *Manchester Guardian*, 9 April 1951.

<sup>28</sup> EZAB, 2/2504, "Kriegsverbrecher", (Ref. IV OKR Ranke, Bonn)-England (Bd.1).

<sup>29</sup> EZAB, 2/2506, (Bd. 3), Schwarzhaupt to Ranke, 1128/52, 15 February 1952 re: Werl prisoners.

<sup>30</sup> AA, Bd. 2087, A6310, "Schreiben an die Kirchen anderer Länder", *Der Rat*, EKD, 6 December 1950; "Das IRKK und der Beistand zugunsten der strafgerichtlich verfolgten Deutschen", Hoffmann to AA, 21 March 1950.

<sup>31</sup> EZAB, 2/2506, (Bd. 3), Ranke to Schwarzhaupt, B311.IV, Denkschrift des Bundesministeriums über Werl, 22 January 1952.

<sup>32</sup> EZAB, 2/2506, Lilje to Koch, 1 December 1951.

<sup>33</sup> "War Criminals of Werl. British Statement: "Symbolic Gesture Unlikely", *The Times*, 3 December 1952. 938 war criminals appeared before British courts. Of 219 death sentences 160 were carried out, "War Criminals of Werl", *The Times*, 1 November 1952.

<sup>34</sup> AA, Bd. 2087, A6309, "Aufstellung der in der westlichen Ländern wegen Kriegsverbrechen Angeklagten bzw. Verurteilten Deutschen". Werl held 379 at 1 April 1950. America freed 91 from Landsberg, France 69 from Wittlich; cf. *ibid.*, *The Times*, 3 December 1952.

<sup>35</sup> AA, Bd. 2100, Mitteilung an die Presse', 999/50, 23 November 1950.

<sup>36</sup> AA, Bd. 2108, A6403, British aide-mémoire, probably 1 January 1950.

<sup>37</sup> EZAB, 2/2506, Bd. 3, Ranke to Mensing , 3 August 1951; on interpretation of Law 10, Seelmann-Eggebert, Volkmann to Ranke, IV, 21 March 1951, 20 February 1951, 17 October 1950; Ranke to Wurm, 2330/IV, 7 March 1950.

<sup>38</sup> AA, Bd. 2108, A6403, Zentrale Rechtsschutzstelle [ZR] to AA, "Kriegsverbrecher in Werl", 16 October 1951. Petition dated September 1951; see esp. ZR to AA, Abt. II, "Deutsche politische Häftlinge in Werl", 15 November 1951; Hoppe to ZR, "Gefangene in Werl", 28 December 1951.

<sup>39</sup> AA, Bd. 2108, A6404, Hawranke to Adenauer, 4 December 1951, Hoppe pp. Adenauer to Hawranke, 21 December 1951.

<sup>40</sup> "Bonn kritisiert britische Kriegsverbrecher-Prozesse", *Die Welt*, 17 December 1951;

“Rechtsgrundsätze nicht beachtet”, *FAZ*, 15 December 1951.

<sup>41</sup> A five kilogram limit on Christmas food parcels and 150 grams pipe tobacco, 80 cigarettes or 30 cigars was introduced December 1951, later raised to 10kg; tobacco restrictions remained until 1955; overweight parcels were stamped “Annahme verweigert” and returned, *Die Welt*, 8 January 1953. The High Commission said parcels for prisoners in British custody would increase to two, “Jetzt zwei Pakete jährlich”, *Die Welt*, 3 March 1954.

<sup>42</sup> AA, Bd. 2108, A6405, Diplomatische Korrespondenz, Nr. 216, Kirkpatrick to Adenauer, 18 December 1951.

<sup>43</sup> “Kirkpatrick protestiert gegen antibritische Propaganda”, *Die Neue Zeitung*, 20 December 1951.

<sup>44</sup> “Wiederaufnahmeverfahren für die Gefangenen von Werl”, *Die Welt*, 28 October 1950. The statement was by Bundesminister Hellwege.

<sup>45</sup> “FDP gegen Werler Haftpraxis”, *Die Welt*, 7 December 1951.

<sup>46</sup> “Bischof Wurm plädiert für Manstein”, *Der Mittag*, 19 August 1950; cf. “Bischof Wurm appelliert an Churchill”, *Rheinische Post*, 26 June 1952.

<sup>47</sup> EZAB, Bd. 3, Verband der Heimkehrer to Wurm, 17 December 1951. *Der Verband der Heimkehrer, Kriegsgefangenen und Vermisstenangehörigen Deutschlands* established in 1950.

<sup>48</sup> AA, Bd. 1262, A2927, “Personalien und Lebenslauf des neu ernannten Britischen Hohen Kommissars”

<sup>49</sup> “Frings plädiert für Werl-Gefangene”, *Die Welt*, 18 November 1950.

<sup>50</sup> EZAB, 2/2505, Bd. 2, Brunotte, Kirchenkanzlei EKD, to Dibelius, 30 November 1951.

<sup>51</sup> EZAB, 2/2506 Bd. 3, Bischof von Berlin to Ranke, 17 December 1951; see 2/2505, Bd. 2, Dibelius draft letter to Churchill, undated December 1951. Holland included sentence already served.

<sup>52</sup> “Appeasing the Nazis: Shawcross attacks”, *News Chronicle*, 28 October 1952.

<sup>53</sup> The National Archives (TNA), PREM 8/1570, Bevin to Attlee, 17 February 1951, Attlee to Bevin, 16 February 1951, Younger to Shawcross, 7 February 1951 et al.

<sup>54</sup> “Sentences For War Crimes: Mr. Eden’s Statement”, *The Times*, 30 October 1952.

<sup>55</sup> AA, Bd. 2108, A6403, Bell to *The Times*, 18 August 1951.

<sup>56</sup> AA, Bd. 2108, A6405, Schlange-Schöningen to AA, 515-03 II 2528/52, “Kriegsverbrecherverfahren gegen deutsche Staatsangehörige” cites Captain Russell Grenfell’s reference on 28 December 1951 to “...einige kritische Bemerkungen über gewisse Maßnahmen der britischen Regierung”.

<sup>57</sup> AA, Bd. 2108, A6404, ZR to AA, “Deutsche politische Häftlinge in Werl”, 15 November 1951.

<sup>58</sup> AA, Bd. 2108, A6405, Gawlik, ZR to AA, “Gefangene in Werl”, 10 January 1952.

<sup>59</sup> EZAB 81/1, Bd. 3, Bathurst to Wilm 24 January 1952 ref. Wilm letter, 27 “December” [January] 1952; Wilm to Kirkpatrick, 12 February 1952, Wilm to Dibelius, 12 February 1952.

<sup>60</sup> AA, Bd. 2108, A6405, Legal Adviser, Bathurst to Hallstein, AA, L15/6/289, 23 February 1952.

<sup>61</sup> “Noch 116 warten in Werl auf Freiheit”, *Westdeutsche Allgemeine*, 11 September 1952.

<sup>62</sup> (Bloxham, 2001, pp. 167-9) Manstein was released 7 May 1953; Manchester Guardian, 8 May 1953.

<sup>63</sup> “British Tighten Jail Rules for War Criminals”, *New York Herald Tribune*, 28 November 1952. Wilhelm Kuehn received 21 years for participating in killing three Canadian POWs, Wilhelm Kappe, a life sentence for killing a Russian POW.

<sup>64</sup> Hansard, House of Commons Debates, “British Magistrates”, 21 February 1949, vol. 461, cols. 237-8. Meech’s legal qualifications were questioned as a magistrate. Hector McNeil (Foreign Office) replied it was not “essential that magistrates sitting in Control Commission summary courts should be qualified to act as barristers or solicitors. The essential qualities are commonsense, a judicial temperament, firmness and a sympathetic understanding”. Meech qualified as a Clerk to the Justices with 20 years continuous service in five different English courts.

<sup>65</sup> “In Werl weht wieder ein scharfer Wind”, *Der Mittag*, 14 October 1953.

<sup>66</sup> “British tighten jail rules for war criminals”, *New York Herald Tribune*, 28 November 1952.

<sup>67</sup> “Was sagen Sie zu ‘Werl?’”, *Ruhr-Nachrichten*, 5 January 1952.

<sup>68</sup> “Noch 100 ‘Kriegsverbrecher’ in Werl”, *Aachener Nachrichten*, 30 May 1953.

<sup>69</sup> “Vormarsch zur Barbarei”, *Aachener Nachrichten*, 14 October 1953.

<sup>70</sup> “Unzufriedenheit im Gefängnis Werl”, *Die Welt*, 10 October 1953; on alleged stricter measures, cf. “In Werl weht wieder ein scharfer Wind”, *Der Mittag*, 14 October 1953.

<sup>71</sup> “Keine Verschärfung in Werl”, *FAZ*, 9 October 1953.

<sup>72</sup> “Verzweiflungstaten in Werl. Wo bleibt Gnadenaktion?” *Der Fortschritt*, 16 October 1953.

<sup>73</sup> “Die Selbstmordversuche von Werl”, *Der Fortschritt*, 23 October 1953.

<sup>74</sup> *Ibid.*

<sup>75</sup> “Die Vorwürfe gegen Werl”, *FAZ*, 26 October 1953.

<sup>76</sup> “Hoyer Millar weist Angriffe auf die Gefängnisverwaltung Werl zurück”, *Frankfurter Neue Presse*, 21 November 1953.

<sup>77</sup> “Selbstmordversuche nicht Ernst gemeint”, *Westdeutsche Allgemeine*, 26 October 1953; “Lügenfeldzug” der Zeitungen – England weist die deutschen Vorwürfe zurück”, *Hamburger Anzeiger*, 26 October 1953.

<sup>78</sup> “Disziplinarstrafen statt Gnadenakt? *Bremer Nachrichten*, 31 October 1953.

<sup>79</sup> “Der ‘neue Kurs’ im Zuchthaus Werl”, *Kasseler Post*, 31 October 1953.

<sup>80</sup> Deutscher Bundestag Presse-Archiv, Berlin, British Information Services, “Werl Prison”, 20 November 1953. 79 were held in Werl, 288 in Landsberg, 75 in Wittlich (at 1 November 1953). “British Statement on German War Criminals”, *Manchester Guardian*, 21 November 1953.

<sup>81</sup> “Hoyer-Millar besucht Werl”, *FAZ*, 21 November 1953.

<sup>82</sup> “Britische Stellungnahme zu Werl – Hochkommissar weist Vorwürfe als unbegründet zurück”, *Frankfurter Rundschau*, 21 November 1953.

<sup>83</sup> “Engländer: Keine Härten in Werl”, *Die Welt*, 21 November 1953; “Britische Verordnungen zur Erleichterung – Englische Erklärung gegen unbegründete Angriffe in Sachen Werl”, *Bonner Rundschau*, 21 November 1953; “Britten weisen Kritik an Werl-Verwaltung zurück-Erklärung des britischen Hochkommissars”, *Stuttgarter Nachrichten*, 21 November 1953; “Britische Stellungnahme zu Werl-Hochkommissar weist Vorwürfe als unbegründet zurück”, *Frankfurter Rundschau*, 21 November 1953.

<sup>84</sup> “Conditions in Werl Prison- German Allegations Rebutted”, *The Times*, 21 November 1953.

<sup>85</sup> *Westdeutsche Rundschau*, 2 July 1953 and 6 October 1953.

<sup>86</sup> “Werl”, *FAZ*, 23 November 1953.

<sup>87</sup> “British Statement on German War Criminals- Rebuff for Political Propagandists and Uninformed Critics”, *Manchester Guardian*, 21 November 1953.



- <sup>88</sup> “Soldaten gegen Hochkommissar – Sir Hoyer Millars Auffassung von Werl ist anfechtbar”, *Der Mittag*, 4 December 1953.
- <sup>89</sup> “Noch einmal: Werl”, *Westdeutsche Rundschau*, 24 November 1953.
- <sup>90</sup> “Vorschlag: Neutrale Kommission für Werl”, *Der Fortschritt*, 27 November 1953.
- <sup>91</sup> “Was ist in Werl wirklich los?” *Westdeutsche Rundschau*, 31 January 1954.
- <sup>92</sup> “Verschärfte Haft”, *Hamburger Abendblatt*, 25 March 1954.
- <sup>93</sup> “Custody of German War Criminals – New Accommodation”, *The Times*, 20 May 1954; cf. “Werl-Häftlingen ziehen um – Die britische Hohe Kommission verwirklicht endlich die Trennung der Kriegsverurteilten von den kriminellen Häftlingen”, *Die Welt*, 20 May 1954.
- <sup>94</sup> “Geschmuggelter Brief aus Werl kam zur Abendpost. Generale läßt man raus – Die “Kleinen” verzweifeln”, *Frankfurter Abendpost*, 12 February 1955.
- <sup>95</sup> “Werl wurde geschlossen”, *Allgemeine Wochenzeitung der Juden, Düsseldorf*, 12 July 1957.
- <sup>96</sup> “Britain’s stake in Europe”, *The Times*, 24 January 1952.
- <sup>97</sup> <sup>97</sup>AA, Bd.1344, A3306, *Documents relating to Termination of Occupation Regime*, “Freedom to engage in a trade or profession”, 26 May 1952, p. 157, “Cartel Policy”, 23 October 1954. Adenauer stated freedom of competition as most important basis of “social market economy”
- <sup>98</sup> (Kirkpatrick, pp. 220-1). “In some cases we were the victims of our own good nature...”
- <sup>99</sup> “British Take Their Leave of Germany”, *Manchester Guardian*, 11 May 1955.

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