

The Cold War in the Courtroom: Friedrich Karl Kaul in Jerusalem

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Abstract

This paper will trace Friedrich Karl Kaul's journey from East Berlin to Jerusalem for the Eichmann Trial, and back. What were the 'few things' he 'organise[d]' while in Israel? What did he aim to achieve by going to Jerusalem? What can his efforts to take part to the Eichmann trial tell us about broader historical issues? This paper will attempt to answer these questions, touching upon matters including: the relevance of the legacy of the Nazi past to the specifically German-German Cold War; individual agency in the GDR; the evolution of East German propaganda (and its, by 1960, global ambitions); and the East German room for manoeuvre vis-à-vis other Socialist countries, including the Soviet superpower. For Kaul's moves were significant beyond the GDR: they sparked alarm in West Germany; interest and suspicion in Israel; and concern in the United States – and well as in the Soviet Bloc. Based on sources from East and West Germany, CIA memoranda and Israeli documents, this paper positions Kaul's engagement with the trial as part of a transnational history of the (cultural) Cold War

Keywords: East Germany ; Israel ; Cold War ; Eichmann Trial ; Friedrich Karl Kaul ; Politics and Performativity of Justice.

Résumé

Cet article examine l'histoire du juriste et journaliste est-allemand Friedrich Karl Kaul à travers la question de la dialectique entre échelles nationale et internationale. Lors du procès Eichmann, ce militant communiste de longue date (dont le parcours n'est pas dénué d'ambiguïtés) devient un *cold warrior* professionnel, engagé dans la construction de l'image internationale de la RDA. On le découvre ici engagé dans une mission touchant les relations entre les deux États allemands et Israël, mais aussi, évidemment, la construction de la mémoire des crimes nazis, qui trouve une forte résonance individuelle compte tenu de l'origine juive de Kaul. S'appuyant sur des sources en provenance de la RDA et de la RFA, de la CIA et des documents israéliens, cet article montre que l'engagement de Kaul dans le procès Eichmann constitue un élément d'une histoire (culturelle) transnationale de la guerre froide.

Mots clés : Allemagne de l'Est ; Israël ; guerre froide ; procès d'Eichmann ; Friedrich Karl Kaul ; justice.

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« *It was you – as far as I know – who started what I called the “Cold War” [in Jerusalem]* »

Heinrich Grüber to Friedrich Karl Kaul
7 June 1961¹

‘Contrarily to its earlier assessments, the Politburo today decided that Comrade attorney Professor Dr Kaul will indeed go to Israel for the Eichmann trial, to organise a few things there’.² On 11 April 1961, the ‘hawk’³ of the ruling party (Socialist Unity Party of Germany, SED) of the German Democratic Republic (GDR), propaganda mastermind Albert Norden, broke some unusual news to the head of the International Affairs Division of the party’s Central Committee (CC), Peter Florin. The ‘star-lawyer’ of the GDR, Friedrich Karl Kaul, would soon go to Israel to take part in a judicial event that was unprecedented in nature: the Eichmann trial. The fact that such a high-profile East German representative was on his way to Israel, too, was unprecedented. At the time, the GDR had no official relations with the State of Israel (nor would it have any by the time of its collapse, in 1990).⁴ And while West Germany had agreed, in 1952, to pay restitutions to the Jewish State in an attempt to atone for the Nazi persecution of the Jews, the GDR had never agreed to such a commitment. Moreover, the East German regime did not recognise, in the Nazi persecution of the Jews, the crucial trope of the Hitler dictatorship. While Communists were celebrated as the heroes of anti-fascist resistance, the suffering of other victims of the Nazi Reich, including Jewish suffering, did not feature prominently within the East German government’s narrative on the recent Nazi past. ‘A complex and uneven mixture of omission and admission’ characterised the East German discourse on anti-Semitism, while the official memory of the Nazi past ‘marginalised’ Jewish suffering.⁵

¹ German Federal Archives at Berlin-Lichterfelde, Stiftung Archiv der Parteien und Massenorganisationen der DDR (henceforth BAL-SAPMO), DY 30/IV 2/2.028/57 Grüber to Kaul, 7 June 1961.

² BAL-SAPMO, DY 30/IV 2/2.028/39, Norden to Florin, 11 April 1961.

³ Literally, ‘*SED-Falke*’: *Der Spiegel*, ‘Albert Norden’, 23/1982, p. 220.

⁴ For an overview on East German-Israeli relations, see A. Timm, *Hammer, Zirkel, Davidstern. Das gestörte Verhältnis der DDR zu Zionismus und Staat Israel* (Bonn: Bouvier Verlag, 1997) and the more recent J. Herf, *Undeclared Wars with Israel: East Germany and the West German Far Left, 1967-1989* (New York: Cambridge University Press, 2016).

⁵ J. Herf, *Divided Memory: The Nazi Past in the two Germanys* (Cambridge, Mass.: Harvard University Press, 1997). On this topic see also, for example, T.C. Fox, *Stated Memory: East Germany and the Holocaust* (Rochester, NY: Camden House, 1999), M. Wolfgram, *Getting History Right: East German Collective Memories of the Holocaust and the War* (Lewisburg: Bucknell University Press, 2011), and J.B. Olsen, *Tailoring Truth: Politicizing the Past and Negotiating Memory in East Germany, 1945-1990* (New York: Berghahn Books, 2015). Bill Niven has argued that in fact the East German discourse on Nazi anti-Semitism comprised ‘a complex and uneven mixture of omission and admission ... of empathy and reticence’ on the topic of Jewish persecution under National Socialism, thereby criticising Herf’s depiction of a ‘marginalisation’ of Jewish suffering in East German memory. See W. Niven, ‘Remembering Nazi Anti-Semitism in the GDR’ in William Niven and Chloe Paver (eds.) *Memorialization in Germany since 1945* (Basingstoke, Palgrave Macmillan, 2010), p. 209.

Few scholars have engaged with the history of Kaul's life, and his *persona*.⁶ Annette Roskopf wrote what is to date the most comprehensive account of Friedrich Karl Kaul's endeavours – a chronological biography, which is mostly based on East German sources.⁷ However, her monograph, too, paid only scant attention to Kaul's plans to go to Jerusalem and their broader implications. This paper will trace Kaul's journey from East Berlin to Jerusalem and back. What were the 'few things' he 'organise[d]' while in Israel? What did he aim to achieve by going to Jerusalem? What can his efforts to take part to the Eichmann trial tell us about broader historical issues? This paper will attempt to answer these questions, touching upon matters including: the relevance of the legacy of the Nazi past to the specifically German-German Cold War; individual agency in the GDR; the evolution of East German propaganda (and its, by 1960, global ambitions); and the East German room for manoeuvre vis-à-vis other Socialist countries, including the Soviet superpower. For Kaul's moves were significant beyond the GDR: they sparked alarm in West Germany; interest and suspicion in Israel; and concern in the United States – and well as in the Soviet Bloc. Based on sources from East and West Germany, CIA memoranda and Israeli documents, this paper positions Kaul's engagement with the trial as part of a transnational history of the (cultural) Cold War.⁸

Becoming Kaul

Born in Eastern Prussia (Posen/Poznań) in 1906 to wealthy parents, Kaul studied law in Heidelberg and Berlin. Until the Nazi rise to power, he worked as an attorney in the prestigious law firm of justice counsellor Ludwig Pinner in Berlin. Kaul was Jewish – or 'half-Jewish', as he would later specify using a leftover term deriving from the Nazi's nonsensical racial categories ('*Ich Jude? Ich bin Halbjude*').⁹ Kaul's mother was Jewish and, in 1933, he was expelled from the legal profession and, shortly thereafter, sent to the Lichtenberg concentration camp. He was later moved to Dachau, where he remained until 1937. Then, he was released on condition that he would leave Germany.¹⁰ In his autobiographically inspired novel, *Es wird Zeit, dass Du nach Hause kommst*, Kaul suggested that the intercession of one of his former university professors, James Goldschmidt, had been crucial in granting him permission to leave from the camp. Goldschmidt, too, was Jewish, and he became the first professor of the Humboldt University's Law Department to be forced out of the

⁶ Three, in particular: Annette Roskopf, Annette Weinke, and Max P. Friedman. A. Roskopf, *Friedrich Karl Kaul: Anwalt im geteilten Deutschland (1906-1981)* (Berlin: Berlin-Verlag Spitz, 2002). M.P. Friedman, 'The Cold War Politics of Exile, Return, and the Search for a Usable Past in Friedrich Karl Kaul's *Es wird Zeit, dass du nach Hause kommst*', *German Life and Letters* 58:3 (2005), pp. 306-325; A. Weinke, "'Verteidigen tue ich schon recht gern ...' Friedrich Karl Kaul und die westdeutschen NS-Prozesse der 1960er Jahre', in Beiträge zur Geschichte der nationalsozialistischen Verfolgung in Norddeutschland, *Schuldig. NS-Verbrechen vor deutschen Gerichten* (Bremen: Temmen, 2005), pp. 44-57.

⁷ Roskopf, *Friedrich Karl Kaul*.

⁸ On this point see, for example, *Divided Dreamworlds? The Cultural Cold War in East and West* edited by Peter Romijn, Giles Scott-Smith and Joes Segal (Amsterdam: Amsterdam University Press, 2012).

⁹ See, for example, S. Friedländer, *Nazi Germany and the Jews*, Vol.1: *The Years of Prosecution 1933-1939* (New York: Harper Perennial, 1998). The quote is from: Witter, "'Sie als Staranwalt der DDR ...'".

¹⁰ The literature offers differing explanations as to how this was possible. Contrast Friedman, 'Cold War Politics of Exile', with Roskopf, *Friedrich Karl Kaul* p. 29 and M. Heger, 'James Goldschmidt. 1874-1940', in Stefan Grundmann et. al. (eds.) *Festschrift 200 Jahre Juristische Fakultät der Humboldt-Universität zu Berlin. Geschichte, Gegenwart und Zukunft* (Berlin: De Gruyter, 2010), p. 484.

university because of his Jewish background. Notwithstanding this, he contacted the Dachau camp authorities and interceded for Kaul – apparently playing a crucial role in saving his former student’s life.¹¹ However, as historian Max Paul Friedman recently pointed out, it is unlikely that the word of a criminal law professor, who had been forced by the Nazi regime into early retirement, would have sufficed to grant Kaul permission to leave. It is much more likely, as Friedman uncovered, that the concentration camp authorities decided to free and exile Kaul in exchange for his agreement to spy for Nazi Germany’s secret police organization, the Gestapo (*Geheime Staatspolizei*), from overseas.

In 1937, therefore, Kaul boarded a ship heading to Columbia, leaving Nazi Germany behind. Once landed, he scraped for a living by trying out the most disparate jobs, including knitting baby shoes, waiting at tables and working as a bricklayer.¹² Kaul attempted to make do with whatever skills he had, travelling from country to country – in an exhausting tour which included Honduras, Panama, Guatemala and Nicaragua – in search for a job and a stable source of income. At least twice, he attempted to make contact with the Gestapo from Latin America, via the German consulate in Bogotá.¹³ The Nazi authorities in Berlin, however, did not react to his messages. In January 1942, following Nicaragua’s declaration of war against Germany, Kaul was imprisoned along with other German nationals.¹⁴ A few months later, the US authorities deported him, and other suspected Nazi agents on the run, to the United States. Life conditions in the Kenedy alien detention camp, in Texas, were harrowing. Given that the majority of the other German prisoners were indeed fervent Nazis, Kaul and the other Jewish prisoners were subjected to continuous abuse and discrimination in the camp, including being prevented from using the latrine and bath designated for use by German prisoners. Indeed, life at the camp meant that the Jewish prisoners were living ‘close to our worst enemies, exposed to their abuse’ and that the ‘continuous, heavy nervous and physical strain [made] detention under these conditions almost unbearable’.¹⁵ Kaul soon teamed up with other Jewish prisoners in the attempt to reach out to the camp authorities, the International Red Cross and the Department of German Interests at the Swiss Legation in the United States – without obtaining any concrete results. A few weeks after the collapse of Hitler’s *Reich*, Kaul was allowed to leave the United States and boarded a ship bound to Germany. By that point, he had spent four years as a US captive, being interned first in Texas, then in New Orleans. Upon his arrival back in Germany, he was interned, again, by US occupation authorities and went on to spend six months in the Asperg prison, in Baden-Württemberg. It is not hard to see why he would later become such a vehement critic of the United States, and of the Western bloc, while working for the East German regime. A *Der Spiegel* journalist writing of him in the early 1960s noted that Kaul ‘hate[d]’ the United States.¹⁶ Indeed, the fury

¹¹ Rosskopf, *Friedrich Karl Kaul*, p. 20.

¹² K. Hartewig, *Zurückgekehrt: die Geschichte der jüdischen Kommunisten in der DDR* (Cologne: Böhlau, 2000), p. 74 and Rosskopf, *Friedrich Karl Kaul*, p. 30.

¹³ Friedman, ‘Cold War Politics of Exile’, p. 312.

¹⁴ *Ibid.*; Rosskopf, ‘Friedrich Karl Kaul’.

¹⁵ NARA, RG59, Records of the Special War Problems Division, Box 20, F.K. Kaul, F.L. Kappen and H.J. Müller (Alien Detention Station, Kenedy, Texas) to W. Bruppacher (Swiss Legation, Washington DC), 4 February 1943, available online at: <http://gaic.info/wp-content/uploads/2016/10/Feb-1943-ltr-exchange.Jewish.pdf> [Last accessed 18 September 2017].

¹⁶ *Der Spiegel*, ‘Kaul: Einer Stand Noch’ 14/1961, pp. 29-47.

that characterized his attacks against the Western superpower may well have been linked to the traumatic memories of his long years of captivity. Yet it was exactly his anti-Americanism, and his embracement of the cultural Cold War against the US superpower, that caused the first big trouble in Kaul's life as a public figure in the GDR.

Prospects and Perils of Kaul's Own Cold War

Kaul returned to Berlin in May 1946, where he quickly resumed his legal in-service training. He became a member of the newly-founded Socialist Unity Party of Germany (*Sozialistische Einheitspartei Deutschlands*, SED), which was founded in 1946 from the merger of the Communist Party (*Kommunistische Partei Deutschlands*, KPD) and the Socialist Party (*Sozialistische Partei Deutschlands*, SPD) in the Soviet occupation zone, in a move that was engineered by the Soviets with the aim to better control the German territory under their jurisdiction by creating a single strong socialist party that would later rule for four decades of East German politics. By June 1946, Kaul was serving as the head of the legal advisory office of the SED in Berlin, where his work included providing legal advice to fellow party members, and dealing with a variety of offices and courts. At the same time, he organized several informative events on various political and legal issues and he soon started working with the latest mass media technology available: the radio. The program he launched in the autumn of 1946, which included the discussion of a variety of legal issues and provided listeners with free legal advice, soon became popular in the Soviet zone of occupation. His editorial engagements also multiplied and, in the meantime, Kaul also managed to take important steps in his legal career – the most important of which was attaining the permission to work in all four sectors of Berlin, which the Berlin lawyers' chamber granted him in May 1948. This permission rendered him a real asset to the Soviet occupation authorities. In just two years from his release, therefore, Kaul had managed to craft a respected name for himself in Soviet-occupied Germany. Alongside his important professional achievements, he also managed to re-settle in Berlin with Luise, the wife from whom he had been separated during his imprisonment and exile years. Not everything, however, was to proceed smoothly for Kaul.

The incident which threatened to ruin everything that Kaul had built since his return to Germany, was an article that Kaul authored under the pseudonym Fritz Stark as part of a series of attacks against the United States. The articles appeared in the *Tägliche Rundschau* newspaper, which was published in the Soviet occupation zone, in a series titled 'America as a culture provider'.¹⁷ Kaul's articles portrayed the United States as a violent, corrupt, crime-ridden country – nothing too new within the landscape of East German newspaper writing about the US. The problem, however, was that Maximilian Müller-Abusch, editor in chief of *Der Abend*, a newspaper published in the American zone, exposed Kaul's articles as being the product of plagiarism, including full excerpts of articles that had already been published. Worse still, the original anti-American pieces had been published in 1942 in the *Völkischer Beobachter*, the mouthpiece of the National Socialist party: 'A bit of a red whitewash is enough to render brown [Nazi] propaganda re-usable', commented Müller-

¹⁷ Rosskopf, *Friedrich Karl Kaul*, p. 44.

Abusch.¹⁸ The *Tägliche Rundschau* immediately distanced itself from his contributor, whose real name had in the meantime come to light, and ticked Kaul off the list of its contributors. The Berlin lawyers' chamber summoned Kaul to explain this incident. Kaul claimed that he was the victim of a conspiracy. Someone had given him a folder with material he used as information for his anti-American pieces – and this someone must have given him *Völkischer Beobachter* material as a trap to incriminate and sully his name. The lawyers' chamber accepted Kaul's version, and decided not to revoke the permission granted to him in May 1948 to work in all four sectors of Berlin. That proved to be Kaul's luck. In the coming years, Kaul's work would focus gradually less on the far enemy, the Western superpower, and more on the near rival: West Germany.¹⁹

The 'star lawyer' of the GDR and the Eichmann trial in Jerusalem

By the early 1960s, Kaul was an extremely well-known personality, in both East and West Germany. He was one of the most influential German lawyers because, in fact, he was so much more than an ordinary attorney. Indeed, his work as an attorney formed just part of Kaul's many engagements. He wrote extensively, publishing detective novels, accounts of his endeavours to defend his clients in – East, but especially West – German courts, and a multi-volume history of the judicial system of the Weimar Republic.²⁰ He also wrote about sixty screenplays for TV series, documentaries and films. During the 1970s, he even hosted a popular TV programme: *Fragen Sie Professor Kaul!* ('Ask Professor Kaul!'). And his unwavering creativity in support of the East German cause internationally would once more become apparent in the wake of David Ben Gurion's unexpected announcement, on 23 May 1960, that 'one of the greatest Nazi criminals, Adolf Eichmann' was 'now under arrest in Israel and [would] soon stand trial here, in accordance with the Nazi and Nazi Collaborators (Punishment) Law, 5710-1950'.²¹

Demonstrating a spirit of initiative in agitprop matters that was possibly without equal in the workers' and builders' state, just four days after Ben Gurion's announcement, Kaul wrote to a member of the Politburo's Agitation Commission (*Abteilung Agitation*), Heinz Stadler. 'I have had the impression that Eichmann's arrest is not very appealing to Bonn', he noted in his letter. Kaul proposed using the Eichmann trial in order to 'attack' the FRG mainly by emphasising its connection with, and support for, Nazi criminals.²² He proposed travelling to Jerusalem, where he could work as 'observer' or 'reporter'. A couple of days later, Kaul again wrote to Stadler and reiterated: 'In my opinion, we need have to ensure that we will be

¹⁸ Roszkopf, *Friedrich Karl Kaul*, pp. 44-46. Years later Simon Wiesenthal would publish the first systematic comparison between SED propaganda and Nazi propaganda in: *Die gleiche Sprache: erst für Hitler – jetzt für Ulbricht* (Bonn: Vogel, 1968), translated into English as *The Same Language: First for Hitler – Now for Ulbricht* (Vienna: Deutschland Berichte, 1968).

¹⁹ I owe the term 'far enemy' to Fawaz Gergest – though Gergest uses the term to study a very different topic.

²⁰ For a detailed list of Kaul's works see Roszkopf, *Friedrich Karl Kaul*, pp. 352-362.

²¹ *Major Knesset Debates*, Vol.4: 'Prime Minister's Statement on the Arrest of Eichmann. Sitting 98 of the Fourth Knesset, 23 May 1960' (Lanham, MD: University Press of America, 1991), p. 1141.

²² BAL-SAPMO DY 30/IV 2/2.028/57 Kaul to Stadler, 27 May 1960.

somehow involved with the Eichmann affair'.²³ In this second letter, he put forth a concrete plan to back up his project. His intention was to appear before the Israeli court with East German Jewish victims of Nazi persecution who allegedly wanted – although they still had to be found – to take part in the trial as joint plaintiffs. He would contact the Israeli Justice Minister directly in the attempt to be granted the possibility to represent his East German Jewish (alleged) clients. He emphasised the need to act quickly, so as to make sure that the West Germans would not 'get in ahead of us',²⁴ and declared himself willing to pay out of his own pocket for the trip.²⁵

Kaul's notion of involving Jewish citizens in East German propaganda initiatives was not a new idea. Some of the most vicious propagandistic initiatives in the GDR had seen East German Jewish citizens being repeatedly asked to come forward in support of the governmental stance, thereby supporting the East Berlin regime – especially its anti-Zionist and anti-Israeli positions.²⁶ Nonetheless, Kaul's initiative was groundbreaking, for several reasons. First, Kaul's move was innovative because of his readiness to travel to Israel – a country with which the GDR had no official relations; to which the East German regime had, since its inception, refused to pay any sort of compensation (*Wiedergutmachung*) for the Nazi persecution of the Jews; and a country that, according to East German propaganda, was 'the spearhead of US imperialism', and aiming to subjugate the 'national independence' of its Arab neighbours.²⁷ Second, because his proposal envisaged giving a new, global dimension to East Berlin's (Cold) War propaganda against Bonn. Indeed, while Kaul had long been using German courtrooms as platforms from whence to strike against the FRG, doing so from Israel meant placing, loudly, the Cold War between the two German states at an international level. Third, his idea also promoted an innovative, different implementation of the East German propaganda effort. By the 1960s East German anti-FRG propaganda reached opinion-makers in many different and remote corners of the world.²⁸ Yet Kaul's initiative to propel the propaganda war abroad *in person* was new. Fourth, his move was innovative exactly because it was *his move*. What motivated him to go? Two main issues, according to his own words: first, he was 'personally interested' in witnessing the trial. Second, he deemed this a precious occasion to defame, once more, the West German regime. His being Jewish may have played a role, too – although Kaul made no mention of this in his correspondence. In any case, Kaul had not been ordered by the Politburo, nor the Kremlin, to go. It was his idea, and it took him one month to convince (at least in principle) East German agitprop masterminds of its viability. Until, on 28 May 1960, Norden finally communicated Kaul's plan to the East German leader, Walter Ulbricht.²⁹

In his communication to the East German leader, Norden did not give particular credit to Kaul's initiative. Rather, he generally emphasised that 'one should consider

²³ BAL-SAPMO DY 30/IV 2/2.028/57 Kaul to Stadler, 30 May 1960.

²⁴ Ibid.

²⁵ Ibid.

²⁶ See e.g. Wolffsohn, M. *Die Deutschland Akte. Tatsachen und Legenden* (Munich: Ferenczy bei Bruckmann, 1996 [1995]), e.g. p. 87.

²⁷ See e.g. G. Krauss, 'Die zionistische Agentur des USA-Imperialismus', *Neues Deutschland*, 6 December 1952, p. 7; M. Amino, 'General Robertson mußte die Dienstbotentreppe benutzen', *Neues Deutschland*, 8 March 1951, p. 4.

²⁸ See e.g. Political Archives [PA] of the Foreign Ministry [AA] B6/60 Auer to AA: In Ceylon verbreitete Propaganda der Sowjetzone gegen die Bundesrepublik, 26 April 1962.

²⁹ BAL-SAPMO DY 30/IV 2/2.028/2 Norden to Ulbricht, 28 May 1960.

whether the GDR could step in directly into the preparations for the [Eichmann] trial. It would certainly strengthen the international authority of the GDR – and be useful for the Israeli Communist Party – if we openly came forward about Eichmann’s own crimes and his accomplices in the Bonn government’.³⁰ Norden generally suggested to send ‘one or two personalities’ to Israel, indicating Kaul as one figure who might be suitable for this task. For the SED the news of the Eichmann trial was very well-timed. Since the 1950s, the GDR propaganda establishment had been carrying out attacks against Bonn’s problematic lack of confrontation with the Nazi past. While it was indeed true that the denazification process in the territory that was to become the FRG had been at best superficial, GDR propagandists largely overlooked the key fact that several GDR officials, too, had less than honourable connections to the Nazi era.³¹ GDR anti-West German propaganda focused mainly upon locating people who occupied posts of responsibility in various sectors of society, in spite of their ‘brown’, i.e. Nazi, past. One of these was the West German Minister for Displaced Persons, Refugees and Victims of War, Theodor Oberländer. Before and during the Second World War, Oberländer had endorsed and promoted plans to exterminate the Jewish population in Germany and beyond, as well as the Polish people more broadly.³² The GDR organised a show trial of him *in absentia*, and condemned him to life imprisonment on 29 April 1960. Shortly after the end of the trial, Oberländer resigned from his post in the Adenauer government. This, to the SED cadres, signalled an unprecedented success for the East German propaganda strategies. Less than a month after Oberländer’s East German indictment, Ben Gurion announced the forthcoming trial of Adolf Eichmann. The political capital of the trial for the GDR seemed therefore immense: the Eichmann trial could represent the perfect occasion to emphasise that so many Eichmanns were still active in the FRG. The ones chosen this time was one of Adenauer’s closest collaborators: State Secretary Hans Globke.³³ While the stated goal behind Kaul’s presence in court was to represent East German Jewish citizens, Arne Rehahn, of the *Westabteilung* of the SED’s CC, noted that once in Jerusalem the East German attorney would be in an ideal position to launch propagandistic attacks against Hans Globke and his Nazi past and, in short, to ‘expose’ the FRG.³⁴ ‘It would appear’, noted a CIA report, ‘that the Soviet bloc has mounted a major effort to exploit the EICHMANN case to implicate GLOBKE in Nazi activities, and thus injure the Adenauer government’.³⁵ Globke had started his career in the civil service in 1929 as an official in the Interior Ministry of the *Reich*. Among other activities related to his post, he had co-authored a legal commentary on the 1935 Nuremberg race laws that deprived the Jewish population of most

³⁰ Ibid.

³¹ See, i.e. H. Best, and A. Salheiser, “Shadows of the Past: National Socialist Backgrounds of the GDR’s Functional Elites”, *German Studies Review* 29:3 (2006), pp. 589-602; H. Waibel, *Diener vieler Herren. Ehemalige NS-Funktionäre in der SBZ/DDR* (Frankfurt am Main: Lang, 2011).

³² Ausschuss für Deutsche Einheit, *Der Oberländer Prozess: Gekürztes Protokoll der Verhandlung vor dem Obersten Gericht der Deutschen Demokratischen Republik vom 20.-27. und 29.4.1960* ([East] Berlin: Ausschuss für Deutsche Einheit, 1960).

³³ BAL-SAPMO DY 30/IV 2/2.028/21 Festlegungen zur Kampagne gegen Eichmann und Globke, n.d.

³⁴ BA-SAPMO DY 30/IV 2/2.028/21, Festlegungen zur Kampagne gegen Eichmann und Globke, Rehahn, n.d.

³⁵ NARA II, RG 263, CIA Name File: Adolf Eichmann. Directorate of Operations File, Vol.3. ‘Possible Communist Exploitation of Trial of Adolf Eichmann’. Munich, Air Pouch, 26 March 1961.

fundamental political and civil rights.³⁶ The commission for all-German matters of the East German *Politbüro* anticipated that the effect of Kaul's presence in Jerusalem would be massive.³⁷ After it became clear that West German attorney Robert Servatius would go to Israel to defend Eichmann's case in front of the prosecution, the SED's mouthpiece, *Neues Deutschland*, highlighted how different the roles of the two Germanies in the trial would be: while West Germany was sending Servatius to represent Eichmann, East Germany was sending Kaul to defend Eichmann's victims.³⁸

Kaul's task, however, was not going to be easy. In and around Bonn West German officials soon began brainstorming about what initiatives could be undertaken to protect the reputation of the Federal Republic in the face of the upcoming trial.³⁹ West German representatives had been in touch with the Israeli authorities to warn them about East German attempts to use the trial against Bonn.⁴⁰ They had also requested assistance from the US diplomatic and intelligence services in order to prevent the East German propaganda campaign doing much harm to West Germany's international reputation.⁴¹ Furthermore, in August 1960 GDR representatives met with Soviet, Czechoslovak, Polish, Romanian, and Hungarian Foreign Ministry officials to draw up a joint Socialist strategy on how to deal with the upcoming trial.⁴² The countries represented had agreed to publish and divulge the content of documents from Soviet Bloc archives that would undermine Bonn's 'neo-fascism' and 'Zionism'.⁴³ Most of the participants emphasised the importance of drawing connections between Eichmann and selected members of Bonn's establishment. Nevertheless, within the GDR it quickly became clear that the battle over the Eichmann trial would be a risky one.

At the meeting, some of the Socialist partners had begun inquiring as to whether Kaul's readiness to go to Jerusalem, and to hand over documents to the Israeli court, implied recognition of that court's competence for trying Eichmann.⁴⁴ Moreover, as Norden himself put it in his private correspondence with Erich Honecker, Security Secretary within the CC of the SED, the propaganda attack could backfire and

³⁶ See, for example, Friedländer, S. *Nazi Germany and the Jews*, Vol.1: *The Years of Prosecution 1933-1939* (New York: Harper Perennial, 1998), pp. 34-35 and pp. 254-255.

³⁷ BA-SAPMO DY 30 IV 2/2.021/31. Kommission für gesamtdeutsche Arbeit beim Politbüro. Bericht für Genossen Norden. Zur Arbeit der letzten Wochen. Rehahn, 30 May 1961.

³⁸ *Neues Deutschland*, 'DDR-Bürger klagen gegen Eichmann', 30 October 1960, p. 2; T. Segev, *The Seventh Million: The Israelis and the Holocaust* (New York: Hill and Wang, 1993), p. 343ff.

³⁹ PA AA B7/10 Federer an AA: Beschaffung von Unterlagen, die geeignet sein könnten, gewisse Auswirkungen des Eichmann Prozesses abzufangen, 29 December 1960; PA AA B7/10 Dallinger to AA, 24 February 1961; PA AA B7/10 Brentano an alle diplomatischen und berufskonsularischen Auslandsvertretungen der Bundesrepublik Deutschland, 3 March 1961.

⁴⁰ *Documents on the Foreign Policy of Israel* [DFPI], 1961-1967: *Israel-Federal Republic of Germany, Relations 1961-1967*, Doc. 26: Chaim Yachil, Director-General of the Ministry of Foreign Affairs, Jerusalem, to Avraham Harman, Israel Ambassador in Washington, 13 November 1961.

⁴¹ NARA, RG 263, CIA Name File: Adolf Eichmann. Directorate of Operations File, Vol.2, Box 14. CIA Dispatch: '[excised] involvement with West Germany of Eichmann Case', 2 December 1960.

⁴² PA AA: MfAA A/16242 Vesper to Florin, 4 August 1960.

⁴³ BA-SAPMO, DY30 J IV 2/2A/767, Arbeitsprotokolle des Politbüros, Arbeitsprotokoll Nr. 35 vom 16.8.1960, Anlage 4, Konsultationsfragen des Außenministeriums der Ungarischen Volksrepublik an das Außenministerium der Sowjetunion, Polens, der CSSR, der DDR und Rumäniens im Zusammenhang mit der Affäre Eichmann, 16 August 1960.

⁴⁴ PA AA: MfAA A/16242 Vesper to Florin, 4 August 1960.

instigate the Israeli press to unmask the continuities with the past of the GDR's own personnel.⁴⁵ And Moscow, considering the participation of GDR witnesses and plaintiffs, warned that this might lead some to conclude that East Berlin had in fact established relations with the Jewish state.⁴⁶ This was a preoccupation which was also shared among colleagues in various East German institutions.⁴⁷ As Rehahn emphasised:

'Within the Eichmann trial ... our interest is to unmask Bonn's regime [in the criminal actions of Nazi Germany]. We *do not* have the intention of giving the impression of the existence of some kind of official relations between the GDR and Israel'.⁴⁸

Kaul in Jerusalem

Thus, having to strike a delicate balance between attacking the FRG, by highlighting the question of the continuity with the past, while defending the GDR from the same accusations; and while attempting to persuade the Israeli authorities to let him take part in their trial albeit without giving the impression that the GDR might have formal relations with the Jewish state, Kaul set off to Jerusalem, for the first time, on 15 February 1961. Even just a few weeks before his eventual departure, in January 1961, Kaul lamented with Norden that everything that the GDR had done thus far about the Eichmann trial had been 'absolutely amateurish'.⁴⁹ East German Foreign Minister Otto Winzer claimed that from his point of view it would be far too complicated to send Kaul to Jerusalem and that the East Germans should instead send someone 'from West Germany' to Israel to do the job for him.⁵⁰ Just a few days earlier, the Israeli *Knesset* (Parliament) had ruled out the possibility that there could be any accessory prosecution in the trial.⁵¹ Kaul claimed that, by this point, the West German and Israeli authorities had already reached an agreement as to how the trial should be conducted; and that the only way in which the GDR (and he himself) could proceed would be with the help of 'the Israeli comrades'.⁵²

Thus, in early February GDR officials organised a series of meetings in order to pinpoint the East German strategy to tackle the forthcoming trial. Those present – including Norden, Rehahn and few others – agreed to divide various tasks among themselves, such as: finding East German Jews who by 1945 were not yet over 18 years old and who had lost family members in the Holocaust;⁵³ finding documents that might incriminate Globke, and Eichmann; advertise the East German efforts, and so on.⁵⁴ Prior to his visit, Kaul had appealed in writing to the Israeli Minister of Justice, Pinchas Rosen, with the request that he be permitted to represent some East

⁴⁵ BA-SAPMO, DY 30 IV 2/2.028/1 Norden to Honecker, 1 December 1960.

⁴⁶ BA-SAPMO, DY 30 IV 2/2.028/21 Rehahn to Norden, 14 February 1961.

⁴⁷ DY 30 IV 2/2.028/21, Aktennotiz, Rehahn to Norden, 11 January 1961; DY 30 IV 2/2.028/52, Winzer to Norden, 12 January 1961.

⁴⁸ My italics. BA-SAPMO, DY 30 IV 2/2.028/21 Rehahn to Norden, 14 February 1961.

⁴⁹ BAL-SAPMO, DY 30 IV 2/2.028/57 Kaul to Norden, 15 January 1961.

⁵⁰ BAL-SAPMO, DY 30 IV 2/2.028/52 Winzer to Norden, 12 January 1961.

⁵¹ *Der Tag* 'Als nebenkläger abgelehnt', 13 March 1961.

⁵² BAL-SAPMO, DY 30 IV 2/2.028/57 Kaul to Norden, 15 January 1961.

⁵³ I use the term Holocaust to refer to the 1960s wary of the fact that in public discourse the term only surfaced in the 1970s.

⁵⁴ BAL-SAPMO, DY 30/IV 2/2.028/21, Aktennotiz, 11 February 1961.

German Jewish citizens who wanted to take part in the trial as joint plaintiffs.⁵⁵ Rosen, however, had refused to let Kaul take an active part in the trial.

The Eichmann trial began on 11 April 1961. Given the mixed results Kaul had achieved during his first Jerusalem trip – and especially given that he had not, after all, been granted permission to take part to the trial – the SED leadership was sceptical as to whether he should be sent to Jerusalem again. However, to his superiors in the Politburo Kaul emphasised that, while there were many courses of action that the GDR could undertake, ‘only one option is out of question – that of doing nothing’.⁵⁶ Thus, shortly after the opening of the Eichmann trial, Kaul was again in Jerusalem. He arrived on 24 April, and remained in Israel for ten days. Just before his departure, a very important East German publishing house, the *Dietz Verlag*, contacted him with the proposal to write about the Eichmann trial and his experiences in Jerusalem.⁵⁷ ‘Nobody would be in a more legitimate position than you to write this’, the commissioning editor emphasised. Shortly after his arrival, he again met with Rosen, Hausner, and his two assistant prosecutors. The prosecution was interested in getting hold of East German documents, which Kaul alleged could prove Eichmann’s culpability. To the journalists who asked him about whether the documents he handed in to the prosecution proved that Globke, too, was guilty, he gave ‘only a vague answer, so that the impression remained that we were in fact talking about Globke’.⁵⁸ Eichmann’s own attorney, Servatius, also established contact with Kaul asking him to pass on the documents he claimed to have.⁵⁹

In the meanwhile, he made sure to carefully arrange his contacts with the international press. He organised a cocktail reception at his hotel for the representatives of the Socialist press on 28 April, and an international press conference a few days after that. On 2 May, about 150 journalists attended Kaul’s press conference. One Israeli journalist who attended the press conference reported in *The Jerusalem Post* that the discussion of the trial resembled a private dispute between East and West Germans.⁶⁰ At one point an Italian journalist stood up and asked Kaul to please move on from the discussion with the West German journalists and get to the heart of the new revelations.⁶¹ A journalist working for *The New York Times* begged Kaul and the West German journalists to show respect for his readers, and to please stop quarrelling.⁶² For the GDR, Kaul emphasised, the importance of the trial was not just ‘historical’. The ‘extermination [*Ausrottung*] of Nazism’ was a ‘burning national interest’ without which German reunification would never be possible.⁶³ In his report to the East German authorities Kaul lamented that while the

⁵⁵ Kaul, *Der Fall Eichmann*, p. 119. A draft of the letter is available in: BA-SAPMO DY 30 IV 2/2.028/57, Kaul to Rosen (Israeli Ministry of Justice), 2 November 1960; and Israel State Archives (ISA) RG 74/A/3145/1: Exchange of Letters. Professor Dr. Friedrich Karl Kaul to Pinhas Rosen, Minister of Justice, Tel Aviv, 19 February 1961 and Pinhas Rosen, Minister of Justice to Professor Dr. Friedrich Kaul, Jerusalem, 21 February 1961.

⁵⁶ BAL-SAPMO DY 30 IV 2/2.028/57 Kaul to Norden, 20 March 1961

⁵⁷ BAL-SAPMO DY 30 19261 Schälke to Kaul, 11 April 1961.

⁵⁸ BA-SAPMO DY 30 IV 2/2.028/57 Kaul, Bericht über meine Reise nach Israel vom 24. April bis zum 4. Mai 1962, n.d.

⁵⁹ BA-SAPMO N 2503/221, Servatius an Kaul, 15 May 1961.

⁶⁰ PA AA B7/11 Fernschreiben aus Jerusalem, Preuschen, 3 May 1961.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Kaul, *Der Fall Eichmann*, p. 138.

West German representatives had been so vehement in their attacks against him during his speech the East Germans present had been rather shy in their reaction.⁶⁴ The West German *Bild* newspaper published a picture of Kaul in Jerusalem, with the caption: 'SED star-lawyer in Jerusalem: He reaped only laughter'.⁶⁵ The day after he left, on 5 May 1961, the Israeli authorities concluded that Kaul's mission in Jerusalem had 'failed'.⁶⁶

Conclusion: Kaul's 'failures'?

This, however, was not entirely correct. Indeed, in the same communication, the Director General of the Israeli Ministry of Foreign Affairs himself had to concede that, although Kaul had not been allowed to speak at the trial, nonetheless it was 'impossible' to prevent the Israeli and international press from condemning Globke's presence in the West German Chancellery.⁶⁷ And that, too, was part of the GDR's means to a victorious end of the Cold War confrontation. For the aim of Kaul's presence and activities in Jerusalem was not – or not only – that of representing East German Jewish citizens and their accusations against Eichmann. His activities in Jerusalem were planned with the explicit aim of attacking Bonn by highlighting the continuities between Hitler's *Reich* and Adenauer's *Bundesrepublik*, in a country where the majority of the electorate was still sceptical of Ben Gurion's overtures to Adenauer's Germany,⁶⁸ and at a moment in which the Israeli and international public were particularly vulnerable to anti-German feelings.⁶⁹ And he had managed to go there in spite of those who, both in the Eastern *and* Western Bloc, warned of the pitfalls that might be cognate to his involvement in the trial. While most of the literature on GDR propaganda has focused on regime agitprop for domestic consumption, GDR propaganda attacks conducted as the Eichmann trial, represented a continuation of the Cold War struggle against the West by new, and innovative, means. In Jerusalem, in 1961, the Cold War between the two blocs translated into a struggle over the Eichmann trial and its broader significance for the two German states. This entailed a battle of narratives – the one put forth by Kaul emphasised the links between Adenauer's and Hitler's Germanys, and the importance of the trial for the present, and not just the past. The involvement of the West German secret service in Jerusalem testifies that this type of propagandistic attack was not at all taken lightly in Bonn.⁷⁰ The association of the *other* Germany with the image of Nazism

⁶⁴ BA-SAPMO DY 30 IV 2/2.028/57 Kaul, Bericht über meine Reise nach Israel vom 24. April bis zum 4. Mai 1962, n.d.

⁶⁵ *Bild Zeitung*, 5 May 1961.

⁶⁶ DFPI/ISA/RG 93.43/MFA.584/5 Chaim Yachil, Director-General of the Ministry of Foreign Affairs, to Leo Savir, Deputy Head of the Israeli Mission in Cologne; Jerusalem, 5 May 1961.

⁶⁷ *Ibid.* PA AA B7/11 Fernschreiben, Preuschen, 28 June 1961 and Fernschreiben, Stercken, 30 June 1961.

⁶⁸ See R. Stauber, 'Realpolitik and the Burden of the Past: Israeli Diplomacy and the 'Other Germany'', *Israel Studies* 8:3 (2003), pp. 100-122.

⁶⁹ And it was not just the Israeli audience that the East Germans were targeting. The East German plan for the Eichmann trial was aimed at a variety of non-German audiences, 'from England to India'. See BAL-SAPMO, DY 30/IV 2/2.028/39, Norden to Florin, 12 August 1960.

⁷⁰ K. Wiegrefe, 'Kalter krieg beim Eichmann-Prozess: Aktenklau für die Adenauer-Republik', *Der Spiegel*, 2 September 2010. Available online at: <http://www.spiegel.de/politik/deutschland/kalter-krieg-beim-eichmann-prozess-aktenklau-fuer-die-adenauer-republik-a-715292.html> [Last accessed 1 August 2014].

seemed to be considered a powerful weapon in waging the intra-German Cold War. And Kaul, for one, was determined to deploy it in the courtroom.

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