

THE SURVIVOR'S HUNT FOR NAZI FUGITIVES IN BRAZIL: THE CASES OF
FRANZ STANGL AND GUSTAV WAGNER IN THE CONTEXT OF
INTERNATIONAL JUSTICE

by

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ABSTRACT

KYLE LELAND MCLAIN. The survivor's hunt for Nazi fugitives in Brazil: the cases of Franz Stangl and Gustav Wagner in the context of international justice
(Under the direction of DR. HEATHER PERRY)

On April 23, 1978, Brazilian authorities arrested Gustav Wagner, a former Nazi internationally wanted for his crimes committed during the Holocaust. Despite a confirming witness and petitions from West Germany, Israel, Poland and Austria, the Brazilian Supreme Court blocked Wagner's extradition and released him in 1979. Earlier in 1967, Brazil extradited Wagner's former commanding officer, Franz Stangl, who stood trial in West Germany, was convicted and sentenced to life imprisonment. These two particular cases present a paradox in the international hunt to bring Nazi war criminals to justice. They both had almost identical experiences during the war and their escape, yet opposite outcomes once arrested. Trials against war criminals, particularly in West Germany, yielded some successes, but many resulted in acquittals or light sentences. Some Jewish survivors sought extrajudicial means to see that Holocaust perpetrators received their due justice. Some resorted to violence, such as vigilante justice carried out by "Jewish vengeance squads." In other cases, private survivor and Jewish organizations collaborated to acquire information, lobby diplomatic representatives and draw public attention to the fact that many Nazi war criminals were still at large. One particular individual, Simon Wiesenthal, communicated with contacts, governments and private organizations all over the world to track, locate, extradite and prosecute former war criminals.

DEDICATION

To Dr. Susan Cernyak-Spatz

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INTRODUCTION

“Monsters exist, but they are too few in number to be truly dangerous. More dangerous are common men, the functionaries ready to believe and to act without asking questions, like Eichmann; like Hoss, the commandant of Auschwitz; like Stangl, the commandant of Treblinka...” - Primo Levi¹



(Left: Franz Stangl, Right: Gustav Wagner)

¹ Primo Levi, *The Reawakening*. (New York: Simon & Schuster, 1995), 228.

On April 23, 1978 Brazilian authorities responded to a noise complaint at the Hotel Tyll approximately 100 miles east of São Paulo. At the height of the Cold War era, police expected to find a gathering of communist spies, but instead, they interrupted a congregation of “sixteen German-speaking guests from as far away as Britain singing an old Nazi tune, ‘the Horst Wessel Song,’ in a weekend-long celebration of Adolf Hitler’s 89th birthday.² When the police searched the building they also found rooms filled with Nazi paraphernalia and propaganda. Among the celebration’s guests was a 6’4 “, 66-year old ranch handyman, formerly known as *SS Oberscharführer* (Staff Sergeant) Gustav Franz Wagner. Unknown to the police involved in the raid, Wagner was a former member of the *Schutzstaffel* (SS), the elite Nazi military unit that had been under Heinrich Himmler’s direct authority. Wagner was internationally wanted for crimes he committed during the Second World War, specifically his involvement with the T4 “euthanasia” program and his position as the Deputy Commandant at the Sobibór killing center in eastern Poland, which was responsible for the deaths of 200,000-250,000 people.³ In 1946, Wagner had even been sentenced to death *in absentia* in the trials following the International Military Tribunal (IMT) at Nuremberg.⁴ The participants of the celebration were detained, questioned and photographed, but released shortly after.

² Steven Strasser and Larry Rohter, “‘Beast’ at Bay,” *Newsweek*. June 12, 1978. Box: Gustav Wagner. WWIFHS.

³ Jeffrey Herf, “The Nazi Extermination Camps and the Ally to the East: Could the Red Army and Air Force Have Stopped or Slowed the Final Solution?” in *Lessons and Legacies VII: The Holocaust in International Perspective*, ed. Dagmar Herzog. (Evanston: Northwestern University Press, 2006), 272. For a further analysis on an accurate assessment of the total numbers of Jewish victims from the Holocaust see Michael S. Bryant, *Eyewitness to Genocide: The Operation Reinhard Death Camp Trials, 1955-1966*. (Knoxville: University of Tennessee Press, 2014), 170

⁴ “KZ-Boss gestand Identität.” n.d. Box: Gustav Wagner. WWIFHS.

The police seized their private stockpiles of Nazi literature and paraphernalia, but since neo-Nazism in Brazil was not illegal, none of the guests were arrested.⁵

However, the scandal attracted so much attention it enticed members of the Brazilian news media. Two reporters of the *Jornal do Brasil* covering the police raid on the hotel photographed each guest and sent copies to the famous Nazi-hunter, Simon Wiesenthal, in Vienna who identified Wagner out of the photos claiming he was “as important as Adolf Eichmann or Josef Mengele.”⁶ The Brazilian authorities initiated an aggressive manhunt for Wagner ending on June 1. Fearing he was the target of Israeli agents, in light of the MOSSAD kidnapping of Adolf Eichmann from Argentina in 1960, Wagner surrendered to police in São Paulo.⁷ Upon receiving news of Wagner’s arrest, Wiesenthal scrambled to write judges, politicians, diplomats, activists and potential witnesses throughout the world in order to ensure Wagner’s successful extradition and prosecution.

One of those potential witnesses, a Jewish survivor of Sobibór named Stanislaw “Shlomo” Szmajzner, immigrated to Brazil after the war. He flew from his home in Goiânia to São Paulo fearing police would release Wagner without a confirming witness.⁸ “He was very shaken when I said to him ‘hello Gustl’ the name we called him at Sobibór,” recounted Szmajzner when the two recognized each other in that São Paulo

⁵ Larry Rohter, “The Nazi Network.” *The Washington Post*, July 31, 1978.

⁶ Strasser and Rohter, “‘Beast’ at Bay.”

⁷ “Search on for More Nazi Criminals,” June 3, 1978. Box: Gustav Wagner. WWIFHS.; For more on the Eichmann Trial and controversy, see Uki Goñi, *The Real Odessa: How Peron Brought the Nazi War Criminals to Argentina*. (London: Granta UK, 2003).; Guy Walters, *Hunting Evil: The Nazi War Criminals Who Escaped and the Quest to Bring Them to Justice*. (New York: Broadway Books, 2010).; Deborah E. Lipstadt, *The Eichmann Trial*. (New York: Knopf Doubleday Publishing Group, 2011).; Gerald Steinacher, *Nazis on the Run: How Hitler’s Henchmen Fled Justice*. (Oxford: Oxford University Press, 2012).; Bettina Stangneth, *Eichmann Before Jerusalem: The Unexamined Life of a Mass Murderer*. (New York: Vintage Books, 2015).

⁸ Richard Rashke, *Escape from Sobibor: The Heroic Story of the Jews Who Escaped from a Nazi Death Camp*. (Boston: Houghton Mifflin, 1982), 299.

police station.⁹ According to him, Wagner excused his service at Sobibór stating “I saved you and your three brothers; otherwise you would not be alive today.” Prior to his internment, Szmajzner had studied as a goldsmith’s apprentice, which saved him and his three “brothers” from being sent directly to the gas chambers along with his mother, father and sisters.¹⁰ As Deputy Commandant, Wagner was responsible for the job assignments of prisoners and the camp’s day-to-day production. “So?” Szmajzner said when he responded to Wagner “my sister, my mother, my father and my brothers? When you say you saved my life, then you also know that others had to die.” Wagner did not answer.¹¹ After Szmajzner confirmed his identity, Brazilian authorities flew Wagner from São Paulo to Brasilia to await the verdict of his extradition trial.

West Germany, Austria, Israel and Poland all submitted applications for Wagner’s extradition, yet the Brazilian Supreme Court denied all of their requests leading to Wagner’s release in 1980.¹² However, the ruling contradicted the precedent established regarding Wagner’s commanding officer and fugitive partner, *SS Hauptsturmführer* (Captain) Franz Paul Stangl, whom Brazil extradited to West Germany following his arrest on February 28, 1967. The Schwurgericht court in Düsseldorf sentenced Stangl to life in prison for the deaths of approximately 900,000 people on October 22, 1970 where he lived until his death in 1971.¹³ Stangl’s capture stands as one of Wiesenthal’s most

⁹ “Death of 250,000 Jews: ‘Proof Against Ex-Nazi.’” *San Francisco Chronicle*. June 1, 1978. Box: Gustav Wagner. WWIFHS.

¹⁰ Rashke, *Escape from Sobibor*, 5. Of the three “brothers” only one was actually Szmajzner’s biological brother. The other two were his nephew and cousin whom he had falsely claimed to be his brothers in order to increase their chances of being “selected” to work with him as his apprentices.

¹¹ “Wir Sind Nicht Die Letzten von Gestern.” *Der Spiegel*, June 12, 1978.
<http://www.spiegel.de/spiegel/print/d-40615582.html>.

¹² Rashke, *Escape from Sobibor*, 314; Yitzhak Arad, *Belzec, Sobibor, Treblinka: The Operation Reinhard Death Camps*. (Bloomington: Indiana University Press, 1987), 192.

¹³ Will Dressen et al., *The Good Old Days: The Holocaust as Seen by Its Perpetrators and Bystanders*. (Old Saybrook, CT: Konecky & Konecky, 2005).

notable successes because Stangl was the only commandant of a killing center brought alive to a trial by jury.

The cases of these two individuals reveal a paradox in the international justice system to bring Nazi war criminals to justice. These were two men with similar stories, who crossed paths first in the “euthanasia” program and then both were stationed at Sobibor together. After the war, they even escaped out of Europe to Syria together and eventually, one followed the other to Brazil. Yet, during the hunt for Nazi fugitives in the 1960s and 1970s, Stangl was extradited, faced trial in West Germany, received a life sentence and died of natural causes in his cell. Conversely, the Brazilian government blocked Wagner’s extradition, released him from prison and later Wagner is found dead in his home under suspicious circumstances shortly after his release. I explore a unique aspect of the post-war hunt for Nazi fugitives, specifically in Brazil between 1945 and 1980, to which few scholars have given substantial attention. Through the close examination of these two friends who had significantly different experiences when confronted by the international justice system, I investigate the factors that influenced this inconsistency.

Simon Wiesenthal remains a central, yet complicated figure in the history of Nazi-hunting in the twentieth century. While most scholars focus on Wiesenthal himself, few scholars examine the contributions from Wiesenthal’s countless supporters from around the world, at the local to the national level. This thesis focuses on those private efforts undertaken by Holocaust survivors, to track, pinpoint, extradite and prosecute Nazi war criminals who escaped accountability for their crimes in the immediate post-war era. Simon Wiesenthal becomes problematic in discussing the hunt for Nazi fugitives because

his biographies and autobiographies are rife with historical assumptions, which have been proven inconsistent and inaccurate as more information becomes available as a result of declassified archival sources and discovery of new material discrediting a number of claims Wiesenthal clung to throughout his life.¹⁴ I refrain from using any published source material produced directly by Wiesenthal or recorded by his biographers. Instead, I utilize communications and correspondences between Wiesenthal and his contacts abroad, archived at the Wiener Institut für Holocaust Studien (WWIFHS), Simon Wiesenthal's personal archive located in Vienna.

My goal in using these sources is not to establish historical fact or fiction, but rather illustrate what these actors said, as well as explore the information shared between Nazi-hunters and their local contacts outlining changes in attitude, strategy and policy as time progressed. I expand from Christopher Browning's methodology in *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* which examines huge collections of testimony from approximately 125 former Nazis and Holocaust survivors to write "history from the bottom up" providing the reader with a "history of everyday life," or *Alltagsgeschichte*. While he acknowledges the difficulties attached to oral history, Browning argues, in some cases, oral testimony from both survivors and perpetrators is the only available evidence, with which scholars can use to explain through "thick description" the common experiences of ordinary people, and how grassroots perpetrators came to be professional killers.¹⁵

¹⁴ See Walters, *Hunting Evil*.

¹⁵ Christopher R. Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland*. (New York: Harper Perennial, 1998), xix. Obstacles attached to oral history include personal biases, incorrect historical assessments, memory lapse and inconsistencies among multiple witness testimonies. German historian Clifford Geertz is credited with developing the anthropologic methodology of "thick description."

Due to safety concerns for those who aided Wiesenthal and their families, the archivists at the institute requested I refrain from mentioning any of Wiesenthal's contacts by name. Acts of violence carried out by neo-Nazis and Holocaust deniers have challenged public discussions concerning the atrocities of the Holocaust and bringing perpetrators to justice. For example, one German and several Austrian neo-Nazis were arrested after failing to assassinate Wiesenthal, by leaving a bomb, which exploded on Wiesenthal's apartment doorstep in June, 1982. Fortunately, nobody was hurt.¹⁶ However, the passage of time has not lessened violence from extremist Holocaust deniers. On June 10, 2009, an armed white supremacist and Holocaust denier charged into the United States Holocaust Memorial Museum in Washington D.C. killing Special Police Officer Stephen Tyrone Johns, who had served as a guard at the museum for six years.¹⁷ For these reasons, when I cite documents from Wiesenthal's contacts, I refrain from using their full names.

A Note on Terms

The USHMM defines "killing center" as a "facility established exclusively or primarily for the assembly-line style mass murder of human beings." This was the exact nature of Sobibór and Treblinka. Between May 1942 and October 1943 they were sites of the assembly-style murder of over one million people, most sent immediately to gas chambers upon their arrival.¹⁸ Scholars commonly refer to killing centers as "death

¹⁶ "About Simon Wiesenthal." *Simon Wiesenthal Center*. Accessed April 16, 2016.

<http://www.wiesenthal.com/site/pp.asp?c=lsKWLBpJLnF&b=4441293#.VzEpaPkrJhF>.

¹⁷ "James Von Brunn Indicted for Murder of Special Police Officer Stephen Johns and Hate Crimes Charges for Attack on the United States Holocaust Memorial Museum." Washington Field Office, FBI. Accessed April 16, 2016. <https://www.fbi.gov/washingtondc/press-releases/2009/wfo072909.htm>.

¹⁸ Herf, "The Nazi Extermination Camps and the Ally to the East," 272.

camps “ or “extermination camps,” but after personal conversations with the USHMM’s senior historian, Peter Black, I found myself in agreement with his argument that these terms are problematic. The connotation of “death camp “ enforces the misguided presumption that mass death did not occur elsewhere within the concentration camp system, whether through violence, starvation, disease or exposure. The specific language of “extermination camp” feeds the very dehumanization Nazis wielded against those they persecuted. One exterminates pests, not human beings, even if it is how Nazi ideology rationalized their atrocities.

“Nazi war criminal” is another important term, which must be clarified. Nazi-hunter and Director of the Simon Wiesenthal Center office in Jerusalem, Efraim Zuroff, defines it as “a person who assisted in the persecution of innocent civilians during World War II, in the service of or in collaboration with the forces of Nazi Germany.”¹⁹ This term encompasses not only individual Nazis responsible for the atrocities of the Holocaust, but also local collaborators in territories occupied by the Third Reich, who assisted in the killing process by either pulling the trigger themselves, or identifying Jews to their Nazi occupiers. In the first chapter I use the term “Axis nationals” and “front” in quotations. “Front” describes pro-fascist, pro-Nazi legal businesses and organizations, such as sports/recreation clubs, humanitarian associations and local businesses in Brazil. The term “Axis nationals” refers to Germans the Brazilian government arrested during World War II for National Socialist infiltration.²⁰

¹⁹ Quoted in Alan S. Rosenbaum, *Prosecuting Nazi War Criminals*, (Boulder, CO: Westview Press, 1993), 8.

²⁰ I use “front” because my source, the OSS “Report on the Green Shirt Movement” in Brazil uses the term in quotations to cover a wide range of associations which may fall under this category.

Organization

Chapter one examines how pro-fascist political parties in Brazil between 1930 and 1945, such as the Nazi Party and the *Ação Integralista Brasileira* (AIB) borrowed strategies from fascist, European dictatorships, like those of Mussolini in Italy and Hitler in Germany. Both parties received Italian and German support in the 1930s, however in 1938, president-turned-military dictator, Getúlio Vargas, decreed a single-party government, making both parties illegal. In this chapter, I provide evidence suggesting the Brazilian government perceived the Third Reich as its largest internal, as well as external, threat given Adolf Hitler's conquests in the late 1930s to reintegrate *Volksdeutsche* into the Third Reich. In response to political suppression, both parties used legal "fronts" as a means to collaborate behind closed doors, but eventually fizzled into small, cultural associations, whose existence suggests how pro-fascist and pro-National socialist elements in Brazil lingered after 1945.

Chapter two confronts the limitations of justice to locate, capture and prosecute Nazi war criminals, concentrating specifically on West Germany from 1945 to the mid-1960s. In the immediate post-war, there was a quest for justice against Nazi perpetrators, first by the occupying Allied powers from 1945 to 1949 and then West Germany after regaining judicial autonomy. One of the largest obstacles to these proceedings was the West German adoption of a penal code based around the original 1871 law, instead of the new international laws designed to address the unprecedented crimes of the Holocaust. As prosecutors against Nazi war criminals discovered, the legal restrictions of this German penal code made it extremely difficult to reach a murder indictment, let alone a guilty verdict. The results yielded by West German-led investigations and prosecutions proved

to be inadequate for many Holocaust survivors, specifically Jewish survivors. In light of these shortcomings, this chapter examines how and why Jewish Holocaust survivors in Europe sought extralegal means to participate in the hunt for Nazi fugitives, including intelligence gathering, political lobbying and Jewish “vengeance squads.”

Chapter three examines different outcomes in the Brazilian extradition proceedings against Franz Stangl in 1967 and Gustav Wagner in 1978. Utilizing correspondences between Simon Wiesenthal and his Brazilian contacts, newspaper articles and other media sources, I analyze why the Brazilian government’s stance toward extradition of Nazi war criminals shifted from cooperative in 1967 to obstinate in 1978. One particular reason for this inconsistency lies in the pro-Nazi elements in Brazilian society and the Brazilian government’s apparent apathy to address the issue of Brazil becoming a safe haven for Nazi war criminals. In light of this failure to bring a proven Holocaust perpetrator to justice, scholars can observe how and why anonymous justice was likely carried out following Wagner’s release in 1979.

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LIST OF ABBREVIATIONS

AIB	<i>Ação Integralista Brasileira</i> (Brazilian Integralist Action)
AK	<i>Armia Krajowa</i> (Home Army)
BEF	Brazilian Expeditionary Force
DANA	<i>Deutsche Allgemeine Nachrichten Agentur</i> (German General News Agency)
DEPS	<i>Delegacia Especial de Seguranca Política e Social</i> (Special Police for Political and Social Security)
DIN	<i>Dahm Y'Israel Nokeam</i> (“Avenging Israel’s Blood”)
FRG	Federal Republic of Germany
IMT	International Military Tribunal
IRRLA	Intelligence Reports Relating to Latin America
MLRA	<i>Movimento para a Libertacao do Reich Alemao</i> (Movement for the Freedom of the German Reich)
MOSSAD	<i>HaMossad leModi'in uleTafkidim Meyuḥadim</i> (Institute for Intelligence and Special Operations)
NACP	National Archives, College Park, MD
NMT	Nuremberg Military Tribunal
NSDAP	<i>Nationalsozialistische Deutsche Arbeiterpartei</i> (National Socialist German Workers' Party – Nazi Party)
ODESSA	<i>Organisation der Ehemaligen SS-Angehörigen</i> (Organization of Former SS Members)
OSI	Office of Special Investigations
OSS	Office of Strategic Services
PP: PSF	Papers as President: The President’s Secretary’s File

RABLAD	Research and Analysis Branch, Latin America Division: Reports and Studies
SCDRNFO	Security Classified Despatches Received from Neutral Foreign Outposts
SEP	<i>Sociedade de Estudos Políticos</i> (Society for Political Studies)
SS	<i>Schutzstaffel</i> (Protection Squadron)
TSN	<i>Tribunal de Segurança Nacional</i> (National Security Court)
USHMM	United States Holocaust Memorial Museum
WWIFHS	Wiener Wiesenthal Institut für Studies

CHAPTER 1: GETÚLIO VARGAS, GERMAN-BRAZILIAN FASCISM AND INTEGRALISM, 1930-1945

“Although nationalistic in nature, we [the Integralists] shall accept with the greatest pleasure the cooperation of any foreigner, provided he is animated by good purposes and is willing - as we ourselves are - to work for the good of Brazil.”

– Letter from Dario Bittencourt, Integralist Provincial Chief in Rio Grande do Sul to Rudolf Hess in Berlin, Germany, 1935.²¹

On March 30, 1942, the Brazilian government indicted Alfred Winkelmann for espionage after the *Delegacia Especial de Seguranca Política e Social* (Special Police for Political and Social Security – DEPS) arrested him in Rio de Janeiro.²² Originally from Germany, Winkelmann immigrated to Brazil in 1935 as a military equipment salesman. By 1939, he was heavily involved in the arms trade between the Third Reich and Brazil.²³ Winkelmann was one of thousands of German-Brazilians the *Estado Novo* (Getúlio Vargas’ authoritarian regime from 1937-1945) interned for National Socialist infiltration. The court sentenced him to two years in Ilha das Flores political prison after he failed to organize a Nazi spy ring.²⁴ During the massive wave of *Estado Novo* arrests, it was common for courts to release German-Brazilian prisoners due to lack of evidence, or

²¹ “Report on the Green Shirt Movement in Brazil,” Rio de Janeiro, August 31, 1944; Folder 2, Box 2, pg. 50; Counter-Intelligence (X-2) Branch: Intelligence Reports Relating to Latin America, 1943-46, Entry UD 153B, Records of the Office of Strategic Services, Record Group 226, NACP. This quote was furnished in a letter provided by a “Source RR” to the report’s author.

²² “Reply to Report on Apprehensions and Convictions of Foreign Agents in Latin America.” Rio de Janeiro; Folder 5, Box 5, pg 78; IRRLA 1943-46, Entry UD 153B; RG 226; NACP.

²³ Rohter, “The Nazi Network.”

²⁴ “Behind the Headlines: Nazi Activity Revived in Brazil.” *Jewish Telegraphic Agency*, June 21, 1978. <http://www.jta.org/1978/06/21/archive/behind-the-headlines-nazi-activity-revived-in-brazil>.

exiling them from national borders. The criminality of Nazi sympathizers like Winkelmann only lasted as long as Vargas' military dictatorship, which had aligned itself with the interests of the Western Allies, existed to try them. Eventually, the individual rights established by the 1946 Brazilian Constitution ensured political prisoners, including Winkelmann, could return to Brazilian society with a clean slate.

In this chapter, I examine Nazi and fascist-sympathizing associations that formed in Brazil during the 1930s and their suppression by the Vargas government. Adolf Hitler's record in the 1930s of annexing territory toward the purpose of reintegrating *Volksdeutsche* (ethnic Germans who did not retain their citizenship) into the Third Reich suggests Vargas' 1938 decree, which abolished all other political parties, deterred the multi-layered threat posed by pro-fascist, pro-Nazi movements in Brazil. On the other hand, the Vargas regime was pro-Allied, despite its anti-democratic right-wing policies. Neill Lochery argues in *Brazil: The Fortunes of War: World War II and the Making of Modern Brazil*, the "United States believed Brazil was the most reliable local partner in their mission to check growing Nazi influence."²⁵ By examining diplomatic correspondences between Brazil and the United States, as well as OSS reports from US agents stationed in Brazil, we can observe how Vargas collaborated with western Allies to address pro-fascist and pro-Nazi elements within Brazil from the local to national level.

When scholars focus on the hunt for Nazi war criminals in Latin America, they tend to focus on the communities of Nazis and Nazi sympathizers in which fugitives sought refuge. For example, the MOSSAD kidnapping of Adolf Eichmann in Buenos

²⁵ Neill Lochery, *Brazil: The Fortunes of War : World War II and the Making of Modern Brazil*. (New York: Basic Books, 2014), xiv.

Aires and his trial in Jerusalem led to a wave of scholarship concentrated on Nazis in Argentina. One particular branch of this scholarship focuses on the Juan Peron regime's state-sponsored facilitation of Nazi fugitive immigrants and importing stolen assets, mostly gold, through the ratlines established by the Catholic Church. However, Argentina became less attractive to fugitives after Peron was deposed in 1955.²⁶ As a result of the disproportionate focus on Argentina, few scholars have paid attention to Nazi sympathizing communities in Brazil after World War II, failing to sufficiently explain why Brazil was such a safe haven for Nazi war criminals arriving between 1945 and 1960.²⁷ Highlighting the importance of the German presence in Brazil, Stanley Hilton argues the "major effort of German intelligence was in Brazil, not Argentina."²⁸ When scholars do investigate these Brazilian communities, it is either confined to 1930-1945, in reference to Gitta Sereny's work, *Into That Darkness: An Examination of Conscience*, based on her interviews with Franz Stangl in 1970-1971, or focused on the hunt for Josef Mengele in the 1980s.²⁹

²⁶ For more information on Nazism in Argentina see Goñi, *The Real Odessa*.; Steinacher, *Nazis on the Run*.; Walters, *Hunting Evil*.; Stangneth, *Eichmann Before Jerusalem*.; David Cesarani, *Becoming Eichmann: Rethinking the Life, Crimes and Trial of a "Desk Murderer."* (Cambridge: Da Capo Press, 2007).

²⁷ Scholars researching Nazi war criminals have thoroughly investigated the Catholic Church's role in aiding fugitives' escape from Europe. For this reason, I avoid discussion of the Church's role in Nazi fugitive immigration to Brazil, since the Church had considerably less influence there than in Argentina. For more information on the Catholic Church and the Holocaust see Michael Phayer, *The Catholic Church and the Holocaust, 1930-1965*. (Bloomington: Indiana University Press, 2001).; Mark Aarons and John Loftus, *Unholy Trinity: The Vatican, The Nazis and The Swiss Banks*. (New York: Macmillan, 1998).

²⁸ Stanley E. Hilton, *Hitler's Secret War in South America, 1939--1945: German Military Espionage and Allied Counterespionage in Brazil*. (Baton Rouge: LSU Press, 1999), 4.

²⁹ Gitta Sereny, *Into That Darkness: An Examination of Conscience*. (New York: Knopf Doubleday Publishing Group, 2011). The first edition of Sereny's work was published by McGraw-Hill in 1974. Ira Levin's fiction novel, *The Boys from Brazil* (1976) and its film adaptation in 1978, generated popular interest in the hunt for Nazi fugitives in Brazil, although many readers mistakenly assumed dramatized portions of Levin's to be fact. One success of the novel's popularity, amongst new global interest during the 1980s towards bringing Nazi war criminals to justice, was US Congresswoman Elizabeth Holtzman's advocacy and support for hunt for Josef Mengele, which led to the discovery of his remains in Brazil. For more information on the hunt for

Most scholars who study pro-fascist and pro-Nazi groups in Brazil, such as Stanley Hilton and Max Paul Friedman, assume the Third Reich's direct influence on these organizations, through political or militaristic frameworks. This presumes that after Vargas outlawed their political parties in 1938, they disintegrated and eventually disappeared after the Third Reich's collapse, where both Hilton's and Friedman's studies end.³⁰ While all three scholars provide in-depth analyses of German military espionage in Brazil, potential threats Nazi infiltration posed to the Allies and Vargas government and the measures they implemented to combat pro-fascist and pro-Nazi influence, Jürgen Müller's examination of "Nazi efforts to control the *Auslanddeutsche* (Germans residing outside Germany's national borders) in Latin America...through the *Auslandsorganisation* "reveals that the Third Reich's direct intervention in German-Latin American society met with a "striking lack of success."³¹ Study of the Third Reich reveals their quests for territorial expansion, but their mission for Brazil was political and economic alliances, not territorial conquest. As James Sheehan argues, "national categories tend to make us look for large territorial units and thus undervalue institutions with smaller scale and smaller scope."³²

Josef Mengele see Lucette Matalon Lagnado and Sheila Cohn Dekel, *Children of the Flames: Dr. Josef Mengele and the Untold Story of the Twins of Auschwitz*. (New York: Penguin Books, 1992).; Eva Mozes Kor and Lisa Rojany-Buccieri, *Surviving the Angel of Death: The Story of a Mengele Twin in Auschwitz*. (Terre Haute, IN: Tanglewood), 2009.; Efraim Zuroff, *Occupation, Nazi-Hunter: The Continuing Search for the Perpetrators of the Holocaust*. (Newark: KTAV, 1994).

³⁰ Hilton, *Hitler's Secret War in South America, 1939--1945*.; Max Paul Friedman, *Nazis and Good Neighbors: The United States Campaign Against the Germans of Latin America in World War II*. (Cambridge: Cambridge University Press, 2003).

³¹ Jürgen Müller, *Nationalsozialismus in Lateinamerika. Die Auslandsorganisation der NSDAP in Argentinien, Brasilien, Chile und Mexiko, 1931-1945* (Stuttgart: Verlag Hans-Dieter Heinz, 1997) Quoted in H. Glenn Penny, "Latin American Connections: Recent Work on German Interactions with Latin America." *Central European History* 46 (2013): 381, doi: 10.1017/S0008938913000654.

³² James Sheehan, "What Is German History? Reflections on the Role of the Nation in German History and Historiography." *The Journal of Modern History* 53, no. 1 (1981): 10, doi: 10.1086/242239.

For German-Brazilians sympathetic to the Third Reich, both their German and Brazilian identity formed the basis for pro-fascist movements in Brazil. Recent scholarship challenges the perceived hegemonic German immigrant enclave, arguing it disintegrated into poly-diasporas characterized by bicultural national identities (German and Latin American) subdivided by class and ideology.³³ Most of this work on Germans in Brazil focuses on the impact of the *Estado Novo* policies on German-Brazilian identity, but the argument also applies to local pro-fascist and pro-Nazi cultural associations, with their identity grounded in German roots, but with different aims than radicals seeking to incorporate Brazil into the Third Reich. Beginning in the nineteenth century, immigrants established Germanophone colonies in Brazil. H. Glenn Penny contends, “the extensive interconnections with German-speaking central Europe and they depended on relationships that often predated and persisted through the frequently changing regimes of the twentieth century.”³⁴ Societies hosting German immigrant populations assumed the German enclave’s hegemonic ideology. To counter this assumption Frederick Luebke points out “there was great diversity in the German immigrant population that was largely unnoticed by the receiving population [Luso-Brazilians],” which failed to recognize

³³ Jürgen Buchenau, *Tools of Progress: A German Merchant Family in Mexico City, 1865-Present*. (Albuquerque: University of New Mexico Press, 2004), 5-6. In his family history of the German colony in Mexico, Buchenau outlines three phases of the life cycle of the German diaspora community: proto-diaspora dominated by single male merchants that gave way to family-based ethnic enclaves who sought to replicate German culture. Buchenau shows how Adolf Hitler sought to subordinate ethnic Germans to the Nazi Party, but failed to consider many of these “‘Germans’ were either Mennonites or Austrian and Swiss nationals who felt no connection to the current German nation-state.”

³⁴ Penny, “Latin American Connections,” 363. Penny remarks that more contemporary academics recognize the fractures within these Germanophone communities and explore the “varieties of Germanness” by which German immigrants understood and constructed bicultural identities. Before the 1990’s, he argues that those interconnections were overshadowed by national political methodologies which categorized all “Germans” as a part of an ethnically unified group deriving from the concept of *Volksdeutsche* which included ethnic Germans usually identified by common language and culture, in contrast to *Auslandsdeutsche* which defines German citizens residing within another country but still identified themselves as German.

“important distinctions within the German immigrant society with respect to place of origin, variations in regional speech or dialect, religious divisions, social and political differences...who tended to lump them all together on the basis of their presumably common language.”³⁵

In response to anti-German sentiment and state-sponsored discrimination, Luebke describes a “siege mentality” among both *Reichsdeutsche* (Germans retaining their citizenship while living abroad) and *Volksdeutsche*. This “mentality ultimately facilitated the unification of disparate German-speaking groups around an objective identity of ‘German’...creating broad-based German associations in Latin American states.”³⁶ Individuals identifying as both German and Brazilian ascribed to what O’Donnell, Bridenthal and Reagin call “a model of German identity less dependent on the nation-state... susceptible to the pressures of domestic and international lobbies.” Many German-Brazilians wanted to sever all ties with Nazi Germany while others participated in Nazi espionage working towards implementing a Brazilian model of fascism, since they could not receive recognition from the Third Reich as *Volksdeutsche*.³⁷ That being said, many Nazi sympathizing German-Brazilians refused to directly collaborate with Third Reich agents believing the risk of imprisonment during World War II too dangerous, but their ideological sympathies remained even after the war’s end.

When we compare the goals of pro-fascist political movements, like the Integralists, to those of Nazi sympathizers, we observe a shared goal to implement

³⁵ Frederick C. Luebke and Mazal Holocaust Collection, *Germans in the New World: Essays in the History of Immigration*. (Urbana: University of Illinois Press, 1990), 99.

³⁶ Frederick C. Luebke, *Germans in Brazil: A Comparative History of Cultural Conflict During World War I*. (Baton Rouge: LSU Press, 1987), 33. Quoted in Penny. “Latin American Connections,” 375.

³⁷ Krista O’Donnell, Renate Bridenthal and Nancy Ruth Reagin, *The Heimat Abroad the Boundaries of Germanness*. (Ann Arbor: University of Michigan Press, 2005), 8.

Brazil's own form of fascist totalitarianism, similar to those of Axis dictators like Mussolini and Hitler. In his examination of pro-fascist and pro-Nazi groups in Brazil Lochery concentrates on the ideological similarities between the pro-fascist Integralist movement and Nazi sympathizers. Expanding upon Lochery's argument, I challenge Friedman's assertion in *Nazis and Good Neighbors* that "an alliance between the Integralistas and the Germans was highly unlikely because their goals were in contradiction." As shown by Dario Bittencourt's letter to Rudolph Hess quoted on this chapter's title page, cooperation between the Integralists, Nazi sympathizers in Brazil and the Third Reich was not rigidly defined and was subject to change over time depending on the national and international circumstances.³⁸ In another example, a reporter for the *New York Times* wrote in 1940 "immediate invasion then is not envisaged so much as internal revolution to replace President Vargas with a completely Nazified regime. Since the 1938 Integralist coup almost succeeded, it is feared another, with Fifth Column support...would upset the government."³⁹

This chapter demonstrates how and why pro-fascist and pro-Nazi elements in Brazil lingered past 1945, but in order to do so we first must understand how they developed. Despite their beginning as official, organized political parties, after their illegal status in 1938, some pro-fascist, pro-Nazi cultural associations survived through what Bettina Stangneth identifies as "a network of like-minded individuals" with Brazilian nationalism as their unifying foundation.⁴⁰ Although these associations were most likely not as widespread, influential and organized as the proclaimed ODESSA,

³⁸ Friedman, *Nazis and Good Neighbors*, 51.

³⁹ Russell B. Porter, "Nazi Threat Is Growing in Brazil." *New York Times*. June 26, 1940.
<https://librarylink.uncc.edu/login?url=http://search.proquest.com/librarylink.uncc.edu/docview/927902282?accountid=14605>

⁴⁰ Stangneth, *Eichmann Before Jerusalem*, xx.

recent work by Stangneth suggests that some localized associations could establish socio-cultural groups.⁴¹ By examining their clandestine methods, we gain a clearer understanding as to how Brazil became a safe haven for Nazi war criminals escaping Europe after World War II. Where Stangneth analyzes Adolf Eichmann's life in Argentina in *Eichmann before Jerusalem: The Unexamined Life of a Mass Murderer* (2014), I use her methodology as a lens to examine the post-war Nazi presence in Brazil.

Getúlio Vargas, German-Brazilian Fascism and Integralism, 1930-1945

Getúlio Vargas ran for president in 1930 Brazilian election, hailing as governor from the southern Brazilian state, Rio Grande do Sul. As a nationalist, pro-industrial and anti-communist who favored corporatism, Vargas appealed to Brazil's growing urban, middle class who were frustrated by the Great Depression's economic devastation. In addition, they protested the political dominance of the "coffee and milk oligarchy" located in São Paulo state and Minas Gerais, which heavily invested and lobbied for agricultural development rather than supporting industrial urbanization.⁴² However, Vargas lost the election to his opponent Júlio Prestes, governor of São Paulo state. Claiming electoral fraud at the hands of the corrupt oligarchy, Vargas refused to concede and wrested power from the Paulistas* with support from middle-class urbanites and a

⁴¹ For more information on the ODESSA see Goñi, *The Real Odessa*.; Heinz Schnepfen. *Odessa und das Vierte Reich: Mythen der Zeitgeschichte*. (Berlin: Metropol-Verlag, 2007).; Walters, *Hunting Evil*.; Steinacher, *Nazis on the Run*. While there is no substantial evidence, Simon Wiesenthal is known to have consistently proclaimed the existence of the ODESSA, which led to his collaboration with Frederick Forsyth, author of the popular thriller, *The Odessa File* (1972), later adapted into film in 1974.

⁴² John D. French, "The Populist Gamble of Getúlio Vargas in 1945: Political and Ideological Transitions in Brazil." in *Latin America in the 1940's War and Postwar Transitions*, ed. David Rock. (Berkeley: University of California Press, 1994), 144-146.

wide range of Brazilian military officers.⁴³ By October 24, 1930, Vargas seized the Brazilian presidency in a bloodless, military coup. His installation as “provisional president” ended the oligarchical “Old Republic” of Brazil (1889-1930) setting a “precedent... [of] extra-constitutional measures, including threats of civil war, [as] legitimate tools for resolving political crises among elites.”⁴⁴

To counteract the effects of the Great Depression, in the 1930's Vargas exploited Brazil's large supply of natural resources, such as coffee and rubber, to sustain strong economic relations with Great Britain, the United States and Germany utilizing what Carlos Penteado identifies as a “pendulum policy” leaving the Brazilian government hesitant to ally with one side or the other.⁴⁵ Vargas' populist policies appealed to urban Brazilian working classes who enjoyed the rise of employment resulting from the national government's efforts to industrialize Brazil relying on foreign investment. While using nationalist rhetoric, Vargas' ascension to executive power followed the pattern of European right-wing or fascist dictators in the 1920s and 1930s, such as Benito Mussolini in 1922, Adolf Hitler in 1933 and Francisco Franco in 1936. All of these national leaders maintained pseudo-democratic images to legitimize their autocratic rule that initially perceived Communism as its largest national threat. Yet Vargas was really in the political middle until 1938. With pro-communist movements in Brazil suppressed by the mid-1930s, Vargas worked towards developing stronger relations with the Western Allies. However, the combined efforts of “Axis nationals” and the Integralist political party

⁴³ Lochery, *Brazil: The Fortunes of War*, xii. Paulista* is a term used to indicate a person from the state of São Paulo.

⁴⁴ Daryle Williams, *Culture Wars in Brazil: The First Vargas Regime, 1930–1945*. (Durham: Duke University Press, 2001), 4-5.

⁴⁵ Carlos José Asumpção Penteado, “The Brazilian Participation in World War II.” (MA Thesis, U.S. Army Command and General Staff College, 2006), 7. Lochery argues one of Vargas' main goals was to “carefully position Brazil within the international system in order to maximize its economic and military gains.” Lochery, *Brazil: The Fortunes of War*, 12.

challenged Vargas' pro-Allied foreign policy with goals toward adopting a nationalist Brazilian model of European fascism in order "to do in Brazil what Hitler had done in Germany."⁴⁶ The large popularity of these movement's and the obvious German sympathies held by Vargas' General Chief of Staff Góis Monteiro and Minister of War Eurico Dutra, presented a considerable threat to Vargas' national authority. For the United States who supported the modernization of Brazil's industry and military, keeping Vargas at the head of executive authority, despite the regime's anti-democratic nature, meant securing a critical ally in South America whose government was threatened by the possibility of a pro-Axis insurrection.

Brazilian Integralism (aka "Green Shirt Movement,") originated during the 1920's from local attempts to spread Italian fascism in the Western Hemisphere. By 1903 over one million Italian immigrants made their way to Brazil, but unlike their German counterparts, rapidly assimilated into Brazilian society. Consequently, Italians born in Brazil were not considered Italo-Brazilians, but Brazilian nationals. Italian consul Serafino Mazzolini traveled to São Paulo in 1928 to assess the possibilities for such a party with eyes on a young journalist well-known for his pro-fascist writing, Plínio Salgado.⁴⁷ Salgado maintained firm nationalist, pro-fascist, Catholic and anti-liberal sentiments "praising all of Mussolini's policies and innovations" and gathered support from a small group of Brazilian intellectuals. An OSS report on the Green Shirt Movement informed, on June 14, 1930, Salgado met with Mussolini in Italy and he presented "Il Duce" with detailed plans for a Brazilian Fascist Party modeled after its

⁴⁶ "Report on the Green Shirt Movement in Brazil;" Folder 2, Box 2, pg. 38; IRRLA 1943-46, Entry UD 153B; RG 226; NACP.

⁴⁷ Ibid, 1. Italian Fascism's first branch abroad was known as "Filippo Corridoni" founded in 1923 by immigrants with the goal of working "toward the formation of a Brazilian Fascist Party, in which Italians would dominate, but which would emphasize Brazilian nationalism as its keynote."

Italian inspiration.⁴⁸ Although the meeting was nothing more than a fifteen minute formality, it had fundamental importance as Salgado “appeared enchanted by the practical implementation of the anti-communist, anti-liberal discourse.”⁴⁹ He envisioned Italian fascism as the foundation for a fundamental Christian, conservative and nationalist Brazilian political party. On October 4, 1930, Salgado returned to Brazil with high hopes to implement his ideas, but when he arrived amidst the military coup which put Vargas into power, he postponed any attempts toward active political organization until 1932.⁵⁰

In February 1932, Salgado founded the *Sociedade de Estudos Políticos* (Society for Political Studies, SEP) drawing in fascist-sympathizing members with the avowed purpose of “creating a new mentality throughout the country.” Despite growing support from small groups across Brazil, the organization remained purely local within São Paulo. Many affluent Paulista industrialists supported Salgado’s movement because they “were disgruntled by the fact that the State of São Paulo, although the wealthiest in the nation, had such a small voice in the [new] national government and turned to Integralism as a means of changing this condition.”⁵¹ Salgado strongly opposed the Constitutionalist Revolution, which failed to depose Vargas ending on October 4, 1932. Three days later Salgado issued his “October Manifesto” inaugurating the fascist political party, *Ação Integralista Brasileira* (Brazilian Integralist Party, AIB).⁵² Just one month later the organization elected Salgado, in Stanley Hilton’s words “Führer” of the Integralist

⁴⁸ “Report on the Green Shirt Movement in Brazil,” Folder 2, Box 2, pg. 1-2; IRRLA 1943-46, Entry UD 153B; RG 226; NACP.

⁴⁹ Leandro Pereira Gonçalves, “The Integralism of Plínio Salgado: Luso-Brazilian Relations.” *Portuguese Studies* 30, no. 1 (2014), 85.

⁵⁰ “Report on the Green Shirt Movement in Brazil,” Folder 2, Box 2, pg. 2; IRRLA 1943-46, Entry UD 153B; RG 226; NACP. Mazzolini attempted to establish a Brazilian Fascist Party, but failed.

⁵¹ Ibid.

⁵² “Plínio Salgado.” Fundação Getúlio Vargas. *O Centro de Pesquisa e Documentação de História Contemporânea do Brasil*. http://cpdoc.fgv.br/producao/dossies/JK/biografias/plinio_salgado, Accessed October 19, 2015.

Party.⁵³ The Integralists envisioned fascist, corporatist solutions to address Brazil's socio-economic problems: a strong military, federal management of the economy and an organization of provincial governments completely subordinate to national authority.⁵⁴

On April 28, 1933, the Brazilian Court of Electoral Justice recognized the AIB as a legal political party. The American consulate in Rio de Janeiro suspected the court justice who authorized the ruling, Jose de Miranda Valverde, was also a member of the Integralist party.⁵⁵ Mazzolini served as the AIB's first financial backer, representing the Italian Embassy in Brazil. The AIB borrowed symbols and strategies from European fascist movements, including straight-armed Roman salutes, radical, nationalist rhetoric and public displays of pageantry with a paramilitary organization in green-shirted uniforms, adopting the Greek letter sigma (Σ) as its symbol, akin to the swastika used in Nazi Germany. Like Italian Fascism, Integralism was not racist in principle like German National Socialism, but the AIB "clearly identifies enemies of the Brazilian nation, denouncing liberalism, socialism, international capitalism and secret societies linked to Freemasonry and the Jews."⁵⁶ Salgado himself was not openly anti-Jewish, but many AIB members were known for their outspoken anti-Semitism, especially Salgado's second-in-command, Gustavo Barroso, who authored many anti-Jewish books and articles, translated the *The Protocols of the Elders of Zion* into Portuguese and even suggested setting up concentration camps. Due to their dangerous political differences, Salgado

⁵³ Hilton, *Hitler's Secret War in South America, 1939--1945*, 8.

⁵⁴ Stanley E. Hilton, "Ação Integralista Brasileira: Fascism in Brazil, 1932-1938." *Luso-Brazilian Review* 9, no. 2 (December 1, 1972): 4.

⁵⁵ "Report on the Green Shirt Movement in Brazil," Folder 2, Box 2, pg. 3; IRRLA 1943-46, Entry UD 153B; RG 226; NACP.

⁵⁶ Oliver Compagnon, "'Étude comparée des cas argentin et brésilien.'" in *Charles Maurras et l'étranger, l'étranger et Charles Maurras l'Action française - culture, politique, société II*, eds. Olivier Dard and Michel Grunewald. (New York: Peter Lang, 2009), 294-295 quoted in Gonçalves. "The Integralism of Plínio Salgado," 81.

eventually suspended Barroso from collaborating with the Integralist party's newspaper, *A Ofensiva*, for six months.⁵⁷

Similar to Mussolini's appropriation of Italy's glorious Roman past towards creating a new nationalist vision of modernity, Salgado's vision of Brazilian nationalism centered on indigenous peoples of Brazil, particularly the Tupí, as the most authentic icons of Brazilian identity. For example, when saluting each other, members of the AIB shouted "*Anauê*," the Tupí word which translates "you are my brother."⁵⁸ As Joshua Arthurs argues in *Excavating Modernity: The Roman Past in Fascist Italy* "Fascism's appropriation of the Roman past should be understood not as empty posturing, or even nostalgia for a distant golden age, but as a revolutionary project for modernity, a coherent language with which to articulate aspirations for the contemporary world."⁵⁹ Following Mussolini's model, Salgado's appropriation of the glorious past of Brazil's indigenous peoples to forge a modern Brazilian nation reveals the extent which European fascism influenced Brazilian Integralism.

After the ratification of the 1934 Constitution ending the "provisional government," the restoration of democracy in Brazil divided political power between two major movements. Vargas maintained neutral political stance, yet retained direct and indirect contacts with leaders on both sides in order to pit the two movements against

⁵⁷ Philip Rees, *Biographical Dictionary of the Extreme Right since 1890*. (New York: Simon & Schuster, 1990), 25-26. The Vargas government arrested Barroso for his involvement in the failed Integralist coup d'état in 1938, but later released him due to lack of evidence.

⁵⁸ "Plínio Salgado." Fundação Getúlio Vargas. *O Centro de Pesquisa e Documentação de História Contemporânea do Brasil*. http://cpdoc.fgv.br/producao/dossies/JK/biografias/plinio_salgado, Accessed October 19, 2015.

⁵⁹ Joshua Arthurs, *Excavating Modernity: The Roman Past in Fascist Italy*. (Ithaca: Cornell University Press, 2013), 2.

each other.⁶⁰ On one side were right-wing, authoritarian conservatives, notably the AIB and on the other side, were communists led by former army officer, Luiz Carlos Prestes who staged a barracks uprising in 1935 to depose Vargas.⁶¹ In response to this “Communist Uprising,” the Vargas government enacted a series of repressive measures against suspected political opponents. In 1936, Vargas established an organ of the Brazilian military, the *Tribunal de Segurança Nacional* (National Security Court, TSN), to prosecute political and economic criminals, particularly communists.⁶² By November 1937, Vargas declared martial law, cancelled the 1938 elections and dissolved the Brazilian Parliament. “President” Vargas now remained in power, but installed himself as a “dictator empowered by a new authoritarian constitution known as the *Estado Novo* or ‘New State.’”⁶³

With the Communist Party outlawed after the failed uprising, Vargas focused his attention on the growing Integralist party. In the late 1930’s, the Integralists, whose general principles at that point paralleled Vargas’ own, presented the possibility of mutual cooperation. Both believed in corporatist, state-controlled economies with strong militaries, were staunchly nationalist and extremely anti-communist. It was obvious a large portion of the Brazilian military sympathized with the Integralists, even if they were not outright members. According to Salgado’s memoir, Vargas requested his support for the upcoming coup and his opinions on Vargas’ newly drafted constitution replacing the

⁶⁰ José Maria Bello, *A History of Modern Brazil, 1889-1964*. (Palo Alto: Stanford University Press, 1966), 296.

⁶¹ Ignacy Sachs et al., *Brazil: A Century of Change*. (Chapel Hill: University of North Carolina Press, 2009), 76.

⁶² Jorge I. Domínguez, *Mexico, Central and South America: Democracy*. (New York: Taylor & Francis, 2001), 50.

⁶³ Lochery, *Brazil: The Fortunes of War*, xiii.

one from 1934.⁶⁴ The Communists' removal in 1935 provided Salgado with a political advantage, but he "emphasized that Integralism would attain national power by constitutional methods and his emboldened followers intensified electoral campaigning at the local level, achieving considerable success."⁶⁵ This strategy, while appearing democratic, paralleled with Vargas', Mussolini's and Hitler's fascist autocracies. Despite this, over the next few years, the Integralists gathered their political and economic support for the 1938 elections with Salgado as the prominent candidate to be Brazil's next national leader.

Before Vargas established the *Estado Novo*, he demonstrated general ambivalence toward the AIB, distancing himself from any direct role in the battles they waged against other political opponents.⁶⁶ Since the AIB shared Vargas' anti-communist stance, he appreciated the anti-communist measures they could accomplish outside of the presidency.⁶⁷ A reporter for the *New York Times* commented in a 1938 article that "Vargas was playing smart with the Integralistas, holding a carrot in front of their noses...[while] also watching and cataloging their strength."⁶⁸ However, Vargas and Salgado differed distinctly on key issues, the largest being the Brazilian government's foreign policy. On one hand, Vargas sought out foreign investment, particularly from the Western Allies, to facilitate Brazil's transition from agriculture to an industrial-based economy. On the other, Integralist propaganda's isolationist rhetoric maintained a following among Brazil's conservative, middle-to-upper class intellectuals. Quoted from

⁶⁴ Bello, *A History of Modern Brazil, 1889-1964*, 297.

⁶⁵ Quoted in Hilton, "Ação Integralista Brasileira," 5.

⁶⁶ Joseph Smith, "Brazil: Benefits of Cooperation" in *Latin America During World War II*, eds. Thomas M. Leonard and John F. Bratzel. (Lanham: Rowman & Littlefield, 2006), 145.

⁶⁷ Penteado, "The Brazilian Participation in World War II," 4.

⁶⁸ Turner Catledge, "Dictator Is Faced by 'Integralistas.'" *New York Times*. January 23, 1938.
<https://librarylink.uncc.edu/login?url=http://search.proquest.com.librarylink.uncc.edu/docview/102684939?accountid=14605>.

his diary in 1936, Salgado wrote “we cannot, in any way, court the masses...they are the stupid and unthinking monster.”⁶⁹

By 1936, Italian financial support of the AIB waned because the AIB’s nationalist fixation alienated their Italian backers who hoped to establish a larger political foothold in Brazil based on Italian Fascism’s own brand of nationalism. Fascist Italy reached out to the strong Italian immigrant presence, heavily concentrated in critical provinces like São Paulo and Rio Grande do Sul, but because of the immigrant community’s desire to be accepted as Brazilians, they sided with Integralism splitting from Italy.⁷⁰ As a result, Mazzolini’s successor, Caetano Vecchiotti, decided to withdraw all Italian financial support from the party.⁷¹

As Italian support of the Integralists decreased, Germans took over financial support of the party. However, the majority of this support did not come from the Third Reich, but from German-Brazilians. For example, one 1935 report described an incident where the German-Brazilian firm, Carlos Hoepke S.A. “reported 100 revolvers stolen but that investigation showed that the revolvers were furnished to the Integralists.”⁷² The growing Integralist movement attempted to persuade German-Brazilians, who were members of the Brazilian Nazi Party their Brazilian-born children should become members of the Integralist Party. Integralist headquarters in Paraña, Santa Catarina and Rio Grande de Sul began hanging pictures of Adolf Hitler beside those of Plínio Salgado, due to the high populations of German-Brazilians in those areas.⁷³ In the 1936 elections,

⁶⁹ Hilton, “*Ação Integralista Brasileira*,” 6.

⁷⁰ João Fábio Bertonha, “Between Sigma and Fascio: An Analysis between Italian Fascism and Brazilian Integralism.” *Luso-Brazilian Review* 37, no. 1 (Summer 2000): 96-99.

⁷¹ “Report on the Green Shirt Movement in Brazil,” Folder 2, Box 2, pg. 4; IRRLA 1943-46, Entry UD 153B; RG 226; NACP.

⁷² *Ibid*, 6.

⁷³ *Ibid*, 38-46.

Salgado's followers gained political majorities in eight *municípios* (municipalities) of Santa Catarina, which were all centers of heavy German settlement. The Integralist platforms attracted German-Brazilians with an active interest in Brazilian politics, but were shunned from traditional Brazilian parties as foreigners and also the Nazi Party itself since they were not technically considered *Volksdeutsche*.⁷⁴ Integralist leaders remembering the divides that drove them away from the Italians stressed to their hyphenated followers that the AIB was a Brazilian national movement and would not serve as an extension of foreign regimes. To reconcile the concerns of nationalist groups like the Integralists, one CIA report describes a public statement made by Ernst Wilhelm Bohle, State Secretary of the Third Reich's Foreign Office, that "the Reich's interest in Germans of foreign citizenship was not political, but cultural." Yet, in the same speech Bohle also declared that since the Nazi party possessed "the exclusive right to determine the philosophical and political views of the entire people, the Foreign Organization has logically been established for the leadership of all German citizens abroad."⁷⁵

By 1938, Vargas reneged on his promises of land reform and labor organization. Instead, his government policies drifted away from the democracy outlined in the 1934 Constitution and paralleled the repressive policies of fascist authoritarians like Mussolini and Franco. While Vargas' authoritarian regime stood in ideological contention with the democratic, free-market capitalism of the United States, the political consolidation instilled by Vargas' autocracy made it possible for the United States to behave in a more "neighborly fashion."⁷⁶ President Roosevelt's "Good Neighbor Policy" prevented the

⁷⁴ Hilton, "*Ação Integralista Brasileira*," 11.

⁷⁵ "German Nationalist and Neo-Nazi Activities in Argentina," pg. 53; Central Intelligence Agency, December 2, 1980. CREST Database. NACP. Accessed August 25, 2015.

⁷⁶ Friedman, *Nazis and Good Neighbors*, 75.

United States from interfering in internal politics of Latin American nations, focusing US foreign policy towards outward, international attitudes of their “neighbors to the south.”⁷⁷

While it is important to remember the Third Reich had no written, territorial plans for Brazil, this was the perceived threat Brazil’s Minister of Foreign Affairs, Osvaldo Aranha, communicated in a November 8, 1938 letter to, Under Secretary of State, Sumner Welles, envisioning the following aims of the Third Reich for Latin America:

- “a. Fomenting disorders, revolutions and civil wars, in order to justify an intervention similar to that of Spain.
- b. Dominating, by means of an *Anschluss* (political annexation) extending across the Atlantic, regions populated by Germans
- c. If the above were impossible, obtaining at least political concessions such as would permit them to maintain their political parties, as in their own countries, developed around their colonies and interests, thus retarding but not abandoning their future domination.”⁷⁸

Aranha’s fears were well-substantiated. Among the Germans who immigrated to Latin America, roughly half traveled to Brazil.⁷⁹ Between 1884 and 1941, over 200,000 Germans immigrated to Brazil concentrating in isolated, rural enclaves in southern states such as Paraña, Santa Catarina and Rio Grande do Sul.⁸⁰ The 1940 Brazilian Census revealed German was the second most spoken language in Brazil, with 644,458 out of nearly 1 million German-Brazilians speaking German as their first language. The

⁷⁷ Sumner Welles, US Under Secretary of State, to Franklin D. Roosevelt, US President, February 18, 1942; Folder: Brazil, Box: 24, Series 3: Diplomatic Correspondence; Franklin D. Roosevelt, PP: PSF, 1933-1945. FRANKLIN Digital Repository, FDR Library.
http://www.fdrlibrary.marist.edu/_resources/images/psf/psfa0239.pdf.

⁷⁸ Osvaldo Aranha, Brazilian Minister of External Relations, to Sumner Welles, US Under Secretary of State, November 8, 1938; Classified Records of the Embassy in Rio de Janeiro, 1937-1954, Entry: 37, Records of Foreign Service Posts of the Department of State, Record Group 84; NACP. Quoted in Lochery. *Brazil: The Fortunes of War*, 39.

⁷⁹ Penny, “Latin American Connections,” 366.

⁸⁰ Hilton, *Hitler’s Secret War in South America, 1939--1945*, 25-26.

majority of those who spoke German, (580,114) were Brazilian-born.⁸¹ Immigrant communities, especially the Germans and Italians, brought with them “their own political organizations, newspapers, schools and radio stations,” all of which communicated in their native language. In addition, they included “cultural institutions, sports groups and clubs, charity organizations, social clubs,” all working in tandem with German diplomatic and consular offices in Brazil.⁸²

German immigrants in Brazil commonly held prominent socio-economic positions, such as entrepreneurs, academics, engineers and scientists, who emigrated seeking financial opportunity rather than escaping poverty. While “relatively few in number, [they] wielded disproportionate influence in contrast to other European immigrants who were poorly educated and lacked property or trade skills.”⁸³ Reports communicated to American sources of German-Brazilians using intimidation and coercion against customers and businessmen in Brazil suspected of supporting or doing business with the Allies. Transnational German enterprises like IG Farben constituted the primary focus of Brazilian political police and American intelligence services since the firm was “so active in the services of the Nazis that the mere employment of an individual by IG Farben [came] to be accepted [by American agents] as possible evidence of intelligence activities.”⁸⁴ German-Brazilians also participated in the local politics of their communities. For example, over “half of local party officials in Rio Grande do Sul in 1935 were German descendants and in Santa Catarina, nearly half the leaders bore

⁸¹ “Recenseamento Geral do Brasil,” *Série Nacional*, VII (September 1, 1940): 19.
http://biblioteca.ibge.gov.br/visualizacao/monografias/GEBIS%20-%20RJ/CD1940/Censo%20Demografico%201940%20VII_Brasil.pdf.

⁸² For example, see *Deutsche Klub - Peenambuco*. Vol. 72. Peenambuco, May 1936.

⁸³ Penny, “Latin American Connections,” 368.

⁸⁴ Lochery, *Brazil: The Fortunes of War*, 48.

names of Germanic origin.”⁸⁵ They were also less likely to assimilate into Latin American culture or give up their ties to their homeland and their native language within a few generations.⁸⁶ Immigrant assimilation was an important aspect of Brazilian nationalism and contributed to the unified sense of national community and “Brazilianness.” Under the democratic 1934 Constitution, the Brazilian government expected immigrants to assimilate and “decreed necessary restrictions to ensure the ethnic integration...of the immigrant.”⁸⁷ Unlike other foreign ethnicities in Brazil, such as the Japanese or the Italians, the racial ideology of National Socialism brought disproportionate attention from the nationalization campaign’s agents to public expressions of Germanness.⁸⁸ Despite this, Vargas maintained unstable, diplomatic and trade relations with the Third Reich in the hope Brazil could reap the benefits of economic trade with both sides of the war within the limbo of neutrality.

From 1933 to 1938 trade between Germany and Brazil doubled in size.⁸⁹ In the early months of the war, General Chief of Staff, Góis Monteiro and Minister of War, Eurico Gaspar Dutra, sought a stronger diplomatic and economic alliance with Germany by negotiating large shipments of German arms imported into Brazil.⁹⁰ Unlike the United States and Great Britain, who expected Brazil to pay for arms in gold or other acceptable international currency, Germany was willing to barter weapons for Brazilian coffee,

⁸⁵ Hilton, “*Ação Integralista Brasileira*,” 9.

⁸⁶ Buchenau, *Tools of Progress*, 5-6.

⁸⁷ Frederik Schulze, “Nation and Migration: German-Speaking and Japanese Immigrants in Brazil, 1850-1945.” in *Immigration and National Identities in Latin America*, eds. Nicola Foote and Michael Goebel. (Gainesville, FL: University Press of Florida, 2014), 131.

⁸⁸ Glen Goodman, “From ‘German Danger’ to German-Brazilian President: Immigration, Ethnicity and the Making of Brazilian Identities: 1924-1974.” (PhD diss., Emory University, 2015), 79.

⁸⁹ Thomas Leonard and John Bratzel, eds. *Latin America during World War II*. (Lanham: Rowman & Littlefield, 2006), 9.

⁹⁰ Sumner Welles, US Under Secretary of State, to Franklin D. Roosevelt, US President, January 18, 1942. Folder: South America, Box: 5; PP: PSF 1933-1945; FRANKLIN Digital Repository; FDR Library. http://www.fdrlibrary.marist.edu/_resources/images/psf/psfa0239.pdf. Dutra would later become President after Vargas stepped down from power in 1945.

cotton and rubber making trade with Germany economically easier for the Brazilian government.⁹¹ Brazilian interest remained in German arms because there was no alternative supplier willing to make trade concessions matching Germany's.⁹² Without the support of the United States, Aranha feared "Dutra and Monteiro's more pro-Nazi vision for Brazil's future would prevail."⁹³ Vargas remained cautious, since German arms came into Brazil under the watchful eyes of Monteiro and Dutra, men who could challenge Vargas' leadership in another military coup. While the Third Reich provided arms to the Brazilian military potentially backing Vargas' enemies, they recognized the importance of maintaining friendly relations with "influential Integralists on a 'social and cultural basis.'"⁹⁴

After Hitler's rise to power "the German government provided financial and organizational support for the Brazilian Nazi Party, established in 1928, a local Hitler Youth organization, propaganda festivals/commemorations and academic and scientific exchange programs." The Brazilian Nazi Party was the largest of the 83 Nazi parties established outside of Germany with about 2,900 members.⁹⁵ Roughly 10 of the 350 German-Brazilian organizations were free of Nazi control.⁹⁶ Yet, local Nazi elements in Brazil found themselves ostracized from Brazilian nationals and German-Brazilian communities. Many German-Brazilians made a "sharp distinction" between these local organizations and their "enthusiasm for their Führer and the renewal of Germany." German organizations, for example those in Curitiba in 1935, refused to provide the local

⁹¹ Lochery, *Brazil: The Fortunes of War*, 71.

⁹² Stanley E. Hilton, "The Armed Forces and Industrialists in Modern Brazil: The Drive for Military Autonomy (1889-1954)," *The Hispanic American Historical Review* 62, no. 4 (1982): 649.

⁹³ Lochery, *Brazil: The Fortunes of War*, 41.

⁹⁴ Hilton, "Ação Integralista Brasileira," 10.

⁹⁵ Goodman, "From 'German Danger' to German-Brazilian President," 70-71.

⁹⁶ Friedman, *Nazis and Good Neighbors*, 24.

Nazi party a venue or organize a joint May Day celebration, so Nazi-sympathizing German-Brazilians organized their own festivities of German culture. These held many of the same traditions but attracted a smaller size crowd.⁹⁷ The Third Reich fostered goodwill by furnishing prominent Brazilians with free visits to Germany and many German-descended Brazilians returned during the interwar period for business or to visit relatives on vacation. As the United States encouraged Brazilian attempts to counter Nazi infiltration in their immigrant communities, Axis powers worked to develop stronger ties with German-Brazilians. When the Brazilian government tightened surveillance on pro-Nazi political organizations, membership became restricted and each organization risked closure if they operated without a license granted by the state.⁹⁸

Hitler's military occupation of the Rhineland in 1936, the Third Reich's annexation of Austria in March 1938, known as the *Anschluss* and the Munich Agreement signed on September 28, 1938, which ceded Czechoslovakia to Nazi Germany, were all based on the premise of reintegrating *Volksdeutsche* into the Third Reich. The Vargas government watched as every aggressive action leading up to Germany's invasion of Poland on September 1, 1939, met with little resistance from Great Britain, France and the United States, who were desperate to avoid another war, while still recovering from the Great Depression's economic devastation. Within the efforts to nationalize foreign influence, the Vargas government worried the hyphenated ethnicities of German-Brazilian communities might lead to a shift of their support to Axis

⁹⁷ Friedman, *Nazis and Good Neighbors*, 24.

⁹⁸ "Report on the Employment by American Business Firms of Undesirable German and Other Agencies in Brazil and Related Subjects;" Rio de Janeiro, November 29, 1940; Folder 1: Central and South America, Box:1, pg. 2; Research and Analysis Branch, Latin America Division: Reports and Studies, 1943-45, Entry UD 175; RG 226; NACP.

powers once Brazil went to war.⁹⁹ Apprehensive that Hitler's next conquest could cross into South America, Vargas sought to maintain friendly diplomatic relations with the Third Reich while suppressing German influence on Brazil's domestic politics.¹⁰⁰

In December 1937, under the *Estado Novo*, Vargas abolished political parties, including the Nazi Party and the AIB. Vargas also addressed particular difficulties presented by German and Italian immigrant communities, which had not assimilated into Brazilian society. On April 18, 1938, he signed into law Decree 383 halting all foreign political activity in Brazil, aimed especially at Germans in the southern states. The decree outlawed any language but Portuguese to be spoken publicly and forbade all foreigners, including German-Brazilians, from participating in political activities.¹⁰¹ While the Vargas government outlawed the Nazi political party, it tolerated pro-Nazi cultural celebrations and the continued dissemination of Nazi propaganda in Brazil. For example, at the beginning of 1939, the pro-Nazi German community in Rio Grande do Sul held public Nazi parades, complete with military uniforms, swastika-bearing flags and military drills, to large enthusiastic crowds.¹⁰²

Before Brazil entered the war, newsreels flew weekly from Berlin to Rio de Janeiro on planes owned by the Italian-controlled LATI airline emphasizing Germany's military successes from the German invasion of France in 1940 and Operation Barbarossa in 1941. Germans in Brazil also received short-wave radio broadcasts from Berlin translated into Portuguese.¹⁰³ Nazi infiltration in German-Brazilian communities

⁹⁹ Lochery, *Brazil: The Fortunes of War*, 45.

¹⁰⁰ Richard J. Evans, *The Third Reich at War*. (New York: Penguin Books, 2010), 646-652.

¹⁰¹ Müller, *Nationalsozialismus in Lateinamerika*, 305.

¹⁰² Lochery, *Brazil: The Fortunes of War*, 31-46.

¹⁰³ "Report on the Employment by American Business Firms of Undesirable German and Other Agencies in Brazil and Related Subjects," November 29, 1940. Folder 1: Central and South America, Box: 1, pg. 6; RABLAD, Entry 175, RG 226; NACP.

discouraged Brazilian law enforcement to take action at the risk of destabilizing the state's economy.¹⁰⁴ George F. Borton, an OSS agent stationed in Brazil, reported ardent Nazism in the grassroots sectors of Brazil was not limited to "organized bunds," but pro-Nazi individuals could wield a significant amount of influence through "widespread business interests in financing local merchants and forest enterprises." While none of the individual holdings were significant on its own, the networks they generated affected the local society.¹⁰⁵ In states with concentrated German populations, these pro-Nazi celebrations were able to have momentous effects rallying support for their local, cultural association.

Early in the war, pro-Nazi elements in Brazil used the initial German victories to take more confident steps toward convincing Brazilians of democracy's weakness and the primacy of totalitarian states.¹⁰⁶ However, Vargas carefully maintained an image of Brazil's democratically elected President, who dissolved parliament and political parties, in response to a communist revolution that eventually spread to all political dissidents, including the Nazis and Integralists. One article published in *Life* magazine on November 22, 1937 quoted a boast from Italian editor, Virginio Gayda that "fascism would next develop in South American republics, nearly all of which have been fascist in spirit if not in the letter of their admirably democratic constitutions." The same article criticized the new Brazilian constitution, which argued the *Estado Novo* was "the same old Latin American *continuismo* – the desire of a President to 'continue' as President

¹⁰⁴ Lochery, *Brazil: The Fortunes of War*, 48.

¹⁰⁵ George F. Borton, "Report on Activities of Ernest Kohler, Ex-German;" Brazil, June 6, 1945; Folder: 5, Box: 4; IRRLA 1943-46, Entry UD 153B; RG 226; NACP.

¹⁰⁶ Russell B. Porter, "Nazi Agents Bring Pressure in Brazil: Economic Penetration Is Now Held Gravest Aspect of the Fifth Column." *New York Times*. June 30, 1940.
<https://librarylink.uncc.edu/login?url=http://search.proquest.com/librarylink.uncc.edu/docview/105183047?accountid=14605>.

indefinitely.”¹⁰⁷ When Vargas disbanded all other political parties in Brazil, the Integralist Party had reached its peak of 750,000 members, making it the “strongest political party in Brazil.” It was the only political party in Brazil of a national rather than local character.¹⁰⁸ Despite both the Nazi and Integralist movement’s illegal status “following a Nazi pattern of activity, the Integralists gained control of several legal organizations and societies and behind these ‘fronts’ continued their activities and the reorganization of the party, almost entirely unhampered by the police.”¹⁰⁹ Soon the Integralist reaction turned violent in response to the Vargas regime’s political repression.

On the night of May 11, 1938, a group of Integralists attempted a military coup by attacking Guanabara Palace, Vargas’ residence in Rio de Janeiro, in response to the *Estado Novo*’s new political restrictions.¹¹⁰ After two hours of fighting, the Brazilian Army put down the insurrection, although sources impressed by the high level of organization commented the attack was “planned to the last detail.” Soon after, the Brazilian government announced they had quashed the revolt and the situation was under control.¹¹¹ However, it appears Vargas did not forget the failed coup’s significance, since it partially took place from within the ranks of his own government and his own reinforcements were slow to arrive, presumably because they were waiting to see which side came out victorious. In addition to financial support, the Germans provided the Integralists large numbers of weapons and tactical equipment, but this did little to ensure

¹⁰⁷ “The Camera Overseas: Brazil Presents the Bogey of Fascism to the Americas.” *Life*, November 22, 1937: 98.

<https://books.google.com/books?id=kz8EAAAAMBAJ&pg=PA98&dq=new+deal+brazil&hl=en&sa=X&ved=0ahUKEwjqltrgsfjLAhVGRiYKH3AW4Q6AEIHTAA#v=onepage&q&f=false>

¹⁰⁸ “Report on the Green Shirt Movement in Brazil,” Folder 2, Box 2, pg. 4-5; IRRLA 1943-46, Entry UD 153B; RG 226; NACP.

¹⁰⁹ *Ibid*, 13.

¹¹⁰ Hilton, “*Ação Integralista Brasileira*,” 26.

¹¹¹ “Report on the Green Shirt Movement in Brazil,” Folder 2, Box 2, pg. 5; IRRLA 1943-46, Entry UD 153B; RG 226; NACP.

victory for the undisciplined attackers after the arrival of Vargas' reinforcements. Sources in the OSS report on the Green Shirt Movement stated there was "no doubt that the Nazis and Fascists probably favored the move, since with the Integralistas in power, totalitarianism would have gained another foothold" and many Integralists involved in the attack wielded German Mauser rifles.¹¹²

As a result of the attacks, on May 16, 1938, Vargas implemented two amendments to the *Estado Novo*'s constitution, hoping they would serve as a "deterrent against any future plots." The first condemned to death anyone convicted of attacking the president's life or liberty. The second, Article 177, addressed the mutinous threats of Vargas' staff allowing the "government to dismiss civilian or military personnel for reasons that were in the public interest...for an indefinite period."¹¹³ Although Salgado denied having anything to do with the attack, the Brazilian government exiled him to Portugal in 1939. With their leader exiled across the Atlantic Ocean, the Integralists fractured into two major factions fighting to maintain the movement's solidarity and resist the government's reinvigorated search of suspected members. The first were the wealthier, more conservative members, who held government or industrial positions, uninvolved with the planning of the "putsch." The second were the working class radicals with a personal grudge against the Vargas regime who worked towards a more violent revolution.¹¹⁴

Allegations of German involvement in the attack on the palace threatened to cut diplomatic ties between Germany and Brazil. Susceptibility to another revolution drew

¹¹² "Report on the Green Shirt Movement in Brazil," Folder 2, Box 2, pg. 5; IRRLA 1943-46, Entry UD 153B; RG 226; NACP.

¹¹³ Lochery, *Brazil: The Fortunes of War*, 22.

¹¹⁴ "Report on the Green Shirt Movement in Brazil," Folder 2, Box 2, pg. 13; IRRLA 1943-46, Entry UD 153B; RG 226; NACP.

Vargas' and the United States' attention towards the weaknesses of Brazil's politically-divided military. Vargas' negotiations with the United States and other foreign powers threatened to destabilize his authority as a national leader in the eyes of his supporters, especially pro-German elements in the Brazilian military. In a telegram to Cordell Hull dated May 27, 1938, US Ambassador Hugh Wilson noted the disputes between the German and Brazilian news media over Germany's culpability in the attack. He reported if "Germany desired Rio de Janeiro to break off diplomatic relations with Berlin they were going the right way about it."¹¹⁵ The likelihood that Germany supported the attempted coup of Vargas, as well as political dissidents in the Brazil military, explains why Vargas was more willing to forge an alliance with the Allies. At the grassroots level, the tense political atmosphere encouraged Brazilian police officers, especially those in Rio de Janeiro, to demonstrate their loyalty to the Vargas regime by moving against individuals suspected of being involved in the plot.¹¹⁶ The failed Guanabara Palace attack exacerbated the tensions growing between the Germans and Integralists. Many Brazilians had joined the Integralists because of their intense nationalist ideology, but after "the foreign influence of Germany and Italy became apparent in the organization, many felt that to support further Integralist activity would be treason to Brazil" after the nation broke diplomatic relations with Germany.¹¹⁷ These instances created substantial difficulties for the Brazilian police officials investigating the Integralists because alleged members of the movement could have rescinded their membership

¹¹⁵ Hugh Wilson, US Ambassador to Germany, to Cordell Hull, US Secretary of State; Volume: V, Folder: Brazil, pg. 418; *The American Republics (1938)*; *Foreign Relations of the United States diplomatic papers 1938*. University of Wisconsin-Madison Digital Collections.

¹¹⁶ "Report on the Green Shirt Movement in Brazil," Folder 2, Box 2, pg. 5; IRRLA 1943-46, Entry UD 153B; RG 226; NACP.

¹¹⁷ *Ibid*, 16.

In response to German submarine attacks against Brazilian merchant vessels supplying the Allied war effort, Brazil broke diplomatic relations with Germany in January 1942, but still maintained its neutral stance.¹¹⁸ In a telegram to President Roosevelt, Sumner Welles reported that Vargas made it clear in a statement to his Cabinet “that his Government did not have to depend upon the armed forces of the Republic [United States] for the control of subversive activities, even including a local uprising by German or Italian sympathizers.”¹¹⁹ The Brazilian political police arrested hundreds of “Axis nationals” as a matter of national security.¹²⁰ By August, Brazil was the first South American nation to declare war against the Axis powers in response to German submarine attacks sinking five Brazilian ships within the nation’s territorial waters. By the end of September, the Brazilian government interned approximately 2,500 “Axis nationals” within federal “concentration camps” in Rio Grande do Sul and São Paulo, in addition to political prisoner camps such as Ilha das Flores and Ilha Grande.¹²¹

Being German, or of German descent in Brazil was enough to draw suspicion, so the Third Reich recruited many Brazilian nationals to provide and communicate intelligence for the Axis powers. For example, Tulio Regis do Nascimento was a captain in the Brazilian army who was an outspoken supporter of Integralism and Nazism. When asked by his girlfriend if he wanted to go to Germany “since he talked only about the

¹¹⁸ Frank McCann, “Brazil and World War II: The Forgotten Ally. What Did You Do in the War, Zé Carioca?” *Estudios Interdisciplinarios de América Latina Y El Caribe*, América Latina y la Segunda Guerra Mundial (II), 6, no. 2 (December 1995).

¹¹⁹ Welles to Roosevelt, January 18, 1942; Folder: South America, Box: 5; PP: PSF 1933-1945; FRANKLIN Digital Repository; FDR Library.
http://www.fdrlibrary.marist.edu/_resources/images/psf/psfa0239.pdf

¹²⁰ “Reply to Report on Apprehensions and Convictions of Foreign Agents in Latin America,” Rio de Janeiro, n.d; Folder: 5, Box: 5, IRRLA 1943-46, Entry 153B; RG 226; NACP.

¹²¹ Jefferson Caffrey, US Ambassador to Brazil, to Cordell Hull, US Secretary of State, September 28, 1942; Folder 1: Rio de Janeiro, Box: 4; Research and Analysis Branch: Security Classified Despatches Received from Neutral Foreign Outposts, 1941-42, Entry NM 54-4; RG 226; NACP.

German cause,” he responded, “When I wish to go to Germany a submarine will come here to get me.”¹²² Nascimento was recruited by the German ambassador to Brazil, Karl Prüfer and Captain Hermann Bohny into the Abwehr’s service, initially assigned to find other Brazilians willing to act as couriers between Buenos Aires and Rio de Janeiro.¹²³ One of Nascimento’s recruits was a twenty-five year old journalist named Gerardo Melo Mourão, who joined the Integralists in 1935.

In addition to couriering messages across the Brazil-Argentina border, Mourão recruited personal friends from the Integralists whom he knew would be enthusiastic about working for the Germans.¹²⁴ One report dated January 18, 1941 described a German-Integralist plot to blow up a dam at the water reservoir supplying the city of Fortaleza in the northeastern state of Ceará. Members of the meeting included George Kurt Hoos, a Nazi on the United States’ Proclaimed Lists, as well as a number of Integralists, who obtained jobs working at the dam.¹²⁵ In a memorandum from Louis Padgett, he described an August 1943 police report identifying Eduardo Sack as a Brazilian of German descent who was a schoolteacher at the German school in Vila Mariana. The report “reflected that Sack had attempted to join the Nazi Party, but had been refused membership because of his Brazilian nationality.” While Sack was not an actual party member, the report further revealed he won election as president of the

¹²² Hilton, *Hitler’s Secret War in South America, 1939--1945*, 263.

¹²³ “Reply to Report on Kurt Prüffer,” Rio de Janeiro, November 3, 1945; Folder: 2, Box: 5, Entry 153B, RG 226; NACP.

¹²⁴ Hilton, *Hitler’s Secret War in South America, 1939--1945*, 263.

¹²⁵ “Report on the Green Shirt Movement in Brazil,” Folder 2, Box 2, pg. 39; IRRLA 1943-46, Entry UD 153B; RG 226; NACP.

Sociedade Alemã de Vila Mariana (German Society of Vila Mariana) through influence of the society's Nazi members.¹²⁶

Reasons for arrest could be as minimal as voicing sympathy for the Third Reich, or using the German language in public. In some cases, the ambiguous ethnic status of suspected Nazi sympathizers, whether German, *teuto-brasileiro* (German-Brazilian) or members of "German circles" emphasizes the Brazilian government's perception that foreignness meant Nazi collaboration even when there was little to no proof.¹²⁷

According to a September 1942 report by Caffrey, Vargas told Aranha "Gestapo agents disguised as Protestant missionaries [attempted to] penetrate the German colonies of Santa Rosa and various other acts of espionage on our frontier including an attempt to enter our barracks."¹²⁸ Since the Gestapo restricted their jurisdiction to the boundaries of Nazi-occupied Europe, it is unlikely this particular Third Reich organization sent agents across the Atlantic. Yet, the consistent use of "Gestapo" in Brazilian and US intelligence reports shows their governments' assumptions about Nazi espionage tactics. They categorized all Germans residing in Brazil suspected of being Nazi agents based on their ethnic heritage, regardless of whether or not it was true.

¹²⁶ Louis H. Padgett, "Memorandum from Padgett for the Proclaimed-List Section," February 9, 1945. Folder 5, Box 4; IRRLA 1943-46, Entry 153B; RG 226; NACP.

¹²⁷ Goodman. "From 'German Danger' to German-Brazilian President," 97.

¹²⁸ Welles to Roosevelt, February 18, 1942; Folder: Brazil, Box: 24, Series 3: Diplomatic Correspondence; Franklin D. Roosevelt, PP: PSF, 1933-1945. FRANKLIN Digital Repository, FDR Library.

Total arrests. 1193			
Dispositions:		Charges:	
(+)Released	796	Espionage	288
Interned	209	Sabotage	24
(+)Awaiting trial	79	Internal Security	835
Other	23	Other	46
Sentenced:			
For Espionage	80		
Other charges	6		
(1193)		(1193) (1193)	

Figure 1: Breakdown of “Axis Nationals” Arrested in Brazil (date estimated 1944)¹²⁹

The Brazilian political police interned “foreign agents,” like the ones charted in the figure above, for extensive periods of time, some without ever receiving trial. Brazil was not the only nation in the western hemisphere that detained suspected Axis agents without jurisprudence. By spring 1942, the United States Army interned “some 112,000 Japanese-American men, women and children into military holding centers for weeks or months and then transported [them] under guard to the interior of the country.”¹³⁰ The report indicates the Brazilian authorities released most of the prisoners after holding them “for long periods of time as a security measure.” For many cases marked “awaiting trial,”

¹²⁹ “Reply to Report on Apprehensions and Convictions of Foreign Agents in Latin America,” Rio de Janeiro, n.d. Folder: 5, Box: 5; IRRLA 1943-46, Entry UD 153B; RG 226; NACP. In this report is a list compiled from a review of “Bureau” files in Rio de Janeiro and US Consulates after Brazil broke diplomatic relations with Germany in January 1942. Those included on this report were subject to some investigation beyond general interest or on whom there was information in the files reflecting that the “Bureau” had a more specific interest in them. The image here is a breakdown of the arrests showing a division of the cases as to the disposition and charges. The (+) symbol means the individual has been carried as “released” if he was released from imprisonment, but records show that many of the individuals released were held in jail for long periods of time as a security measure. Individuals listed “awaiting trial” were not formally sentenced nor were they officially interned, but were held without trial most likely until the end of the war.

¹³⁰ Greg Robinson, *A Tragedy of Democracy: Japanese Confinement in North America*. (New York: Columbia University Press, 2009), 1.

the individuals were not “officially interned,” but held without intention of a trial.¹³¹

After their release, the Brazilian government exiled many of them, although no mention is made of where they were sent and others gained their freedom from lack of evidence.

The British blockade around Europe seized ships loaded with armaments from Germany bound for Brazil through Lisbon, severing the arms trade route between Germany and Brazil. Unable to fulfil his goal to modernize Brazil’s military, Vargas conceded Brazil had no choice but to side with the Allies, despite being ill-prepared to wage a full-scale war.¹³² Vargas and his military planners voiced frustration to US diplomats, asserting if they were to ally themselves with the United States, they would need enormous military support to protect Brazil’s northeastern territories from German submarines and Axis infiltration. In a letter dated January 18, 1942, Welles impressed upon President Roosevelt “we [the United States] cannot afford to treat Brazil any long[er] as the War Department has been treating her now...Like all armies, the Brazilian High Command is not inclined to be enthusiastic about getting into war if they have none of the basic elements for defense.”¹³³ The United States recognized the critical, military foothold Brazil played in its war planning strategy, since the northeastern territory was only a five hour flight from Vichy-controlled West Africa.¹³⁴ The United States and Brazil sought a mutually beneficial relationship to achieve their military goals: for the United States, cooperation from Vargas helped aid US military planners to secure Pan-American diplomatic cooperation, establish airbases and naval fleets in strategic locations

¹³¹ “Reply to Report on Apprehensions and Convictions of Foreign Agents in Latin America,” Rio de Janeiro, n.d. Folder: 5, Box: 5; IRRLA 1943-46, Entry UD 153B; RG 226.

¹³² Lochery, *Brazil: The Fortunes of War*, 9-10.

¹³³ Welles to Roosevelt, January 18, 1942; Folder: South America, Box: 5; PP: PSF 1933-1945; FRANKLIN Digital Repository; FDR Library.

¹³⁴ Films for the Humanities & Sciences (Firm), Films Media Group and United Newsreel Corporation. *United News, Release 13 (1942)*, New York: Films Media Group, 1942.

to protect trans-Atlantic shipping routes from German submarine attacks; for Brazil, the economic aid from the United States and Great Britain fostered support of industrial infrastructure thus resolving the economic woes of Brazil's urban working class. The cooperation with the Allies also allowed Vargas to strengthen the army, develop a Brazilian air force and with a solid navy along Brazil's expansive, 4,600 mile coastline.¹³⁵

Conclusion

Upon the unconditional surrender of German troops in Italy on May 2, 1945, the Brazilian government immediately recalled all troops and considered its obligations to the United States fulfilled.¹³⁶ Yet, perceptions of Brazil's political-ideological leanings still remained ambiguous. Before mobilizing the Brazilian Expeditionary Forces (BEF), Vargas expressed concerns over sending troops to fight against a regime in Italy that more or less, mirrored his own.¹³⁷ Despite the nation's contribution of 25,000 BEF soldiers to the Allied Mediterranean Campaign, Brazilian troops maintained an unstable alliance with their American counterparts, due to the pro-German, military elite in Brazil at the core of the opposition to Vargas' alliance with the United States.¹³⁸ Vargas' doubts proved well-grounded since Brazil's enigmatic alliance with democratic nations reinvigorated his strongest opponents, particularly those in the military, to remove him from power.

In May, Vargas announced the return of democratic elections to Brazil in the following December. Though Vargas did not present himself as a candidate, he still

¹³⁵ Lochery, *Brazil: The Fortunes of War*, 188-191.

¹³⁶ Ibid, 71-72, 165.

¹³⁷ Penteado, "The Brazilian Participation in World War II," 70.

¹³⁸ McCann, "Brazil and World War II."

played a dominant role in the new political system.¹³⁹ Fearing democracy would again crumble under Vargas' quest for power, Dutra and Monteiro presented him with a message from the military on October 29 demanding his immediate resignation. The *Estado Novo*'s end signified a transition from military authoritarianism to the democratic Second Brazilian Republic, which drafted a new constitution in 1946. To peacefully compromise with Vargas, Dutra granted him and his family a military escort from Guanabara Palace to his farm in Rio Grande do Sul.

After the war, the Integralistas and NSDAP ceased to exist as official organizations, but Plínio Salgado returned from exile in Portugal to his homeland ready to implement new directives he coordinated with his supporters.¹⁴⁰ He founded the Party of Popular Representation, which included many principles of Integralism, but without the military pageantry, salutes and uniforms. The new Brazilian government granted amnesty to former German-Brazilian prisoners, who were not afraid to openly recount their experiences since they were convicted under an *ex post facto* law.¹⁴¹ Those expelled from Brazil were able to return to the place they once called home. Former Nazi party and Integralist members maintained associations among well-trusted friends, many of whom still retained prominent political, military and economic positions in Brazil. Since Nazi-sympathizing German immigrants were resistant to assimilation, native Brazilians and mainstream German-Brazilian communities exiled them to cultural isolation, wanting to sever ties with Hitler's totalitarian Germany. Even the Third Reich declined to grant

¹³⁹ Goodman, "From 'German Danger' to German-Brazilian President," 115.

¹⁴⁰ Leandro Pereira Gonçalves, "The Integralism of Plínio Salgado: Luso-Brazilian Relations." *Portuguese Studies* 30, no. 1 (2014): 93.

¹⁴¹ Hilton, *Hitler's Secret War in South America, 1939--1945*, 8.

German-Brazilian sympathizers NSDAP membership because of their Brazilian nationality.

As a result of their experiences during Vargas' presidency, Nazi sympathizers in Brazil blended back into the folds of civilization, but they received the message they were not tolerated in mainstream Brazilian society. National Socialist political organization in Brazil was still outlawed by the 1946 Constitution, due to its anti-democratic nature. However, political suppression from the Brazilian government and social isolation of these pro-fascist and pro-Nazi groups explain how, after World War II, local associations of fascist and Nazi supporters in Brazil maintained distinct, yet flexible, socio-cultural influence built on traditional NSDAP principles, but developed a Brazilian nationalist ideology. These associations' loose organization occurred in clandestine, local cells, which communicated effectively despite the risk of arrest. For individuals such as Alfred Winkelmann, Eduardo Sack, Tulio Regis do Nascimento, their oppression had strengthened their comradeship and honed their skills in order to provide discreet, friendly social environments for Nazi war criminals escaping from Europe in the 1950s, such as Franz Stangl and Gustav Wagner. For these dedicated former Nazis and Nazi sympathizers, the ideological war was far from over.¹⁴²

¹⁴² Stangneth, *Eichmann Before Jerusalem*, 71.

CHAPTER 2: HOLOCAUST SURVIVORS AND THE LIMITATIONS OF LEGAL JUSTICE, 1945-1966

“When you get back from a trial like that, you’re more sick than alive.”¹⁴³

- Abraham Bomba, Treblinka
survivor recalling his experience as a
witness in the 1965 Treblinka I trials held in
Düsseldorf

In the immediate post-war era, there were quests for justice against Holocaust perpetrators, yet judicial proceedings and their results proved inadequate, especially to a large number of Jewish Holocaust survivors. Many Holocaust survivors, with the exception of individuals like Simon Wiesenthal or Elie Wiesel, were initially reluctant to openly recount their experiences, traumatized by the atrocities they endured and witnessed. Worse they feared being ignored or labeled liars by those who did not want to hear their accounts. In a study by clinical psychologist Yael Danieli, her interviews with Holocaust survivors revealed “that no one, including mental health professionals, listened to them or believed them when they attempted to share their Holocaust experiences and their continuing suffering,” creating a phenomenon that Danieli labels “a conspiracy of silence.” In this chapter, I concur with Danieli’s argument “that reparative justice processes can mobilize social support for the victims and can help whole societies to begin to dissipate the detrimental effects of the conspiracy of silence.”¹⁴⁴

¹⁴³ Abraham Bomba. Interview 18061. Visual History Archive. USC Shoah Foundation Institute. Accessed online at the USHMM on August 10, 2015.

¹⁴⁴ Yael Danieli, “Massive Trauma and the Healing Role of Reparative Justice.” *Journal of Traumatic Stress* 22, no. 5 (October 1, 2009): 351–52, doi: 10.1002/jts.20441.

However this “conspiracy of silence” was not pervasive among all Holocaust survivors, especially those who testified against their tormentors when they were brought to trial. Although Jewish survivors remained optimistic when the judicial system prosecuted Holocaust perpetrators, many trials ended in acquittals, or light sentences ill-fitting of the crimes. Alan Rosenbaum points out “that once a general defense is made for an ‘obligation to prosecute,’ a failure to prosecute is an important wrong done to the community as a whole (if not to individual members and victims alone).”¹⁴⁵ As the statement from Abraham Bomba demonstrates, the West German trials against Nazi war criminals in the 1960s offered little to no reconciliation for Jewish Holocaust survivors, especially those who repeatedly testified at the criminal proceedings, only to see their tormentors acquitted, or if convicted, sentenced to short prison terms ill-fitting of the atrocities they perpetrated. Bomba’s pessimism emphasizes the devastating psychological impact the trials imposed on Jewish Holocaust survivors. As a result, many survivors were frustrated with obstacles such as underfunded, undermanned investigations, trials that were so muddled by rigid legal interpretations there was no guarantee of justice and an unenthusiastic West German society resistant to confront its Nazi past.

In this chapter, I examine Jewish Holocaust survivors and the legal inadequacies they perceived in West German Nazi trials from 1945 to 1966. Expanding from Browning’s methodology of “collected memories” my focus specifically examines Jewish survivors’ perceptions of a faulty legal system in which justice felt short of their acceptable standards. In doing so, I follow Browning’s methodology “not in the collective singular but rather in the individual plural, not collective memory but rather collected memories” to illustrate the individual’s personal experience, or examine

¹⁴⁵ Rosenbaum, *Prosecuting Nazi War Criminals*, 62.

consistencies and differences among multiple testimonies.”¹⁴⁶ It answers Jonathan Friedman’s call for contemporary researchers to focus on individuals who were not brought to trial and the reasons they were able to escape indictment in order to gain a deeper insight on interplay between law and politics.¹⁴⁷ Within this framework, I explain why some Jewish Holocaust survivors sought justice against Nazi war criminals through extra-legal means when established judicial systems, entrusted to provide legal justice, failed to meet survivors’ expectations. As the Jewish “vengeance squads” in post-war Europe demonstrate, it was not unusual for Holocaust survivors to take justice into their own hands when the legal system failed to provide the results they wanted.

The Operation Reinhard camps (Belzec, Sobibór and Treblinka) distinguished themselves from the Nazi concentration camp system as killing centers designed for only one purpose; the mass murder of millions of people in the shortest amount of time.¹⁴⁸ The revolts at Sobibór and Treblinka constitute two of the very sparse instances of successful, organized, Jewish resistance whereas Belzec endured a failed prisoner revolt. The Operation Reinhard camps present significant difficulty to Holocaust historians, since the SS constructed and tore them down with secrecy as their highest priority. Unlike concentration camps liberated by the Allies in 1945, which the SS guards hastily abandoned in the wake of advancing enemy forces, such as Auschwitz-Birkenau, Bergen-

¹⁴⁶ Christopher R. Browning, *Collected Memories Holocaust History and Postwar Testimony*. (Madison: University of Wisconsin Press, 2003), 38-39.

¹⁴⁷ Jonathan Friedman, “War Crimes Prosecution in Soviet Occupation Zone and in West and East Germany.” in *Atrocities on Trial: Historical Perspectives on the Politics of Prosecuting War Crimes*, eds. Patricia Heberer-Rice and Jürgen Matthäus. (Lincoln: University of Nebraska Press, 2008), 178.

¹⁴⁸ Michael S. Bryant, “Eichmann in Jerusalem--and in West Germany: Eichmann Trial Witnesses and the West German Prosecution of Operation Reinhard Crimes, 1958-1966.” *Loyola of Los Angeles International and Comparative Law Review* 34, no. 3 (March 1, 2012): 350-351. Bryant estimates, by the time the last of the Operation Reinhard camps were dismantled in the fall of 1943, they were responsible for the deaths of nearly 1.8 million people, accounting for more than one-third of the total victims murdered during the Holocaust.

Belsen and Dachau, the SS stationed at Operation Reinhard camps erased almost all evidence of the camps' existence after their closure in 1943. At killing centers there was no need to keep prisoner records, since most prisoners were sent immediately to their deaths and those who worked in the camp had no reason to believe they would ever come out alive. Due to these circumstances scholars have heavily relied on the testimony from both perpetrators and prisoners in order to gauge what day-to-day life in the camps were like.¹⁴⁹ Only recently have archaeologists discovered remnants of the gas chambers at Sobibór, in which they uncovered jewelry having belonged to Jews sent to their deaths.¹⁵⁰

Between 1945 and 1949, justice against Nazi war criminals was carried out by either the International Military Tribunal (IMT) in the famous Nuremberg trials, or by individual occupation governments in their respective sectors, including Poland and other Eastern bloc states. The Nuremberg tribunal focused on the high command of the Third Reich and so-called architects of the Holocaust, given they were the easiest to prosecute due to the plethora of evidence accessible to attorneys and indictments were focused on war crimes and crimes against humanity, not specific to the Holocaust.¹⁵¹ Of the judicial shortcomings from the post-war trials, Patricia Heberer-Rice and Jürgen Matthäus outline five key deficiencies:

¹⁴⁹ Rashke, *Escape from Sobibor*.; Sereny, *Into That Darkness*.; Browning, *Collected Memories*.; Jules Schelvis, *Sobibór: A History of a Nazi Death Camp*. (New York: Berg, 2007), 52-63.

¹⁵⁰ Ofer Aderet, "Archaeologists Make More Historic Finds at Site of Sobibór Gas Chambers." *Haaretz*, September 19, 2014. <http://www.haaretz.com/jewish/news/.premium-1.616667>.

¹⁵¹ Norman E. Tutorow, Karen Winnovich and Mazal Holocaust Collection, *War Crimes, War Criminals and War Crimes Trials: An Annotated Bibliography and Source Book*. (New York: Greenwood Press, 1986), 10-11. The IMT in Nuremberg lasted from November 14, 1945 to August 31, 1946. Twenty-two defendants were charged with four counts: 1) common plan or conspiracy; 2) crimes against peace; 3) war crimes and; 4) crimes against humanity. The IMT sentenced twelve to death, (including Hermann Göring, who committed suicide while in prison and Martin Bormann, who was never found), three life sentences, two for twenty years, one for fifteen years, one for ten years and three acquittals. Those acquitted would be later tried and convicted for war crimes in German denazification courts.

- 1) “The inability to bring all major perpetrators to justice and the lack of energy or will to bring lesser-known perpetrators to justice
- 2) Jurisdictions were not always clear since the crimes of the Holocaust were legally unprecedented
- 3) Judicial proceedings against war criminals were driven more by contemporary politics than the search for justice
- 4) Evidence used in post-war trials was either missing or so monumentally overwhelming that it was difficult to properly assess
- 5) Many lawyers were not always adequately prepared and received little to no support from the home government.”¹⁵²

Overall, the West German reception of the IMT was negative. In his study of the IMT’s impact on Germany, Christoph Burchard identifies two main West German legal criticisms of the IMT. The first was the perception that the “justice at Nuremberg trial was no more than a victors’ justice enforced by the Allies,” and second “the assignment of accountability to individuals for the crimes charged was not a revolution in the concept of state sovereignty so much as a violation of the principle *nullum crimen sine lege*.” In layman’s terms, many West Germans criticized the IMT for indicting individuals under *ex post facto* laws, when the crimes may have been allowed, or even ordered by domestic law at the time they were committed.¹⁵³

Following the results of the IMT, between October 26, 1946 and April 14, 1949, the US Office of the Military Government in Germany carried out twelve “subsequent” trials against German war criminals known as the Nuremberg Military Tribunals (NMT). The NMT trials were based on Allied Control Council Law No. 10, which authorized the Allies to arrest and try anyone suspected of war crimes.¹⁵⁴ The only crime defined by Law No. 10 that directly applied to Germany proceedings, Henry Friedlander argues, was

¹⁵² Heberer-Rice and Matthäus eds. *Atrocities on Trial*, xi-xviii.

¹⁵³ Christoph Burchard, “The Nuremberg Trial and Its Impact on Germany.” *Journal of International Criminal Justice* 4, no. 4 (2006): 802, doi: [10.1093/jicj/mql052](https://doi.org/10.1093/jicj/mql052)

¹⁵⁴ Tutorow, Winnovich and Mazal Holocaust Collection, *War Crimes, War Criminals and War Crimes Trials*, 11.

crimes against humanity. Its use offered German judiciaries distinct advantages since “no distinction between the perpetrator and his accomplice, rejected the defense of superior orders and provided for penalties higher than the German penal code. Further, it made conviction possible for a variety of deeds not previously prohibited by the German penal code.” While the West German courts “accepted this retroactive law as binding, judges objected that it forced them to act contrary to their principles.” Friedlander shows how “they wanted to reestablish the legal positivism of the *Rechtsstaat* arguing that the Nazis had also legislated retroactively.”¹⁵⁵ In addition, the trials had particular difficulty prosecuting crimes committed before the war, such as *Kristallnacht*, since they did not fall under international law. By 1947, public opinion in West Germany felt that prosecution of Nazi criminals was counterproductive to German reconstruction and political considerations took priority over legal ones.¹⁵⁶

By 1949, diplomatic officials once outspoken about the hunt for Nazi war criminals turned their attention towards the emerging Cold War and the Iron Curtain to the east. As a result, the Western Allies were willing to make concessions towards West German legal autonomy in order to foster satisfactory relations with a critical ally in the developing global conflict. As Burchard shows “the international political climate favoured the re-emergence of a strong West Germany. With the beginning of the Cold War, the West needed the Federal Republic of Germany as a bulwark against

¹⁵⁵ Henry Friedlander, “The Judiciary and Nazi Crimes in Postwar Germany.” *Simon Wiesenthal Center Annual* 1, Chapter 2 (1984).
<http://motlc.wiesenthal.com/site/pp.asp?c=gvKVLcMVIuG&b=394973>. Crimes Against Humanity (*Humanitätsverbrechen*) is defined as atrocities and offenses, including but not limited to murder, extermination, enslavement, deportation, imprisonment, torture, rape, or other inhumane acts committed against any civilian population, or persecution on political, racial, or religious grounds whether or not in violation of the domestic laws of the country where perpetrated.

¹⁵⁶ Jonathan Friedman, “Law and Politics in the Subsequent Nuremberg Trials, 1946-1949” in *Atrocities on Trial*, eds. Heberer-Rice and Matthäus, 38-41, 81-85, 96.

Communism.”¹⁵⁷ On November 25, 1949, the Allied High Commissioner announced Control Council Law No. 13, which transferred the authority of trying war criminals to the West German judiciary, effective January 1, 1950.¹⁵⁸ Due to massive pressure from Germany, the Allies prohibited the use of Law No. 10 in German courts. Afterwards, the only means to obtain a conviction against Nazi war criminals was through the German penal code.¹⁵⁹

After the establishment of the Federal Republic of Germany (FRG), rather than adopting the International Criminal Charges used at the IMT in Nuremberg, the West German judiciary implemented a German penal code based on the original from 1871. Scholars have thoroughly studied why the West German government chose to use the 1871 German penal code and its impact on West German prosecutions against Nazi war criminals. Eric Haberer explains “the peculiarities of the German penal code, with its rather idiosyncratic murder statute, resulted in leniency in sentencing, the suspension of certain cases and last but not least, a dearth of prosecutions of “desk perpetrators” (*Schreibtischtäter*). These legal restrictions “made it necessary for jurists to turn to historical evidence in order to determine the context, personal motives, nature and specific circumstances of a crime or complex of crimes.”¹⁶⁰ Highlighting the fact that the Third Reich also used and abused the 1871 penal code to legitimate its atrocities, Sonja Boos criticizes the legal framework, which tried Nazi war criminals “according to Nazi

¹⁵⁷ Burchard, “The Nuremberg Trial and Its Impact on Germany,” 812.

¹⁵⁸ Tutorow, Winnovich and Mazal Holocaust Collection, *War Crimes, War Criminals and War Crimes Trials*, 11.

¹⁵⁹ Friedlander, “The Judiciary and Nazi Crimes in Postwar Germany.”

¹⁶⁰ Erich Haberer. “History and Justice: Paradigms of the Prosecution of Nazi Crimes.” *Holocaust and Genocide Studies* 19, no. 3 (2005): 488, 495-496. Article 211, paragraph 2 of the Penal Code, stipulates that: “A murderer is anyone who kills a person out of a lust for killing, to satisfy sexual instincts, out of greed or other base motives, maliciousness or cruelty, or by means dangerous to the public or in order to facilitate or conceal another crime.”

rules, in which indictments were assisted by former Nazi jurists.”¹⁶¹ At more than 90 percent membership in the Nazi party, the German judiciary, most of whom were able to return to their post after the war, had been the most Nazified professional group, instrumental in laying down the legal foundations of the Holocaust.¹⁶²

Since the establishment of the *Ludwigsburg Zentralstelle* in 1958, scholars both German and non-German have been critical of the meager results of the West German prosecutions against Nazi war criminals. In his analysis of the West German trials, Haberer explains how “many considered the trials a politically motivated sham—half-hearted undertakings that, at best, led to ‘fantastically lenient sentences’ for so-called ‘excess perpetrators’ and at worst exonerated the Germans collectively from complicity in the Holocaust.”¹⁶³ Although the German penal code complied with International Criminal Charges by throwing out the defense of superior orders, “the defense could be used to distinguish between a perpetrator and an accomplice.”¹⁶⁴ Toward the later trials, most West German prosecutions against Nazi war criminals steadily retreated from strict to subjective interpretations towards their indictments, which enabled the courts to convict someone as an accomplice, even if they had personally killed.¹⁶⁵ As a result, it was probable that lower-echelon war criminals, who directly participated in the killing process, could be prosecuted only for manslaughter, which carried a fifteen year statute of limitations, instead of twenty years for murder.¹⁶⁶

¹⁶¹ Sonja Boos, *Speaking the Unspeakable in Postwar Germany: Toward a Public Discourse on the Holocaust*. (Ithaca: Cornell University Press, 2014), 185.

¹⁶² Bryant, *Eyewitness to Genocide*, 192.

¹⁶³ Haberer, “History and Justice,” 501.

¹⁶⁴ Rebecca Wittmann, *Beyond Justice: The Auschwitz Trial*. (Cambridge: Harvard University Press, 2012), 24. Wittman identifies the German term for this defense as *Befehlsnotstand*.

¹⁶⁵ Friedlander, “The Judiciary and Nazi Crimes in Postwar Germany.”

¹⁶⁶ Bryant, *Eyewitness to Genocide*, 30-33.

As the expiration of the West German statute of limitations for the atrocities of the Holocaust approached in the 1960s and 1970s, the West German image of Nazism began to change to “a more detached fascination with the lurid world of violence and degradation” as a means for Germans to come to terms with their Nazi past.¹⁶⁷ If charged at all, which was unlikely, West German prosecutions against so-called “desk-murderers,” such as Adolf Eichmann or Franz Stangl, required the prosecution “to prove intent, initiative and motive, or a combination thereof. A further complication was that over and above these essentially subjective criteria, the prosecution had to demonstrate that the ‘inner disposition’ of an offender's intent or motive in committing or assisting in the commission of the crime of murder met the criteria of criminality.”¹⁶⁸ While the West German courts were more likely to prosecute sadistic murderers (*Exceßtäter*), they could only be charged with murder if they killed without orders from superiors. Due to this legal restriction, prosecutors struggled to establish motivation and jurisdiction in accordance with the murder statute of the 1871 German Penal Code resulting in meager

¹⁶⁷ Gavriel Rosenfeld, “The Normalization of Memory: Saul Friedländer’s Reflections of Nazism Twenty Years Later,” in *Lessons and Legacies VII*, ed. Herzog, 395. For more on Germany mastering the Nazi past see Edith Raim, “Coping with the Nazi Past: Germany and the Legacy of the Third Reich,” *Contemporary European History* 12, no. 4 (2003): 547–59, doi: 10.1017/S0960777303001413.; Annette Weinke, “Transitional Justice and National ‘Mastering of the Past’: Criminal Justice and Liberalization Processes in West Germany After 1945,” in *Dealing with Wars and Dictatorships: Legal Concepts and Categories in Action*, eds. Liora Israël and Guillaume Mouralis, 2014.; Stephen Brockman, “The Politics of German History,” *History and Theory* 29, no. 2 (1990): 179–89.; Philipp Gassert and Alan E. Steinweis, eds. *Coping With the Nazi Past: West German Debates on Nazism and Generational Conflict, 1955-1975*. (New York: Berghahn Books, 2007).; A. Dirk Moses, *German Intellectuals and the Nazi Past*. (Cambridge: Cambridge University Press, 2007).; Ian Kershaw, *The Nazi Dictatorship: Problems and Perspectives of Interpretation*. (New York: Bloomsbury), 2000.

¹⁶⁸ Haberer, “History and Justice,” 496-510. Haberer defines “desk-murderers” as those who handled the paperwork and portfolios essential to the implementation of the Final Solution Since defendants were unlikely to confess to such crimes, by what means would it be possible to prove that they had killed deliberately for “base motives”?

conviction rates and even when defendants were convicted, the courts handed down disappointingly light sentences.¹⁶⁹

One of the most debated shortcomings of the West German trials was their failure to bring the mass murder of European Jews into international consciousness. While the Nazis persecuted a wide range of victim groups, in this thesis I concentrate only on their persecution of Jews, since Jews were the primary target of racial annihilation and the only demographic sent to Sobibór. Alon Confino's recent work on Nazi anti-Semitism, *A World without Jews*, explains how the Nazis perceived Jews as different from their other enemies.¹⁷⁰ Anti-Semitism is crucial to understanding why Jewish Holocaust survivors directly participated in the post-war hunt for Nazi fugitives. Because the racial hatred of perpetrators, ethnic identity of the victims and programs of racial annihilation were not central elements to murder convictions, less than 1 out of 10 convictions in West German courts actually related to the mass killing of Jews.¹⁷¹ As a result, it is possible Jewish survivors who testified at these trials viewed the legal victories as hollow, since the courts failed to address the most horrific aspect of the Holocaust.

Despite these limitations, it is important to identify the groundbreaking successes of the international and West German prosecutions against Holocaust perpetrators. There were many trials in West Germany that rendered guilty verdicts, offering at least some reconciliation to survivors. Heberer-Rice and Matthäus point out that scholarly focus on the IMT's failures ignore "the achievements of Allied prosecutions in broadening the

¹⁶⁹ See Cesarani, *Becoming Eichmann*, 2007; Henry Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*. (Chapel Hill: University of North Carolina Press, 2000), 194. Two Sobibór survivors, Eda Lichtman and Moshe Bahir testified against Eichmann at his trial in Jerusalem. Later they would be key witnesses in the 1965 Sobibór trials Hagen. See Bryant, "Eichmann in Jerusalem--and in West Germany," 381.

¹⁷⁰ Alon Confino, *A World Without Jews: The Nazi Imagination from Persecution to Genocide*. (New Haven: Yale University Press, 2015), 56.

¹⁷¹ Wittmann, *Beyond Justice*, 31.

concept of legal culpability to more than a few individuals and their focus on the development of international law to confront constant threats of aggressive war and state-sponsored violence.”¹⁷² For example, Article 7 of the Nuremberg IMT Charter “rejected the act-of-state plea and held that international law was concerned not merely with the actions of sovereign states, but with the duties and liabilities of individuals as well... The plea of superior orders was likewise rejected by the Charter.”¹⁷³ They also served as some of the first public outlets for Holocaust survivors to speak freely about their experiences. West Germany’s progressive extension of the statute of limitations for murder facilitated the investigation and prosecution of many Holocaust perpetrators who would have otherwise escaped accountability for their crimes. Lastly, the transcripts, evidence, testimonies and documentation from these trials provide an ever-growing wealth of scholarly resources. One of the most popular topics, Adolf Eichmann’s testimony in Jerusalem, is subject academic inquiry scrutinizing not the historical accuracy of his statements, but rather their impact on Holocaust historiography, memory and insight into the psychology of a convicted Holocaust perpetrator.¹⁷⁴

¹⁷² Heberer-Rice and Matthäus eds. *Atrocities on Trial*, xi-xviii.

¹⁷³ Tutorow, Winnovich and Mazal Holocaust Collection, *War Crimes, War Criminals and War Crimes Trials*, 9. The definition of war crimes was not restricted to actions which violated legislative statutes but rather a more general sense of crimes against humanity. This vague meaning has given rise to endless disputes about the legality of ex post facto laws for prosecuting war criminals, as is the case in Brazil, which I show in Chapter 3. If an order given were known to be violation of civil or military law, the person giving the order and the person executing the order would both be guilty according to the IMT Charter.

¹⁷⁴ For more information on the successes of West German trials and the scholarly use of perpetrator testimony, see John P. Teschke, *Hitler’s Legacy: West Germany Confronts the Aftermath of the Third Reich*. (New York: Peter Lang, 1999).; Irmtrud Wojak, *Eichmanns Memoiren: Ein kritischer Essay*. (Frankfurt am Main: Campus Verlag GmbH, 2001).; Christian Gerlach, “The Eichmann Interrogations in Holocaust Historiography.” *Holocaust and Genocide Studies*. 15, no. 3 (2001): 428.; Browning, “Perpetrator Testimony: Another Look at Adolf Eichmann” in *Collected Memories Holocaust History and Postwar Testimony*.; Ruth Bettina Birn, “Fifty Years After: A Critical Look at the Eichmann Trial.” *Case Western Reserve Journal of International Law* 44, no. 1/2 (2011): 443–73.; Wittmann, *Beyond Justice*.

This chapter's first section provides a basic discussion of the perpetrators and survivors at Sobibór, the importance of the Sobibór revolt on October 14, 1943, and concludes with Stangl's and Wagner's immigration to Brazil. It is imperative to emphasize the individual relationships that formed between SS guards and prisoners as they were the basis, by which West German courts evaluated witness testimony. In order to understand these perpetrator-victim relationships, scholars must analyze them on an individual basis. The small spatial area of the Operation Reinhardt camps constructed locally isolated cultures, meaning Jewish prisoners "were not separate from the Nazi German war for race and space but were an integral part of it."¹⁷⁵ Prisoners fortunate enough to survive in the Operation Reinhardt camps, some for more than a year, knew their tormentors by name, with whom they forged relationships in their day-to-day lives. In this thesis, I concentrate primarily on Sobibór, since it was the only killing center where Gustav Wagner was stationed, although several newspapers mistakenly reported him to also have been the second-in-command at Treblinka; a mistake eerily similar to the John Demjanjuk case.¹⁷⁶ In addition, Sobibór deserves special attention, since it was the site of the largest successful prisoner revolt of World War II.¹⁷⁷

In the second section, I analyze the West German prosecutions against SS guards stationed at Sobibór as a case study within common trends of the West German judicial

¹⁷⁵ Doris L. Bergen, *The Holocaust: A Concise History*. (Lanham: Rowman & Littlefield, 2009), 190.

¹⁷⁶ Warren Hoge, "Brazil Is Criticized for Its Refusal To Allow Extradition of Ex-Nazi: Decision Is a Surprise In Brazil Since 1950." *New York Times*. June 24, 1979. <https://librarylink.uncc.edu/login?url=http://search.proquest.com/librarylink.uncc.edu/docview/120834739?accountid=14605>; "Former Guard at Nazi Death Camp Commits Suicide." *The Times*. October 6, 1980. Gale NewsVault. <http://find.galegroup.com/dvnw/infomark.do?&source=gale&prodId=DVNW&userGroupName=c&har69915&tabID=T003&docPage=article&docId=CS84379462&type=multipage&contentSet=LT0&version=1.0>; Strasser and Rohter, "'Beast' at Bay." Box: Gustav Wagner. WWIFHS.; "Death of 250,000 Jews: 'Proof Against Ex-Nazi.'" *San Francisco Chronicle*. June 1, 1978. Box: Gustav Wagner. WWIFHS.; Donald McKale, *Nazis after Hitler: How Perpetrators of the Holocaust Cheated Justice and Truth*. (Lanham: Rowman & Littlefield, 2014), 117.

¹⁷⁷ Rashke, *Escape from Sobibor*, vii.

system to bring Holocaust perpetrators to justice before Franz Stangl's trial in 1970. While the West German trials yielded some successes, for Holocaust survivors who continuously testified, acquittals and light sentences given to most Holocaust perpetrators brought to trial highlight survivors' frustration with the judicial system. While Christopher Browning acknowledges the difficulties of oral history in *Ordinary Men*, he argues survivor testimonies about prominent perpetrators in ghettos and camps are extremely valuable because prolonged contact between them was possible.¹⁷⁸ Like all oral histories, there are consistencies and inconsistencies in witness testimony, depending on their individual experiences and personal biases. Despite these limitations, Browning argues "the 'authenticity' of the survivor accounts is more important than their 'factual accuracy.'" While he uses these testimonies among other sources in his most recent work, *Remembering Survival: Inside a Nazi Slave-Labor Camp*, Browning points out that the structured form of the Visual History Archive's interviews attempt "to provide a 'life story' rather than just a Holocaust experience,"¹⁷⁹ This structure strengthens the goals of this thesis, since it examines not just the Holocaust experience, but survivors' post-war lives as well.

The final section examines "Jewish vengeance" against Holocaust perpetrators in post-war Europe. Before denazification trials could be established, I examine how Jewish survivors in occupied Europe sought extra-legal means, such as private judicial proceedings to prosecute Jewish collaborators of the Holocaust they encountered in DP

¹⁷⁸ Browning, *Ordinary Men*, iii-xiv.

¹⁷⁹ Christopher R. Browning, *Remembering Survival: Inside a Nazi Slave-Labor Camp*. (New York: W. W. Norton & Company, 2011), 6.

camps, such as *kapos* or members of the *Judenräte*.¹⁸⁰ In later stages, where courts failed to deliver justice to the vast majority of Holocaust perpetrators, some Jewish survivors exacted vigilante justice on their own terms. Those particularly drawn to these unorthodox methods were the Jewish survivors involved in Jewish resistance movements during war, such as partisan groups and concentration camp/ghetto uprisings.

The Perpetrator-Survivor Relationship and the Sobibór Revolt

Franz Paul Stangl was born in March 26, 1908 in Altmünster, Austria. As an Austrian policeman in the 1930s, Stangl claimed to have had little interest in the National Socialist agenda until the *Anschluss*, when he claimed to have falsified his NSDAP membership beginning in 1936. West German courts and even Stangl's wife, Teresa, did not believe his party membership was born out of self-protection in light of the massive wave of arrests following the incorporation of Austria into the Third Reich.¹⁸¹ After the *Anschluss* Stangl, along with the rest of the Austrian police force was incorporated into the Gestapo-led *Schutzpolizei* where he was posted to the *Judenreferat* (Jewish Bureau) in Linz.¹⁸² He joined the SS not long after in May 1938.

By early 1940, Stangl reported to the Reich Security Main Office (RSHA) in Berlin to a front organization which was responsible for the T4 "euthanasia" program. Stangl was assigned to Schlöss-Hartheim in November 1940 serving as Police Superintendent under the direction of future Operation Reinhard camp inspector Christian Wirth. Wirth was eventually replaced by Franz Reichleitner and in late summer 1941, Stangl was

¹⁸⁰ *Kapos* were prisoner functionaries who collaborated with the SS in order to spare themselves from hard-labor and abuse from SS guards. The *Judenräte* were pseudo-democratic coalitions in Jewish ghettos, comprised of Jewish elders, used by the SS as an intermediary between Jewish prisoners and the Nazis overseeing the ghetto's operation.

¹⁸¹ Sereny, *Into That Darkness*, 30-33.

¹⁸² Christian Zentner and Friedemann Bedürftig, *The Encyclopedia of the Third Reich*. (New York: MacMillan, 1991), 910-911.

posted to a short assignment at Bernberg Euthanasia Center.¹⁸³ Having proved his discretion with regard to the “euthanasia” program to the SS, Stangl was assigned Sobibór’s first commandant under the authority of *SS-Gruppenführer* (General) Odilo Globocnik, the SS and Police leader of the Lublin district in the *Generalgouvernement*, the territory of Nazi-occupied Poland.¹⁸⁴ In his role, Globocnik oversaw the construction and operation of Belzec, Sobibór and Treblinka as well as the liquidation of multiple ghettos.

Prisoners sent to Sobibór were almost entirely Jews, mostly from Poland but also France, the Soviet Union, Czechoslovakia and the Netherlands. At Sobibór, nearly 250,000 people died in less than two years, most immediately after they arrived. For most victims of the Holocaust, “selection” meant death, such as in Auschwitz-Birkenau, where prisoners who appeared strong and healthy were designated to hard labor.¹⁸⁵ For prisoners in Sobibór “selection” meant living because those not sent immediately to the gas chambers (400-600 at a time) were recruited to facilitate the camp’s main goal, mass, assembly-line style murder, but never with the expectation of leaving the camp alive.¹⁸⁶ Additionally they helped sort and package the personal belongings seized from the victims, which they then shipped to Germany in the very train cars in which they arrived.

Born on July 18, 1911 in Vienna Gustav Wagner joined the Nazi party in 1931 and fled from Austria to Germany after his arrest for instigating violence in his role as a party member. There he joined the *Sturmabteilung* (SA) and later the SS.¹⁸⁷ His early loyalties

¹⁸³ Friedlander, *The Origins of Nazi Genocide*, 204-205.

¹⁸⁴ Joseph Poprzeczny, *Odilo Globocnik, Hitler's Man in the East*. (London: McFarland & Company, 2004), 90.

¹⁸⁵ Jack Fischel, *The Holocaust*. (Westport.: Greenwood Press, 1998), 81.

¹⁸⁶ “Killing Centers.” *USHMM*. Accessed September 23, 2015.
<https://www.ushmm.org/wlc/en/article.php?ModuleId=10007327>.

¹⁸⁷ Zentner and Bedürftig, *The Encyclopedia of the Third Reich*, 1,041.

earned him recognition as an *Alte Kämpfer* (“Old Warrior”), Party members who joined before Adolf Hitler came to power.¹⁸⁸ After serving in the T4 “euthanasia” program at Hadamar and Schlöss-Hartheim, where Wagner initially met Franz Stangl, he was stationed at Sobibór. Sobibór prisoners granted Wagner the title “*Welfel*,” which translates to “Wolf” in Yiddish, for his brutality and cunning.¹⁸⁹ Survivor Kurt “Ticho” Thomas described Wagner as “clever [and] the most intelligent man without an education.”¹⁹⁰ Thomas Blatt reserved the title of “worst SS guard” for Wagner, recalling his “ubiquitous presence in the camp.” “I saw with my own eyes that Wagner killed Jews nearly every day,” he recalled “In particular, I observed that Wagner murdered Jews not only with his pistol, but also beat them to death with a spade. Wagner was even feared by other SS men.”¹⁹¹

On May 12, 1942, fourteen-year old Stanislaw “Shlomo” Szmajzner arrived at Sobibór. Wagner “selected” the goldsmith’s apprentice to work as an *Arbeitshäftlinge* (Labor Prisoner) after Szmajzner showed him a gold monogram on his wallet. Wagner commissioned Szmajzner to craft his personal monogram using gold fillings culled from the teeth of those sent to the gas chambers. Three days later Szmajzner finished the piece to which Wagner responded “Never again! No job without my approval! Your chief. Me! No one else. Obey me or regret it!” When Szmajzner asked what he should do when the other guards commissioned pieces of jewelry Wagner retorted “Tell them ‘Wagner’! That is all!”¹⁹² Wagner’s ability to dominate not only the prisoners, but also the enlisted SS

¹⁸⁸ Browning. *Ordinary Men*, 48.

¹⁸⁹ Dressen et al., *The Good Old Days*, 302.

¹⁹⁰ Kurt Thomas. Interview 28104. Visual History Archive. USC Shoah Foundation Institute. Accessed online at the USHMM on July 18, 2015.

¹⁹¹ Statement of Thomas Blatt, June 30, 1960, BArch B 162/4425. Quoted in Dressen et al., *The Good Old Days*, 137.

¹⁹² Rashke, *Escape from Sobibor*, 1982, 24.

and Ukrainian guards of Sobibór demonstrates his respected position as the highest enlisted SS man in the camps chain of command. In another instance Wagner almost sent Szmajzner to the gas chamber when he showed another inmate a medallion Wagner had commissioned. Stangl had transferred to Treblinka in September 1942 and Wagner was determined to kill Shlomo in order to keep the medallion a secret from Stangl's less trustworthy replacement, Franz Reichleitner.¹⁹³ The Third Reich hierarchy considered plundering a capital offense since all confiscated goods were supposed to go directly to the German war effort.

A small number of prisoners organized the revolt, but by 5 pm on October 14, 1943, eleven of the SS guards were killed one by one in secret.¹⁹⁴ The Sobibór prisoners timed the revolt when both Wagner and Reichleitner were away on furlough. SS guards at the camp received three weeks' vacation every three months.¹⁹⁵ Because of Wagner's absence, the revolt ended in relative success. In an interview with Selma Engel-Wjinberg, she recounted how Wagner was "such a dangerous man that he knew everything that was going on in the camp...if he had been there, the uprising would not have happened."¹⁹⁶ Engel-Wjinberg's statement exemplifies the ideal conditions for revolt, which a small camp, such as Sobibór afforded the prisoners.

Unlike Auschwitz-Birkenau, or the Warsaw ghetto, where revolts failed because they covered too large a geography and numbers of SS personnel, the Sobibór revolt was successful because it had remained a secret, neutralized most of the SS guards before the

¹⁹³ Rashke, *Escape from Sobibor*, 13-14, 94-95.

¹⁹⁴ Arad, *Belzec, Sobibór, Treblinka*, 362-363.

¹⁹⁵ "Sobibór - The Forgotten Revolt, by Thomas Toivi Blatt," May 4, 2008.

<https://web.archive.org/web/20080504213347/http://www.Sobibór.info/murderers.html>.

¹⁹⁶ Saartje (Selma) Engel-Wjinberg . Interview 7684. Visual History Archive. USC Shoah Foundation Institute. Accessed online at the USHMM on July 18, 2015.

open revolt began and it was meticulously organized. In contrast, the earlier Treblinka revolt on August 2, 1943 was disorganized and overly ambitious since the prisoners attempted to raid the camp's armory in order to destroy the gas chambers, yet failed to kill any SS guards. Due to these shortcomings, Yitzhak Arad argues in *Belzec, Sobibór, Treblinka* "the plan in Sobibór was less ambitious, with more modest aims and therefore, it had more chance to succeed. The implementation of the uprising plan was carried out more professionally from the military point of view."¹⁹⁷ Arad's analysis explains why 67 prisoners survived the Treblinka revolt, whereas more than 300 survived the Sobibór revolt, although a small number actually survived the war.¹⁹⁸ After the revolts at Sobibór and Treblinka, Operation Reinhard was officially closed and the SS tried to destroy all evidence of the killing centers. They planted trees over the ruins and even turned a portion into arable farmland. The SS at Sobibór imported the prisoners who had been unable to escape from Treblinka to deconstruct the killing center. Once they completed the project, the SS murdered all of the remaining prisoners.¹⁹⁹ After the uprising Globocnik wrote to Himmler that "the evidence should be destroyed as quickly as possible, now that all else has been destroyed."²⁰⁰ Motivated by the successes of violent resistance, I will show later in this chapter how some Holocaust survivors, including Szmajzner, sought vigilante justice against suspected perpetrators after the war's conclusion.

¹⁹⁷ Arad, *Belzec, Sobibór, Treblinka*, 362-363.

¹⁹⁸ Matt Roper, "I Looked for Him but God Must Have Been on Holiday": Last Living Survivors of Treblinka Death Camp Speak of Unimaginable Horrors." *Daily Mail Online*, August 11, 2012. <http://www.dailymail.co.uk/news/article-2186984/Stories-Treblinka-Last-living-survivors-speak-horrors-haunting-memories-Nazi-death-camp.html>.

¹⁹⁹ McKale, *Nazis after Hitler*, 17.

²⁰⁰ Odilo Globocnik to Himmler on 5 January 1944, Bundesarchiv Koblenz (BA) BA-NS-19-3425. Quoted in Schelvis, *Sobibór*, 2.

After the war, anti-Semitism was a constant threat to Jewish survivors, especially in Poland. “I will never return to Poland,” Szmajzner expressed in a 1983 interview “Had the Poles been different...I think 70, 80 or even possibly 90 percent of the Jews would still be alive today. Because the Germans had no idea who was Jewish and who wasn’t.”²⁰¹ On May 12, 1945, Kurt Thomas returned to his hometown, Boskowice, as a government liaison to a textile manufacturing company. Soon after, Thomas left the post for a job in the Sudetenland claiming his decision was due to anti-Semitic coworkers. Once in his new job, Thomas endured additional harassment from the Communist secret police in Prague when they discovered he was trying to immigrate to the United States.²⁰² Toivi Blatt recalled how he was stalked by the Poles who had tried to murder him and also anglicized his name to Thomas in order to hide his Jewish identity.²⁰³ The leader of the Sobibór underground, Leon Feldhendler, was shot inside his home in Lublin on April 2, 1945 where he died from his injuries four days later. Older accounts of the event, including the Soviet-controlled media, attributed Feldhendler’s murder to right-wing, anti-Communist, anti-Semitic groups such as the Polish partisan group *Armia Krajowa* (Home Army, AK). However, many accounts were skeptical of those finding, due to the ideological bias as well as absence of any evidence to confirm this course of events.²⁰⁴ Feldhendler’s murder was one of 118 violent deaths of Jews in the Lublin district

²⁰¹ Stanislaw Szmajzner. Interview with Stanislaw Szmajzner (German), 1983.

<http://www.Sobiborinterviews.nl/en/search-interviews?miview=ff&mizig=317&miaet=14&micode=804b&minr=1412693>.

²⁰² Kurt Thomas. Interview 28104. Visual History Archive. USC Shoah Foundation Institute. Accessed online at the USHMM on July 18, 2015.

²⁰³ Thomas Blatt. Interview 1873. Visual History Archive. USC Shoah Foundation Institute. Accessed online at the USHMM on July 1, 2015.

²⁰⁴ Rashke, *Escape from Sobibor*, 357.

between Soviet liberation in summer 1944 and fall 1946.²⁰⁵ The deadliest display of post-war anti-Jewish violence was the Kielce pogrom of July 4, 1946 accounted for 42 of these deaths and is considered a catalyst of the flight from Poland of most Polish Jews who survived the Holocaust.²⁰⁶

Even though Germany underwent an extensive public debate and facilitated a large number of trials between the 1950s and 1970s. Austria's status as a "liberated country" enabled many Austrian Nazis, such as Stangl and Wagner, to avoid capture or proper identification, resulting in their escape.²⁰⁷ Wagner had disappeared, although in February 1945, the Federal Insurance Institute confirmed his last-known residence as Zachgasse 10, Vienna, which he had registered in 1944.²⁰⁸ In the war's final months, Stangl fell ill and returned to Vienna where he was posted at the "Alpine Fortress."²⁰⁹ After Germany's defeat, he was denounced as a SS officer to American forces in the small town Ebernsee, near Salzburg. Soon after, American authorities transferred Stangl to Glasenbach prisoner camp, which housed 18,000 to 20,000 prisoners. It is important to note the Americans imprisoned Stangl not because they knew his identity, or the scope of his crimes, but merely because he was a SS member. In late summer 1947, Austria began investigating the "euthanasia" program at Schlöss Hartheim and requested Stangl's transfer to a

²⁰⁵ Adam Kopciowski, "Anti-Jewish Incidents in the Lublin Region in the Early Years after World War II." *Holocaust Studies and Materials* 1 (2008). 177-205.
<http://www.zagladazydow.org/index.php?show=423&strona=481>.

²⁰⁶ David Engel, "On Continuity and Discontinuity in Polish-Jewish Relations: Observations on Fear." *East European Politics & Societies* 21, no. 3 (2007): 534-48. For more information on the Kielce pogrom see Jan T. Gross, *Fear: Anti-Semitism in Poland After Auschwitz*. (New York: Random House, 2007).; David Crowe, *Oskar Schindler: The Untold Account of His Life, Wartime Activities, and the True Story Behind the List*. (New York: Basic Books, 2007), 462-463.; Robert Blobaum, *Antisemitism and Its Opponents in Modern Poland*. (Ithaca: Cornell University Press, 2005), 272-277.

²⁰⁷ Sereny. *Into That Darkness*, 269.

²⁰⁸ Bryant, *Eyewitness to Genocide*, 136.

²⁰⁹ Zentner and Bedürftig, *The Encyclopedia of the Third Reich*, 910-911. The Alpine Fortress was a national redoubt designed by Himmler in winter 1943, designating an area for retreating Third Reich troops to reconvene in response to Operation Barbarossa's failure.

civilian prison in Linz.²¹⁰ Wagner was tried *in absentia* by an American military tribunal and sentenced to death.²¹¹

Numerous theories debate how Franz Stangl escaped from the Linz prison on May 30, 1948. Stangl's wife, Theresa, claimed he and another prisoner simply walked out the prison's front gate with rucksacks over their backs. Simon Wiesenthal contested her account claiming Stangl's escape was orchestrated by the mythical, worldwide Nazi underground network, the "ODESSA." Afterwards, Stangl traveled to Graz to sell jewelry Theresa had given him to fund his travels to Italy. As a Catholic, Stangl hoped the Church would provide him sanctuary. Along the way, Stangl met his colleague from Sobibór, Gustav Wagner. While "walking past a construction site...[Wagner] ran out and shouted 'Herr Hauptsturmführer!'" He begged Stangl to take him to Italy, since he too claimed to also have very little money.²¹² The two fled to Santa Maria dell' Anima in Rome, headed by Austrian-born and Nazi-sympathizing Bishop Alois Hudal. Infamous for his part in orchestrating "ratlines," Hudal provided Stangl and Wagner with International Red Cross passports to Damascus in mid-July 1948 and provided Stangl with a job at a textile mill.²¹³ Stangl wrote to Theresa saying "he had a room in an Arab house and had found friends who had got there ahead of him and soldiers too – and there were some generals who had come from Egypt."²¹⁴ One year later, Stangl saved enough money to finance his family's passage to Syria.²¹⁵

²¹⁰ Sereny. *Into That Darkness*, 265-267.

²¹¹ McKale, *Nazis after Hitler*, 118.

²¹² Sereny, *Into That Darkness*, 273.

²¹³ Aarons and Loftus, *Unholy Trinity*, 27.

²¹⁴ Sereny. *Into That Darkness*, 290. "Ratline" is a term used to describe escape routes out of Europe used by Nazi fugitives. Scholars have extensively researched how the Catholic Church facilitated a significant percentage of the "ratlines." Presumably the "friends" Stangl mentions are other former Nazis who escaped using the same "ratline" as him. For more information on Nazis and the

West German Prosecutions of SS Stationed at Sobibór

Hubert Gomerski was the first SS guard from Sobibór put on trial, during the Hadamar Euthanasia trial in 1947, however he was acquitted. Later on, Gomerski was one of three SS guards from Sobibór tried by West German courts and convicted him on August 25, 1950 for murder.²¹⁶ Despite having been involved in the murdering programs of the Third Reich since being assigned to Schlöss-Hartheim under Stangl's command in 1940, one of the other defendants at the trial, Johann Klier, was the only Sobibór guard acquitted. Transferred to Sobibór in August 1942, Klier had requested a transfer from the killing center on moral grounds. One survivor described Klier as "...more humane than some of the others, though he knew what was going on in the camp and did nothing about it. He was not above beating prisoners for the slightest infraction. But there were those who enjoyed the brutality more than others."²¹⁷ The success of Klier's transfer and his acquittal provides a textbook example, challenging the defense many Nazi war criminals and their attorneys used at trial, claiming they only committed atrocities under duress, fearing harsh repercussions if they did not follow their superior's orders.²¹⁸ It was only because Sobibór survivors, Samuel Lerer and Esther Raab, who in 1949 identified the third defendant, Erich Bauer on a Berlin street, that he was arrested and put on trial for his crimes at Sobibór. Lerer and Raab would also later testify at the 1965 Sobibór trials in Hagen²¹⁹ The West German courts sentenced Bauer to death on May 8, 1950, however,

Catholic Church, see Aarons and Loftus, *Unholy Trinity*.; Phayer, *The Catholic Church and the Holocaust, 1930-1965*.; Steinacher. *Nazis on the Run*.

²¹⁵ McKale, *Nazis after Hitler*, 298-299.

²¹⁶ "The Sobibór Trial," 2007. <http://www.holocaustresearchproject.org/trials/Sobibórtrial.html>.

²¹⁷ Robert K. Tanenbaum, *Escape*. (New York: Simon & Schuster, 2009), 348.

²¹⁸ Robert P. Ericksen, *Complicity in the Holocaust: Churches and Universities in Nazi Germany*. (Cambridge: Cambridge University Press, 2012), 180.; Bryant, *Eyewitness to Genocide*, 189.; Friedman, "Law and Politics in the Subsequent Nuremberg Trials, 1946-1949," 87-90.

²¹⁹ Dressen et al., *The Good Old Days*, 230-243.

after West Germany's new constitution abolished the death penalty, his sentence was commuted to a life sentence.²²⁰ During his imprisonment, Bauer admitted his participation in the mass murder at Sobibór and even testified against other Sobibór guards before his death on February 4, 1980.²²¹

According to the original 1871 German penal code, the statute of limitations on murder was twenty years. While the Third Reich implemented new laws to lift this legal restriction during World War II, the West German parliament restored the original 1871 law on August 4, 1953, stipulating May 8, 1965 as the final date to file suit against Nazi war criminals for murder.²²² In 1958, the West German government founded the *Zentral Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Verbrechen* (Central Office of the State Justice Administrations for the Investigation of National Socialist Crimes) located in the small town, Ludwigsburg, just outside of Stuttgart. The organization's mission was to coordinate war crimes investigations, enabling a "new wave of trials dealing explicitly with crimes against humanity."²²³ One person who relentlessly pursued the "never-ending task" of investigation Nazi war criminals was Ludwigsburg official Dietrich Zeug, who was assigned the Sobibór case. Beginning as early 1960, Zeug collected witness statements from Sobibór survivors, stressing that the

²²⁰ "The Sobibór Trial," 2007. <http://www.holocaustresearchproject.org/trials/Sobibórtrial.html>.

²²¹ Dick Mildt, *In the Name of the People: Perpetrators of Genocide in the Reflection of Their Post-War Prosecution in West Germany the "Euthanasia" and Aktion Reinhard Trial Cases*. (New York: Springer, 1996), 381-383.

²²² Robert A. Monson, "The West German Statute of Limitations on Murder: A Political, Legal and Historical Exposition." *The American Journal of Comparative Law* 30, no. 4 (1982): 606-609. The tolling period usually begins at the end of a crime, but was considered inoperative or at rest until the end of World War II because of the juridical deficiencies of the Third Reich. As a result, the ten year limitation for non-homicidal crimes was May 8, 1955, whereas the deadline for manslaughter, assault and battery resulting in death was May 8, 1960.

²²³ Caroline Sharples, *Postwar Germany and the Holocaust*. (New York: Bloomsbury, 2015), 71. While the Center's authority expanded to include nearly all Nazi crimes by 1964-1965, access to records in East Europe were made impossible by Cold War politics. See Monson, "The West German Statute of Limitations on Murder," 609.

twenty-year statute of limitations was fast approaching. On February 16, 1961, he received a sworn witness testimony from Szmajzner that Wagner, among others “directly participated in our destruction parading through the camp with their whips, beating and abusing us and all contributing to driving hundreds of thousands to their deaths.” The investigation focused particularly on the former Sobibór guards which were already in custody or whose whereabouts were already known.²²⁴

As the May 8, 1965 statute of limitations for murder approached, the Federal government:

“...convinced at the time that prolonging the limitations period beyond that date would be unconstitutional, made an international appeal on November 24, 1964, for submission of evidence against potential suspects. As a result, the attorneys at the Ludwigsburg Center were granted access for the first time in February 1965, to the Polish Nazi Crime Commission Archives in Warsaw. What they found convinced them that there was not enough time before the May 8, 1965 deadline to sift through the material fast enough to effect interruption in the statute’s tolling period in the majority of the newly discovered Nazi murder cases.”²²⁵

In addition, given the rising global interest in the Holocaust, nations with high Jewish and Holocaust survivor populations, such as the United States and Israel, exerted pressure on the West German government to extend the statute of limitations. In his analysis of the political negotiations surrounding the issue, Marc von Miguel argues “it was not the intensive debate in the West German media over changing opinions that brought about the revision, but rather massive international pressure on the Federal Republic’s political leaders.”²²⁶ For example, a *Time* article dated, March 19, 1965, reported a meeting between West German Special Envoy to Jerusalem, Kurt Birrenbach and Israeli Premier, Levi Eshkol who contended, among other desires, that Bonn should

²²⁴ Bryant, *Eyewitness to Genocide*, 126, 137-138.

²²⁵ Monson, “The West German Statute of Limitations on Murder,” 610.

²²⁶ Marc von Miguel, “Explanation, Dissociation, Apologia: The Debate over the Criminal Prosecution of Nazi Crimes in the 1960s.” in *Coping With the Nazi Past*, eds. Gassert and Steinweis, 58.

extend “the statute of limitation to permit the arrest and trial of Nazi murderers still at large.”²²⁷ By March 25, 1965, the West German government extended the toll date of its twenty-year statute of limitations of Nazi crimes to December 1969, since the occupying Allies relinquished judicial autonomy to West German 1949.²²⁸ Because of this extension, the West German government was able to prosecute twelve former Sobibór guards, as well as the camp’s first commandant, Franz Stangl.

On September 5, 1965, the West German court in Hagen initiated judicial proceedings against twelve former SS guards stationed at Sobibór, including Karl Frenzel, Kurt Boleander and Franz Wolf, for charges of crimes against humanity, all of whom were residing. The defendants claimed that once they were stationed at the killing center, there was no way out, citing Christian Wirth’s alleged statement to the personnel at Sobibór “If any of you don’t like it here, you can leave, but under the earth not over it.” However, Johann Klier’s unobstructed transfer from Sobibór, proved their claims were obviously false.²²⁹ Despite these facts, on December 20, 1966, the West German court dismissed the cases against seven of the twelve defendants finding the prosecution’s evidence “insufficient to refute the defendants’ claims of duress.” Mere presence at the killing center was not enough to prove guilt and the court found no evidence the defendants had acted out of racial or ideological motives, but “they only did what their service required of them, all the while consciously distancing themselves from any excess

²²⁷ “What to Do About Germany.” *Time* 85, no. 12 (March 19, 1965): 39.
<https://librarylink.uncc.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=54030294&site=ehost-live&scope=site>.

²²⁸ Wittmann, *Beyond Justice*, 51.

²²⁹ “Sobibór Trials.” *Aktion Reinhard Camps*, January 24, 2006.
<http://www.deathcamps.org/Sobibór/Sobibórtrials.html>.

or torture [of the Jews].”²³⁰ Four out of the remaining five defendants received sentences ranging from two to eight years on December 20, 1966. Karl Frenzel, the only defendant sentenced to life imprisonment, served only sixteen years of his sentence due to health issues. However, he lived until 1996.²³¹ Given the results of the Hagen trials it is easy to understand the frustrations of both prosecutors and survivors providing a clear example of the 1871 German penal code’s limitations.

“Jewish Vengeance” in Post-War Europe

While many Jewish survivors sought vengeance against Holocaust perpetrators and their collaborators, without judicial systems in place during liberation, some survivors established “courts of honor” held in Allied DP camps. Michael Marrus explains how these extra-judicial trials prosecuted “Jews accused of assisting the Germans or their accomplices in the persecution and murder of their own people—usually having been enticed by ghetto or concentration camp officials into positions of authority. While conducted outside the framework of municipal law, the proceedings often conformed to established principles of justice.”²³² Despite the pure aims to establish some form of legal justice through these private trials, once government-led judicial systems in postwar Europe formed the legal restrictions and political ramifications, which influenced the trials’ outcomes, yielded disappointing results for Holocaust survivors.

²³⁰ Bryant, *Eyewitness to Genocide*, 189. Kurt Boleander was the only exception, since he committed suicide while incarcerated before the court decided his verdict.

²³¹ Jonathan Harrison et al., *Belzec, Sobibór, Treblinka: Holocaust Denial and Operation Reinhard: A Critique of the Falsehoods of Mattogno, Graf and Kues*. Holocaust Controversies White Paper, 2011, 443-444.
<http://archive.org/details/BelzecSobiborTreblinka.HolocaustDenialAndOperationReinhard.ACritique>.

²³² Michael Marrus, “History and the Holocaust in the Courtroom.” in *Lessons and Legacies V: Holocaust and Justice*, ed. Ronald Smelser. (Evanston: Northwestern University Press, 2002), 223.

During the war, many Jewish prisoners fantasized about Jewish retribution against the Nazis. For example, Zipora Birman, the Bialystok leader of the *Dror* youth movement, stated:

“I address you friends, wherever you are, you bear a complete obligation to exact our vengeance. Not a single one of you should rest; not a single one of you should sleep his night’s sleep. As long as we live under the shadow of death, the light of vengeance for our spilled blood shall direct you. Cursed be the reader of these words who reads them and, with complacent sigh, returns to his daily life. Cursed be the person who is satisfied with tears and crying for our souls – we call upon you to take revenge with no mercy, no sentiments, no talk about ‘good’ Germans. For the good German – an easy death. He will die last, as they promised to their good Jew, ‘You will be shot last.’ This is our demand...Our crushed bones all over Europe will never rest in peace. The ashes scattered over the crematoria will not settle until you take our revenge. Remember and carry out our will and your obligation.”²³³

Birman’s statements suggest Jewish retribution against perpetrators became ideologically important for some Jewish survivors dedicated to avenging those who had perished in the Holocaust, especially when judicial systems in place failed to bring Nazi war criminals to justice due to legal technicalities. For example, some Jewish survivors in post-war Europe organized “vengeance squads” with which they delivered vigilante justice to perpetrators who had fallen through the cracks of the legal system. One particular instance of these “vengeance squads” was an incident in which survivors disguised themselves as British policemen, traveled to a suspected perpetrator’s house in a truck with its license plate obscured by mud, transported the suspected perpetrator to a predetermined location and revealed their true identity before shooting them.”²³⁴ One Jewish-Lithuanian survivor, Abba Kovner, claimed to be a member of a “*Nakam*” or vengeance group in post-war Europe which still planned to kill Germans for the crimes of the Holocaust even after they had unconditionally surrendered. During the war, Kovner

²³³ Quoted in Jonathan B. Tucker, *Toxic Terror: Assessing Terrorist Use of Chemical and Biological Weapons*. (Cambridge: MIT Press, 2000), 20.

²³⁴ Stangneth, *Eichmann Before Jerusalem*, 100.

was a commander in the Jewish resistance, but after the war he claimed his desire for ‘vengeance’ grew stronger as he and his comrades realized the true extent of the Holocaust.²³⁵

Reports even revealed an attempt by a small team of Jewish Holocaust survivors in April 1946 to poison a large number of Germans at the American-POW camp, Stalag XIII-D. The camp itself was built on the former Nazi party rallying grounds of Nuremberg in northern Bavaria. Apparently, a member of a vengeance group obtained a position as a baker in the camp and had poisoned the bread to be served to the 15,000 former-SS members imprisoned there. “According to the German news agency DANA, 2,283 prisoners became ill and 207 were hospitalized, with fatalities unknown.” This small team was part of a larger group of about 60 Jewish, former anti-Nazi partisans led by Kovner named *Dahm Y’Israel Nokeam* (DIN) or “Avenging Israel’s Blood.”²³⁶ The group was originally made of Jewish survivors who immigrated to Israel, but decided to return to Europe with the purpose of imposing death sentences on Nazis who had “melted back into civilian life.”²³⁷

Szmajzner and Blatt also wrestled with the issue of Jewish vengeance in post-war Poland. After meeting up in Lublin, the two decided to pay a visit to the farmer who betrayed Blatt to Polish partisans escorted by two Red Army soldiers, but all of them

²³⁵ Aaron Schacter and Matthew Bell, “Member of a Jewish Holocaust ‘Revenge Squad’ Tells Story.” *Public Radio International*. Accessed February 27, 2016. <http://www.pri.org/stories/2013-05-03/member-jewish-holocaust-revenge-squad-tells-story>. For more information on Abba Kovner and *Nakams* see Tucker, *Toxic Terror*; Abba Kovner and Edward A. Levenston, *Scrolls of Testimony*. (Philadelphia: Jewish Publication Society, 2001).; Stephen G. Fritz, *Endkampf: Soldiers, Civilians, and the Death of the Third Reich*. (Lexington: University Press of Kentucky, 2004).; Dina Porat, *The Fall of a Sparrow: The Life and Times of Abba Kovner*. (Palo Alto: Stanford University Press, 2009).

²³⁶ Tucker, *Toxic Terror*, 17. DANA stands for Deutsche Allgemeine Nachrichten Agentur (German General News Agency).

²³⁷ Jonathan Freedland, “Revenge.” *The Guardian*, July 25, 2008, sec. World news. <http://www.theguardian.com/world/2008/jul/26/second.world.war>.

dressed in military uniform. The two held the farmer at gunpoint demanding he reveal the location of where he buried the money he stole from Blatt. Blatt started to have second doubts about their vengeance mission when the farmer's daughter, a classmate of Blatt's before the war, begged him to spare her father's life. Blatt barely convinced Szmajzner not to kill the farmer. "Her father I would have shot without hesitating," Szmajzner recalled. In an interview with Richard Rashke, Szmajzner confessed "At first, I only wanted revenge. I was fortunate. I had a chance to release my anger... The best time of my life was as a Russian partisan. The best time of my whole life. I was in control of my life. Not others....Me!"²³⁸ Szmajzner originally wanted to immigrate to Israel, but instead moved to Brazil in 1947, where he had family connections.²³⁹ As soon as the Soviet Union relaxed emigration restrictions, Blatt immigrated to Israel for a short time where he met his wife and then to the United States where he opened an electronic store in Santa Barbara, California.²⁴⁰

Conclusion

Knowing that other ex-Nazis traveled to South America and drawn by the large German communities, Stangl and his family immigrated to Santos, Brazil where he found work as a weaver at a textile mill in 1951. Stangl lived under his real name and was even registered at the Austrian consulate in Brazil. His wife still corresponded with family back home and it was no secret where the Stangls were hiding.²⁴¹ By April 12, 1950, Wagner obtained a Brazilian passport and immigrated to Rio de Janeiro. He was admitted

²³⁸ Rashke, *Escape from Sobibor*, 307-311.

²³⁹ Stanislaw Szmajzner. Interview with Stanislaw Szmajzner (German), 1983.
<http://www.Sobiborinterviews.nl/en/search-interviews?miview=ff&mizig=317&miaet=14&micode=804b&minr=1412693>.

²⁴⁰ Rashke, *Escape from Sobibor*, 357.

²⁴¹ McKale, *Nazis after Hitler*, 298-299.

as a permanent Brazilian resident under the pseudonym “Günther Mendel.”²⁴² By October 1961, investigators believed Wagner escaped to Argentina and severed all contact with his wife, who was then living in Switzerland.²⁴³

As the extended deadline approached its expiration in 1969, the West German debate over twenty-year statute of limitations for murder resurfaced once again. In May 1969, the Fifth Criminal division of the Federal Court announced the “judicially controversial but politically desirable ruling that the statute of limitations had already expired even for those who had filled position of major responsibility within the Nazi murder apparatus.” In light of the resulting controversy, the Federal Court extended the statute of limitations for another ten years, yet this was possible only after the FRG satisfied demands from major political parties, in which the FRG granted amnesty to former Nazi jurists.²⁴⁴ Fortunately for Holocaust survivors and new waves of people interested in see Nazi war criminals brought to justice, on July 3, 1979, the West German *Bundestag* voted to lift the statute of limitations on murder. As a result of this ruling, Robert Monson argues “it was impossible in the future for crimes of murder, whether perpetrated in the past or in the future, whether committed by Nazis or by others, to escape coming to trial by reason of the previous thirty-year legal limitation on the prosecution of such crimes.”²⁴⁵

More than half a century later, two members of the DIN, Leipe Distel and Joseph Harmatz, admitted on German television they were part of the vengeance squad that tried to poison the SS POWs with arsenic. In response Nuremberg’s public prosecutor, Klaus

²⁴² Simon Wiesenthal. “The Activities of the Mass Murderer Gustav Franz Wagner,” December 6, 1976. Box: Gustav Wagner. WWIFHS.

²⁴³ Bryant, *Eyewitness to Genocide*, 136.

²⁴⁴ von Miguel, “Explanation, Dissociation, Apologia,” 59.

²⁴⁵ Monson, “The West German Statute of Limitations on Murder,” 605.

Hubmann, decided to launch a legal investigation into the matter even involving the former prime minister of Israel, Yitzhak Shamir and the former director of operations for MOSSAD, Rafi Eitan. Eitan rationalized the poisoning of 3,000 loaves of bread stating “They didn’t bother with legal trials. They just executed any Nazis they found. For them their actions were justified by the biblical rule of ‘an eye for an eye.’” Recalling the situation, Distel remarked his only “regret” was that “we failed to kill those Germans.”²⁴⁶ Many of the assassins of the Jewish “vengeance squads” would go on to become founding members of MOSSAD, the Israeli equivalent of the CIA. The national agency clearly demonstrated that it was willing to take extra-legal measures when MOSSAD agents kidnapped Adolf Eichmann from Argentina without ever informing the Argentine government. In another instance MOSSAD was involved in the assassination of Herbert Cukurs in Montevideo, Uruguay in 1965. Cukurs, a war-criminal responsible for the murder of Latvian Jews, had escaped without facing prosecution, despite eyewitness testimonies against him.²⁴⁷ Within the context of these Cold War controversies, in my final chapter, I examine how private Jewish organizations, such as the Rio de Janeiro chapter of the World Jewish Congress, participated in the international hunt in Brazil to successfully extradite and prosecute Nazi war criminals. These organizations coordinated among individual members to track, locate and identify Nazi fugitives who immigrated to Brazil after the war, fought media battles in the Brazilian press to raise public awareness of the influential pro-Nazi elements which existed in Brazilian society.

²⁴⁶ Gordon Thomas, “German Authorities Investigate Post-War Jewish Death Squads,” 2002. <http://www.rense.com/general21/germ.htm>.

²⁴⁷ Anton Künzle and Gad Shimron, *The Execution of the Hangman of Riga: The Only Execution of a Nazi War Criminal by the Mossad*. (Portland: Vallentine Mitchell, 2004), 8.

CHAPTER 3: FRANZ STANGL, GUSTAV WAGNER AND INTERNATIONAL JUSTICE, 1967-1979

“As of now I can assure you that the Brazilian Government has the deepest sympathy for the plight of the Nazis victims and will be very willing to see that justice is promoted in this particular case.”

– Brazilian Ambassador Vasco
Leitão da Cunha to Jewish Nazi Victims
Organizations of America, Inc. in reference
to the extradition of Franz Stangl, March 14,
1967.²⁴⁸

As shown in chapter two, war crimes trials in West Germany against former Nazis faced incredible challenges, specific to national sovereignty, jurisdiction, rigid interpretations of murder/manslaughter statutes and the politics of a post-war German society coming to terms with its Nazi past. While guilty of almost identical crimes, it was probable Stangl and Wagner could receive disturbingly different punishments if tried in West Germany. In his study of the politics of the Nazi past in Germany and Austria, David Art points to a survey of German public opinion which revealed by “1978, 64 percent agreed with the statement that ‘one should now draw a line under the Nazi past’ and allow the statute of limitations to expire. Only 34 percent believed that ‘NS crimes should be pursued further.’”²⁴⁹

In this chapter, I expand from domestic judicial proceedings, which addressed only fugitives arrested, interrogated and tried within West Germany’s own

²⁴⁸ Vasco Cunha, Brazilian Ambassador to US to Socachevsky & Lasky, March 14, 1967. Box: Franz Stangl. WWIFHS.

²⁴⁹ David Art, *The Politics of the Nazi Past in Germany and Austria*. (Cambridge: Cambridge University Press, 2005), 61.

borders. I examine the two case studies of Franz Stangl's successful extradition and Gustav Wagner's acquittal to explain how private Jewish organizations, at home and abroad, in addition to foreign diplomats, influenced the Brazilian government's policy towards extraditing Nazi war criminals. Among the new wave of German immigrants that traveled to Brazil after World War II, some 4,000 Nazi fugitives immigrated as well.²⁵⁰ International law and diplomacy became critical obstacles providing an addition hurdle for investigators and prosecutors to obtain a trial, let alone a conviction. For example, after Israeli MOSSAD agents kidnapped Adolf Eichmann in April 1960 from Buenos Aires, the Argentine government requested an emergency meeting of the United Nations Security Council accusing Israel of violating their sovereign rights. After months of heated negotiations, on June 23 the Council passed Resolution 138 declaring that Israel had in fact violated Argentina's sovereignty and owed reparations. After further negotiations, Israel admitted to violating Argentine sovereignty while Argentina agreed to end the matter without payment of reparations.²⁵¹

The West German, Austrian and Israeli national governments were not the only organizations with vested interests in Stangl's and Wagner's extradition. Notable Holocaust scholar and Nazi-hunter Efraim Zuroff argues that "governments are the best-equipped to take action against Nazi war criminals. The problem, however is that governments invariably refuse or are reluctant to become involved

²⁵⁰ Rohter, "The Nazi Network."

²⁵¹ Lipstadt, *The Eichmann Trial*, 21-25. See also Eric Lichtblau, *The Nazis Next Door: How America Became a Safe Haven for Hitler's Men*. (Boston: Houghton Mifflin Harcourt, 2014).; Steinacher. *Nazis on the Run*.

until prodded or forced into action by private agencies and/or public opinion.”²⁵²

The relationship between Brazilian Jews and the Brazilian military government (1964-1985) was precarious. Jeffrey Lesser explains “the establishment of a military regime in Brazil in 1964 brought new challenges to the Jewish community... With the suppression of the left, many Jews believed the new military government had made a commitment to the continuation of Brazilian Jewry. This was not the case. Brazil's authoritarian regime never provided the expected protection for minority groups and political violence against dissenters led many Jews to relocate to Israel, where the Brazilian-born population doubled between 1977 and 1982.”²⁵³

The chapter's initial section discusses how Simon Wiesenthal organized Jewish survivors and activists living in Brazil towards ensuring Franz Stangl's successful extradition and prosecution. They privately communicated, organizing across borders and oceans to track Nazi criminals, report information to the Brazilian government, lobby diplomatic representatives and protest neo-Nazi sentiment in the West German and Brazilian right-wing press and its presence in the German-Brazilian community. As shown by Brazilian Ambassador Cunha's statement to the Jewish Nazi Victims Organizations of America quoted above, Brazilian political and judicial authorities in 1967 were willing to extradite Stangl in light of pressure from private organizations and diplomatic representatives of nations petitioning for his extradition. Private Jewish victims' organizations were some of the most outspoken advocates in the hunt for Nazi fugitives, especially in

²⁵² Zuroff, *Occupation, Nazi-Hunter*, 3-7, 124. Zuroff's comment refers to his investigation of Josef Mengele who immigrated to Brazil, but died before his location could be discovered.

²⁵³ Jeffrey Lesser, *Welcoming the Undesirables Brazil and the Jewish Question*. (Berkeley: University of California Press, 1995), 173.

instances where it appeared national governments could fail to dispense justice due to rigid restrictions of the law and diplomacy, as had been done in West Germany since 1949. In a *New York Times* article dated April 18, 1967, the author speculated “if the requests for Stangl’s are not decided upon by May 2 or if they are denied, the prisoner could go free.”²⁵⁴

One thing Wagner and Stangl never had to fear was the death penalty, since it was prohibited by both Brazilian and West German law. In addition, Brazilian law forbade jail sentences longer than thirty years and forbade “extradition of prisoners to countries that will not agree with such rules,” to which all petitioning nations did.²⁵⁵ While Stangl’s lawyers argued against his extradition, concluding the twenty-year statute of limitations for murder had expired, it is unclear if they were citing Brazilian law or the 1871 German penal code. Stangl’s lawyers also argued inadequacies in the petitions for extradition since Brazilian law forbade capital punishment as well as prison sentences greater than thirty years. Despite this legal precondition which commuted Stangl to a limited sentence, after serving his term in West Germany, he was to be handed over to Austria to stand trial for his participation in the “euthanasia” program.²⁵⁶

By Wagner’s capture in 1978, the Brazilian government, led by German-descended Ernesto Geisel, declined to cooperate with West Germany, Israel, Poland and Austria, all of whom petitioned for Wagner’s extradition.²⁵⁷ At the time, the

²⁵⁴ Paul L. Montgomery, “3 Nations Seeking to Extradite Nazi Death Camp Chief in Brazil,” *New York Times*. April 18, 1967. Austria’s criminal charges against Stangl, dated from 1947, are also understood to be the earliest entered against him.

²⁵⁵ Ibid.

²⁵⁶ “Nazi, Guilty in 400,000 Deaths, Is Sentenced to Life by Germans,” *New York Times*, December 23, 1970.

²⁵⁷ “Brazil Won’t Extradite Nazi,” *The Montreal Gazette*. June 22, 1979.

Brazilian military dictatorship which lasted from April 1, 1964 to March 15, 1985 was at the height of its power.²⁵⁸ In spite of its authoritarianism, the Brazilian government in the 1970s distinguished itself from other right-wing, Latin American dictatorships by its attempts to portray what Nina Schneider terms a “democratic façade” to strengthen the regime’s legitimacy. For example, Brazil held democratic elections, yet they were grossly manipulated. While technically open, the Brazilian Congress faced immediate closure if it refused to comply with the regimes’ decrees.²⁵⁹ Within this “decompression” policy, Geisel publicly favored political liberalization, but national security superseded any official changes. In their study of military government’s transition to democracy, Howard Handelman and Thomas G. Sanders explain “decompression is not a sudden transition to democracy, but a painful struggle to achieve the possible within an admittedly authoritarian and repressive regime.”²⁶⁰

As shown in chapter one, we can reasonably conclude how and why German-Brazilian communities attracted Nazi war criminals escaping from Europe. As an authoritarian government, which perceived communism as its greatest threat, Geisel’s government shared domestic policies with Vargas’ government (1930-1945), which allowed pro-fascist associations, such as National Socialists and

²⁵⁸ On the Brazilian military junta (1964-1985) see Thomas E. Skidmore, *The Politics of Military Rule in Brazil, 1964-1985*. Oxford University Press, 1990.; John W. F. Dulles, *Resisting Brazil’s Military Regime: An Account of the Battles of Sobral Pinto*. (Austin: University of Texas Press, 2010).; James Naylor Green, *We Cannot Remain Silent: Opposition to the Brazilian Military Dictatorship in the United States*. (Durham, NC: Duke University Press, 2010).

²⁵⁹ Nina Schneider, “Impunity in Post-Authoritarian Brazil: The Supreme Court’s Recent Verdict on the Amnesty Law.” *European Review of Latin American and Caribbean Studies*, no. 90 (2011): 40.

²⁶⁰ Howard Handelman and Thomas Griffin Sanders, *Military Government and the Movement Toward Democracy in South America*. (Bloomington: Indiana University Press, 1981), 155-160.

Integralists to survive past 1945, albeit illegally.²⁶¹ As Glen Goodman has shown in his examination of German-Brazilian identity, both governments enacted policies toward the goal “of seamless integration into national life” silencing or at least ignoring Brazil’s targeting of its ethnic populations during the 1930s and 40s.” He argues the Geisel government’s “assimilationist policies, combating ethnic associations, the elimination of education in foreign languages and even the open political persecution of those who wished to retain their status as ‘foreigners’ ... groups the 1930s through the 1970s as a period of ethnic dying-out and increasing assimilation to an official national ideal. By the second half of the 1970s, the process of political “opening” and eventually democratization that began under Geisel was mirrored by a flourishing of ethnic identification.”²⁶² This flourishing ethnic identification enabled neo-Nazi associations, such as the *Movimento para a Libertacao do Reich Alemao* (Movement for the Freedom of the German Reich, MLRA) to publically organize without fear of criminal repercussions and enjoyed a degree of political and social influence.

In this chapter’s second half, I analyze how this political and social influence of pro-Nazi elements in Brazilian society influenced the public discussion and judicial outcome of Gustav Wagner’s failed extradition in 1979. In opposition to the dangers presented by pro-Nazi groups in Brazilian society, Jewish organizations in Brazil and around the world used Wagner’s arrest to draw attention to the problem

²⁶¹ After 1949, Vargas was more left-leaning than his presidency from 1930-1945. For more information, see Robert M. Levine, *Father of the Poor?: Vargas and His Era*. (Cambridge: Cambridge University Press, 1998).; R. S. Rose. *One of the Forgotten Things: Getúlio Vargas and Brazilian Social Control, 1930-1954*. (Westport: Greenwood Press, 2000).; Jens R. Hentschke, *Vargas and Brazil: New Perspectives*. (New York: Palgrave Macmillan, 2006).; John W. F. Dulles. *Vargas of Brazil: A Political Biography*. (Austin: University of Texas Press, 2014).

²⁶² Goodman, “From ‘German Danger’ to German-Brazilian President,” 2, 223.

that Nazi war criminals were still at large and many of them had sought refuge in Brazil. “Brazil is a virtual nest of Nazis,” Wiesenthal told reporters after Wagner's arrest in São Paulo was announced “They just slip right into the populace and make themselves right at home.”²⁶³ “That was not the first time Nazis have met in Brazil,” said Benno Milnitzky, president of the Jewish Federation of Brazil “they have met here before and they will meet here again.” Wiesenthal’s most valuable contact in Brazil was Rabbi Henry Sobel, President of the *Congregação Israelita Paulista* (São Paulo Israelite Congregation). The movement formed in 1936 by Jewish refugees who escaped from Nazi Germany and was the second largest Jewish congregation in Latin America.²⁶⁴

The Extradition of Franz Stangl and his Trial in West Germany, 1967-1971

When the Stangls arrived in Brazil, the textile firm Sutema hired Franz initially as a “weaver,” but he rapidly ascended into a management position as a technological and safety engineer. The family built a small house in São Bernardo do Campo which took a total of nine years to build. However, Stangl fell severely ill in 1955, forcing Theresa to pursue a secretarial job at a Mercedes-Benz plant. When Stangl recovered later on, Theresa used her connections to get her husband a job at a Volkswagen plant where he eventually earned a considerably high salary of 25,000 cruzeiros per year.²⁶⁵ Stangl never talked about his experiences during the war, except with his wife, but neither did he make efforts to conceal his identity in Brazil. He lived and worked there under his real name and even received a copy of his birth

²⁶³ Rohter, “The Nazi Network.”

²⁶⁴ “Histórico.” *Congregação Israelita Paulista*. Accessed March 11, 2016. <http://www.cip.org.br/quem-somos/historico/>.

²⁶⁵ Sereny, *Into That Darkness*, 344-346.

certificate when he registered at the Austrian consulate in São Paulo in 1954.²⁶⁶

Although the Austrian authorities knew of Stangl's involvement in Schlöss-Hartheim, Sobibór and Treblinka, it was not until 1961, amidst the international attention on the Eichmann trial that they issued a warrant for his arrest.²⁶⁷ One reason for Stangl's slow arrest was due to West German investigators inability to access Polish archives until February 1965, where the majority of Stangl's crimes took place.²⁶⁸

Brazilian Federal Police arrested Stangl outside his home on February 28, 1967. Stangl's arrest came at the request of the Austrian Embassy who apparently received information about Stangl's whereabouts from the Austrian Foreign Ministry the day before.²⁶⁹ In a controversial letter to the editor, published by *Süddeutsche Zeitung* on March 15, 1967 titled "Wiesenthals Cent-Rechnung" (Wiesenthal's Cent-Invoice), a West German citizen named Klaus Wegener criticized a March 4 announcement, in which Wiesenthal admitted he paid an informant "one cent for every Jew" murdered by Franz Stangl in exchange for Stangl's location. While Wegener himself is not important, the article's resulting controversy drew widespread interest towards Wiesenthal's mission to ensure Stangl's extradition.²⁷⁰ For example, a contact from Munich responding to the article, reported in a letter to Wiesenthal dated March 16, 1967 "this statement has

²⁶⁶ Sereny, *Into That Darkness*, 349.

²⁶⁷ McKale, *Nazis after Hitler*, 304.

²⁶⁸ Bryant, *Eyewitness to Genocide*, 72.

²⁶⁹ Paul L. Montgomery, "Austrian Seized by Brazil as Nazi; Suspect Identified as Head of Death Camps in Poland." *New York Times*, March 3, 1967.
<http://query.nytimes.com/gst/abstract.html?res=9907EFD9153BE53BBC4B53DFB566838C679E>
 DE.

²⁷⁰ Klaus Wegener, "Wiesenthals Cent-Rechnung." *Süddeutsche Zeitung*. March 15, 1967. Box: Franz Stangl. WWIFHS.

greatly incensed* some people here. On the other hand, I saw a report in an Israeli paper to the effect that not you, but the Gestapo-man* has asked for a cent for each of Stangl's victims."²⁷¹ To clarify his position, Wiesenthal responded in a letter published in *Süddeutsche Zeitung* March 25-27, 1967. He explained that on January 24, 1964 a man visited Wiesenthal's Vienna office and offered to divulge Stangl's location in exchange for anonymity and payment. To compromise with Wiesenthal's small monetary budget, the two negotiated a payment of a penny for each Jew's death for which Stangl was responsible, amounting to \$7,000. In response to critics such as Wegener, Wiesenthal justified his decision arguing police offered "rewards for clues to determine the perpetrators and that is by no means an estimate of the value of the victims."²⁷²

Anxious the Brazilian Supreme Court would not extradite Stangl, the secretary of Wiesenthal's private committee, Comit  Wiesenthal-Fonds, cited two reasons Stangl could avoid extradition in a telegram to the Brazilian Ambassador in the Hague: 1) Difficulty in translating the documents used as evidence, 2) Brazilian law recognized murder, but not genocide. On behalf of the committee, he argued the Brazilian government "bears a great responsibility and should not give the appearance that it is offering protection to war criminals."²⁷³ In a letter to the

²⁷¹ M.G. "Letter from M.G to Wiesenthal," March 16, 1967. Box: Franz Stangl. WWIFHS. Name redacted at the request of the WWIFHS. *The letter's author misspelled incensed and underlined "Gestapo-man."

²⁷² "Wiesenthals dritte M glichkeit." *S ddeutsche Zeitung*. March 25-27, 1967. Box: Franz Stangl. WWIFHS. There is dispute over the actual amount and when Wiesenthal paid for the information. A New York Times article informs Wiesenthal paid \$5,000 for the information. "Nazi, Guilty in 400,000 Deaths, Is Sentenced to Life by Germans." *New York Times*, December 23, 1970. <http://query.nytimes.com/gst/abstract.html?res=980CE0DB1431EE34BC4B51DFB467838B669EDE>.

²⁷³ A. Stempels, "Telegram from Comit  Wiesenthal-Fonds to Brazilian Ambassador," March 17, 1967. Box: Franz Stangl. WWIFHS.

Minister of Justice in Düsseldorf, Dr. Josef Neuberger, who was also a member of the Governing Board of the Central Council of Jews in Germany, Wiesenthal expressed concerns that “German industrial circles in Brazil exert a great pressure on Brazilian business circles, so that extradition is thwarted. They operate here with a warning that German technicians, who work in Brazil, will leave Brazil.”²⁷⁴ After three months of deliberation the Brazilian Supreme Court decided to extradite Stangl to West Germany since both Austria and Poland were under German occupation during the time in which Stangl committed his crimes and since the orders for the “Final Solution” came from Berlin. The Supreme Court concluded also, that should the charges against Stangl be unsuccessful, he must be extradited to Austria where he faced twenty-three individual charges of murder for his position at Schlöss-Hartheim.²⁷⁵

Survivors who testified at the Sobibor and Treblinka trials in the mid-1960s or those who gave oral interviews to the USC Shoah Foundation seldom mentioned Stangl by name or his presence at Sobibór and Treblinka.²⁷⁶ This is partially due to his short assignment at Sobibór from May – September 1942 and also his position at both camps as *Kommandant*, where he operated behind the scenes as a “desk murderer” overseeing the killing process, but never pulled the trigger or personally

²⁷⁴ Simon Wiesenthal, “Letter from Wiesenthal to Neuberger,” March 13, 1967. Box: Franz Stangl. WWIFHS.

²⁷⁵ Paul L. Montgomery, “Ex-Nazi to Be Extradited - Stangl, Death Camp Head, to Go to West Germany.” *New York Times*. June 8, 1967.

²⁷⁶ For example, Treblinka survivor Abraham Bomba referred to Stangl as “Spangel” and admitted to having no personal contact with the Kommandant. Abraham Bomba. Interview 18061. Visual History Archive. USC Shoah Foundation Institute. Accessed online at the United States Holocaust Memorial Museum on August 10, 2015. Thomas (Toivi) Blatt mentioned seeing a “Nazi in a white uniform” which Stangl was known to wear, but never mentioned Stangl by name. Thomas Blatt. Interview 1873. Visual History Archive. USC Shoah Foundation Institute. Accessed online at the United States Holocaust Memorial Museum on July 1, 2015.

led victims to the gas chamber.²⁷⁷ At the first Treblinka trial against ten former SS-guards, including Stangl's deputy, Kurt Franz, Treblinka survivor Richard Glazer, testified "that not only was Franz the deputy commandant, but that, because of Stangl's passivity and frequent absences, Franz often wielded unlimited power at Treblinka."²⁷⁸ In the previous chapter, the complications with witness testimony, which plagued the 1965 Hagen trials, proved that in order to counter defendants' claims, the prosecution needed to prove not only Stangl's presence, but also substantiate motive and intent, to secure a guilty verdict. Otherwise, according to the statutes set by the 1871 German penal code, the highest indictment against Stangl could only manslaughter as an accomplice to murder. For this reason, the West German courts never formally charged Stangl for his involvement in the murder of 200,000 Jews at Sobibór, since "his activities at Sobibór were, for administrative reasons, not included in the prosecution's case."²⁷⁹ In total, West German courts indicted Stangl for his responsibility in the murder of 700,000 mostly Polish Jews at Treblinka.²⁸⁰

As a part of his "no intent" defense strategy, which had proved successful for many former Nazis tried in the West German judicial system, at his trial Stangl testified:

"At police training school they taught us that the definition of a crime must meet four requirements: there has to be a subject, an object, an action and intent. If any of these four elements is missing, then we are not dealing with a punishable offence... I could apply this to my own situation — if the subject was the

²⁷⁸ Bryant, *Eyewitness to Genocide*, 96.

²⁷⁹ Sereny, *Into That Darkness*, 117-119

²⁸⁰ "Nazi, Guilty in 400,000 Deaths, Is Sentenced to Life by Germans." *New York Times*, December 23, 1970.
<http://query.nytimes.com/gst/abstract.html?res=980CE0DB1431EE34BC4B51DFB467838B669EDE>.

government, the ‘object’ the Jews and the action the gassing, I could tell myself that for me, the fourth element ‘intent’, (I called it free will) was missing.”²⁸¹

One of the few consistencies among Sobibór survivors who testified at his trial was his presence during the unloading of transports in “white riding clothes.” Of all the survivors brought to testify against Stangl, the only individual’s testimony who “hurt him deeply” was Shlomo Szmajzner. “My family,” Stangl told Gitta Sereny “we were never anti-Semitic...but after Szmajzner’s testimony, first to the police in Brasilia, to the Brazilian press, then his book...and then in Düsseldorf at the trial, they did feel rather bitter.”²⁸² Stangl’s claim reinforces the West German precedent that Nazi war criminals brought to trial, could avoid conviction if they could prove that their participation in the murdering process was not racially or ideologically motivated. Despite his well-established defense, on October 22, 1970, the court found Stangl guilty and on December 22, sentenced him to life imprisonment for murder in “at least 400,000 cases.”²⁸³ Stangl’s conviction demonstrated the progress of the West German judiciary to try Nazi war criminals, stemming from the West German government’s willingness to collaborate internationally, given their international appeal on November 24, 1964.²⁸⁴ On June 28, 1971, nineteen hours after Stangl completed his interviews with Sereny, he died from heart failure.²⁸⁵

²⁸¹ Arad, *Belzec, Sobibór, Treblinka*, 184-186.

²⁸² Sereny, *Into That Darkness*, 117-119. The book the quote refers to is Szmajzner’s memoir *Inferno em Sobibor: a tragédia de um adolescente judeu* published in Portuguese in 1968.

²⁸³ “Nazi, Guilty in 400,000 Deaths, Is Sentenced to Life by Germans.” *New York Times*, December 23, 1970.
<http://query.nytimes.com/gst/abstract.html?res=980CE0DB1431EE34BC4B51DFB467838B669E>
 DE.

²⁸⁴ Monson, “The West German Statute of Limitations on Murder,” 610.

²⁸⁵ Sereny, *Into That Darkness*, 362.

The Capture and Failed Extradition of Gustav Wagner, 1974-1979

Since his arrival to Brazil, Wagner had lived and worked at a farm in Atibaia owned by Joracio and Ulrike Casal, not even thirty miles from Stangl's residence, which Wagner visited regularly.²⁸⁶ Stangl and Wagner maintained a close friendship during their time in Brazil. "I used to go see Stangl at his house in São Paulo all the time," said Wagner. "Once I was even stopped on his doorstep by the police and asked to show my identifications. But Theresa Stangl came to the door and told them I was a friend and that was that... Everyone has a friend, a man they can rely on to carry out a task for them," Wagner explained "for Stangl, I was always that man."²⁸⁷ It was reported that Wagner even proposed to Theresa Stangl after her husband's death in 1971.²⁸⁸ Wagner worked under his real name, earning 2500 cruzeiros (about 300 Marks in 1974) per month by making concrete foundations for fences.²⁸⁹ One of Wiesenthal's Brazilian contacts reported in a letter dated February 16, 1974 a "certain Gustav Franz Wagner...arrived in Rio de Janeiro on April 12, 1950." By 1954, Wagner renewed his papers and Wiesenthal's contact lost his trail "presumably because Wagner changed his name," but really Wagner had rescinded his Austrian citizenship. He received a permanent visa from Beirut where he listed his profession as: Road Technician (*Techniker im Strassenbau*). However, in Brazil

²⁸⁶ Rashke, *Escape from Sobibor*, 313.

²⁸⁷ Rohter, "The Nazi Network."

²⁸⁸ Simon Wiesenthal, "Letter from Wiesenthal to I.F." March 5, 1974. Box: Gustav Wagner. WWIFHS.

²⁸⁹ "Wir Sind Nicht Die Letzten von Gestern." *Der Spiegel*, June 12, 1978.

he was listed as unemployed, so he was only supposed to be able to apply for a tourist visa.²⁹⁰

Wiesenthal cited the reason how he knew Gustav Wagner was hiding in Brazil was because of Stangl's trial testimony.²⁹¹ Motivated by the new information gathered at the trial, Wiesenthal intensified his search for Wagner, relying on his Brazilian contacts for information who reported to him via overseas letters. However, most Brazilians who had access to information Wiesenthal sought, were usually members of the German-Brazilian community who were former Nazi war criminals themselves, such as the "Gestapo man" whom, by Wiesenthal's claim, divulged Stangl's location. Wiesenthal lamented in a letter to one of his few Brazilian contacts "We try to get in touch* with some person, who has good contact to the Germain colony in Brazil - all our searching failed because of the mistrust of the people from the colony."²⁹² Frustrated with the lack of success to recruit Brazilians to aid his search, Wiesenthal also focused his efforts on the local German industries in areas widely-known for their large German populations. In a letter to Wiesenthal dated February 24, 1975 one Brazilian contact reported:

"About 60 miles from Sao Paulo lies the town of Campo Grande. In this spot, Krupp have built a large steel pipe plant. About 5 miles, along a private road, away from here lies a closed community - fenced in - of about 20 homes - a lodge, etc. I know all this with my own eyes. This community - is populated by German managers and technicians who work for Krupp and their families. It is closed - entirely self-sufficient and could serve as a hiding place for someone who worked for Nazis undercover."²⁹³

²⁹⁰ "Letter from I.F. to Wiesenthal," February 16, 1974. Box: Gustav Wagner. WWIFHS.

²⁹¹ Rashke, *Escape from Sobibor*, 313.

²⁹² "Letter from Wiesenthal to G.F.," April 1, 1975. Box: Gustav Wagner. WWIFHS. Touch* in the original document was misspelled "tuch"

²⁹³ "Letter from G.F. to Wiesenthal," February 24, 1975. Box: Gustav Wagner. WWIFHS. In accordance with the request of the WWIFHS, I have redacted the full name of Wiesenthal's contact. For more information on the relationship between international German corporations and the Third Reich see S. Jonathan Wiesen, *West German Industry and the Challenge of the Nazi Past: 1945 - 1955*.

It is conceivable that Nazi fugitives lived among German-Brazilian industrial communities, such as Stangl and his family had done, wielding a significant amount of influence in their respective areas. For example, by 1962, over ten percent of the 204 largest industries in São Paulo were owned by German-Brazilians.²⁹⁴

Although anti-Semitism was not state-sponsored in Brazil, there was heavy opposition, especially from the right-wing Brazilian media, toward public discussion of pro-fascist and pro-Nazi associations in Brazil dating back to World War II. For example, in the English edition of Hilton's *Hitler's Secret War in South America, 1939—1945* he describes the massive negative response the book's first printed edition published in Rio de Janeiro. There was so much condemnation in the Brazilian media from pro-fascist organizations, Holocaust deniers and former Nazi agents, that the book's publisher refused to print a second edition. Albrecht Engels, a major character in Hilton's analysis, denied Hilton's portrayal of him as a major Third Reich agent in Brazil. Published in the December 28, 1977 issue of the Brazilian magazine *Veja*, Engels criticized Hilton saying "Nothing of what they accuse me is true." In the same issue of *Veja*, former Integralist Gerardo Melo Mourão accused Hilton of being a member of the CIA. In the January 2, 1978 issue of *Jornal do Brasil*, Mourão penned a letter claiming "the history of Brazil cannot be written by an agent of the CIA who is neither Brazilian nor an historian." In the

(Chapel Hill: University of North Carolina Press, 2004).; Nicosia, Francis R. and Jonathan Huener, *Business and Industry in Nazi Germany*. (New York: Berghahn Books, 2004).; Peter Hayes, *Industry and Ideology: I. G. Farben in the Nazi Era*. (Cambridge: Cambridge University Press, 2001).

²⁹⁴ Luiz Carlos Bresser-Pereira, "Origens étnicas e sociais do empresário paulista." *Revista de Administração de Empresas* 4, no. 11 (1964): 94. For more on German-Brazilian industry see "Brazil." *Auswärtiges Amt - Federal Foreign Office*, February 2016. <http://www.auswaertiges-amt.de/EN/Aussenpolitik/Laender/Laenderinfos/01-Laender/Brazil.html>.

February 7, 1978 issue of *Folha do São Paulo*, Mourão urged the Brazilian Foreign Ministry and *Arquivo Nacional* to bar archival holdings to “Brazilianists” suggesting they presented a danger to Brazilian culture, which in turn, was a threat to national security. A few dozen politicians and intellectuals offered to host a “solidarity dinner” for Mourão. Integralists and former-Integralists officially protested the monograph’s publication and even Plínio Salgado’s widow threatened to bring a slander lawsuit against Hilton. Hilton’s inability to publicly address the influence and history of pro-fascist and Nazi elements in Brazil contextualizes the resistance from the Brazilian public towards Wagner’s extradition, which occurred shortly after the book’s publication.²⁹⁵

Brazilian Federal police raided the Hotel Tyll on April 23, 1978, 110 miles northwest of Rio de Janeiro, expecting to disrupt a secret gathering of communists. Instead, they found sixteen Germans, who were members of the MLRA celebrating Adolf Hitler’s 89th birthday.²⁹⁶ Adolf Winkelmann, whom the Vargas government previously arrested for Nazi activity in 1942, was the hotel’s proprietor. Shortly before the police withdrew, Winkelmann said to the police “we had this celebration here last year. This is a very legitimate thing. I am an anti-communist. I have a letter from a very important person, who confirmed to me that I helped Brazil in a difficult time ... We are here because Germany has to rebuild and destroy the great lies of history.”²⁹⁷ The Brazilian government’s official stance on the neo-Nazi celebration appeared apathetic. A German-descended South Brazilian like his boss, President

²⁹⁵ Hilton, *Hitler’s Secret War in South America, 1939--1945*, 7-9.

²⁹⁶ Henry I. Sobel, “Silence About the Nazis Worries Sobel.” *Folha do Sao Paulo*, April 28, 1978. Box: Gustav Wagner. WWIFHS.

²⁹⁷ “Wir Sind Nicht Die Letzten von Gestern.” *Der Spiegel*, June 12, 1978.

Geisel, Brazilian Press Secretary Col. Ruben Ludwig described the gathering as “nothing more than a get-together of nostalgic old men.” Given the apathetic stance of the Brazilian towards pro-Nazi elements in Brazilian society, there was little government regulation of the neo-Nazi protests resulting from Wagner’s arrest. Reports of vandalism and anti-Semitism were rampant among the German-Brazilian communities. For example, in early July 1978, residents of Santa Rosa found a Nazi flag flying in their main square and in the nearby town Ijuí, members of a group sympathetic to Winkelmann’s troupe vandalized Jewish schools and synagogues with messages like “Free Wagner” or “The Reich Shall Rise Again.”²⁹⁸ As a result of the Brazilian government’s apparent lack of interest in addressing the problems of the pro-Nazi influence, private Jewish organizations in Brazil took the issue upon themselves.

Henry Sobel was the front man in the efforts of Brazilian Jewish organizations to address the anti-Semitism in the Brazilian media. In a press release on April 28, Sobel appealed not only to Jews but also Brazilians’ own sense of national identity:

This Nazi meeting held last week at the hotel of Mr. Winkelmann, whose purpose was to negate the inhumanity of the Nazi crimes and the proliferation of neo-Nazi literature should worry not only Jews but all Brazilians and not only all Brazilians but all liberal and decent-minded people in the entire world. Such an organized meeting under international patronage on Brazilian soil must be denounced and opposed from the very beginning. We have had enough experience to learn that such tendencies, neglected or not taken seriously enough at their inception, have the capability to grow very fast and become a menace not only to Jews but to all mankind. If the Jewish people and the countries of the world had paid more attention to the Nazi movement in its initial stage, the catastrophe of the Second World War and the tragedy of the extermination of millions of Jews would have been avoided.²⁹⁹

²⁹⁸ Rohter, “The Nazi Network.”

²⁹⁹ Henry I. Sobel, “Brazilian Press Release,” April 28, 1978. Box: Gustav Wagner. WWIFHS.

Responding to reporters about his anti-Jewish activity, Winkelmann stated “the Jews must be punished, because they do not behave correctly. They are spreading the lie about six millions of Jews killed by the Nazis. How was it possible to kill six millions, if there were only three millions of Jews in whole Europe, including Russia, before the war...”³⁰⁰ Winkelmann’s accusations followed the same pattern as other Holocaust deniers throughout the globe during the Cold War.³⁰¹ One of the celebration’s guests, Hans-Werner Schütte, declared “All of this was a case of this sinister Wiesenthal, Wagner’s arrest. The reporters helped him in this operation, but our friends in Brazil have taken measures so that he will not remain in custody. Mr. Winkelmann told me he was going to write a letter to Coronel Rulem [Col. Ruben Ludwig], the press officer of President Geisel. Winkelmann has great friends in government.”³⁰²

After a widespread manhunt, on May 30, 1978, Wagner turned himself in to Brazilian authorities in São Paulo. While the Brazilian authorities brought no formal charges against Wagner, they held him under administrative arrest until his extradition status could be determined. Fearing the police would release Wagner without a corroborating witness Stanislaw Szmajzner flew from his home in Goiania

³⁰⁰ “Behind the Headlines.”

³⁰¹ For more information on postwar anti-Semitism and Holocaust denial see John C. Zimmerman, *Holocaust Denial: Demographics, Testimonies and Ideologies*. (Lanham: University Press of America, 2000).; Jan T. Gross, “After Auschwitz,” in *Lessons and Legacies VII*, ed. Herzog.; Stephen E. Atkins, *Holocaust Denial as an International Movement*. (Westport: Praeger, 2009).; Robert S. Wistrich, *Holocaust Denial: The Politics of Perfidy*. (Boston: Walter de Gruyter, 2012).; Deborah E. Lipstadt, *Denying the Holocaust: The Growing Assault on Truth and Memory*. (New York: Simon & Schuster, 2012).

³⁰² “Wir Sind Nicht Die Letzten von Gestern.” *Der Spiegel*, June 12, 1978. <http://www.spiegel.de/spiegel/print/d-40615582.html>. (Coronel Rulem is a reporter’s typo meant to stand for Col. Ruben Ludwig)

to Sao Paulo.³⁰³ Similar to Stangl's case, the competition for Wagner's extradition involved West Germany, Austria and Poland, but also Israel. Wagner stated that he was only following orders, the same defense used by his colleagues in the 1965 Hagen trials and by Stangl in 1970. Wagner acknowledged his presence at Sobibór, knowing that alone was not enough to prove his guilt, but defended himself stating to reporters "I knew what happened there but I never went to see...I only obeyed orders. You would not want to see what they did there either."³⁰⁴ He claimed his only function at Sobibór was "to construct houses and barracks."³⁰⁵

Wagner's account of the events was often self-contradictory. While he cautiously never admitted to actually participating in the murdering process, in addition to the "following orders" defense, Wagner also recounted in a 1979 BBC interview "that he had seen people exterminated 'who were really innocent,' but he would have been shot if he had not done his duty. Germany had called him to make war and given him a job to do," Wagner said "but now they punish me for it. Everything went wrong once Germany lost the war."³⁰⁶ Wagner told reporters if he were to be extradited that he would prefer to go to West Germany "because I was a German soldier, I went right through a whole war fighting for Germany and I think that should be taken into consideration."³⁰⁷ Wagner's statement reflects the consensus that in 1979, there was still the myth of the pure *Wehrmacht*, who were

³⁰³ Rashke, *Escape from Sobibor*, 314.

³⁰⁴ "Nazi Camp Aide, Held in Brazil, Fights Extradition Bid," June 10, 1978. Box: Gustav Wagner. WWIFHS.

³⁰⁵ Strasser and Rohter, "Beast' at Bay". Box: Gustav Wagner. WWIFHS.

³⁰⁶ "Wagner's Only Regret Germany Lost." *Jewish Telegraphic Agency*, June 21, 1979.
<http://www.jta.org/1979/06/22/archive/wagners-only-regret-germany-lost>.

³⁰⁷ "Search on for More Nazi Criminals," June 3, 1978. Box: Gustav Wagner. WWIFHS.

“ordinary” soldiers doing their duties and were not ideologically motivated to commit murder.³⁰⁸

On June 23, 1979, the Brazilian Supreme Court blocked Gustav Wagner’s extradition. Simon Wiesenthal, in response to the disappointing outcome, warned “Brazil could end up becoming the most secure sanctuary in Europe and South America for Nazi criminals still at large.” The court found Austria ineligible since Wagner rescinded his Austrian citizenship and the alleged crimes did not occur in Austria. The tribunal rejected Poland’s petition since the country’s judicial system did not adhere to Brazilian law, given the extended history of the Soviet Union judiciary sentencing former Nazis with the death penalty. Brazil refused to recognize Israel’s claims since it did not exist as a nation at the time of the crimes. Also, there was no extradition treaty between Brazil and Israel. Even the West German petition, which was most likely to succeed, was rejected by the Brazilian Supreme Court. “Our case was impeccable and we certainly expected a different decision,” said a West German Embassy spokesman in Brasilia. The decision was unexpected since the Brazilian Police Director Pereira Machado said “the West German consul-general has provided sufficient proof of Wagner’s identity...”³⁰⁹

The reason for the Brazilian Supreme Court’s refusal to grant Wagner’s extradition, Daniel Stahl argues was “the Brazilian authorities were concerned Wagner’s extradition would encourage opponents of the government to make

³⁰⁸ See Richard J. Evans, *In Hitler’s Shadow: West German Historians and the Attempt to Escape from the Nazi Past*. (New York: Pantheon Books, 1989).; Omer Bartov, “German Soldiers and the Holocaust.” *History & Memory* 9, no. 1/2 (1997).; Browning, *Ordinary Men*.; Mary Nolan, “The Politics of Memory in the Bonn and Berlin Republics,” in *Memory and the Impact of Political Transformation in Public Space*, eds. Daniel Walkowitz and Lisa Maya Knauer. (Durham: Duke University Press, 2004), 105-126.; Helmut Schmitz, *A Nation of Victims?: Representations of German Wartime Suffering from 1945 to the Present*. (Amsterdam: Rodopi, 2007).

³⁰⁹ Hoge, “Brazil Is Criticized for Its Refusal To Allow Extradition of Ex-Nazi.”

demands that would compromise their authority. If they were to accept West Germany's request, all crimes in Brazil – even those committed by police and other officials – would have to be brought to justice.”³¹⁰ For example, the Brazilian government under Geisel participated in the transnational campaign of political repression and state terror across South America’s southern cone, known as Operation Condor. The operation included members such as Chile, Argentina, Brazil, Bolivia, Paraguay and Uruguay with goals such as “the eradication of political rivals, including the military leaders and civilian political leaders determined to restore the constitutional government.”³¹¹ Given the Brazilian Supreme Court’s decision, in hindsight it becomes obvious why the Geisel government ignored the rampant displays of neo-Nazi protests and anti-Jewish sentiments in Brazilian society.

³¹⁰ Lydia Smith, “Hitler’s Death 70th Anniversary: Who Let Nazi War Criminals Escape to South America after WW2?” *International Business Times UK*, April 29, 2015. <http://www.ibtimes.co.uk/hitlers-death-70th-anniversary-who-let-nazi-war-criminals-escape-south-america-after-ww2-1498987>. For more on the political crimes of the Brazilian military regime (1964-1985) see Jerry Dávila, *Dictatorship in South America*, (West Sussex: Wiley-Blackwell, 2013).; Schneider, “Impunity in Post-Authoritarian Brazil,” 39–54.; Elio Gaspari. *A ditadura envergonhada*. (Rio de Janeiro: Editora Intrínseca, 2014).; Handelman and Sanders. *Military Government and the Movement Toward Democracy in South America*.

³¹¹ John Dinges, *The Condor Years: How Pinochet and His Allies Brought Terrorism to Three Continents*. (New York: The New Press, 2012), 4. For more information on Operation Condor and Brazilian state-sponsored terror see Cecilia Menjívar and Néstor Rodríguez, *When States Kill: Latin America, the U.S., and Technologies of Terror*. (Austin: University of Texas Press, 2009).; J. Patrice McSherry, *Predatory States: Operation Condor and Covert War in Latin America*. (Lanham: Rowman & Littlefield, 2012).; Peter Kornbluh, *The Pinochet File: A Declassified Dossier on Atrocity and Accountability*. (New York: The New Press, 2013).

CONCLUSION

On October 3, 1980, Gustav Wagner was found stabbed to death in the bathroom of his home in Atibaia. Despite the suspicious circumstances of his death, Wagner's lawyer, Senhor Flavio Marx, claimed his death a suicide.³¹² As this thesis has shown, it is certainly not beyond the realm of possibility, given the well-established precedents of vigilante justice sought by some Jewish Holocaust survivors when legal means rendered disappointing results. Despite the temptation to believe that one of the most sadistic and cunning murderers of the Holocaust received his comeuppance at the hands of those he tormented, there is no concrete evidence to suggest that his death was anything other than a suicide. While facing a fate in West Germany like his boss Stangl, Wagner was institutionalized in a psychiatric hospital near Brasilia. One source at the hospital said "He has lost the will to live, refuses to take medication and, when it is forced on him, his body rejects it."³¹³ In addition to depression, the 68-year old suffered from problems with his circulatory system and it was debated whether or not he would be fit to travel if he was extradited.³¹⁴

One thing is certain though: the sadistic monster that was Wagner was remembered and scorned by many of his victims who survived Sobibor and the Holocaust decades earlier. In an interview conducted by the USC Shoah Foundation, Kurt (Ticho) Thomas, described a "recurring nightmare of being chased around Sobibor by Wagner." In the last one he had "he turned around and punched Wagner in the jaw," and

³¹² "Former Guard at Nazi Death Camp Commits Suicide."

³¹³ "Suspected Nazi Criminal in Mental Hospital." *The Times*. July 10, 1978. Gale NewsVault.
<http://find.galegroup.com/dvnw/infomark.do?&source=gale&prodId=DVNW&userGroupName=c har69915&tabID=T003&docPage=article&docId=CS85557994&type=multipage&contentSet=LT O&version=1.0>.

³¹⁴ Hoge, "Brazil Is Criticized for Its Refusal To Allow Extradition of Ex-Nazi."

afterward had no more nightmares.³¹⁵ For Esther Raab “the ideal punishment would be for Wagner to be put in a concentration camp.” Samuel Lerer, who identified Erich Bauer on that Berlin street in 1949, stated “that he would personally like to torture Wagner.” Thomas (Toivi) Blatt was less emotional: “We all dreamed that if we survived, we'd cut him slowly to pieces and make him suffer a slow death. But if we did that today, we'd go down to his level. So I'd simply put him in jail.”³¹⁶ In an interview with Richard Rashke, Blatt talked about his dreams of hunting down the Sobibor Nazis, but that he had a family to think of. However, upon hearing the news of Wagner’s release, Toivi asked his long-time friend whom he met in Sobibor, Shlomo Szmajzner over the phone if he could buy a gun in Brazil. Szmajzner assured his friend “Don’t worry. Wagner’ll be taken care of.”³¹⁷

The stories of Franz Stangl and Gustav Wagner highlight a very interesting and significant case study, in which scholars can compare the double-standard in the international hunt to bring Nazi war criminals to justice. Extradition proceedings against these two former Nazis show how international cooperation became necessary in order to ensure the successful extradition of former war criminals. More than this, through the perspective of these two cases, scholars develop a stronger understanding of pro-fascist movements in Brazil, the global impact of Nazism and rarely discussed private efforts of Jewish associations, specifically Holocaust survivors, actively participating in the global hunt for Nazi fugitives. Examination of the interplay between the Brazilian government and pro-fascist, pro-Nazi organizations in Brazil, comprised of German-Brazilian

³¹⁵ Kurt Thomas. Interview 28104. Visual History Archive. USC Shoah Foundation Institute. Accessed online at the USHMM on July 18, 2015.

³¹⁶ Tom Bower, “The Tracking And Freeing Of a Nazi Killer.” *The Washington Post*, August 19, 1979. <https://www.washingtonpost.com/archive/opinions/1979/08/19/the-tracking-and-freeing-of-a-nazi-killer/c50b9591-da25-485e-a579-b56d8d8708eb/>.

³¹⁷ Rashke, *Escape from Sobibor*, 314.

sympathizers draws attention understudied topic in the international hunt to bring Nazi war criminals to justice. In Brazil's unique circumstances, the Vargas government's repression of these groups was the means by which they were able to even surpass the existence of the Third Reich, not as organized political parties, but as small, cultural associations between individuals who shared the devotion to the ideology of Adolf Hitler. By focusing on the remnants of pro-fascist and pro-Nazi elements that survived past World War II, scholars can identify specific social and cultural traits that made these communities attractive to Nazi war criminals escaping from Europe.

While West German investigations and trials of Nazi war criminals enjoyed a number of judicial successes, to the disappointment of many Jewish Holocaust survivors, the general outcomes fell short of their expectations, especially those who testified in court. In many cases, legal restrictions and rigid interpretations of the law resulted in acquittals or light sentences given to the former Nazis on trial. Due to these unfortunate circumstances, many Jewish survivors were pessimistic about the West German judiciary's ability to bring Holocaust perpetrators to justice. In many cases, some even sought extrajudicial means to find some sort of justice outside of a legal system which they had perceived as inadequate. Some, like Simon Wiesenthal, collaborated to track and locate at-large war criminals, lobby national governments and draw larger public attention to the challenges they fought to overcome. Some sought a more violent approach through "Jewish Vengeance," which overlapped into some operations carried out by MOSSAD.

Stangl's capture and conviction was one of Simon Wiesenthal's greatest successes in that Stangl was the only Operation Reinhard commandant, brought to trial.

Additionally, Stangl was the only high-ranking SS member who openly acknowledged his guilt in the crimes of the Holocaust, although this came after his guilty verdict and life sentence. “I hate...hate the Germans,” he confessed to Gitta Sereny “for what they pulled me into. I should have killed myself in 1938. That’s when it started for me. I must acknowledge my guilt.”³¹⁸ The success of Stangl’s extradition and prosecution in West Germany, along with the research Gitta Sereny compiled from her nearly 70 hours-worth of interviews with Stangl paved the way for scholars investigating Nazism in Brazil, during and after World War II. Wiesenthal even attributed Wagner’s discovery, in large part, to information and evidence presented at Stangl’s trial.

While Gustav Wagner’s case reveals a stark contrast to the successes of Stangl’s extradition, Wagner’s arrest and extradition trials drew worldwide attention to the persistence of former Nazis and pro-Nazi elements in Brazil. Because of this attention, private Jewish organizations, including Jewish Holocaust survivors, were able to broadcast their frustrations to the world when courts failed to bring justice against proven Holocaust perpetrators. Additionally, the existence of neo-Nazi groups like the MLRA, provided substantial evidence to support the idea of a *Kameradenwerk* in Brazil, if not all South America. While the scope of these associations was nothing as grand as Simon Wiesenthal’s “ODESSA,” this chapter has provided evidence to show that they played a significant role in Wagner’s rejected extradition.

³¹⁸ Sereny, *Into That Darkness*, 362.

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Box 5 - South America

Box 12 - Lend Lease, January-February 1942

Box 24 - Brazil

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Box: Franz Stangl

Box: Gustav Wagner

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