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# Lost Lessons: American Media Depictions of the Frankfurt Auschwitz Trial 1963-1965

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## Abstract

The Frankfurt Auschwitz trial of 1963 marked the beginning of West Germany's attempt to confront its horrific past. Auschwitz is one of the most well known of the Nazi concentration camps, in fact, since the fall of the Soviet block, Auschwitz has become one of the preeminent symbols of Holocaust culture, and in large part the 1963 trial in Frankfurt created our current image of it. Auschwitz was actually a series of three camps, including the labor camps Auschwitz I, housing political prisoners; Auschwitz II, for Jews and Gypsies, and Birkenau, the killing center. Horror permeated Auschwitz like all camps in the Nazi system, gross human rights violations occurred minute by minute.

When West Germany came to confront this grizzly era of its past it was also confronted with terrible irony. West German prosecutors spent years tracking down war criminals, and collecting massive amounts of evidence against them. They then indicted 22 former Auschwitz administrators and guards, intending to place the entire Auschwitz complex on trial, only to be stymied by their own penal code. By attempting to put the Auschwitz system on trial, starting with their 700-page indictment containing a wrenching history of the horrors of Nazi Germany and the camp system, they intended to create an object lesson for Germany and the world—to show that for 12 years ordinary Germans had crossed the line into madness and then melted back into society. I would argue, however, that their lesson got lost in the chaos of the means they had to employ.

Prior to 1959, Nazi war criminals were the province of international courts, and West Germany, still occupied by allied forces, was not able to convene its own legal proceedings. However, the moment the Allies pulled out investigators began collecting evidence in anticipation of a wave of West German trials. The Frankfurt trial was one of the first, and most sensational. The problem of sensation was inevitable. The West German penal code was the same one that had been in operation since the Weimar Republic and did not allow for *post-facto*

prosecution. This meant that prosecutors faced the rather sickening challenge of proving the accused had knowingly, of their own volition, and with base motives violated Nazi-era laws. In doing so, the court unintentionally legitimized the very system that it was attempting to repudiate. Thus, it was not the everyday ordinary horrors of Auschwitz that became the focus of the trial, but the most sensational and macabre. These were what the international media latched on to, even in a more sedate age, and this is what the lesson became. Auschwitz—and by extension the whole Holocaust—were not displayed as actions of ordinary men and women, but as those of sadists who were not remotely “normal.” Thus, an international audience was able to side-step uncomfortable questions, and relate to the Holocaust not as potential perpetrators, but as potential victims. Culpability was reduced to the German population at worst, or a few twisted individuals at best, and the larger implications that West German prosecutors had hoped to raise were subsumed in the details of the German penal code, and the “ordinary” aspect of Nazi criminals was lost in a search for base motives.



The Frankfurt Auschwitz trial of 1963 marked the beginning of West Germany’s attempt to confront its horrific past. When West Germany came to confront this grizzly era, it also confronted terrible irony. West German prosecutors spent years tracking down war criminals, and collecting massive amounts of evidence against them. They then indicted 22 former Auschwitz administrators, and guards intending to place the entire Auschwitz complex on trial, only their own penal code stymied them. German law was not set up to prosecute genocide well. It was set up to prosecute individual crimes based on individual motives, and, as Devin Pendas says, “it fundamentally lacked the theoretical apparatus to grasp and render judgment on systematic, bureaucratically organized, state-sponsored mass murder.”<sup>1</sup> Unlike the American penal code that defines intent to commit murder as “any action that could reasonably be expected to result in the death of another human being ... an imputed and objective feature of the human condition ...”<sup>2</sup> German law sees intent as a subjective state of mind. For Pendas, “this strong focus on the will of the individual defendants as the central category in determining

their guilt made it extremely difficult for the trial to understand adequately or to render judgment on Auschwitz.”<sup>3</sup> Prior to 1959, Nazi war criminals were the province of international courts, whose laws were more equal to the task, and West Germany, still occupied by allied forces, was not able to convene its own legal proceedings.

However, the moment the Allies pulled out investigators began collecting evidence in anticipation of a wave of West German trials. The Frankfurt trial was one of the first, and most sensational. The problem of sensation was inevitable. The West German penal code was the same one that had been in operation since the Unification and did not allow for post-facto prosecution. Meaning, prosecutors faced the rather sickening challenge of proving that the accused had knowingly, of their own volition and with base motive violated Nazi laws. In doing so, the court unintentionally legitimized the very system that it was attempting to repudiate. Therefore, it was not the everyday ordinary horrors of Auschwitz that became the focus of the trial, but the even more sensationally macabre. It was this that the international media latched onto, even in a more sedate age, and this that the lesson became. Auschwitz and by extension the whole Holocaust were not displayed as actions of ordinary men and women but that of sadists who were not remotely “normal.” Thus, an international audience was able to side-step uncomfortable questions, and relate to the Holocaust not as potential perpetrators, but as potential victims.

The prosecutorial mandate was to put the entire complex of Auschwitz on trial. However, they were bound by the confines of the German penal code. Therefore, they set about the more prosaic goal of proving the defendants guilty of murder, or manslaughter. The resulting indictment ran 700-pages. This document was the closest the prosecution was able to come to the general condemnation of Auschwitz that they wanted.<sup>4</sup>

The first part of the indictment contains the history of Auschwitz and the SS, while the second part included the specific charges against the men.<sup>5</sup> Of the 24 that were initially indicted three stand out in the historical record for their graphic cruelty. These men are, Oswald Kaduk, a former SS corporal and block officer who according to Rebecca Wittmann, “fit perfectly into West German penal

code's definition of murder. He exemplified sadism, desire to kill, and even sexual drive."<sup>6</sup> Wilhelm Boger, SS staff sergeant and Josef Klehr, also an SS staff sergeant, joined Kaduk in the honor of being among the most feared men in the camp.<sup>7</sup>

In trying these men and their cohorts, the prosecution hoped to achieve several things. Conviction was obviously an aim of the court, but not necessarily the primary goal. The aforementioned desire to show the injustice and horror of the camp system and the culpability of all who participated combined with lead prosecutor Fritz Bauer's wish for the trial to serve as an object lesson for the German people, forming the heart of the prosecutorial motivation.<sup>8</sup>

However, the limitations of the German penal code and its unintended results undercut the desires to highlight the ordinariness of the perpetrators of the wartime travesties, and inspire self-reflection among the populace. Base motive had to be proved in order for a guilty verdict to be returned. As Wittmann points out, this resulted in a focus on the sadistic, "they were easier to convict."<sup>9</sup> However, this courtroom preoccupation bled over into the press, and skewed the view of the Holocaust the prosecutors were hoping to present, and the one that went down in History. The moral that ordinary people committed unspeakable acts for a variety of reasons, not necessarily ideological, became subsumed in a circus of drunken butchery,<sup>10</sup> and "excessively cruel behavior."<sup>11</sup>

The press seized on this excess. The trial necessarily shaped the content of the press reports. However, the press chose to concentrate on the excessively graphic aspects of the proceedings rather than the legal components, even though much of the horror they reported was inadmissible or was about men whose whereabouts were unknown and were not on part of the indictment like Mengele.<sup>12</sup>

The German press devoted extensive coverage to the trial, both the sensational aspects, and the legal ones, when those were not the same. However, the trial was of international importance, and was covered in many other countries to a lesser degree, and with a different perspective.

Between four of the United States' widest read papers and the smaller but, well-respected and broadly distributed *Christian Science*

*Monitor*, the Frankfurt Auschwitz trial inspired just over 100 articles over a two-year period. Of these articles, fewer than 10 percent merited the front page, and those that did rarely had any depth. The very first article about the trial to grace the front page of a major US paper was in the *New York Times* on December 21, 1963. This was a cursory description of what the trial was about, including background information on the preparation of the trial/indictment and the atmosphere of the court on opening day.<sup>13</sup>

The *Times* article, slight though it may have been, was one of the better front page pieces published on the trial. The bulk of the page one articles regarding the Auschwitz Trial appeared in the *Washington Post* and in the main, they dealt with information extraneous to the trial itself, for instance, the letters the Prosecutors office received,<sup>14</sup> an alleged communist conspiracy against the defendants,<sup>15</sup> the fact that the court would recess to avoid a conflict with Mardi Gras,<sup>16</sup> and other such irrelevancies. Any article of note about the trial on the first page of the *Washington Post Herald* averaged only two paragraphs. The other papers, though they were less prolific with front-page articles on the subject, tended to run more substantial pieces in that venue. For example, the *Chicago Tribune* ran several long articles on the war crimes trials occurring in Germany. They were not exactly hard hitting either, with one concentrating on the verdict in another trial with only the concluding paragraphs concerning the Auschwitz litigation,<sup>17</sup> and another addressing the German response to the Trials.<sup>18</sup> The *Christian Science Monitor* probably ran the lengthiest articles about the trial, but these tended to be feature stories about the broader cultural and historical impact of the trial and the German reactions. In sum, the front-page articles in American newspapers on the Frankfurt Auschwitz trial tended toward fluff, relegating any hard news to the abyss of the later pages.

Since, the majority of Auschwitz stories occupied less conspicuous places than the front page, depending on the newspaper they might be buried in the back or find their way onto the second or third page, headlines came to play an increasingly important role. In fact, front-page headlines were important as well and reached a larger audience, since every passer-by was able to read the front-

page headlines at a glance. Develotte and Rechniewski argue in their analysis of national representation “that headlines are particularly revealing of the social, cultural and therefore national representations circulating in a society at a given time.”<sup>19</sup> They go on to point out the commonly known fact that more people read headlines than the stories they represent.<sup>20</sup> The majority of people will read an article only if the headline is interesting and makes the information it advertises seem important. Therefore, the headline necessarily needs to have punch, but it also needs to contain relevant information, especially on the interior pages, which tend to receive only a cursory examination, as the common perception is that the most important news will be on the front page.

In the instance of the American reporting on the Frankfurt Auschwitz trial, the headlines were an amalgamation of good and mediocre, sensationalistic and informative. The fact that few stories made it onto the front page in general is indicative of the importance the American Press accorded this historic trial. However, even if marginalised, the trial did generate a fair amount of print, and as such an interesting array of headlines.

A considerable number of those headlines embody sensationalism. The first notable instance of this occurred in the *Chicago Tribune* only a few weeks into the proceedings. The headline read “Captives Shot to Make Room, Ex-Guards Say.”<sup>21</sup> Two days later the *Washington Post* followed this example with a front-page headline reading, “Trial Protested By ‘Old Nazis’”<sup>22</sup> taking information contained within the article out of context to create an eye-catching and emotionally loaded lead line. As the trial progressed, the accompanying headlines found more and more horrific fodder to satisfy any paper with an inclination towards the sensational. Phrases like “Killings by Nazis Called Too Numerous to Count,”<sup>23</sup> “Nazi, Russian Labor Camps Found Alike,”<sup>24</sup> an example of Cold War overtones to the trial reporting, and “Nazis Hurling Children Into Fires, Court Told”<sup>25</sup> appeared with increasing frequency. The reports and headlines about the brutalization of children were among the most numerous. The *Los Angeles Times*, which ran comparatively fewer arti-

cles than any other papers, and the *Washington Post* indulged in the sensational angle more often than any other paper.

Trial articles can be divided into several general categories: German response, from both the media and public; hard news about the history and technicalities of the trial; Human interest stories; stories with a Cold War slant; and stories about war crimes generally, including the history of war crimes trials in the international arena and in Germany particularly, as well as the fate of some well known German perpetrators. Of these many types, some characteristics were universal. For instance, almost all the articles reference to the history or character of the trial for background. However, background rarely appears for those whose testimony is quoted. On the main, they remain shadows, albeit, shadows who evoke great sympathy, and horror. Specific quotes mainly come from Survivors or expert witnesses. Many of the articles consist of little besides testimony quoted verbatim with little in the way of context.

The articles that concentrated specifically on the mechanics and history of the trial and war crimes prosecution in Germany as a whole referenced the statute of limitations on different crimes under the German penal code. They explained that murder and manslaughter, were the only crimes still prosecutable by the mid-sixties and that the statute was on the brink of expiration.

Another common soapbox, ascended by each of the papers at one point or another, was Hitler. The historiographical interpretation of the Nazi era that prevailed in the 1960’s was what Ian Kershaw would term, intentionalist.<sup>26</sup> This perspective is clear in many of these newspaper accounts, which paint Hitler as the root of all evil. Auschwitz and the other camps are presented as his own personal playground, and all decisions that affected the camps are seen to flow directly from the Führer.<sup>27</sup> For instance, the *Christian Science Monitor*, in the finale of its eight part War Crimes Trials series, reported that the historian Dr. Krausnick, who appeared as an expert witness at the trial, “stressed that it always was Hitler—not Göring, Goebbels, Himmler or Heydrich—who was the driving force for the extermination of the Jews.”<sup>28</sup>

The testimony recounted most often was, Survivor accounts of atrocity, and anything regarding children or the dissolution of family was almost certain to make the story even when it was tangential. Certain defendants were more likely to receive ink than others were. Any outburst in court or re-arrest of a defendant out on bail was almost assured space in a story, as well as any hint of corruption.

In other words, the sensational, then as now, sells. The trial lasted for 20 months, and in last year, the news coverage fell off dramatically in the States, some months no stories ran at all. However, while the amount of print devoted to the story declined the sensational nature of the articles and their headlines rose exponentially. The sensational ranged from graphic depictions of the murder of children to headlines that read “Anti-Semitism Centuries Old ... Nazis were ‘Natural’ Result Prof Says.”<sup>29</sup> The first article really to descend into sensationalism, ironically, ran in the *New York Times*, which as a rule ran the most ‘hard’ news stories on the trial. However, February of 1964 only a few months into the trial the *Times* ran an article with the loaded opening statement,

“It is too late for revenge; how can retribution be possible for bestial acts made more bestial because they were devised by reasoning humans? It is too late for horror; time can only numb the senses at the photograph of an ... aging mother ... walking her toddling children into the gas chambers at Auschwitz.”<sup>30</sup>

The article goes on to mention the involvement of average Germans with evil during the Nazi years. Phrases like the “purification of the German people”<sup>31</sup> and “killing Jews for the fun of it”<sup>32</sup> crop up in article after article.

In many instances, newspapers printed quotations out of context to create an amplified sensational effect, as in the case of an article run in the *Washington Post* about a Survivor’s testimony regarding the SS. According to accounts in other papers, the witness testified that two types of guards existed in the camp, ones that simply did what they had to and the ones that reveled in their duty. The *Post* article mentions only the sound bite about the later and makes no

reference to the existence of the former type of guard, leaving the article to read “the Gestapo ‘could not sleep without beating a few of their victims to death.’”<sup>33</sup> The testimony hardly needed to be placed in such a non-context; it was fairly sensational in its own right.

That story ran relatively early in the proceedings, and by later standards remains mild. As time and the trial wore on, the testimony, and by extension the media coverage became more sensational. Although the reporting did not always reflect the same degree of sensation found in the experiences related to the court, in some instances, like the *Post* article, the reporting exaggerated, but in later days, as the reporters themselves as well as their audience became desensitized, many of the horrors mentioned in the court were no longer news worthy. Towards the end of the litigation, the sensationalism seemed to coalesce into a single subject ... the abuses perpetrated on children. These stories did not always appear in articles devoted to the subject, but were considered horrific enough to append to an article addressing some other aspect of the trial in Frankfurt. The experience of these victims was always related in a graphic and heartrending way, meant to leave a lasting impression of the evil of the men on trial, like the story of defendant Wilhelm Boger killing a small boy and taking his apple to eat later, at a torture session as it happened.<sup>34</sup>

The prevalence of horror in the trial and its coverage inadvertently lead to a relativization of “lesser” crimes. The necessity of proving base motive, sadism and individual volition lead the prosecution to focus on the extraordinary atrocities outside of routine systematic destruction of human beings. Not only was systematic destruction trivialized, but torture, which did not result in death, and other forms of brutalization were dismissed for the fact that the statute of limitations had lapsed on everything except murder and accessory to murder. The trial perforce had to focus on the macabre and tacitly ignore obscene crimes, and even murders that had been ordered and were not spontaneous, this inversion of judicial sense spilled over into the press as well. Countless articles mention the gassing of victims at Auschwitz, but this is never the focus of the article, rather, it is mentioned in passing, as a description of lethal injections carried

out for fun on Christmas<sup>35</sup> or some other inventive form of murder is detailed. As the *Washington Post* pointed out in late 1964, the “Trial horror may defeat purpose ... Except where the evidence is particularly sensational—and by now the accounts of mass executions and tortures are a matter of routine—few ... newspapers give more than a paragraph or two to the trial reports”<sup>36</sup>

All this created a sense of distance between the accused and the public to whom they were portrayed. This was a sense that the press cultivated. Distance from the defendants was not the only one created, but from Germans in general. The fact that a wide spectrum of Germans participated in the atrocities of the Holocaust was not seen as indicative that the capacity for crimes of this nature resides in all people; rather the deviant nature of the crimes was emphasized, making closer self-reflection unnecessary. The deviance did exist, and the press described it in detail. Some of the more distance provoking articles included the reports on Hans Stark forcing a son to drown his own father before shooting the boy.<sup>37</sup> The inclusion of small details about the current unremorseful appearance of many of the accused added to the distance created between the defendants and the American readership. For instance, the *New York Times* included the detail that during testimony about his inventive torture device, the Boger Swing or Seesaw, defendant Boger showed a “slight smirk”<sup>38</sup> this unrepentant and cavalier expression creates the image of a monster. Who but a fiend could find even the dregs of humor in the description of torture?

The prose springing from the proceedings in Frankfurt repeatedly emphasize the incomprehensibility and inhumanity of the actions perpetrated by the defendants. Humanity seems to revolt at the idea of Boger smirking in remembrance of pain he inflicted on his victims. It recoils too from the description of the female SS members eagerly volunteering to participate in mass executions, and following these executions with celebration, these women “were thrilled by the knowledge that they had ‘inflicted pain’ on their charges”<sup>39</sup> according to the *Los Angeles Times*. Reports like this and the many Boger articles insured that the public would not be able to identify with those standing trial in Frankfurt. However, many papers made it clear

that the German public in fact did identify with these men—after all many Germans were once themselves Nazis—thereby identifying the German populace at large with this alien sense of the other. One notable exception to the strict portrayal of these atrocities as solely the province of the Germans or the Nazis and SS more particularly, belongs to Arthur Miller. On March 15, 1964 Miller published an article that ran concurrently in several newspapers concluding with the universalizing sentiment, “... the question in the Frankfurt courtroom spreads out beyond the defendants and spirals around the world and into the heart of every man. It is his own capacity for murder ...”<sup>40</sup>

The media coverage of the Auschwitz trial had a preoccupation with Boger and Kaduk and to a lesser extent Klehr and Mulka. In an article in the *Washington Post* Boger is labeled as “the principle defendant.”<sup>41</sup> If the amount of newsprint allotted one was the determinant for holding that position Boger would have had the honor, hands down. About 90 percent of all the articles written about the Frankfurt proceedings in the United States at least mention him. Kaduk runs a close second in amount of ink devoted to his exploits. Like the children they murdered, Boger and Kaduk are often mentioned in articles that are devoted to another aspect of the trial entirely. This focus is due in large part to the sensational nature of the media coverage; their exploits were always good for a story, but also because they clearly made an indelible impression on those in their charge during the war. Testimony regarding atrocities perpetrated by one or the other was never in short supply, no doubt, because, as the *Chicago Tribune* reported, they got their kicks by torturing inmates.<sup>42</sup>

Ordinary Germans seemed to garner almost as much press as some of the defendants, though considerably less than the big four. The portrayal of Germany and its inhabitants was a complex affair. Many articles presented the Germans as opposed to the trial in that “a good many West Germans contend that the prosecutions are too belated, that they damage the national image and that they tend to set generation against generation”<sup>43</sup> “A people grow weary of rubbing at the mark of Cain ... people should be allowed to bury

the past.” The state response to such opinions was that these crimes could not go unpunished; it would set a bad precedent.<sup>44</sup> The reasons for these sentiments are explored in several of the articles, although most simply leave the statements unqualified playing into the sensational tone of the trial coverage in general. Among the reasons pontificated, one was “Everyday there are accounts the trial, all scrupulously correct ... Reading daily about the trial is sickening ... and undoubtedly there is some reaction ... against reading any more. But there are many Germans who feel the past should be known.”<sup>45</sup> In a more radical interpretation, a professional historian and ‘expert’ witness, proposed the idea that the Nazis were a natural evolution of centuries of German antisemitism,<sup>46</sup> an idea that Daniel Goldhagen would whole-heartedly embrace thirty years later.<sup>47</sup> In this same vein, one article reported that the Holocaust could not have functioned with out tens of thousands of volunteers.<sup>48</sup> It was this general association with the Nazis and an affinity for the defendants that lead to the call for a general amnesty for war crimes perpetrators,<sup>49</sup> rather than political considerations.

However, some articles painted the German populace in a more positive light, like the one that ran in the *Christian Science Monitor* on May 26, 1964 that called the idea of a Conspiracy of Silence a myth, stating that it was not a desire to ignore the horrors of the past that resulted in the long wait for litigation on Nazi crimes, but an issue of sovereignty and a desire to be thorough.<sup>50</sup> However, this article tended to be the exception, trouble was rarely taken to enumerate the many potential motivating considerations that shaped the German response to the Trial, which was in reality more multifaceted than the American Press intimated.

The reporting of the Auschwitz trial had a disturbing tendency to degeneration into what Rebecca Wittmann would call a macabre morality tale.<sup>51</sup> Meaning, without putting information in its context, and reporting verbatim only the most sensational material the press cultivated an atmosphere of horror, and then stood back and waged their collective finger at those on trial and the Germans in general. Like the article that appeared in the *New York Times* saying, essentially, that the Germans must figure out how they could allow such

things to happen in the first place, and how to prevent an encore and that “foreigners can only watch and hope [that they are successful].”<sup>52</sup> The letters to the editor that appeared in the American press also contained some anti-German aspects. However, they were more muted. The letters themselves are far less sensational. Many of the letters are in conversation with each other, as the vagaries of the German penal code are deconstructed in one letter after another. In addition, they sparked a debated among the readership of the *New York Times* in particular, about the effects of the trial and what it said about the German people that they were able to hold the trial at all and begin to face the past. Some letters came down on the positive side, indicating belief that the trial itself signified hope for the next generation of Germans,<sup>53</sup> others strenuously disagreed, saying that only appropriate punishment of Nazi criminals can stand as exculpatory testimony for the German people.<sup>54</sup>

There was a general trend in toward the sensational in American reporting on the Frankfurt Auschwitz trial, however, some papers pandered to the baser instincts on a more regular basis than others did. The *New York Times* tended to run the most responsible articles on the trial, though they were not above going the extra mile for the sensational sucker-punch. A good example of this is an article run February 29, 1964 comparing the paperwork involved in killing Poles versus Jews,<sup>55</sup> an article on the same testimony ran in the *Chicago Tribune* the same day providing more information and a more moderate tone.<sup>56</sup> This instance was more the exception than the rule. Almost all other instances where two or more papers ran articles on the same subject the *New York Times* contained the most contextual information and reported it the most objectively. On the other end of the spectrum, the *Los Angeles Times* had the least coverage overall, and with the exception of a brilliant article on the trial verdict that made the front page, they ran only a few small articles on some of the more sensational testimony. The *Washington Post* ran almost as many articles as the *New York Times*, but almost without exception when those two papers wrote similar stories the *Post* fell short of journalistic merit. They specialized in short and inflammatory articles. The *Christian Science Monitor* and the *Chicago Tribune* fell in the middle

of the spectrum. Yet all of the papers in the end succumbed to the impulse of reporting the most sensational bits of a sensational trial.

As a result of this style of reporting, the public memory of the Holocaust shaped itself around the image of a few sadists brutalizing those in their charge. The greater horror of normal, non-ideologically motivated persons perpetrating the bulk of the millions of murders was lost. In fact, as Wittmann points out, for the majority of people that aspect of the Holocaust remains lost.<sup>57</sup> No doubt, the existing public memory is more psychologically comfortable. The mind reels at the realization that most of the perpetrators of these crimes were ... average, not drunks and sadists.

The trial had a greater historical impact than the handful of life sentences it produced. The Frankfurt Auschwitz trial, and the other West German war crimes trials, helped to open the door to a dialogue on the nature of the Holocaust, both in Germany and the United States that continues today. For, while there may not have been a conspiracy of silence, it was not readily discussed in either country until the trial. In the aftermath discussion flourished, as did controversy, and a more concrete public memory began to be shaped, even if it was not quite the one Fritz Bauer originally envisioned. The Frankfurt Auschwitz trial was a watershed event in Holocaust remembrance, not the least in due to how the Media portrayed it.

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