



Francia. Forschungen zur Westeuropäischen Geschichte.

Herausgegeben vom Deutschen Historischen Institut Paris (Institut historique allemand)

Band 44 (2017)

A »Burden« from the Second World War?

DOI: 10.11588/fr.2017.0.69095

Copyright



Das Digitalisat wird Ihnen von perspectivia.net, der Online-Publikationsplattform der Max Weber Stiftung – Deutsche Geisteswissenschaftliche Institute im Ausland, zur Verfügung gestellt. Bitte beachten Sie, dass das Digitalisat urheberrechtlich geschützt ist. Erlaubt ist aber das Lesen, das Ausdrucken des Textes, das Herunterladen, das Speichern der Daten auf einem eigenen Datenträger soweit die vorgenannten Handlungen ausschließlich zu privaten und nicht-kommerziellen Zwecken erfolgen. Eine darüber hinausgehende unerlaubte Verwendung, Reproduktion oder Weitergabe einzelner Inhalte oder Bilder können sowohl zivil- als auch strafrechtlich verfolgt werden.

FELIX BOHR

A »BURDEN« FROM THE SECOND WORLD WAR?

The »Breda Four« and their Effect on German-Dutch Relations

Introduction

The legal aftermath of the German occupation in the Netherlands dragged on for nearly half a century. It finally ended at a highway rest stop, when the last two Nazi perpetrators in Dutch custody, Franz Fischer and Ferdinand aus der Fünten, were reprieved and released on 27 January 1989¹. An ambulance took them to a parking lot near the German–Dutch border, where they hurried into a car and went home – after 44 years in prison².

The two former SS men were the last living members of the notorious »Breda Four«, a group of German war criminals arrested in 1945³. In addition to Fischer and aus der Fünten, two others served their lifelong prison sentence in the Dutch city of Breda: Willy Lages and Josef Kottalla. Today, the four Nazi perpetrators have been almost forgotten. Up until 1989, however, their cases caused public outrage and demonstrations in the Netherlands. Meanwhile, in West Germany, strong support networks for former Nazi perpetrators fought for the immediate release of the Breda Four. Moreover, from the 1950s onward, the West German government supported the prisoners legally, financially and politically⁴. At almost every bilateral meeting of high-ranking politicians, the official Bonn administration demanded clemency for them. Over the decades, the cases of the four war criminals became a major component of German-Dutch relations⁵.

The Breda Four became living proof that the experiences of occupation strongly affected post-war society and politics in both the Netherlands and West Germany. This article will explore how the Nazi perpetrators acted as a bleak symbol of the German-Dutch aftermath of the Second World War⁶. A short introduction to the four nearly forgotten perpetrators will be followed by a more detailed explanation of how and when the Federal German Government got involved. In addition, the article will examine the prisoners' support networks and highlight how they worked and their organization, which, in some cases, even crossed national borders. Finally, a discursive analysis of how the Breda Four were dealt with socio-politically will

1 Conversation between the author and Eva Lettermann, grandniece of Franz Fischer, 6 June 2016; »Franz Fischer über den Tag seiner Freilassung am 27. Januar 1989«, Nachlass Fischer, Privatbesitz Lettermann.

2 »Begnadigte Kriegsverbrecher in die Bundesrepublik abgeschoben«, in: *Der Tagesspiegel*, 28.1.1989.

3 Cf. the following: Hinke PIER SMA, *De Drie van Breda. Duitse oorlogsmisdadigers in Nederlandse gevangenschap 1945–1989*, Amsterdam 2005, p. 8–12; Harald FÜHNER, *Nachspiel. Die niederländische Politik und die Verfolgung von Kollaborateuren und NS-Verbrechern, 1945–1989*, Münster u. a. 2005, p. 242–308.

4 The Political Archive of the Federal Foreign Office (Politisches Archiv des Auswärtigen Amtes Berlin) PAAA, B 83, Bd. 1635, Sachstand Breda-Häftlinge, 1.6.1982.

5 Ibid.

6 Special thanks are due to Cleo Abramian and Alina Tiewes.

dissect certain post-war layers and constructions of Dutch and German cultures of remembrance and collective memories.

The Deeds of the Breda Four and Dealings with War Criminals after 1945

After the occupation of the Netherlands in 1940, Franz Fischer began working at the Gestapo's Special Department IV-B4 – the so-called »Judenreferat« – in The Hague, where he quickly picked up the nickname *Judenfischer*. This department was assigned to deport Dutch Jews and to track down accomplices who helped Jews go into hiding. In 1950, a special Dutch court sentenced Fischer to death – charging him with the deportation of 13 000 Jews from The Hague to the concentration camp of Westerbork, as well as of some individual Jews to Poland. One year later, his sentence was commuted to life imprisonment⁷.

Willy Lages had been an *SS Sturmbannführer* and, during the war, was head of the Sicherheitspolizei (SiPo), the Security Police, in Amsterdam. In 1949, Lages was sentenced to death by an Amsterdam special court for having been involved in the deportation of 70 000 Dutch Jews and responsible for the execution of 300 people, among them Dutch resistance fighters. Like Fischer's, though, his death sentence was later reduced to life imprisonment and, in 1966, he was set free – for in the meantime he had become sick with cancer, and was not given long to live⁸.

Ferdinand aus der Fünten had been head of the *Zentralstelle für jüdische Auswanderung*, the Central Agency for Jewish Emigration, since 1942. »Emigration«, in this case, served as a code word for deportation and, in most cases, also murder. He managed the registration and arrest of thousands of Dutch Jews. He was also sentenced to death directly after the war, but later on this was commuted to life imprisonment⁹.

The last member of the »Breda Four«, Joseph Kotalla, had been Vice Commander of the *Judendurchgangslager* (Transit Camp for Jews) that the SS ran in Amersfoort. In 1942, Kotalla received psychiatric treatment for some months. He was known as the »Hangman of Amersfoort«, owing to the allegedly brutal measures he took against prisoners. Kotalla was also sentenced to death after the war ended. He was charged with, among other things, the »Execution or Involvement in the Execution of a total of 77 prisoners without trial«. This sentence, too, was reduced to life imprisonment, not least because of remaining doubts about Kotalla's sanity. Kotalla ultimately died in prison in 1979¹⁰.

However, most of the German Nazis and war criminals remained unpunished. The Allied United Nations War Crimes Commission (UNWCC) had identified 34 270 alleged German perpetrators by the end of 1948¹¹. In addition, the Dutch authorities reported a total of 1431 cases to the UNWCC¹². At first, the Western Allied forces transported some hundreds of Ger-

7 PIERSMA, Breda (as in n. 3), p. 34–36; PA AA, B 83, Bd. 796, Zusammenstellung der in Breda inhaftierten »Kriegsverurteilten«, p. 16–17.

8 Ibid., p. 51–55; PIERSMA, Breda (as in n. 3), p. 38–39; Frits BOTERMAN, *Duitse Daders. De Jodenvervolging en de Nazificatie van Nederland 1940–1945*, Amsterdam 2015, p. 93–94.

9 PIERSMA, Breda (as in n. 3), p. 37–38.

10 PA AA, B 83, Bd. 802, Extract from the list of advocate Scholle, 15.8.1955.

11 Norbert FREI, *Nach der Tat. Die Ahndung deutscher Kriegs- und NS-Verbrechen in Europa – eine Bilanz*, in: Id. (ed.), *Transnationale Vergangenheitspolitik. Der Umgang mit deutschen Kriegsverbrechern in Europa nach dem Zweiten Weltkrieg*, Göttingen 2006, p. 7–36, here p. 31–32.

12 Including the investigated witnesses. A. D. Belinfante, *In Plaats van Bijltjesdag. De Geschiedenis van de Bijzondere Rechtspleging na de Tweede Wereldoorlog*, Assen 1978, p. 490.

mans from their Occupation Zones to the Netherlands, but they stopped extradition in 1948¹³. The reason for this was a change in Allied policies toward Germany: with the beginning of the Cold War, the US and Great Britain lost interest in a systematic prosecution of Nazis and war criminals, as West Germany became an important strategic outpost that needed to be stabilized¹⁴.

Not least for this reason, only 3631 German Nazi perpetrators found themselves in Western custody on 1 April 1950¹⁵. In the Netherlands, only 241 of the roughly 500 Germans originally arrested had to face special courts because of their Nazi affiliations and the war crimes they had committed¹⁶. Five of them were given the death penalty; most of them, however, were sentenced to several years of detention.

Government Help from West Germany and the Practice of Amnesty in the Netherlands

From 1949 onward, the West German government supported the prisoners in Dutch custody in multiple ways. The *Zentrale Rechtsschutzstelle* (ZRS), the Central Legal Protection Office, was in charge of offering legal advice to imprisoned Nazis and war criminals¹⁷. From its inception, this office in Bonn did more for the Breda Four than it was obligated to under the guidelines of the »Rechtsschutz für Deutsche im Ausland« (Legal Protection for Germans Abroad)¹⁸. The financial support from Bonn not only included money for attorneys, but also extensive sports and cultural programmes and so-called »Christmas gifts from the Federal Government«, which included sausages, chocolate and cigarettes¹⁹.

In addition to offering legal and financial support, the Federal Government politically advocated for the prisoners of Breda. German politicians and diplomats intervened tirelessly and pleaded for clemency²⁰. Officially, Bonn claimed it was involved on human rights grounds, but behind the scenes, political motives were the real driving force. In the 1950s, the politics of history of the Federal Government under Chancellor Konrad Adenauer of the Christian Democratic Union (CDU) aimed for amnesty for and integration of former Nazi circles. This reflected public opinion, which, at that time, »expressed nationalist attitudes far beyond the conservative milieu«,²¹ as historian Norbert Frei puts it. The political integration of former Nazis in the 1950s went along with a broader narrative of Germans as victims²². Experiences of flight, expulsion and bombings at the end of the war significantly shaped German collective

13 Dick DE MILDT, Joggli MEIUIZEN, »Unser Land muß tief gesunken sein...«. Die Aburteilung deutscher Kriegsverbrecher in den Niederlanden, in: FREI (ed.), *Transnationale Vergangenheitspolitik* (as in n. 11), p. 283–325, here p. 287.

14 FREI, *Nach der Tat* (as in n. 11), p. 35.

15 PA AA, B 83, Bd. 786, *Zahlenmäßige Übersicht* (Anlage des Schreibens von Konrad Adenauer an MdB Horst Haasler, 7.12.1954).

16 DE MILDT, MEIUIZEN, »Unser Land«, (as in n. 13), p. 283.

17 The ZRS started work in 1950, e.g.: Norbert FREI, *Vergangenheitspolitik. Die Anfänge der Bundesrepublik und die NS-Vergangenheit*, überarb. Neuauf. mit Nachwort, Munich 2012, p. 187–188.

18 PA AA, AV, Bd. 4599, *Bar Association of the British Zone of Occupation to the German Embassy The Hague*, 23.7.1957.

19 PA AA, AV, Bd. 9356, *Federal Minister for Displaced Persons, Refugees and War Victims to the German Embassy The Hague*, 19.11.1963.

20 PA AA, AV, Bd. 9355, *Breda-Problem*, Stand 1974.

21 FREI, *Vergangenheitspolitik* (as in n. 17), p. 22.

22 *Ibid.*, 1945 und wir. *Das Dritte Reich im Bewusstsein der Deutschen*, Munich 2005, p. 68.

memories²³. The crimes of the Nazis, on the other hand, were largely suppressed – or simply blamed on the criminal upper echelons under Hitler²⁴. West German politicians, publicists and many individuals wished for a *Schlussstrich* – meaning they wanted to close the door on the past and move on²⁵. The Federal Government was anxious to solve the so-called »Kriegsverbrecherproblem«, the »problem of the war criminals«, quickly²⁶.

They, therefore, put The Hague under pressure – and the Dutch government largely cooperated²⁷. Soon enough, the Federal Republic and the Netherlands turned from »enemies to partners«, as the historian Friso Wielenga puts it, and became NATO allies and fellow-members of the European Economic Community²⁸. From the mid-1950s onward, trade between the two countries flourished. Up to 1960, the Dutch government amnestied almost all of the more than 200 convicted German Nazis and war criminals²⁹. The general Dutch practice of amnesty during the 1950s, which included the release of 14 000 collaborators, worked to their benefit. From as early as 1947/48, the government in The Hague was no longer willing to take consistent political care of the issues of occupation and collaboration³⁰. Everyday problems were too challenging; rebuilding the country had to be the priority³¹. Furthermore, the policy of tacit amnesties for Dutch and German perpetrators was also supposed to silence public controversies about how to remember occupation and collaboration³².

Societal Changes in the 1960s and the Breda Four

In the early 1960s, the Dutch Ministry of Justice planned to pardon even the Breda Four – the »core of evil«³³, as one officer at the ministry for foreign affairs called them – resulting in an uproar in the Netherlands. Above all, this was due to the severe shift in public opinion that the Breda Four had caused since the early post-war years³⁴: Lages, aus der Fünften and Fischer were responsible for far more victims than most of the other Nazis and war criminals. Also, the system of the *Judendurchgangslager* in Amersfoort, with which the name of Kotalla had become

- 23 Axel SCHILDT, *Der lange Schatten des Krieges über der westdeutschen Nachkriegsgesellschaft*, in: Jörg ECHTERKAMP, Stefan MARTENS (ed.), *Der Zweite Weltkrieg in Europa. Erfahrung und Erinnerung*, Paderborn 2007, p. 223–236, here p. 235.
- 24 Christoph CORNELISSEN et al., *Nationale Erinnerungskulturen seit 1945 im Vergleich*, in: Id. (ed.), *Erinnerungskulturen, Deutschland, Italien und Japan seit 1945*, Frankfurt 2004, p. 9–27, here p. 16.
- 25 Norbert FREI, *Die Auseinandersetzung mit dem Nationalsozialismus in Deutschland 1945–2000*, in: Gian Enrico RUSCONI, Hans WOLLER (ed.), *Parallele Geschichte? Italien und Deutschland 1945–2000. Vom Ende des Zweiten Weltkrieges bis zur europäischen Einigung*, Berlin 2006, p. 73–87.
- 26 PA AA, B 83, Bd. 790, ZRS to the Federation of repatriates, 28.2.1952.
- 27 DE MILDT, MEIUIZEN, »Unser Land« (as in n. 13), p. 283–325.
- 28 Friso WIELENGA, *Vom Feind zum Partner. Die Niederlande und Deutschland seit 1945*, Münster 2000, p. 47–62.
- 29 FÜHNER, *Nachspiel* (as in n. 3), p. 165–170; DE MILDT, EIHUIZEN, *Aburteilung* (as in n. 13), pp. 316–317.
- 30 Friso WIELENGA, *Die Niederlande. Politik und politische Kultur im 20. Jahrhundert*, Münster 2008, p. 275–276.
- 31 FÜHNER, *Nachspiel* (as in n. 3), p. 123.
- 32 *Ibid.*, p. 172.
- 33 Nationaal Archief The Hague (NA), Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken – BuZa), Inv.nr. 2.05.118, Box 27201, Dutch Embassy Bonn to the Ministry of Foreign Affairs, 14.7.1959.
- 34 PIERSMA, *Breda* (as in n. 3), p. 9.

synonymous, had always been particularly abhorrent to a broader Dutch public³⁵. Besides, throughout the early 1960s, the Dutch grew increasingly aware of Second World War history, the occupation and the persecution of Jews³⁶.

A similar phenomenon occurred in the Federal Republic³⁷: in the 1960s, parts of the West German population became more liberal, modern and open to critical debates about the past. The veil of Nazi crimes was lifted, and the past became the centre of a new political discourse. Right-wing circles competed with left-wing groups to offer the dominant interpretations of the German past, for instance in 1965, when a public debate arose about the prescription of Nazi war crimes³⁸. Despite this change in the tone of public debate, the Federal Government persisted in their intensive efforts to gain amnesty for the Breda Four. In fact, the societal changes in the 1960s had only one major effect in this regard: Bonn began to avoid any form of publicity and moved on to different tactics. The West German government would henceforth try to influence The Hague's decision on the release of the Breda Four in »confidential conversations«³⁹ and in more »discreet ways«⁴⁰.

Behind closed doors, the Netherlands provided support to the Federal Government, and Dr jur. Ilse Boon from The Hague played an important role in all legal matters. Acting as the Dutch defence lawyer appointed by the German embassy, she worked for the ZRS on the cases of German Nazi criminals in the Netherlands, beginning in 1950⁴¹. For instance, she participated in Bonn's attempts to mobilize former resistance activists, who were supposed to advocate for clemency for the four German Nazi criminals. These attempts, however, were clearly in vain⁴².

Though the Federal Office in West Germany knew about the four perpetrators' cruel crimes, it continued to support them. From 1962 onwards, the Federal Government could justify their requests for amnesties by referring to all the other West European NATO partners; all of them, except for Italy, had released their imprisoned Nazi perpetrators⁴³. Until 1989, advocating for imprisoned Nazi criminals was a national interest in Germany, as it met the wishes and expectations of large numbers of the West German population. Consequently, the efforts for the Breda Four were not limited to a single party. Solidarity with the Breda Four spanned across

35 PA AA, AV, Bd. 802, Notice of Lawyer Walters, 28.2.1950.

36 DE MILDT, MEIUIZEN, »Unser Land« (as in n. 13), p. 315.

37 Cf. the following: Detlef SIEGFRIED, *Zwischen Aufarbeitung und Schlussstrich. Der Umgang mit der NS-Vergangenheit in den beiden deutschen Staaten 1958 bis 1969*, in: Axel SCHILDT u. a. (ed.) *Dynamische Zeiten. Die 60er Jahre in den beiden deutschen Gesellschaften*, Hamburg 2000, p. 77–113.

38 Mathias BEREK, *Kollektives Gedächtnis und die gesellschaftliche Konstruktion der Wirklichkeit. Eine Theorie der Erinnerungskulturen*, Wiesbaden 2009, p. 11; Edgar WOLFRUM, *Die Suche nach dem Ende der Nachkriegszeit. Krieg und NS-Diktatur in öffentlichen Geschichtsbildern der »alten« Bundesrepublik*, in: CORNELISSEN et al., *Nationale Erinnerungskulturen* (as in n. 24), p. 183–197.

39 PA AA, AV, Bd. 9359, German Embassy The Hague, Notation, 5.10.1964.

40 PA AA, B 83, Bd. 799, German Embassy The Hague to the AA, 1.10.1969.

41 Institute of War, Holocaust and Genocide Studies Amsterdam (Instituut voor Oorlogs- Holocaust- en Genocidestudies – NIOD), 800, inv. no. 19, Boon, I., German Ministry of Justice to Ilse Boon, 27.9.1952; PA AA, B 83, Bd. 789, Ilse Boon to the German Ministry of Justice, 23.11.1950.

42 PA AA, AV, Bd. 9359, German Embassy The Hague to the AA, 7.12.1965.

43 In Italy, the former SS man Herbert Kappler was detained until he fled from custody in 1977. Already in November 1962, France had been the last West European country to release German war criminals; see e.g. Bernhard BRUNNER: *Der Frankreich-Komplex. Die nationalsozialistischen Verbrechen in Frankreich und die Justiz der Bundesrepublik Deutschland*, Göttingen 2004, p. 140; Felix BOHR, *Flucht aus Rom, das spektakuläre Ende des Falles Kappler im August 1977*, in: *Vierteljahrshefte für Zeitgeschichte* 64 (2012), p. 111–141.

party lines – or, more precisely, solidarity with the »Breda Three«, for in 1966 Dutch administrators transferred a cancer-ridden Willy Lages to a German hospital.

The Federal Government regarded imprisoned Nazis and war criminals as a permanent »burden« (*Hypothek*) – a metaphorical »moral mortgage« of the Second World War⁴⁴. From 1969 on, even under the reign of Willy Brandt's social-liberal coalition, demands for the release of the now Breda Three persisted. For years, the former resistance activist Brandt fought for amnesty for the imprisoned Nazi war criminals⁴⁵. His reasons were manifold, ranging from humanitarian goodwill to political calculation. Brandt worked according to the social democratic guidelines that called for reconciliation between former followers and opponents of the »Third Reich« – but potential votes from a conservative section of society were very probably among his motivations as well⁴⁶.

In the 1970s, representatives of the West German embassy, including the German ambassador himself, regularly visited the Nazi criminals in the Breda prison⁴⁷. Furthermore, Bonn paid the prisoners monthly allowances of up to 80 Deutsche Marks each⁴⁸.

The German »War Criminal Lobby« and Transnational Support for the Perpetrators

The Federal Government's support for the Breda prisoners was also driven by politically influential networks that called for the convicts' release for decades. Among this »war criminal lobby«, there were clubs of »old comrades« such as the Stille Hilfe für Kriegsgefangene und Internierte e. V., the Silent Help for Prisoners of War and Detainees. Their »help«, however, was directed in the first place toward Nazi war criminals⁴⁹.

Another example was the Hilfsgemeinschaft auf Gegenseitigkeit (HIAG), an association of former soldiers from the combat units of the SS⁵⁰. The HIAG had a Dutch partner organization called the Stichting HINAG, consisting of former Dutch members of the SS combat units⁵¹. Furthermore, during the 1950s, former sympathizers of the Dutch Nationaal-Socialistische Beweging, the Dutch National Socialist Party, who had collaborated with the National Socialists, advocated for the Breda Four⁵².

Additionally, the West German Verband der Heimkehrer, Kriegsgefangenen und Vermisstenangehörigen (VdH), the Federation of Repatriates and Former Prisoners of War, went to great lengths to obtain amnesty for the Breda Three. The VdH controlled a tight-knit network of local associations and had about 500 000 members in the 1950s and 1960s⁵³. Even in the 1970s,

44 PA AA, B 83, Bd. 799, ZRS, Notation, 30.10.1969.

45 Felix BOHR, Lobby eines Kriegsverbrechers, Offizielle und »stille« Hilfe aus der Bundesrepublik Deutschland für den Häftling Herbert Kappler, in: Quellen und Forschungen aus italienischen Archiven und Bibliotheken (QFIAB) 90 (2010), p. 415–436, here p. 423–425.

46 Kristina MEYER, Die SPD und die NS-Vergangenheit 1945–1990, Göttingen 2015, p. 9–10; 113; 278.

47 NA, Ministry of Justice (Jus/OMD), Inv. nr. 115, Lijst van bezoekers van de heer J. J. Kotälla, 7.4.1977.

48 PA AA, B 83, Bd. 1836, German Embassy The Hague to the AA, 22.12.1983.

49 BOHR, Lobby (as in n. 45), p. 425–426.

50 Karsten WILKE, Die »Hilfsgemeinschaft auf Gegenseitigkeit« (HIAG) 1950–1990. Veteranen der Waffen-SS in der Bundesrepublik, Paderborn 2011.

51 PA AA, B 83, Bd. 796, German Embassy The Hague to the AA, 16.10.1958.

52 PA AA, AV, Bd. 4599, German Embassy The Hague, Notation, 13.1.1956.

53 Thomas KÜHNE, Kameradschaft. Die Soldaten des nationalsozialistischen Krieges und das 20. Jahrhundert, Göttingen 2006, p. 216–217; »Grußworte zum 11. Heimkehrer-Deutschlandtreffen – 1. Europatreffen«, in: Der Heimkehrer, 30.5.1975.

they still had 100 000 members. Their monthly periodical »Der Heimkehrer« published an average of 250 000 copies in the 1950s, and its contents included statements by Members of Parliament and other high-ranking representatives of the Federal Republic. Based on a revisionist world view, these organizations were actively engaged with the politics of memory⁵⁴. The VdH, for instance, kept a strong focus in its publications on German suffering from flight, expulsion and bombings, while at the same time avoiding the issue of Nazi crimes. VdH members lacked »compassion for the victims of the Nazi extinction policies«⁵⁵.

Revisionist organizations and their followers represented an influential political lobby, leading frequent campaigns of support for war criminals into the 1970s. According to the news magazine »Der Spiegel«, in 1977 there were about a dozen soldiers' clubs in the Federal Republic with a total of approximately 2 million members⁵⁶. The associations of »old comrades« were communities with a group memory of their own. Their members shared a communicative memory that they agreed upon and that they did not need to justify in front of each other⁵⁷. This mutual interpretation of history gave them a strong sense of community and, therefore, a plan of action for their own present⁵⁸. Hence, these kinds of »memory communities« did not participate in, nor evolve with, the societal transitions of the 1960s.

Transnational organizations were part of the support network as well. The Catholic and Protestant Churches, for instance, advocated for the arrested Nazis and war criminals in various ways. Hans Stempel, president of the Pfalz Protestant church, for example, who was also a member of Silent Help, visited the Breda inmates for many years⁵⁹. He also expressed his support for their amnesty in letters to the Chancellors, Minister of Foreign Affairs and the President of the Federal Republic. In the Netherlands, it was the Catholic Church above all – and the Katholieke Volkspartij (Catholic People's Party) accordingly – that pleaded for the release of the Breda prisoners⁶⁰. In March of 1976, for instance, the Raad van Kerken, Council of Churches in the Netherlands, a Dutch umbrella organization for prominent Protestant Churches, and the Catholic Church, published a declaration pleading for amnesty for the Breda Three⁶¹.

Furthermore, numerous West German Members of Parliament (of all parties), private persons and the relatives of the imprisoned war criminals made up part of the lobby. Over the decades, plenty of petitions reached the offices and ministries in Bonn demanding the perpetrators' release⁶². From at least the 1970s, the petitioners argued that the decades-long imprisonment could hardly be regarded as humane any longer. In 1971, a farmer from Austria pointed out to Queen Juliana in a letter: »Your Majesty! Three German soldiers, who languished in Your pris-

54 WILKE, HIAG (as in n. 50), p. 153–158; Birgit SCHWELLING, Heimkehr – Erinnerung – Integration. Der Verband der Heimkehrer, die ehemaligen Kriegsgefangenen und die westdeutsche Nachkriegsgesellschaft, Paderborn et al. 2010, p. 119–130.

55 Ibid., p. 103.

56 »Ein mehr als bedrückendes Schauspiel«, in: Der Spiegel, 22.8.1977.

57 Christoph CORNELISSEN, Erinnerungskulturen, Version: 2.0, in: Docupedia Zeitgeschichte, 22. Oktober 2012, p. 3 f., URL: <http://docupedia.de/zg/>, visited: 30.11.2016.

58 Aleida ASSMANN, Ute FREVERT, Geschichtsvergessenheit – Geschichtsversessenheit. Vom Umgang mit deutschen Vergangenheiten nach 1945, Stuttgart 1999, p. 42.

59 Cf. the following: Ernst KLEE, Vergebung ohne Reue, in: Die Zeit, 21.2.1992; PA AA, AV, Bd. 4597, German Embassy The Hague to the AA, 22.12.1953; PA AA, B 83, Bd. 801, Hans Stempel to the Minister for Foreign Affairs Willy Brandt, 27.7.1969.

60 PA AA, AV, Bd. 4599, German Embassy The Hague, Report, 28.12.1954.

61 PA AA, B 83, Bd. 1635, German Embassy The Hague to the AA, 18.3.1976.

62 German Federal Archives, B 136, Bd. 4919.

ons for 26 years, have a mother, too!« An official of the Dutch Ministry of Justice laconically commented: »And so did the victims«⁶³.

Most of the time, the German petitioners spoke out under the guise of humanitarian action. They referred to the supposed *Befehlsnotstand* (»superiors' orders«) which the Nazi criminals had been obliged to obey during the time of occupation – that is, they had merely been following orders – and to unjust trials in the early years after the war⁶⁴. The lobbyists also used humanitarian slogans to conceal their political agenda, which made excuses for the crimes of the Nazis and war perpetrators.

Divided Memories in the Federal Republic and the Netherlands

The Dutch public reacted very sensitively to the political–historical arguments of the lobby, for the image of Germany continued to be influenced by the experiences and trauma of the Second World War for decades. Memories of the Nazis' victims and the cruel years of occupation remained vividly present⁶⁵. We can look to the marriage of the Dutch princess Beatrix and her German fiancé Claus van Amberg (who had once served in the Wehrmacht) as an example of the tension at this time. Emotional debates in Parliament took place during the months preceding the royal wedding, and when the couple finally approached the altar on 10 March 1966, smoke bombs exploded in Amsterdam and calls of »*Claus raus!*« were heard everywhere⁶⁶.

On the other side of the border, right-wing circles noticed the anti-German atmosphere in parts of Dutch society: »How long will you play that horrible game of revenge and hate?« asked a woman from Hesse in a letter to the Dutch House of Representatives in 1973⁶⁷. One year later, the right-wing journal »*Deutsche Wochenzeitschrift*« published an article titled »*Merciless Europe*«, claiming: »In Holland, the friendly country of tulips and paradise of cheese, Ferdinand aus der Fünten, Franz Fischer, and Josef Kotalla still languish«⁶⁸.

Such emotional accusations and divided historical memories strained discussions about the Breda inmates. For former Dutch resistance fighters and Jewish communities, it was a matter of historical justice that the government in The Hague not release the Nazi criminals⁶⁹. These two groups also shared a communicative memory that was shaped by the crimes of the occupation years. Furthermore, in the Dutch collective memory, during the 1960s the arrested Nazi criminals had become symbolic figures for *all* of the crimes committed by the Nazis and the Germans in the Netherlands⁷⁰. In 1969, up to 58 % of the Dutch voted against amnesty⁷¹. In the same year, a high-ranking officer at the German Federal Foreign Office noted: »Some ... Dutch apparently see a living monument of Dutch resistance against the German occupation during the Second World War in the continuous arrest of the three Breda prisoners«⁷². Most Dutch political leaders, therefore, did not touch the delicate subject of possible amnesty. Many feared public protest – or even the loss of their position. In late December of 1967, the Dutch Minister

63 NA, Jus/OMD, Inv. nr. 106, Hans H. to Her Majesty the Queen of the Netherlands Juliana, 8.9.1972.

64 »Holland bleibt ohne Gnade«, in: *Der Heimkehrer*, June 1954.

65 PIERSMA, Breda (as in n. 3), p. 10; PA AA, AV, Bd. 9359, German Embassy The Hague, Notation, 7.1.1964.

66 »Angst vor Mof«, in: *Der Spiegel*, 7.3.1966; »Heiße Hochzeit«, in: *Berliner Zeitung*, 11.3.1966.

67 NA, Jus/OMD, Inv. nr. 106, Klara W. to the Dutch House of Representatives, 22.7.1973.

68 »Europa ohne Gnade«, in: *Deutsche Wochenzeitschrift*, 4.1.1974.

69 FÜHNER, *Nachspiel* (as in n. 3), p. 443–445.

70 DE MILDT, MEIHZIEN, »Unser Land« (as in n. 13), p. 321.

71 FÜHNER, *Nachspiel* (as in n. 3), p. 271.

72 PA AA, AV, Bd. 9359, AA to the German Embassy The Hague, 3.10.1969.

of Justice, Carel Polak, told the German ambassador in The Hague that he was »not willing at all to risk his political career for three German war convicts«⁷³.

In 1972, when Polak's successor, Dries van Agt, seriously considered releasing the Breda Three, he sparked heavy protest⁷⁴. In the Dutch Parliament, individuals formerly persecuted by the Nazi regime broke down in tears; outside of the Parliament building, hundreds of demonstrators protested against amnesty; medical doctors warned that a release of the perpetrators might have serious psychological consequences for the victims. Finally, the government relinquished its plans. From then on, the collective release of the Breda Three could only be realized with the consent of the Dutch victim associations – in other words, it was all but impossible.

Most people in Germany were not even fully aware of the scope of the crimes the Breda Three had committed. The Federal offices enhanced this lack of knowledge by never publicly naming the prisoners as »war criminals« or »Nazi criminals«⁷⁵. Official political vocabulary always described the Breda Four as »war convicts«. This might seem a trivial distinction, but the semantic construction served a purpose; it simplified the deeds of the perpetrators and focused not on their crimes but, instead, on their convictions. In 1971, world-famous »Nazi hunter« Simon Wiesenthal criticised exactly this. He wrote a letter to a West German Member of Parliament asserting that the term »war convicts« was the vocabulary of »Neonazis and right-wing extremists«⁷⁶. At the same time, Wiesenthal expressed his suspicion that the Federal Government's efforts to free the imprisoned war criminals might not be humanitarian, but rather aimed at obtaining votes »from Nazi circles«. A clerk at the Federal President's office, who was informed about this correspondence, stated that it would be impossible to use the term »war criminals«, as it implied a moral judgement and could, therefore, put the efforts for amnesty at risk⁷⁷. In order to justify the governmental commitment to amnesty for the arrested Nazi criminals, Bonn necessarily hedged their deeds around with conditions.

The term »war convicts« was first used to describe Nazis and war criminals in the 1950s by members of the »war criminal lobby«. In the 1950s, they even labelled them »prisoners of war« – to which the Dutch embassy in Bonn responded with a declaration refuting any assertion that the Breda prisoners were »innocent«. The press release stressed that the arrested Germans were no less than criminals, charged with »non-military crimes that are against international and martial law«⁷⁸. Educational efforts such as this, however, did little to affect public opinion around the question of war criminals in the Federal Republic. Particularly among the lobby groups, the former SS criminals were very often seen as »soldiers under Western arrest«⁷⁹. In this way, the clubs of »old comrades« used the last Nazi criminals under Western arrest as tools to help carry out their apologist strategies of victimization in the post-war era. The HIAG, for instance, persisted in declaring SS members to be parts of a »saubere Wehrmacht«, a »clean Wehrmacht«⁸⁰. Their publications presented the HIAG as a »lobbyist for unfulfilled rights and the transmission of the historical truth«⁸¹. For years, the Breda Four remained an integrating factor for the diminishing (for biological reasons) associations of »old comrades« and their group memory.

73 PA AA, B 130, Bd. 8286, German Embassy The Hague to the AA, 20.12.1967.

74 Cf. on the following: FÜHNER (as in n. 3), pp. 274–300.

75 Cf. on the following: Ibid., p. 18; FREI, Vergangenheitspolitik (as in n. 17), p. 155–156.

76 BA, B 136, Bd. 16475, Bundeskanzleramt, Group II/1 to the Parliamentary Secretary of State Schlei, 19.7.1975.

77 Ibid.

78 NA, BuZA, inv. no. 205149, Box 3042, Dutch Embassy Bonn, Press release, December 1955.

79 PA AA, B 83, Bd. 737, VdH to the Minister of Foreign Affairs Schröder, 1.12.1961; German General Consulate Amsterdam to the AA, 8.9.1970.

80 WILKE, HIAG (as in n. 50), p. 19.

81 Ibid, p. 157.

When Josef Kotalla died in prison in 1979, only two »Bredas« remained under arrest: Franz Fischer and Ferdinand aus der Fünten⁸². In the same year, the American TV series »Holocaust« confronted a large portion of the West German population with the crimes of the National Socialist genocide and, besides, internationalized the commemoration of the Holocaust⁸³. Still, the efforts in Bonn to seek amnesty for the Nazi criminals continued. State Minister of Foreign Affairs Alois Mertes (CDU), in particular, fought for the release of the two remaining Nazi perpetrators in Breda⁸⁴. On 15 December 1982, the West German Parliament adopted a resolution, in which members of all parties demanded the »release of the last German war convicts«⁸⁵. In a response in the newspaper »Volkskrant«, the Dutch Prime Minister Ruud Lubbers coolly stated that the plea of the West German Parliament was a »solely internal affair of the Federal Republic«⁸⁶. The desire to put away the Nazi past forever was still widespread in the West German population. In February 1986, up to 66 % of West Germans were said to »dislike too much talk« about the past and »finally wanted to come to an end of it«⁸⁷.

The Release of the Breda Two

In the Netherlands, however, sentiments around the question of amnesty changed⁸⁸. More and more influential politicians, Dutch lawyers and former resistance fighters now pleaded for the release of the last Nazi criminals under Western arrest. In February 1987, the Breda Two declared their guilt and claimed that, during their time in prison, they had become »the appalled witnesses« of their own past⁸⁹. On 27 January 1989, the Dutch Parliament, after two days of debate, finally decided to free Fischer (87) and aus der Fünten (79). Federal President Richard von Weizsäcker publicly thanked the Members of Parliament, whose decision had met »the request of humanity«⁹⁰. The left-wing German newspaper »Die Tageszeitung« (taz) published an article with the ironic title »Heim ins Reich« (Back home to the Reich) and reported that Fischer and aus der Fünten had disappeared immediately after they were granted amnesty – »from the country of the victims to the country of the perpetrators«⁹¹.

The two SS men lived only a few more months as free men in their home towns. Ferdinand aus der Fünten died on 19 April 1989, followed by Fischer not long after on 21 September 1989⁹².

82 »Kotalla in Breda overleden«, in: NRC Handelsblad, 1.8.1979.

83 Jens KROH, Transnationale Erinnerung. Der Holocaust im Fokus geschichtspolitischer Initiativen, Frankfurt/Main, New York, 2006, p. 59–67.

84 FÜHNER, Nachspiel (as in n. 3), p. 406–413.

85 Cf. the plenary protocol of the 139th parliamentary session of the German Bundestag, 15.12.1982.

86 PA AA, B 83, Bd. 1635, German Embassy The Hague to the AA, 18.12.1982.

87 Cf. Elisabeth NOELLE-NEUMANN (ed.), Allensbacher Jahrbuch der Demoskopie, Bd. 9, 1984–1992, p. 381.

88 FÜHNER, Nachspiel (as in n. 3), p. 445–449.

89 »Kriegesverbrecher in Breda bitten um Vergebung«, in: Hamburger Abendblatt, 14.2.1987.

90 »Kabinet mag Twee wegsturen«, in: Nederlands Dagblad, 28.1.1989.

91 »Heim ins Reich«, in: taz, 30.1.1989.

92 FÜHNER, Nachspiel (as in n. 3), p. 423.