Introduction

On April 19, 1945, advance troops of the American Counter Intelligence Corps stumbled on one of the major trophies of World War II: the almost complete archive of the German foreign ministry, the Auswärtiges Amt. Stored in several castles in the Harz Mountains, the archive promised to reveal the secret history of Nazi foreign policy, to offer a glimpse into the minds of those who had helped plunge Europe and the world into an unprecedented war of destruction. But according to the boundaries negotiated at Yalta, the Harz castles were located on territory that technically belonged to the Soviet zone of occupation. Eager to snatch this major find from their Russian ally, British and American troops quickly removed this collection – all 400 tons of it – to Marburg Castle in the American zone. For a few more weeks, they managed to exploit the files in secret, suspiciously watching even each other, until British newspapers blew their cover. Thus began the struggle for the files.

This book is about the history of the German records and archives confiscated in the wake of World War II, and in particular about the long negotiations concerning the documents' return to (West) German custody. As the Third Reich collapsed, not only the archive of the Auswärtiges Amt but also hundreds of tons of files and documents from the registries and archives of Reich ministries, military offices, Nazi party organizations, and research institutes fell into Allied hands. These records were used in the first instance for intelligence purposes, war crimes trials, and denazification. They were variously cataloged and microfilmed, published or pulped. In some instances, their whereabouts were made public, in others they were kept secret. The documents divulged wartime secrets that made headlines in newspapers across the world and, later, allowed for more tempered publications aimed at the educated history reader. For a long time, the Germans were not sure which materials had been destroyed in Allied bombing raids

or by German officials themselves, and which had been captured and carried off by their former enemies. During the Allied occupation of 1945–1949, they were not in a good position to find out. However, once the two German states came into being, West Germans asked increasingly pointed questions about "their" archives. In October 1949, during one of the very first sessions of the Bundestag, a group of deputies demanded the return of these captured documents, at least those in the possession of the Western Allies. Despite the many pressing affairs confronting the nascent Federal Republic, the issue of the captured German records was deemed urgent enough to become one of the first items of business on the new state's agenda – so urgent indeed that the West German government under Chancellor Adenauer was at times even willing to alienate two of its key allies, the United States and Great Britain, over the matter.

The negotiations for the return of the records are an integral part of the early history of the Federal Republic. In the larger tableau of these early years, the demand for the return of the German records was one manifestation of the increasingly forceful strides toward the political emancipation of the Federal Republic from Allied tutelage. Regaining sovereignty was not merely a matter of reopening consulates abroad, resuming foreign trade relations, or being invited to join international organizations again. Nor, given their symbolic value, were the negotiations for the return of captured records just another foreign policy issue for the new Federal Republic. Among the captured records were the archives of the Auswärtiges Amt, which included materials dating back to the 1860s. They embodied the history of a once fully sovereign foreign policy. Regaining those records amounted to an attempt at regaining that lost sovereignty as well. In the microcosm of the re-established Auswärtiges Amt of the Federal Republic, the capture and continuing absence of the diplomatic records was an emotionally charged subject – all the more because its very own records had been used against the foreign ministry at the American "Ministries Trial" at Nuremberg. This devastating evidence was still in Allied hands in the early 1950s.

The files did not only represent sovereignty in the eyes of German officials; they also contained history. Not thought of solely as administrative paperwork necessary to rebuild the government bureaucracy, these records constituted the historical source material necessary to (re)write recent German history. Discussion about their return thus moved to another level: at stake suddenly was nothing less than the power to interpret German history. Who would write the first draft of "Germany under National Socialism" based on the original sources? The question of access to the

captured records, especially the diplomatic files, fueled a debate over who could legitimately interpret Germany's disastrous course during the first half of the twentieth century. For the Germans, this issue was linked to the discussion of whether their national history was irreversibly tainted and of the place of National Socialism in the continuum of German history. The struggle over the records thus merged with the "rapidly growing need for historical self-assurance," in the new Federal Republic.[1]

For their part, the Allies too were keenly aware of the fact that new assessments of German history, including the origins of National Socialism, could be decisively influenced by possession of the relevant source material. British and American historians showed this awareness just as much as the political authorities. Clearly, historical interpretation was as central to the negotiations as the materiality of the files themselves. This study argues that the captured German documents played an important role for historical study in West Germany, Great Britain, and the United States. The establishment of contemporary history as a field of research in West Germany as well as in Britain and the United States was closely related to the relatively early accessibility of the captured German records, if "early" is considered in relation to state records under more typical thirty- or fifty-year rules.[2]

The main players in these negotiations were the Federal Republic of Germany and the governments of Great Britain and the United States. The French government took part in the talks as well but only because they were conducted within the framework of the Allied High Commission, of which France was undeniably a part. The U.S. State Department considered the participation of the French merely a formality, however, and a burdensome one at that. Although a French representative warmed a seat at each meeting with the West Germans and duly put a signature on the diplomatic notes, the French were not involved in drawing up the British-American agreements, nor were they privy to the many British-American disagreements on the matter. Their relegation to the position of a "junior partner" in this issue stemmed from the fact that the French themselves had not confiscated a substantial quantity of German records at war's end. What they did seize pertained mostly to the German occupation of France.[3] These spoils, however, were not enough of a pawn to obtain for the French an equal role in the negotiations, a fact that is reflected in the coverage of this book.

1 Jessen, "Zeithistoriker im Konfliktfeld der Vergangenheitspolitik," 153.
2 See also Eckert, "Transnational Beginnings of West German *Zeitgeschichte*."
3 Martens, "Frankreich und Belgien unter deutscher Besatzung und das Schicksal der deutschen Akten nach dem Zweiten Weltkrieg." Parts of the so-called Goebbels Diaries did end up in French hands – an exception to the rule that the French did not capture any highly important political documents. See Eckert/Martens, "Glasplatten im märkischen Sand."

American and British interests in the German records were as diverse as the various government agencies holding them. The State Department took a pragmatic approach to the issue of return in 1950, initiating a preliminary survey to determine which agencies were in possession of German records. Its generally supportive attitude toward document return was briefly affected by the outbreak of the Korean War, which spurred a renewed interest in German military records thought to hold vital information on the Red Army. By autumn 1952, however, the State Department could point to a policy paper that advocated, in principle, the return of the records to West Germany. Yet both the American and the British governments had publicly committed themselves to publishing a scholarly edition of selected documents on German foreign policy. This slow-paced endeavor put a check on their flexibility in returning German diplomatic records. The British government was hampered by even more impediments. Its Foreign Office transferred jurisdiction on the matter to an interagency committee, which was tasked to draft a return policy. The committee soon represented all the departments that had an interest in retaining the records. It cited concerns that British intelligence interests could become compromised; that domestic industries would lose access to German patents and research materials; that German naval strategy documents, if they fell into the wrong hands, remained a credible threat to British security; or, most bluntly, that the Germans had unleashed and lost the war and had to live with the consequences. As the Foreign Office adopted an increasingly friendly and supportive policy toward West Germany, its new Cold War ally, a constructive solution to the issue of captured German records was threatened less by the perceived German presumptuousness than by obstruction in its own government bureaucracy.

Only slowly growing aware of the complexities on the other side, officials in Bonn at first considered the issue of document return to be no more than a logistical problem.[4] West German diplomats could not imagine that they were about to embark on a long and, at times, frustrating series of negotiations with the Western Allies on a problem that could, perhaps even should, have been peripheral to their relations. Had the British and the Americans returned the records quickly, the matter would indeed have been merely an organizational task, a footnote in diplomatic as well as archival history. Yet the transfer of significant amounts of records only

4 Hanns-Erich Haack, [notes] re. Akten des ehemaligen Auswärtigen Amtes, Feb. 1, 1951, in PA/AA, B118, vol. 28. In this memo, the director of the archive at the new German foreign office is already contemplating specific possibilities for the future housing of diplomatic records, which he fully expected to be returned in the near future.

began eleven years after the end of the war. The diplomatic files of the pre-1945 Auswärtiges Amt were returned to Bonn between 1956 and 1958. The shipment of military documents from Washington began in 1958, with major deliveries continuing until 1968 and beyond. The arduousness of the negotiations over the return of records – mirrored in a long succession of inconclusive talks – stands out all the more because it took place in a period commonly characterized by successful and constructive German-Allied cooperation in areas such as security, commerce, the settlement of war debts, and the overall status of the Federal Republic. The delay in returning the records indicates just how strong the interests of all parties in these documents actually were. Uncovering these specific interests in the various and changing contexts attached to the negotiations is one goal of this study. Tracing these interests sheds light on power relations among the players involved and reveals much about the players themselves.

This study is neither an analysis of sources on a key period of German history nor a compilation of profiles of source material found in prominent archives. Since I published this study in German, I have regularly received e-mails with queries about the whereabouts of specific documents or files. What happened to Mussolini's private files after he was shot? Where are certain records of Army Group Center dating from 1941–42? Did the papers of the Historical Division of the German Army make it through the war? Readers expecting a catalog of locations of specific document collections or a series of accounts of their fates will come away disappointed.[5] Except in a few cases, I distinguish the captured records in this study only in general terms such as "diplomatic" and "military" records. This corresponds with the distinction applied by the actors at the time, above all in the correspondence of the foreign ministries. It was sufficient at the time to communicate on the political level which documents were then being discussed, and it suffices here for the examination of those negotiations. The issue of the return of captured German records was most intense during the 1950s, and the negotiations are being presented here along chronological lines.

The study opens with a look at Anglo-American plans for confiscating German records. This planning was accompanied – one could even say initiated – by the activities of British and American archivists who worked to raise awareness among the military of the value of archives and to secure the protection of such collections in war-torn areas. Even before victory in

5 Tracing the itinerary of particular documents or stacks of records can be highly illuminating and is at times quintessential to assessing the value of a source. See, for example, Grimsted, "Odyssey of the Smolensk Archive," parts I–III; Smith, "Hoßbach-Niederschrift"; Reynolds, "Fritsch-Brief."

Europe was achieved, British and American authorities in the Army and the foreign ministries had already concluded agreements on archives that would influence later discussions on the return of the archives to German possession. These well-intentioned plans for the confiscation and preservation of archives were submitted to a hard test at war's end, however. The advancing troops had other priorities than protecting archives, a multitude of Allied civilian and military agencies competed for their share of German records for various intelligence needs, and budding mistrust of Soviet intentions propelled the British and Americans to whisk their finds away, out of the Red Army's reach. Allied competition for the prime trophies among German records is thrown into stark relief in the case of the Auswärtiges Amt files recounted at the opening of this introduction. At the price of diplomatic strain, the British Foreign Office and the American State Department made sure to secure this collection for themselves, soon turning it into a political weapon in the early Cold War blame-game.

The second chapter examines the context of the initial German demands for restitution in 1949. Professional archivists were again the first to flag the issue, this time on the German side. These archivists were in a peculiar situation: those at the newly founded federal archives, the Bundesarchiv, and the Political Archives of the refounded Auswärtiges Amt presided over nearly empty stacks. The return of captured German records was thus of vital importance to them. As the potential recipients of the returning records, they followed the matter closely, frequently injecting their views into the official negotiations. A closer examination of the new beginnings of the German archival profession after 1945 reveals, however, that the same archivists accusing the Western Allies of breaking international law by retaining German records had played a role in the German spoliation efforts in countries under German occupation during the war. The tension arising from a past strategically blocked out by some of the archivists presented here gives their part in the negotiations a particular savor. West German efforts were eventually answered with an Allied compromise offer for a piecemeal return of records, which Bonn rejected, sending the negotiations back to square one. Chapter 2 thus provides analysis not just of the early negotiations over return, but also of the early history of the archival profession in the Federal Republic and the related question – so central in so many avenues of life in postwar Germany – of the continuity between the Nazi years and the early Federal Republic.

While the West Germans presented their demands, the American and British governments coordinated their interests. The third chapter shows how during this same time period the British and Americans eventually

came to agree on a common position regarding the return of German records following a drawn-out process of consensus-seeking that was often hindered by colliding objectives. The fourth chapter deals briefly with the legal status of the confiscated records, an issue that was a constant undertone in the negotiations. The intention here is not to determine which party advocated the "correct" interpretation of international law but to demonstrate the way in which legal arguments were used as political leverage. The focus then shifts to the negotiations proper: first to those over diplomatic records and then to the subsequent talks on military and Nazi Party records. That the Allies agreed to tackle the records of the former German Auswärtiges Amt first reflected the situation on the ground: the U.S. State Department and the British Foreign Office had these files under their own immediate jurisdiction and were therefore in a position to negotiate their return. Other documents were held by military departments where resistance to the entire return issue was at first stronger. Out of consideration for their own military establishments, the American and British diplomats had to postpone talks on these materials as long as possible.

The final chapter focuses on the historiographical dimensions of the captured German records for the community of professional historians in West Germany, Great Britain, and the United States. Bruised by the efforts of the Weimar Republic to use scholarship to refute the accusation that Germany bore responsibility for World War I, the Western Allies decided to undercut even the possibility that a new (West) German government might try to incite a similar debate about the German invasion of Poland and the beginning of World War II. A select group of British, American, and French historians converged on the English country manor Whaddon Hall to compile the multivolume publication *Documents on German Foreign Policy*, which chronicled the foreign relations of the Third Reich. The West German press decried the publication of the German diplomatic records abroad without the participation of German scholars as an extension of Allied re-education efforts. German scholars decried their exclusion as well, not only in the case of diplomatic records but also in regard to the vast microfilming project of captured German documents that got off the ground in the United States in 1955. Before any records in American custody were returned, a group of American historians secured the funds to film them in order to ensure their continued availability for research. These efforts were fueled not only by the prospects of research convenience but also by a more or less latent mistrust toward German assurances that the records, once returned, would be made accessible for scholars from Germany and abroad.

The history of the captured German records and their eventual return has for a long time been the insider knowledge of historians and archivists who had worked directly with those documents over the years. German archivists tried soon after the war to determine the fate of well-known archival institutions or specific inventories.[6] A great deal was learned in the early 1950s through information supplied by Americans on the administration of confiscated documents in the United States.[7] The return of the Auswärtiges Amt archive in the late 1950s, and the first deliveries of military and Nazi Party papers to the Bundesarchiv in Koblenz in the 1960s generated some more accounts of the matter.[8] The American perspective was presented for the first time at a conference hosted by the National Archives in 1968. The participants included archivists and scholars who had been involved with the administration and use of the German records in some capacity. The proceedings were edited by Robert Wolfe, a former archivist with the German records staff at the National Archives, and published in 1974.[9] Particularly illuminating are the contributions by Seymour J. Pomrenze and Herman Goldbeck. Both men were members of the Adjutant General's Office of the U.S. Army, the agency that administered the bulk of German military records until 1958. Based on their own internal files from the 1950s, they offered a summary of the policies guiding the handling of the records.[10] In a series of articles, Robert Wolfe later expanded on the topic of German records in United States custody.[11]

6 Benninghoven, "Reichs- und preußische Behördenüberlieferung"; Heinsius, "Aktenmaterial der deutschen Kriegsmarine"; Poll, "Schicksal der deutschen Heeresakten"; Rohr, "Schriftgut der obersten Reichsbehörden."

7 Epstein, "Zur Quellenkunde der neuesten Geschichte," which appeared in the *Vierteljahrshefte* of 1954. The first published guide in the United States – the 1952 *Guide to Captured German Records* compiled by Gerhard L. Weinberg und Fritz T. Epstein – only listed material that was available in research institutions and excluded German military documents held by the U.S. Army, which at the time were still listed as classified information. In 1959, the American Historical Association (AHA) published a supplement. See also Humphrey, "Microfilm Holdings of the Department of State"; Kempner, "Nuremberg Trials as Sources."

8 Philippi, "Politisches Archiv I, II"; Boberach, "Schriftgut der staatlichen Verwaltung;" Boberach, "Schriftliche Überlieferung"; Booms, "Bundesarchiv," 20–5; Kahlenberg, *Archive in West und Ost*, 27–30, 57, 137.

9 Wolfe, *Captured German Records*. See most recently Weinberg, "German Documents in the United States," 555–67.

10 In preparation for his essay, Pomrenze compiled a numerically listed collection of the material that can be found today in NA RG 242 (Collection of Foreign Records Seized): AGAR-S Record Series. Selected Documents Concerning the Conference on Captured German and Related Records. [Numerically] Compiled by Seymour J. Pomrenze. The collection contains only copies, no originals. It is, however, a useful introduction to this topic even though the provenance of certain documents is no longer discernible. I cite the series as NA RG 242, AGAR-S and the document number.

11 Wolfe, "Exploitation of Captured German Records"; Wolfe, "Sharing Records of Mutual Archival Concern"; Wolfe, "Short History."

Even as the years passed, the history of the captured German archives seemed to remain of interest primarily to those who dealt with records professionally. Studies of German historical scholarship have noted the absence of the captured records during the 1950s, but they usually do so only in passing or without full understanding of the Allies' intentions or of the details of the return agreements.[12] It was again a professional archivist who, in 1982, provided the first concise account of the history of the captured German records. Josef Henke of Bundesarchiv in Koblenz based his essay on the internal files of that institution and reconstructed part of the negotiations for the first time.[13] Other articles on the planning for the confiscation of records from the British perspective and on the fate of the Auswärtiges Amt archives later supplemented Henke's account.[14] The American wartime planning for the seizure of German archives and their initial evaluation features prominently in the fine study on "document diplomacy" by the Swiss historian Sacha Zala. In his book, Zala compares the politics of governmental document editions in various European countries and the United States, beginning with the Color Books of the First World War.[15]

Although the number of studies directly addressing an aspect of the history of the captured German records remained rather limited when this book was being researched, I could nonetheless turn to other bodies of literature for inspiration. This study has benefited from the remarkable increase of research published during the 1990s and later, on the confiscation of art

12 Benz, "Etablierung der Zeitgeschichte," 19; Conrad, *Verlorene Nation*, 228; Cornelißen, *Ritter*, 535; Kleßmann, *Zeitgeschichte in Deutschland*, 11f.; Kleßmann/Sabrow, "Zeitgeschichte in Deutschland nach 1989," 3; Kwiet, "NS-Zeit," 186; Schulze, *Deutsche Geschichtswissenschaft*, 238. Auerbach, "Gründung des Instituts," 535, attributes the duration of the return negotiations to the egoism of American historians who wanted to publish their own source-based studies before allowing Germans access to the records. On the other hand, Hockerts, "Zeitgeschichte," 12, writes that "shortly after the end of the Nazi regime, large amounts of its written communication were available to researchers." Similarly Schwarz, "Neueste Zeitgeschichte," 23f. However, no member of the Institute for Contemporary History, such as Auerbach, would have shared this view in the 1950s or early 1960s. On the contrary, the IfZ staff felt excluded from the sources for many years. Schöllgen, *Außenpolitik*, 10, gives the impression that the Auswärtiges Amt was able to "obtain nearly [its] entire archive, practically intact, from the Allied victors again," as if this had been a self-evident occurrence.

13 Henke, "Schicksal deutscher Quellen." See also Oldenhage, "Schicksal deutscher zeitgeschichtlicher Quellen."

14 Kaiser-Lahme, "Westalliierte Archivpolitik"; Kröger/Thimme, "Politisches Archiv"; Thimme, "Politisches Archiv." The third essay here addresses the origins of the quadripartite edition *Akten zur Deutschen Auswärtigen Politik* (ADAP) under German auspices. Roland Thimme was a former member of the ADAP staff. Roth, "Hans Rothfels," 70, note 99, calls Thimme's assessment of the ADAP years a "semi-official account" ("behördenoffiziöse Darstellung"), which is not correct but seeks to capture the tone and spirit of Thimme's article.

15 Zala, *Zensur*. Zala deserves credit for having pried loose the files of the State Department's Historical Office through a request under the Freedom of Information Act. These files benefited my work greatly.

and cultural goods during the World War II, and on the postwar restitution efforts.[16] Such studies have painstakingly reconstructed the German looting operations in occupied countries, especially the systematic expropriation of Jewish art collections before the deportation of their owners. Almost as an aside, such studies have touched on the role of German archivists in the administration of occupied countries. Cultural plunder might not have been their main activity, but some of them became deeply entangled in the pursuit of spoils of war. Some scholars subsequently set out to explore the roles of archivists during the war in more detail, producing studies that provided the springboard essential for this book to address the postwar history of the German archival profession.[17] It is this part of my work that seems to have had an immediate impact, in that the German Archival Association decided to make the wartime and postwar history of their profession the focus of its annual gathering in 2005.[18]

The subject of captured German records remains of contemporary relevance. The initial postwar negotiations on their return came only to a temporary halt in the late 1960s. Inventories, either microfilmed or as originals, are still being returned sporadically to Germany from Great Britain and the United States.[19] With the fall of the Berlin Wall, the opportunity arose for the first time to learn more about archival and other cultural treasures confiscated by the Red Army.[20] Sensational reports about secret police

16 Eichwede/Hartung, *NS-Kunstraub*; Freitag, "Restitution von NS-Beutegut"; Kurtz, *Nazi Contraband*; Nicholas, *Rape of Europa*; Petropoulos, *Faustian Bargain*; Simpson, *Spoils of War*; Volkert, *Kunst- und Kulturraub im Zweiten Weltkrieg*.

17 Kleßmann, *Selbstbehauptung einer Nation*, was one of the first to highlight German archival policy in the General Government as part of the German "cultural policy" in occupied territories. Also Umbreit, "Kontinentalherrschaft," 309–20. Specifically on archivists and archival plunder Heuss, "'Beuteorganisation'"; Kißmehl, "Kriegswichtige Zielobjekte"; Musial, *Staatsarchive im Dritten Reich*; Roth, "Klios rabiate Hilfstruppen"; Roth, "Höhere Form des Plünderns"; Stein, "Inventarisierung von Quellen." A few authors have traced the fate of specific collections from the war years, beyond the political turning point of 1945, and into the present. See Lenz, "Verlagerung des Revaler Stadtarchivs"; Grimsted, "Twice Plundered"; Grimsted, "Odyssey of the Smolensk Archives"; Grimsted, "Roads to Ratibor"; Schroll, "Spurensicherung."

18 Kretzschmar/Eckert/Schmitt/Speck/Wisotzky, *Deutsche Archivwesen und der Nationalsozialismus*.

19 For example, the British government sent German submarine documents to the Federal Archives in 1977 and German air force records in 1981. In 1994, the Berlin Document Center was transferred from American to German custody. In November 2001, the Federal and Military Archive in Freiburg received a substantial number of military situation maps from the National Archives that once belonged to the Wehrmacht command. In the spring of 2004, the National Archives returned documents from the Reich Weather Service. See Boberach, "Schriftliche Überlieferung," 56–8; Gießler, "Archivalienrückführung," 65–7; Henke, "Schicksal deutscher Quellen," 557–620, esp. 595–600; and Krüger, "Archiv im Spannungsfeld," 57.

20 Aly/Heim, *Zentrales Sonderarchiv*; Browder, "Osoby (Special) Archive"; Browder, "Update on Captured Documents"; Jena/Lenz, "Sonderarchiv Moskau"; Wegner, "Moskauer Zentrales Staatsarchiv"; Zarusky, "Russische Archivsituation."